Sexual Orientation and Human Rights in the Americas

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I. Overview

Patterns of progress and persecution

While rapid progress is being made in recognizing the human rights of lesbian, gay, bisexual, and transgendered (LGBT) persons in some parts of the Americas, the situation remains grim and often life-threatening in other parts.

At one end of the spectrum, Canada has gone farthest in pioneering equality for LGBT persons. With antidiscrimination provisions already in effect at the national level and in all provinces, courts in Ontario and British Columbia have extended marriage to gays and lesbians. The federal government is preparing to follow suit, with support from four of five political parties represented in Parliament.

At the other extreme, sexual minorities in parts of Latin America and the Caribbean face country-wide discrimination, persecution, violence, and murder, often with acquiescence or indifference on the part of the authorities, and impunity for the perpetrators, who are in many instances the police themselves.

In the Caribbean, Jamaica is by far the most dangerous place for sexual minorities, with frequent and often fatal attacks against gay men fostered by a popular culture that idolizes reggae and dancehall singers whose lyrics call for burning and killing gay men. Draconian laws against sexual activity between members of the same sex continue to be in force not only in Jamaica, but in most of the English-speaking Caribbean, including Trinidad and Tobago, Antigua and Barbuda, Saint Kitts and Nevis, Barbados, Dominica, Grenada, Saint Vincent and the Grenadines, Saint Lucia, Belize, and Guyana. The laws provide for anywhere from five years to life in prison, sometimes at hard labor.

Cuba has repealed its discriminatory laws, but independent LGBT organizing remains prohibited. LGBT organizing efforts in the Dominican Republic have also been subject to interference by the police. In Haiti, tendencies toward greater acceptance of sexual minorities in Vodou are tempered by Catholic and evangelical doctrine, and by extreme poverty.

In Central America, LGBT individuals are at high risk in every country except Panama and Costa Rica. Nicaragua is the only country in Latin America that maintains laws criminalizing gay and lesbian sex, with one to three years in prison. In Guatemala, and to a lesser extent, El Salvador, gays and lesbians who do not conceal their identity are subject to violence and murder, with the government doing little or nothing to bring their assailants to justice. In Honduras, elected officials and police routinely harass homosexuals and transvestite sex workers, even though neither homosexuality nor sex work is illegal.

Though repression is far less severe in Panama, attitudes toward homosexuality remain negative throughout the society.

In Costa Rica, on the other hand, sexual minorities have made major gains. The Costa Rican Supreme Court has broadly interpreted the constitutional ban on discrimination, concluding it disallows discrimination on the basis of sexual orientation. The high court has banned raids on gay bars and saunas. The national Human Rights Commission has curtailed police mistreatment of transvestites. The National Insurance Institute has enabled employees to designate same-sex partners as beneficiaries of life and health insurance policies. And Costa Rica’s public health service offers advanced HIV-AIDS treatment to all who need it.
Overview

Incongruously, the country still retains a law that sets a fine of three to thirty days’ wages for persons who, regardless of sexual orientation, “practice sodomy in a scandalous manner.”

In South America, LGBT persons are at high risk in Paraguay, and in the Andean countries – Colombia, Ecuador, Peru, Bolivia, and Chile. In Colombia, right-wing paramilitary groups have targeted homosexuals for “social cleansing.” In Ecuador, a constitutional provision prohibiting discrimination on the basis of sexual orientation is violated with impunity by elected officials and the police. Chile has abolished laws prohibiting sexual activity between members of the same sex, but police continue to harass homosexuals with impunity, and have shown little interest in bringing to justice those responsible for murders of gay men. Public antipathy toward homosexuality is so strong in Paraguay, Bolivia, and Peru that gays and lesbians scarcely dare organize, and feel a need to conceal their identities.

Uruguay has one of the better records in South America. Its legislature recently passed legislation penalizing hate crimes, and public acceptance of homosexuality in this small and mostly urban country is markedly on the upswing.

Brazil, Argentina, Mexico, and Venezuela all show strong regional contrasts in treatment of sexual minorities. LGBT individuals remain very much at risk in smaller towns and cities and rural areas. But substantial gains have been made in such urban metropolises as Buenos Aires, São Paulo, Rio de Janeiro, and Mexico City. All four cities have ordinances forbidding discrimination on the basis of sexual orientation. Buenos Aires even offers civil unions for gays and lesbians. Mexico has adopted a nationwide antidiscrimination law, though it has yet to be tested in practice.

The United States also shows marked regional variations. Massachusetts may soon legalize same-sex marriage. Vermont has adopted civil unions for gays and lesbians. Fourteen states – Hawaii, California, Nevada, New Mexico, Minnesota, Wisconsin, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, and Maryland – and the District of Columbia prohibit discrimination on the basis of sexual orientation. But 37 states have passed laws banning recognition of same-sex marriages. And “sodomy” laws banning sexual behavior between members of the same sex were in effect in thirteen states and Puerto Rico until declared unconstitutional by the Supreme Court in 2003. Much of the southern “Bible belt,” Mormon Utah and Idaho, and small-town and rural areas more generally, remain hostile territory for sexual minorities. Nationwide, only two out of five respondents in a December 2003 poll believed homosexual relations should be legal.

The effect of culture on patterns of risk

Concepts of homosexuality in the Americas are highly influenced by culture. The English, Dutch, and French-speaking regions of the continents have inherited a northern European perspective that identifies any individual who has sex with another member of the same sex as either homosexual or bisexual.

The Spanish and Portuguese-speaking regions, by contrast, have inherited the perspective of Mediterranean Europe, in which only effeminate, submissive men are thought of as “homosexual.” By contrast, men who have sex with other men but who are perceived as sexually dominant and macho are not generally considered “homosexual” at all, and suffer little if any social stigma. That creates a demand for male sex workers to cross-dress in order to protect the reputations of their clients. As a consequence, transvestite sex workers face a very elevated risk of violence and murder across most of Latin America.
Lesbians are generally less visible in Latin American culture, and more prone to sexual abuse and assault by men. From a machista perspective that sees sex largely in terms of dominance and submission, it is difficult for men to conceive of women finding sexual gratification in anything but a “real man” (hombre de verdad). It is commonplace to hear men say the only reason a woman is with another woman is that she has not yet experienced sex with a “real man.” Lesbians therefore face elevated risks of sexual harassment and rape in much of Latin America.

The effect of prejudice on patterns of treatment of HIV/AIDS

There is a close correlation between patterns of discrimination against sexual minorities and patterns of neglect of HIV/AIDS. As illustrated by the country reports, states that are hostile or indifferent toward the human rights of lesbians, gays, bisexuals, and transgendered persons are almost invariably indifferent to the plight of persons suffering from HIV/AIDS. Though HIV/AIDS is by no means limited to the gay male population, association of the disease with homosexuality persists in gay-hostile regions.

In some countries in Latin America and the Caribbean, it is not uncommon, and sometimes not illegal, for businesses to screen prospective employees for HIV. In those countries where free access to advanced antiretroviral therapy is contingent on employment-based national health insurance coverage, being denied such employment can be tantamount to a death sentence for anyone who cannot otherwise afford treatment.
## II. Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bisexual</td>
<td>Men or women who are sexually attracted to both men and women.</td>
</tr>
<tr>
<td>Gay</td>
<td>Men who are sexually attracted to other men.</td>
</tr>
<tr>
<td>Lesbian</td>
<td>Women who are sexually attracted to other women.</td>
</tr>
<tr>
<td>LGBT</td>
<td>Acronym for lesbian, gay, bisexual, and transgender.</td>
</tr>
<tr>
<td>Heterosexual</td>
<td>Any form of sexual attraction between men and women.</td>
</tr>
<tr>
<td>Homosexual</td>
<td>Any form of sexual attraction between members of the same sex.</td>
</tr>
<tr>
<td>Sex workers (trabajadores sexuales)</td>
<td>Persons of either sex who work as prostitutes, hustlers, rent-boys, or escorts and are in the business of providing sex for money, drugs, or housing.</td>
</tr>
<tr>
<td>Transgender (transgénero)</td>
<td>Persons whose gender identity or gender expression differs from their biological sex. Transgender persons usually live full or part time in the gender role opposite to the one in which they were born. “Transgender” thus encompasses both transsexuals and transvestites (cross-dressers).</td>
</tr>
<tr>
<td>Transsexual (transexual)</td>
<td>Individual whose gender identity is that of the opposite sex. There are female-to-male and male-to-female transsexuals. A transsexual may or may not have had sex reassignment surgery.</td>
</tr>
<tr>
<td>Transvestite (travesti)</td>
<td>A cross-dresser – anyone who dresses in a manner conventionally associated with the opposite sex. Some individuals cross-dress as an expression of gender identity. Others do so as a personal preference unrelated to sexual orientation or gender identity. By far the most common form of cross-dressing in Latin America is by gay sex workers who do so to suit clients who are trying to avoid being stigmatized as “homosexual.”</td>
</tr>
</tbody>
</table>
III. Methodological Cautions

LGBT rights groups occasionally fall into the methodological trap of assuming that all violence directed toward members of sexual minorities is motivated by those persons’ sexual orientation. But like any other persons, LGBT individuals also fall victim to crimes that have nothing to do with their sexuality. In countries with high overall crime rates, one would expect a comparably high crime rate against homosexuals even in the absence of societal prejudice. The only point that can validly be made from aggregate crime statistics, in the absence of specific evidence indicating intent, is that higher crime rates against homosexuals – as opposed to the population at large – point to the effects of social stigma and hatred.

In its first annual report on human rights in Chile (covering the year 2002), the Movement for Homosexual Integration and Liberation (Movimiento de Integración y Liberación Homosexual, MOVILH) cautioned:

That a homosexual is murdered does not necessarily mean that it is the result of homophobia, since other phenomena can lead to homicide, such as common crime, drug trafficking, amorous disputes between partners, etc. Simply put, homosexuals, like other persons, are assaulted, robbed, and murdered by criminals, and not necessarily because they are gay, lesbian, transvestite, transgendered, or transsexual.

Our organization does not wish to commit the error, which is quite frequent among homosexual organizations in various parts of the world, to explain any tragedy or problem that affects a member of a sexual minority as being motivated by homophobia. Besides being immoral, such an approach is sensationalist and irresponsible.¹

In the late 1990s, two reports by a Mexican anti-hate group raised serious concerns about killings of homosexuals. At the May 6, 1998 launching of the Citizen’s Commission against Homophobic Hate Crimes (Comisión Ciudadana contra los Crímenes de Odio por Homofobia, CCCOH), the conveners presented a report alleging a national epidemic of homicidal hate crimes. The report listed 125 murders throughout Mexico over a three-year period from February 1995 through April 1998, with 65 occurring in the Federal District, 24 in the adjoining State of Mexico, 12 in Veracruz, and a lesser number in other states.

Though the report raised troubling questions, it suffered from methodological shortcomings. Its sole source was the Mexico City daily newspaper La Prensa, a tabloid (nota roja) which focuses on the police beat.² Second, many of the victims were listed as “unknown,” with brief descriptions – “beaten and strangled,” “hung,” “stabbed,” “asphyxiated with a plastic bag and shot in the head” – insufficient to corroborate either their homosexuality or allegations of a hate crime. Third, no effort was made to verify any of the newspaper accounts, or find corroborating sources.³

Rodolfo Millán, the attorney who was the report’s chief author, explained that human rights investigators face serious challenges in trying to obtain the facts needed to find out what really happened in such murders. The first problem is legal. Mexican law restricts access to police files to those who have a material interest in the case, such as family members. That leads to a second problem. Relatives are often reluctant to allow public disclosure of information that could expose the sexual orientation of the deceased, and thereby embarrass
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the family. For these reasons, he said, it had been virtually impossible to obtain further information about the cases.4

Mexican criminologist Rafael Ruiz, on the other hand, cautioned that the overall numbers did not point to a higher homicide rate for homosexuals than for the general population. There were 3,257 reported homicides in the Federal District (Distrito Federal, DF) in the years 1995 through 1997. The 57 reported killings of homosexuals in the DF during that period represented only 1.75% of total reported homicides.5 It is likely, however, that homicides of homosexuals were underreported, to avoid unwanted publicity for their families.

In the summer of 1999, the Citizen’s Commission against Homophobic Hate Crimes issued a second report, claiming a total of 495 hate-motivated “executions” of homosexuals in the four years beginning in 1995 and culminating in 1998. The much higher reported number of killings attracted sensational coverage in some news media.6 Yet careful examination of the report revealed little that was different from the first report. The only new information was a figure of 47 alleged “homophobic hatred executions” in Mexico in the year 1998. The same tabloid – La Prensa – was the sole source, and the report suffered from the same methodological limitations as its predecessor. Moreover, the figure of 495 was obtained by arbitrarily multiplying the total number of alleged murders over four years (164) by three, ostensibly to compensate for underreporting.7

There is another reason to question even the base figure of 164 hate-inspired murders over four years. Several influential Mexican periodicals – including the Mexico City daily La Jornada, and the national weekly Proceso – are left-leaning and sympathetic to the movement to secure equal treatment for all persons regardless of sexual orientation. It was Proceso that exposed the killings of transvestites in Chiapas in the early 1990s, and La Jornada that focused attention on an anti-homosexual hate crime in Mexico City in 1995.8 Both publish the columns of Carlos Monsiváis, a writer who is among Mexico’s most prominent gay men. Neither has reported any widespread pattern of hate-inspired homicides since 1995.

Another example of statistical sleight of hand was an assertion by the Jesuit-run Miguel Agustín Pro Juárez Human Rights Center that Mexico ranked second only to Brazil in the number of homicides of homosexuals in Latin America. Though true, the statement was misleading, because it implied that hate was the cause, when such an outcome would be expected from relative population sizes alone.9 Brazil’s total population was then 166 million, the highest in Latin America; Mexico’s was in second place at 96 million, well above Colombia, which was third with 41 million.10 All other things being equal, one would have expected Mexico to have the second highest number of homicides, whether of homosexuals or heterosexuals.

The methodological cautions cut both ways though. As pointed out by MOVILH in its 2002 report on human rights for sexual minorities in Chile, many crimes against LGBT individuals are never reported.11 In homophobic societies, such individuals and their families often do not want sexual orientations exposed to the public. In many countries, LGBT individuals also have legitimate reasons to expect anything from indifference to abuse if they report a crime to the police, as documented in country profiles in this report. Police all too frequently dismiss murders of homosexuals as “crimes of passion” instead of conducting a proper investigation. It is true, as discussed further on, that societal stigmas against “unmanliness”
Methodological Cautions

contribute to pathologies in which some men, feeling their masculine image impaired by having sex with other men, attack and kill or beat casual sexual partners or sex workers. True crimes of passion occur in homosexual liaisons just as they do in heterosexual ones. Yet in much of Latin America and the Caribbean, it is all too common for the police to affix the label “crime of passion” without supporting evidence, thereby eliminating any possibility of uncovering hate crimes.
IV. Latin America

Social Context

Latin America is a region of stark contrasts between bustling modern cities and quiet rural villages that have changed little in centuries; with a complex mix of Iberian and indigenous cultural influences; with a Napoleonic legal tradition that for the most part considers private consensual sexual activity to be beyond the scope of the law, but a Catholic religious tradition that teaches that homosexuality is a sin; with a dominant cultural ideal of hyper-masculinity (machismo), but with a great deal of tolerance for sexual diversity in some indigenous subcultures; a region proud of history and tradition, but one that is undergoing rapid change as it integrates into the global economy, and as it struggles to make a transition from a mostly authoritarian past to greater democracy.

Substantial gains are being made by homosexuals in some countries, particularly in major urban centers where there is considerable exposure to the more liberal attitudes that have developed in much of Europe and North America. But hostility remains high in many smaller cities and towns and rural areas, and in some countries it is nothing less than dangerous to be identified as homosexual. In Guatemala and Colombia, for example, “social cleansing” is frequently used as a euphemism, not unlike “ethnic cleansing” in the Balkans, for the murder of persons identified as homosexual.

*Machista* ideals of manly appearance and behavior contribute to extreme prejudices against effeminate men, and frequently to violence against them. The Roman Catholic teaching that homosexuality is a sin further contributes to intolerance, and is seen by many to provide moral sanction for mistreatment. To live an undisturbed gay or lesbian lifestyle in much if not most of Latin America, one has to hide it.

With increasing contact with foreign cultures, attitudes are beginning to change. That is especially true in some bigger cities, where education and access to information are greatest. But change continues to be slow in the hinterlands.

The poor are most vulnerable, for several reasons. One is that they tend to live in the most tradition-bound neighborhoods. Another is that crowding allows them little privacy. And a third is that their scarce resources provide little cushioning from the outside world. At the extremes of vulnerability are poor effeminate men. Their lack of education and marketable skills, to say nothing of barriers to entry in many professions, frequently drive them to become transvestite sex workers, exposing them to the most severe levels of prejudice, hatred, and – in many cases – violence.

In many Latin American countries persons who are HIV-positive are also especially vulnerable. For all but the most prosperous, access to effective health care, including anti-retroviral drugs, usually depends on participation in payroll insurance plans, where such plans even exist. But with HIV-testing often a condition of employment, and with employers routinely excluding those who test positive, prospects for decent care for those who are infected are often poor.
Machismo and gay men

There is a strong social stigma attached to homosexuality, particularly where it comes into conflict with the highly-accentuated and differentiated male and female sex roles prescribed by machismo. Anthropologist Joseph Carrier’s description of the phenomenon in Mexico is valid throughout Latin America:

The Mexican mestizo culture places a high value on “manliness.” A salient feature of the society is a sharp delimitation between the roles played by males and females. In general, men are expected to be dominant and independent and females to be submissive and dependent. The distinct boundary between male and female roles in Mexico appears to be due in part to a culturally defined hypermasculine ideal referred to as machismo. 12

But machismo is as much about power relationships among men as it is about establishing the dominance of men over women. As described by Roger Lancaster, it

...is not exclusively or primarily a means of structuring power relations between men and women. It is a means of structuring power among men. Like drinking, gambling, risk taking, asserting one’s opinions, and fighting, the conquest of women is a feat performed with two audiences in mind: first, other men, to whom one must constantly prove one’s masculinity and virility; and second, oneself, to whom one must also show all signs of masculinity. Machismo, then, is a matter of constantly asserting one’s masculinity by way of practices that show the self to be “active,” not “passive”...yesterday’s victories count for little tomorrow. 13

One of those practices is an ongoing game of verbal sparring and one-upmanship, which Stanley Brandes describes as “a constant attempt to force masculine rivals into the feminine role, in a never-ending quest to avoid adopting the role themselves.” 14

Machismo has important implications for how most Latin Americans view homosexuality. Unlike the United States, where homophobia tends to be directed against all individuals who are attracted to other persons of the same sex, in Latin America it is primarily directed against those who violate norms of male and female conduct. That is especially pronounced among men, where effeminate behavior elicits far greater levels of social disapproval than does homosexuality per se. In the machista perspective, a man’s greatest offense against the norm is to not act like a man. Effeminacy and cross-dressing are serious violations of the masculine ideal. But the greatest transgression is for a man to assume the sexual role of a woman in intercourse. The man who penetrates another man remains masculine. The man who is penetrated loses his masculinity, and incurs by far the greater social stigma.

In the words of Mexican Nobel laureate Octavio Paz,

It is likewise significant that masculine homosexuality is regarded with a certain indulgence insofar as the active agent is concerned. The passive agent is an abject, degraded being. This ambiguous conception is made very clear in the word games or battles – full of obscene allusions and double meanings – that are so popular in Mexico City. Each of the speakers tries to humiliate his adversary with verbal traps and ingenious linguistic combinations, and the loser is the person who cannot think of a comeback, who has to swallow his opponent’s jibes. These jibes are full of aggressive sexual allusions; the loser is possessed, is violated, by the winner, and the spectators laugh and sneer at him. Masculine homosexuality is tolerated, then, on condition that it consists in violating
a passive agent. As with heterosexual relationships, the important thing is not to open oneself up and at the same time to break open one’s opponent.15

Similarly, Peruvian anthropologist Manuel Arboleda Grieve states that:

Activos consider insertor behavior part of a male’s prerogative. Adherence to this belief permits activos to gratify sexual needs without compromising a masculine, even heterosexual identity.16

According to Brazilian anthropologist Luiz Mott, “in the ideology common to other Mediterranean-derived cultures, only the passivo is homosexual, while the ativo is not.”17

So ingrained are these distinctions that they are reflected in the popular vocabulary. In everyday speech, Latin Americans distinguish male homosexuals by their degree of masculinity, and their sexual roles. Writing about Nicaragua, anthropologist Roger Lancaster says:

Thus “to give” (dar, meter, poner) is to be masculine; “to receive” (recibir, aceptar, tomar) is to be feminine… This relationship holds as the ideal in all spheres of transaction between the genders. It is symbolised by the popular interpretation of the male sexual organ as active in intercourse and the female sexual organ (or male anus) as passive.

Cochones [passive homosexuals] are, therefore feminine men, or, more accurately, feminized men, not fully male men. They are men who are “used” by other men. Their stigma flows from this concept of use. Used by other men, the cochón is not a complete man. His “passive” acquiescence to the active drive of other men’s sexual desires both defines and stigmatizes his status. Consequently, when one “uses” a cochón, one acquires masculinity; when one is “used” as a cochón, one expends it. The nature of the homosexual transaction, then, is that the act makes one man a machista and the other a cochón. The machista’s honour and the cochón’s shame are opposite sides of the same coin. The line that this transaction draws is not between those who practice homosexual intercourse and those who do not (for this is not a meaningful distinction at all in Nicaragua’s popular classes) but between two standardized roles in that intercourse. Machistas make cochones out of other men, and each is necessary to the definition of the other in a dynamic sense that is very different from the way North American categories of the heterosexual and homosexual define each other.18

Joseph Carrier describes a similar pattern in Mexico:

From early childhood on, Mexican males are made aware of the labels used to denote homosexual males – puto, joto, maricón – with the clear understanding that these homosexual males are guilty of unmanly, effeminate behavior. It is important to note that homosexual and afeminado are synonymous with the more often used colloquial terms puto, joto, and maricón. Since all these terms apply only to those males who play the anal-receptive sex role in a homosexual encounter, the implication is that the anal-insertive masculine male is not homosexual – and separate terms exist to describe him (mayate, chichifo, and picador). Thus, from an early age Mexican males are likely to be aware of same-sex contacts and of the activo-pasivo dichotomy that exists between males having sexual contact, and that there is a stigma associated with the pasivo but not the activo sex role.19
It is commonplace to think of men who consistently take the “active,” “top,” or “dominant” role in intercourse as still being “manly,” and not really “homosexual.” Though the particular labels used often vary from country to country, the essential meaning remains the same. According to Robert Francoeur,

Brazilian sexual culture is centered on the distinction between masculine activity (eating (comer), conquering and vanquishing (vencer), owning and possessing (possuir), and feminine passivity (giving, being penetrated, dominated, subjugated, and submissive). In keeping with the overriding importance of every male considering himself macho, the Brazilian male considers himself heterosexual, man, *homem* as long as his dominant mode of sexual expression involves active phallic penetration, regardless of the gender of the partner being possessed and penetrated.

If the category of “men,” or *homens*, seems clear, its counterpart is less so. Those who *dão* (give or submit) include biological women or *mulheres*, and others, the biologically male *veado* (deer), *bicha* (worm, intestinal parasite), and the feminine form of *bicho* (best translated as queer or faggot). Though endowed with male anatomy, the *veado* or *bicha* is linked with the fundamentally passive social role of *mulher*, not *homem*. Within these categories, a male can have sexual relations with *mulheres*, *veado*, and *bicha* and maintain his masculine (heterosexual) identity provided he exercises phallic dominance.\(^2^0\)

For men who are able to project a masculine image, there is a degree of tolerance, corresponding to the society’s tolerance of extramarital dalliances by heterosexual men:

Although Mexican society generally disapproves of homosexuality, it seems to recognize the inevitability of homosexual contacts between men. There seems to be acceptance in Mexico of the reality that most males have multiple sexual outlets both when single and when married. A man’s sexual outlets other than his wife are not socially approved, but are nevertheless put up with so long as they are carried out discreetly.\(^2^1\)

Sofia Kamenetzky notes a similar pattern in Argentina:

To be gay or lesbian in a repressive environment whose stereotypes are the macho man and the submissive reproductive woman is not an easy task indeed. Anyone who deviates from a strict heterosexual behavior is ridiculed: a gay is not a man, a lesbian is a degenerate woman. However, to be bisexual is not so annoying, as long as one’s same-gender behavior is kept very private.\(^2^2\)

In Costa Rica, anthropologist Paul Kutsche found the same basic imperative to protect one’s public image as a “real man”:

…straight men find it convenient from time to time to have sex with other men, and those who are *de ambiente* [self-identified as homosexual] find it exciting to have sex with those they can regard as *hombres de verdad* (real men)…In return, the latter tolerate and at times protect gays, so long as gays don’t object when straights utter homophobic remarks in public, and so long as gays stay deeply in the closet and act as straight as they are able in non-sexual situations.\(^2^3\)

Socialization into *machismo* begins in early childhood, making it very difficult to change later in life. It also teaches young men that they can demonstrate their masculinity by denigrating that of their peers. Writing about Nicaragua, Roger Lancaster says:
…the taunting and provocation of young boys begins while they are still babies and continues in some form or other throughout childhood. All boys are constantly disciplined by their elders – by parents and siblings alike – with the humiliating phrase *No sea cochón!* (Don’t be a faggot!) when their demeanor falls short of the assertive, aggressive, masculine ideal. Any show of sensitivity, weakness, reticence – or whatever else is judged to be a feminine characteristic – is swiftly identified and ridiculed. By adolescence, boys enter a competitive arena where the signs of masculinity are actively struggled for and can be won only by wresting them away from other boys around them.24

The emphasis on hyper-masculinity has serious consequences. It means that most Latin American gay or bisexual males, regardless of the sexual roles they assume in private, are at pains to project a manly image in public. The relative few who are unable to do so are therefore highly exposed and subject to ridicule and harassment, to say nothing of discrimination in employment.

A further hazard arises when social stigmas become internalized. The fear of losing one’s masculinity, or the public image of masculinity, is so strong that it can lead to hatred of one’s self and one’s partners for indulging in stigmatized behavior. E.A. Lacey describes this tortured dynamic among men who try at all costs to reconcile their sexual orientation with the stern demands of the *machista* code:

Influenced by the social reality he inhabits, he has accepted and bowed to the *macho* ethic...by completely internalizing and assimilating its code of rules, and attempting to live by them. He is no closet case: he openly pursues and beds down boys, and he appears to recognize and condone, even to trumpet, his own homosexuality, but only to the extent that he is the active partner. He is unable psychologically to abandon his cherished masculine orientation. Intimately, moreover, he despises his sexual tendencies, despises all other gays, especially effeminate ones, despises his own sexual partners and despises himself.25

Such insecurities often lead to violence against effeminate males, prostitutes, and casual sex partners. Occasionally, they culminate in murder, as described by Joseph Carrier:

Gilberto talked at length about his belief that in smalltown Mexico it is very important to play *only* one sexual role in anal intercourse. The consequences of fucking a *mayate* [a man who has a reputation of being dominant in sex] when he is drunk may be severe. As an example he related the details of a murder late in 1986 of a relatively young queen (about twenty-eight or twenty-nine) across the river from Tuxpan in San Vicente. “She” was found shot in the head. Gilberto thinks the murder might be the result of a vendetta by a *mayate* the queen had fucked. Gilberto said that though he personally was *internacional* while living in California (that is, he played both sex roles), he is *puro pasivo* (only anal receptive) with men in Tuxpan.26

So strong is the stigma against effeminacy that the suggestion that a man is effeminate can lead to murderous retaliation by male relatives, in order to defend the family’s honor. Rodrigo fled his home town in Veracruz after hacking to death a buddy – Carmelo – who insulted his brother. The two young men had been drinking when Rodrigo’s brother showed up to try to coax Rodrigo home. Carmelo, inebriated, said, “Hey Rodrigo, your brother seems like a fag, the way he moves, and when I look at him he smiles; they say in town that he likes to go out at night in your sister’s clothes in search of a husband.” Rodrigo immediately
punched Carmelo in the mouth. But townspeople continued to gossip that his brother was a marica (an effeminate homosexual). One night, at a bar, a group of friends teased him to the point where he snapped. In a drunken stupor, Rodrigo assaulted Carmelo outside the latter’s home, slashing him to death with a machete. He then fled to Mexico City, where he joined a suburban police force in order to avoid being pursued for the murder. The last he had heard, his brother had moved to Guadalajara, where he was working in a transvestite bar.27

Further contributing to feelings of insecurity that can lead to violence are societal taboos against premarital sex by women, who are expected to preserve their virginity for marriage. These taboos cause some men to seek outlets for their sexual urges among other men. Allen Walden, of Gay Travel Plus, in Columbia, Maryland, describes what can happen in such societies:

Places like Egypt are very antigay, but there are strict religious laws against premarital and nonmarried sex, and therefore you find a bunch of horny men imprisoned by society. So for release they’ll have sex with other men, but they may also commit violence against them.28

The need for discretion, and for projecting an image of masculinity, is reflected in the sex trade. It is a measure of societal prejudice that market forces drive male sex workers to earn a living by assuming the appearance of women. The influence of machismo is so strong that their gay or bisexual patrons insist on disguising their same-sex orientations not only from others but from themselves.

It is also reflected in family life. Joseph Carrier, who has studied homosexuality in Mexico over the span of a quarter century, notes that

...only a small percentage of my respondents believed that their families knew about their homosexual behavior. Moreover, it was not something they wanted them to know. And they did not want them to know mainly because of their belief that it is stigmatizing behavior. Not only do they believe that their families would not approve or condone such behavior, but they also fear possible rejection by family and friends or that if their behavior were known they would be forced to leave or be cast out of their family home. Interestingly, however, even respondents who have had their homosexual behavior revealed to their families, and thus are labeled “homosexual,” still maintain themselves – or try to – in such a way that revelations about their homosexual involvements are minimized. Since most of the respondents do in fact continue to live with their families – the fear that they will be cast out only rarely appears to be realized – the family must also maintain a front.

The point here is that none of my respondents has looked upon his homosexual encounters as behavior generally acceptable to his family, nonhomosexual friends, or to society at large...None has ever overtly betrayed himself as a homosexual to his family in a group situation, even in those cases where most of the family members knew about his homosexuality. At birthday parties, for example, respondents always invited and danced with neighborhood girls. Even the most effeminate of my respondents presented the most masculine image possible during family gatherings.29

With few exceptions, the only homosexuals who are open about their orientation are those with little or no choice. That can be either because their personality gives them away, or because their livelihood requires them to cross-dress. The very prejudices that cause most
homosexuals to carefully conceal their identities cause those who service them sexually to have to expose their identities in ways that subject them to the most extreme prejudice. Because the vast majority of the homosexual population remains hidden from view, homosexuality becomes identified in the minds of many with prostitution, disease, and cross-dressing. That reinforces a vicious cycle, as prejudice keeps homosexuality underground, and the few surface manifestations of homosexuality reinforce prejudice.

It also means that transvestites are particularly subject to hatred, harassment, and police abuse. Police abuse stems not only from popular prejudice, but from the fact that sex work is often illegal. Police officers, whose wages tend to be very low, are notorious for corruption in many Latin American countries. In Mexico, the bribes they extort from citizens and foreigners alike are commonly known as mordidas (“little bites”). Male and female sex workers are particularly vulnerable. Police officers frequently lie in wait for them to complete a transaction, then emerge to demand payment. Should the sex worker not comply, he or she may face detention and physical abuse. Also, when sex workers are mistreated or killed by their patrons, the police generally show little interest in pursuing investigations.

In a ground-breaking study of municipal police in a Mexico City suburb, Adrián López Rivera, a sociology student, enlisted in the force, then – with his sociology professor – published a detailed description of what he encountered during his two-year stint. When first assigned to a neighborhood, his commander told the rookies:

> Yours truly does not tolerate extortion, let alone any kind of corruption. However, the zone can be characterized as a gold mine, and all it is missing is some good miners.\(^{30}\)

A senior officer elaborated, saying “the money must come in little by little, without forcing anything, without giving any reason to be caught.” Turning to prostitution, he told the rookie, “OK now, partner, if you want a woman to quench your fire, what you need to do is get out of the patrol car and pick out the woman you want. And if she doesn’t want to, force her into the patrol car and take her to the station. Try it and you’ll see.”\(^{31}\) The mistreatment is not limited to women. “La Isis,” a transvestite, described how one male officer “drugged me and forced me to have relations with him.”\(^{32}\)

In Brazil, where sex work is not a criminal offense, police have used “charges of vagrancy, disturbing the public peace, or conducting obscene acts in public to control prostitution by cross-dressers.”\(^{33}\)

Effeminate gay men who are not transvestites and do not engage in sex work also face daunting challenges, including violence. Marcos Calamateo is a 25-year-old who fled Guadalajara for San Francisco.

> With his slight build, soft features, and curly hair, Marcos could never pass for straight. As a child, Marcos didn’t like to get dirty and was delicate in his mannerisms. At 7, his aunt would yell, “Be like a man!” Then she’d hit him. By 14, Marcos was being beaten regularly by boys in the street who taunted him for his feminine looks. During his teens, he tried to kill himself several times. Four years after leaving Guadalajara, Marcos considers San Francisco a “sanctuary.” Even the Mission, with all its Mexican immigrants. “They might see gay people the same as in Mexico, but at least in the Mission, they’ll think twice before attacking you,” Marcos says. “Here, they can get arrested for it. Not like Mexico, where the police beat you up, too.”\(^{34}\)
Edgar Zendejas, a Mexican emigrant who is now a dancer with Les Ballets Jazz de Montréal, in Canada, reports a similar experience:

I came out at the age of 20, but my parents thought it was just a phase. I was popular at school but at the same time I was always picked on because other students had trouble dealing with me. I was kind of feminine and different. Today, in Mexico City, it’s more acceptable but the machismo is still very aggressive.35

Effeminacy is systematically repressed throughout society, from the family to the community. As described by Joseph Carrier,

There appears to be an accommodation not only between families and their effeminate sons and brothers but also between the society at large and effeminate males. The principal tactic, common both to the family and society, is to keep effeminate behavior out of sight as much as possible. An effeminate male tries as best he can, especially in family gatherings, to behave in a masculine way. If he has sexual contacts with males rather than females, he does it discreetly. The fact that the contacts are taking place is ignored by all parties concerned. On a more general level...the police attempt to keep effeminate male behavior, or any kind of male behavior that might be interpreted as homosexual, out of public view – unless such behavior is clearly a matter of “horsing around.”36

Another manifestation of the desire to keep homosexuality out of public view is a bit more bizarre. It is commonplace for Latin American men – particularly younger men – to be seen in public with their arms around each other, an act that would generally be interpreted in the United States as a sign of homosexual affection (and thus a frequent cause of confusion for American visitors to Latin America). In most Latin American countries, such behavior is universally accepted, and assumed to signal no more than friendship. Peruvian anthropologist Manuel Arboleda Grieve, for instance, says that “masculine Peruvians generally show considerable physical affection for other men without this being viewed as suspect (as it would be in Anglo America).”37 Yet if two men should hold hands, it is commonly seen as homosexual and as an affront to community values. According to Joseph Carrier, police often invoke municipal ordinances against public morals (por faltas a la moral) against men who hold hands.38

Miguel Flores is a gay Mexican who grew up in Guadalajara. Until he moved to San Francisco at age 23 and visited the Castro, he had never seen two men holding hands in public, and it shocked him. Debbie Landeros, a second-generation Mexican lesbian who also lives in San Francisco, says “If two women walked through the Mission [a predominantly Mexican part of town] holding hands, there would be a lot of stares. If it were two men, they’d get beat up.” The threat of violence is real. Gustavo Ramos, who grew up in the small town of Acuña, Coahuila, on the Texas border, then immigrated to San Francisco at age 17, retains the scars from a teenage stabbing. Three men assaulted him outside town. Though he did not look feminine or gay – he’s tall and beefy – he had a friend who did. “That’s what you get for hanging out with fags in Mexico,” he says.39

This cultural obsession with keeping up appearances – with covering up all visible indications of male effeminacy and homosexuality – has implications for finding employment. In most of Latin America, there are no laws protecting homosexuals against job discrimination. Even where such laws exist, they are difficult to enforce. Employers in most
trades, conscious of the impression their businesses make with the public, seek to avoid the embarrassment of having obviously effeminate or homosexual men on their payrolls.

In recent research in São Paulo, it was found that homosexuals, especially those with an exaggerated behavior, were usually rejected for employment following interviews with the company psychologists, although these same psychologists deny being prejudiced against homosexuals. In some areas, such as sales, there are minimal chances for an overt homosexual to find employment.\textsuperscript{40}

That tends to constrain such individuals to trades that have traditionally been considered fit for women and (by association) homosexuals, such as cooking, the arts, hairdressing, and, unfortunately, sex work.

Annick Prieur, a female Norwegian doctoral student who lived for extended periods among male transvestite sex workers in Mexico, has provided a rare glimpse of that subculture from within. She stayed in the two-bedroom home of Mema, a sex worker in his 30s who provides a sort of sanctuary and way station for young effeminate boys with nowhere else to go. Typically, the boys had been molested by male relatives such as uncles or brothers, beaten by family members or peers, and expelled from their households. For most of these boys, the only two options for making a living are hairdressing and sex work.\textsuperscript{41}

Reinforcing attitudes toward homosexuality in Latin American culture is the stance of the Roman Catholic Church. Cardinal Juan Luis Cipriani, archbishop of Lima, has mandated the distribution of pamphlets in the Pontifical Catholic University of Peru that describe homosexuality as an illness that can be “cured.”\textsuperscript{42}

Mexico City’s Cardinal Norberto Rivera has denounced “euphemisms” that contribute to “moral disorientation”: “The arguments expressed by those who sympathize with this current that favors sexual libertinism, often appear under humanist banners, although at root they manifest materialist ideologies that deny the transcendent nature of the human person, as well as the supernatural calling of the individual.” The complementary union of man and woman, he says, is the only relationship capable of generating “true conjugal love.”\textsuperscript{43}

The new Catholic Catechism describes homosexual acts as a “grave depravity” and “intrinsically disordered.” It states that lesbian and gay relationships are “contrary to natural law....They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved.” Recognizing that “the number of men and women who have deep-seated homosexual tendencies is not negligible,” it specifies that “they must be accepted with respect, compassion, and sensitivity,” avoiding “every sign of unjust discrimination.” Yet it mandates that “homosexual persons are called to chastity.”\textsuperscript{44}

Despite the inherent conservatism of Latin American culture, change is nevertheless emerging from international contact in the context of globalization. Increased trade, tourism, the internet, and satellite television are bringing to bear an infusion of European and North American influences, particularly from the United States and from Spain. Not surprisingly, that influence is being felt most strongly in large metropolises – such as Mexico City, Buenos Aires, São Paulo, and Rio de Janeiro; in areas frequented by North American and European gay tourists – such as Acapulco, Puerto Vallarta, and Cancún; and on the U.S.-Mexican border, especially in Tijuana. In all these places, a semantic change is signaling new
Latin America

perspectives among youth. Anthropologist Marta Lamas describes that change among the homosexual youth of Mexico City, where

[columnist Carlos] Monsiváis finds that an overwhelming majority have reached a certain level of acceptance of “normality” with the term gay. Monsiváis suggests that the semantic space of the word “gay” is becoming transformed into the social space of tolerance: to become gay is to become part of an international movement, to go from a problematic position to an extravagant, yet “modern,” lifestyle.⁴⁵

Machismo and lesbians

Because machismo is by definition male-oriented, and is premised on male dominance in relations between the sexes, lesbian relationships are generally perceived as less threatening to society. That is to the extent that they are perceived at all, because to a great degree they remain invisible in a cultural context that scarcely recognizes female sexuality.

According to anthropologist Roger Lancaster,

In Nicaragua, as in many peasant societies throughout the world, there is little popular interest in categorizing or regulating female same-sex relations, and little exists in the popular lexicon to account for it … in all my conversations the subject of lesbianism never came up unless I raised it.⁴⁶

Mexico’s perspective is echoed by Mexican lesbian organizer María Trinidad Gutiérrez:

In general, lesbians are more invisible than gay men in urban and rural areas. People don’t believe that lesbians exist, and less is known about us. Perhaps, that makes us feel less vulnerable, less easily attacked. I am not sure, but I suspect that in the community where I live with my lover, our neighbors don’t think we are a couple. They can’t imagine it, they can’t believe it, so we are invisible. In their minds, we can be friends. Perhaps it would be different if we were two men living alone. Then I believe the two men would be sufficiently scandalous.⁴⁸

That helps explain the view often expressed among Latin American men that lesbians are women who have not experienced real sex with a real man. If women lack their own sexuality, what could possibly fulfill them other than a man? Such attitudes easily lead to justifications for sexual harassment and rape, on the premise that a woman who resists sexual advances from men does so only because she has not yet experienced her true sexual nature.

Rape is a widespread but severely underreported problem in Latin America, according to Marta Donayre, a Brazilian immigrant who is public education director of the National Center for Lesbian Rights in San Francisco:
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The most common crime against lesbians is rape. Rapists, including police officers, usually tell the victims they are doing it to “show them what is good for them.” In addition, most crimes against lesbians occur at the hands of family members, turning the crime into a domestic issue. Gay men, on the other hand, tend to be victimized by strangers, making it easier to report. If a crime against a lesbian is ever reported, it would usually be reported as a rape or as domestic violence, not as a homophobic attack. This blends the crime with overall crimes against women, effectively hiding lesbophobia.49

Playing into all of this is the cult of marianismo, a feminine counterpart to the cult of machismo. According to Tom Davies,

The ideal female in Christianity is, of course, the Virgin Mary, Mother of God, who is idealized and revered in Mexico and Latin America to a much greater degree than anywhere else in the world. … This is nowhere better seen than Pope John Paul II’s canonization of Juan Diego Cuauhtlahtoatzin on July 31, 2002. Juan Diego is the Chichimeca Indian to whom the Virgin of Guadalupe appeared in 1531. She is the holiest Virgin in Mexico and Latin America, worshiped as the ultimate, perfect female, the model for every female in the nation.50

Married women are expected to model themselves after the Virgin by bearing and raising children without concern for sexual gratification, thereby remaining “pure.” Men, on the other hand, are expected to seek sexual gratification, but primarily outside the bounds of the marriage. Alan Riding described the antecedents of this arrangement in colonial Mexico:

At the time of the Conquest the Spanish, unlike the Pilgrim Fathers, landed in the New World without their wives, prompting them to take – often to kidnap – Indian women as mistresses, thus perpetuating into the Colony the submissive role of women under the Aztecs. But the Spaniards also brought their own religious prejudices and sexual ambivalences: women were required to make a home and procreate as well as to provide pleasure to men, but the same woman was not expected to do both. Once women arrived from Spain to marry the more prominent colonizers, mistresses remained essential and infidelity became institutionalized. The deeply rooted concept that women are inferior, that their purpose is to serve men, was thus reinforced throughout the Colonial era.51

In this dichotomy, married women are idolized in an asexual way, while unmarried women are typically seen as fair game for sexual advances and conquest by men. Because they are not claimed by another man, lesbians suffer much the same treatment as other unmarried women in a society that subordinates women to the perceived needs of men.

Overt lesbians are, in addition, subject to discrimination. Though written about Brazil, the following observation is equally valid throughout most of Latin America and the Caribbean:

Discrimination is also strong against overt lesbians. But, since they are generally more discreet and less overt in their behavior, they are not as easily identified. They only call attention to themselves when they are on a date with a younger (fem) lover, or when they cause a scene triggered by jealousy when the (fem) lover speaks to men.52

In the few places in Latin America where lesbians are beginning to come out of the closet, that process often brings new hazards. According to Robert Francoeur, the increasing visibility of lesbians in Brazil has led to an extension of the dominant-submissive dichotomy applied to gay men:
The same dichotomy structures the increasingly open presence of the once almost invisible “lesbian” subculture where *sapatão* (big shoe, dyke, or butch) contrasts with *sapatilhão* (slipper or femme dyke).\(^{53}\)
Argentina

Argentina, like neighboring Brazil, is a study in contrasts: between rural areas that remain intensely hostile to sexual minorities and cities that are rapidly becoming more tolerant; between prejudicial police edicts that are still applied in much of the country, and nondiscrimination and civil union statutes that have been adopted in other parts; between the lingering legacy of machismo and the growing influence of European and North American ideas; and between acceptance of homosexual orientations in some professions, and rejection in others.

In a chapter contributed to The International Encyclopedia of Sexuality in 1997, Sofia Kamenetzky noted that “the irrational fear of physical love between partners of the same sex still pervades Argentine society.” She added:

I also did not find neighborhoods exclusively or predominantly homosexual. Most mix with the mainstream population of their own social class. Those who have a well-defined and highly visible economic or political role are still in the closet. The same is true for members of the armed forces and the Church. To confess their lifestyle and orientation would be suicidal. On the other hand, among artists, writers, moviemakers, actors, dancers, and university professors, to admit openly they are gay may bring rejection from the most conservative members of society, but they end up being accepted, and sometimes even see their popularity increase.54

There are no statutes prohibiting homosexual activity in Argentina, but authorities in much of the country nevertheless rely on police edicts drawn up half a century ago to punish certain kinds of behavior. The Edict Against Public Scandals forbids “public exhibition of persons wearing or disguised with clothes of the opposite gender.” The Edict Against Public Dancing provides for penalties against any proprietor who “allows men to dance together.” Police can, and often do, fine and detain persons for as long as 30 days under these rules.55 The constitutionality of the police edicts was upheld by the Supreme Court on October 17, 1991. The edicts no longer apply to the City of Buenos Aires. In 1996, voters for the first time elected a mayor of the capital city, along with delegates to a Statutory Convention charged with drafting a Statute of Autonomy. On August 30, 1996, the Statutory Convention unanimously banned discrimination on the basis of sexual orientation, making Buenos Aires the first Spanish-speaking city in Latin America to do so. On September 24, the Convention repealed the police edicts within Buenos Aires.56

On December 13, 2002, by a vote of 29 to 10, Buenos Aires city legislators approved Latin America’s first law enabling members of the same sex (as well as cohabiting heterosexuals) to enter into civil unions. Promulgated in April 2003, the law explicitly sanctions “the freely-entered union between two persons independent of their sex or sexual orientation, who have lived together for a minimum of two years in a stable and public relationship, and whose legal address is the City of Buenos Aires.” The legislation provides for shared health insurance, for access to pension and retirement benefits when a partner is too ill to collect them, for hospital visitation rights, and for access to medical information about a partner. The first civil union was registered on July 18, 2003. It enabled Cesar Ciglutti and Marcelo Suntheim to jointly apply for a loan to renovate their 100-year-old home, and to extend Ciglutti’s health insurance benefits to Suntheim, who was unemployed.57
The Province of Buenos Aires has likewise made progress toward equal treatment for gays and lesbians. On November 20, 1990, legislators in the Province of Buenos Aires repealed the section of the electoral law that denied the right to vote to homosexuals. In January 2001, legislators adopted a new Domestic Violence Law (Ley 12.569 de Violencia Familiar). It enables same-sex partners to benefit from government programs to protect victims of domestic violence, and to file charges against violent partners.

Major progress has also been achieved in the Province of Río Negro, on the Atlantic coast south of Buenos Aires. On December 18, 2002, the provincial legislature passed a law providing for civil unions between members of the same sex. Under the new legislation, same-sex couples are entitled to the same benefits as unmarried heterosexual couples, including access to subsidized housing. Government employees have rights to sick or bereavement leave, just as in the case of married couples.

On December 20, 1996, the city council in Rosario, the nation’s third largest city, passed an ordinance explicitly forbidding discrimination based on sexual orientation.

Some progress has also been made at the national level. Eduardo Duhalde became president of Argentina in January 2002. Previously, while serving as governor of the Province of Buenos Aires, he had told the newspaper Página 12 that “This issue of being discriminated against based on your sexual preference is completely absurd. I feel sorry. I think these types of things should not be happening. The whole thing is outdated.”

In May 2003, Argentinians elected Néstor Kirchner to the presidency. He took office later that month, and promptly purged the top ranks of the military and police of officers suspected of involvement in corruption and human rights abuses. Saying he wanted a country that respected human rights and the rule of law, Kirchner forced over two dozen generals and admirals into early retirement, and fired 10 of 12 senior commissioners of the Federal Police. His new minister of justice and security, Gustavo Beliz, said new appointments would be made after first submitting names to domestic human rights organizations for review. He said the federal government would also tighten oversight of the corrupt and often brutal Buenos Aires provincial police.

In January 2001, the national airline Aerolíneas Argentinas extended its practice of providing free tickets to spouses of its employees, making the benefit available to same-sex partners.

The first LGBT organization in Argentina, Homosexual Community Argentina (Comunidad Homosexual Argentina, CHA) was formed in 1984. It is the second oldest organization of its type in Latin America, after Brazil’s Grupo Gay de Bahia. After an eight-year quest, it was granted legal recognition as a not-for-profit organization in May 1992.

Despite the gains that have been made for sexual minorities in Argentina, transvestites, who are often sex workers, continue to be subjected to persecution by society and the police, as illustrated by the following incidents:

- On February 11, 2000, police arrested Miguel Angel Ledesma (aka Vanesa Lorena Ledesma), a transvestite, in Córdoba. Ledesma died in custody five days later. Police attributed the death to “cardiac arrest.” An autopsy revealed severe bruising to the feet, arms, back and shoulders, indicating torture. Amnesty International chose this as one of six symbolic cases to mark the fortieth anniversary of its founding.
In May 2001, in San Martín, in the Province of Buenos Aires, unknown assailants murdered a 25 year old transvestite known as Andrea and dumped the body in a trash can. There has been no progress in the case.67

In May 2001, in the Province of Buenos Aires, police arrested Diana Sacayán, a transvestite, on charges of robbery that could not be corroborated. Sacayán’s buddies said the real motive for the arrest was refusal to pay bribes.68

In November 2001, police arrested F.A. Rodríguez, a transvestite. He later filed a complaint alleging he had been tortured while in custody.69

On September 23, 2003, the Inspector-General of Justice (Inspector-General de Justicia, IGJ) turned down a request for legal registration of the Struggle for a Transvestite-Transsexual Identity Association (Asociación de Lucha por la Identidad Travesti-Transsexual, ALITT). Legal registration is a process akin to obtaining a 501(c)3 designation as a public charity by the IRS in the United States. In denying the request, Inspector-General Ricardo Augusto Nissen wrote that “It does not seem to me that ‘To fight for recognition of transvestism as an identity by both society and the State’ nor ‘building transvestite-transsexual citizenship’ offer a valuable framework for the development of coexistence, becoming part of the community’s spiritual and cultural heritage’.”70

Police still occasionally raid gay bars and restaurants, even in cities that have adopted legislation prohibiting discrimination against homosexuals:

In May 2001, police raided the gay restaurant Tacla in Buenos Aires, detaining and harassing 40 patrons. Local LGBT organizations filed a complaint.71

In June 2001, police closed the gay bar Mamanodansa and lesbian bar El Refugio in the city of Rosario, state of Santa Fe, about 200 miles up the Río Parana from Buenos Aires.72

In parts of the country that lack antidiscrimination statutes, gays and lesbians are vulnerable to being fired upon discovery of their sexual orientation:

In June 2001, Karina Lucero, a lesbian, complained that she was dismissed from her job with the provincial judiciary in Comodoro Rivadavia after her sexual orientation became known to her superiors. Comodoro Rivadavia is a city on Argentina’s southern coast, in the province of Chubut.73

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.69 percent of adults aged 15-49, slightly above the rate in the USA. As of the end of 2001, UNAIDS estimated there were 130,000 persons infected with HIV out of a total population of 37.5 million.74

In February 1998, after previously accepting a suit by eight nongovernmental organizations, a lower court ruled that the Ministry of Health “had failed to comply with its obligation” to provide “assistance and treatment to those affected by that ailment [AIDS].” The Supreme Court upheld that verdict a year later, in February 1999. As a direct result of the courts’ actions, the government began providing antiretroviral medications to some 15,000 persons diagnosed as living with HIV/AIDS.75
Latin America

Bolivia

There are no legal prohibitions on consensual sexual activity between homosexuals. But Bolivian society is not tolerant of sexual minorities, and repression is a frequent fact of life for those who do not conform to the mainstream. According to Timothy and Richard Wright,

[T]he Bolivian penal code is silent on the issue of homosexuality, but homosexuals are not free from illicit police actions that have the effect of controlling their behaviour. Bolivian police officers operate largely outside of the formal law, idiosyncratically dispensing a rough-and-ready – and often self-serving – form of street justice. Thus, suspected homosexuals may be detained for questioning on any number of trumped-up charges, such as theft or drug possession. In these cases, both parties understand that the “real crime” at issue is homosexuality and that the suspect is expected to compensate the arresting officers in return for their silence about this matter.76

Timothy Wright, who is a US citizen, was himself a victim of a hate crime while working in Bolivia. In March 1995, assailants repeatedly smashed Wright’s head into the asphalt of a street in Santa Cruz, leaving him in a coma. He had a major skull fracture, a large subdural hematoma, artery leakage, fractured lumbar vertebrae with hematoma, and three small bones in his right ear broken and infected. At the time Wright, a 37-year-old US citizen, was regional gay men’s outreach coordinator for HIV/AIDS prevention with the Proyecto Contra el SIDA in Santa Cruz, funded by the United States Agency for International Development. Though he has since recovered most of his functions following years of arduous therapy, he is still at risk for seizures, and has to wear a hearing aid.77

According to the legal firm Beveridge & Diamond, “Bolivia, in particular, has a history of open hostility to those suspected of homosexuality. Because of discrimination in Bolivia, those who are [or are suspected of being] HIV-positive find it impossible to obtain a job or go to school. The client, a noted physician whose HIV status and homosexuality were disclosed by his medical colleagues, was shunned by his profession and barred from necessary medical treatment. He was able to make his way to the United States and obtain medical treatment.” He was subsequently granted asylum.78

The country’s first LGBT organization, Dignidad (Dignity), was founded in Cochabamba in the early 1980s. The first Gay Day celebration was held in 1994. In early 1995, activists formed the La Paz Gay Movement for Freedom (Movimiento Gay La Paz - Libertad, MGLP-Libertad).79

An incident in August 2002 highlighted continuing discrimination against sexual minorities. Police arrested the lesbian-feminist producers and crew of a television series called “Mother never told me” (“Mamá no me lo dijo”), charging them with having engaged in “obscene acts” and “obscene performances” under Articles 323 and 324 of the Penal Code. The show, which addresses issues of sexual violence, racism, and homophobia, continued to air every Sunday night from 11 pm to midnight on the national Red P.A.T., an open channel. As of July 2003, however, the charges were still pending.80

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.1 percent of adults aged 15-49, one sixth the rate in the USA. As of the end of 2001, UNAIDS estimated there were 4,600 persons infected with HIV out of a population of 8.5 million.81
A report submitted to the Inter-American Commission on Human Rights in 2002 summarizes the government’s HIV/AIDS policy as follows:

…the present authorities still do not perceive AIDS as a priority. The State has no permanent program for the prevention of AIDS, nor does it prepare educational materials. There are great deficiencies in the training of health personnel to offer correct care, and the government has no plan for access to antiviral medications by persons living with HIV. Persons infected with HIV presently do not receive any support from the State, not even for opportunistic ailments.82

Bolivia is one of the poorest countries in the hemisphere, with a per capita GDP of $2,424 in 2000, and a third of the population earning less than $730 a year.83 The vast majority of Bolivians who become infected with HIV are unable to afford the thousands of dollars a year required for the advanced antiretroviral medications that the government will not provide.

Adding to the burden of persons living with HIV/AIDS is a particularly high level of stigmatization. Upon discovery of their status, such persons have been fired by employers, abandoned by their families, denied medical attention, and even denied the right to be buried in cemeteries. All foreigners who desire to spend more than three months in the country must be tested for HIV, and foreigners who are discovered to be HIV-positive while in Bolivia are subject to expulsion.84

**Brazil**

Rapid progress is being made in establishing the rights of sexual minorities, especially in the country’s larger cities, and in the more modern and prosperous southern states. In the vast northern reaches of the country, however, prejudice and discrimination remain high, frequently resulting in violence toward homosexuals, and even murder.

Brazil is something of an enigma in its attitudes toward homosexuality. Consensual sexual behavior between members of the same sex has not been a crime since 1830, shortly after Brazil gained independence from Portugal.85 As in Haiti, the substantial influence of African traditions has acted as a countercurrent to Iberian machismo. In Afro-Brazilian religious communities, some of the spirits, most of the priests, and many of the participants are homosexual. Some of that openness to alternative forms of sexual expression is manifest in the sexual exuberance and freedom of Carnival.86

But the lingering influence of machismo is evident in a popular culture that often remains hostile to forms of sexual expression that depart from conventional norms, and that occur outside certain professions in which sexual nonconformity is tolerated. According to a team of Brazilian experts writing in the *International Encyclopedia of Sexuality,*

> The social status of homosexuals is favorable only among those who have achieved fame in the arts, music, theater, movies, television, and haute couture. A homosexual orientation and lifestyle seem to facilitate self-promotion and professional success in these fields. In other areas of professional life, homosexuality is not a positive factor.87

Soldiers and police officers, for instance, are frequently fired if their homosexual inclinations become known.88

Attitudes toward sexual minorities show a wide degree of geographic variability, as reflected in murder rates of homosexuals. The Gay Group of Bahia (*Grupo Gay da Bahia*) has
Latin America

documented such murders. It reported 130 murders of homosexuals in 2000, and 132 in 2001. A disproportionate number of these homicides were concentrated in the northeast and the northwest, which are particularly homophobic parts of the country. Murder rates were substantially lower in the more prosperous, cosmopolitan south. As can be seen from the following table, reported murder rates in Bahia, Pernambuco, Amazonas, and the Federal District were, respectively, three, six, nine, and fifteen times the rate in Rio de Janeiro. 89

<table>
<thead>
<tr>
<th>State</th>
<th>population 2000</th>
<th>gay</th>
<th>transvestite</th>
<th>lesbian</th>
<th>total murders</th>
<th>rate per million</th>
</tr>
</thead>
<tbody>
<tr>
<td>São Paulo</td>
<td>37,032,403</td>
<td>13</td>
<td>11</td>
<td>-</td>
<td>24</td>
<td>0.65</td>
</tr>
<tr>
<td>Pernambuco</td>
<td>7,918,344</td>
<td>7</td>
<td>9</td>
<td>-</td>
<td>16</td>
<td>2.02</td>
</tr>
<tr>
<td>Bahia</td>
<td>13,070,250</td>
<td>11</td>
<td>3</td>
<td>-</td>
<td>14</td>
<td>1.07</td>
</tr>
<tr>
<td>Federal District</td>
<td>2,051,146</td>
<td>9</td>
<td>2</td>
<td>-</td>
<td>11</td>
<td>5.36</td>
</tr>
<tr>
<td>Amazonas</td>
<td>2,812,557</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td>3.20</td>
</tr>
<tr>
<td>Minas Gerais</td>
<td>17,891,494</td>
<td>8</td>
<td>1</td>
<td>-</td>
<td>9</td>
<td>0.50</td>
</tr>
<tr>
<td>Paraná</td>
<td>9,563,458</td>
<td>4</td>
<td>3</td>
<td>-</td>
<td>7</td>
<td>0.73</td>
</tr>
<tr>
<td>Paraíba</td>
<td>3,443,825</td>
<td>4</td>
<td>-</td>
<td>1</td>
<td>5</td>
<td>1.45</td>
</tr>
<tr>
<td>Rio de Janeiro</td>
<td>14,391,282</td>
<td>3</td>
<td>2</td>
<td>-</td>
<td>5</td>
<td>0.35</td>
</tr>
<tr>
<td>Alagoas</td>
<td>2,822,621</td>
<td>1</td>
<td>3</td>
<td>-</td>
<td>4</td>
<td>1.42</td>
</tr>
<tr>
<td>Mato Grosso</td>
<td>2,504,353</td>
<td>3</td>
<td>1</td>
<td>-</td>
<td>4</td>
<td>1.60</td>
</tr>
<tr>
<td>Sergipe</td>
<td>1,784,475</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>3</td>
<td>1.68</td>
</tr>
<tr>
<td>Rio Grande do Norte</td>
<td>2,776,782</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>1.08</td>
</tr>
<tr>
<td>Rio Grande do Sul</td>
<td>10,187,798</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>0.29</td>
</tr>
<tr>
<td>Pará</td>
<td>6,192,307</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>0.48</td>
</tr>
<tr>
<td>Ceará</td>
<td>7,430,661</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>3</td>
<td>0.40</td>
</tr>
<tr>
<td>Espírito Santo</td>
<td>3,097,232</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>2</td>
<td>0.65</td>
</tr>
<tr>
<td>Goiás</td>
<td>5,003,228</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>0.40</td>
</tr>
<tr>
<td>Piauí</td>
<td>2,843,278</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>2</td>
<td>0.70</td>
</tr>
<tr>
<td>Santa Catarina</td>
<td>5,356,360</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>2</td>
<td>0.37</td>
</tr>
<tr>
<td>Mato Grosso do Sul</td>
<td>2,078,001</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>0.48</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>160,251,855</strong></td>
<td><strong>88</strong></td>
<td><strong>41</strong></td>
<td><strong>3</strong></td>
<td><strong>132</strong></td>
<td><strong>0.82</strong></td>
</tr>
</tbody>
</table>

Homicide statistics also underscore the high degree of correlation seen throughout Latin America between sex work and cross-dressing, and the high risk of violence faced by transvestites. Over half (77) of those murdered in 2001 were listed as “sex workers” or as “without profession or unemployed” – a category which presumably includes sex workers not identified as such, since sex work is not a profession easily admitted to. Nearly a third (41) of the victims were transvestites. Transvestites are also subject to constant harassment from police officers, who steal their earnings and sometimes compel them to perform sexual favors. 90

Only three (2%) of the murder victims in 2001 were lesbians, in part reflecting their lower profile. 91

26
The statistics, however, do not tell the full story. As summarized by Luiz Mott,

…in the last decade more than a thousand gay men and at least thirty lesbians were murdered in Brazil – one every five days. The real number is surely much higher than the already hideously high number we learn about, because the families of many convince the press not to include scandalous details about the lives and deaths of those murdered for being homosexual. Most of the crimes include extreme violence: castration, burning of the body, hundreds of stab wounds. Only about one in ten of the killers is arrested. The few who are and who go to tribunal frequently claim that they killed the victim because he tried to violate their honor (that is, fuck them).92

Underlying such violence is the stigmatization of effeminate men, and to a lesser degree, masculine women, in the traditional culture, which continues to predominate in rural areas and in most of northern Brazil:

…the sexual universe is continually structured and restructured, in even the simplest and most common verbal exchanges, along the lines of a rigid hierarchy: a distinction
between sexual *atividade* and *pasividade* that is translated into relations of power and domination between *machos* and *fêmeas*, between *homens* (men) and *mulheres* (women).

...The symbolic structure of male/female interactions seems to function in many ways as a kind of model for the organization of same-sex interactions in Brazilian culture. Within the terms of this model, what is centrally important is perhaps less the shared biological gender of the participants than the social roles that they play out – their *atividade* or *pasividade* as sexual partners and social persons. A *homem* who enters into a sexual relationship with another male does not necessarily sacrifice his *masculinidade*, so long as he performs the culturally perceived active, masculine role during sexual intercourse and conducts himself as a male within society. A *mulher* who conforms to her properly passive, feminine sexual and social role will not jeopardize her essential *feminidade* simply by virtue of occasional (or even ongoing) sexual interactions with other biological females.

The same cannot be said, however, of the errant partners in such sexual exchanges. On the contrary, the male who adopts a passive female posture – whether in social or sexual interaction – almost invariably undercuts his own *masculinidade*, just as a female, in adopting an active, dominating, masculine posture undercuts her *feminidade*. The failed *homem* comes to be known as a *viado* (from *veado*, deer) or *bicha* (...the feminine form of *bicho* or animal, and thus a female animal) due to his inappropriate femininity, while the inadequate *mulher* is known as *sapatão* (literally, big shoe) or even *coturno* (army boot), due to her unacceptable masculinity. Not surprisingly, both are thus subject to some of the most severe stigmatization found anywhere in Brazilian society.

Yet there are also significant alternative cultural traditions. One that is of special importance among the lower socioeconomic strata is shaped by Afro-Brazilian religious communities. Known as *Candomblé*, it shares some common African origins with Haitian *Vodou* and Cuban *Santería*. The communities are decentralized and autonomous. Each is led by a minister called *mãe de santo* or *pai de santo* (depending on gender), literally “mother” or “father of saint,” but best translated “mother” or “father of spirit,” since saints are thought of as spirits that temporarily take possession of the body in ritual settings. They are considered “mothers” and “fathers” in the sense that they initiate *filhos de santo* (literally “sons of saints”) into the community. Each *mãe* or *pai* maintains a *terreiro* (yard) where *filhos de santo* gather together for *festas* (“feasts,” ceremonies with drumming and dancing), in the course of which participants “receive” the *orixas*, or spirits. Because many of the spirits are female, the gatherings legitimate feminine behavior by men in the course of the *festas*. By imbuing such behavior with sacred meaning, these practices contribute to a greater degree of social acceptance.

In much of urban Brazil, Western European and North American influences have been reshaping cultural attitudes over the past few decades, particularly among the upper and middle classes. With the emergence of gay subcultures within the larger cities, sexual roles have become more fluid and the stigma against individuals who favor roles usually associated with the other sex has been diminishing. In cities like Rio de Janeiro and São Paulo, and to only a slightly lesser extent Porto Alegre, Salvador, and Recife, there is now a gay community (*comunidade gay*) and gay identity (*identidade gay*), just as in major cities in Western Europe, Canada, and the United States.
Sexual Orientation and Human Rights in the Americas

That cultural transformation, while not entirely displacing traditional concepts of sexuality, has led to greater public acceptance of alternative forms of sexual expression, and – not coincidentally – substantial progress in securing rights for gays and lesbians. Almost half a million Brazilians took part in the gay pride parade held in São Paulo in June 2002. Particularly significant was the participation of large numbers of heterosexuals, many of whom brought along their children to make the point that they had nothing to fear from those who adopt other forms of sexual expression. Mayor Marta Suplicy gave a speech expressing her pride in being the mayor of a city that is becoming a showcase for gay rights. In the northeastern city of Salvador, capital of the more conservative state of Bahia, thousands marched in the first parade held there, to the accompaniment of Afro-Brazilian music. In June 2003, over three quarters of a million persons took part in the gay pride parade in São Paulo, a spectacular increase from the two thousand who took part in the first parade just six years earlier in 1997. Mayor Suplicy, speaking from a parade float, announced a program of panels and films to encourage respect for sexual diversity in public schools.96

In 1991, Salvador, Brazil’s fourth most populous city, became the first city in Latin America to ban discrimination on the basis of sexual orientation. Dozens of cities – including São Paulo, Rio de Janeiro, and Niterói (across the bay from Rio) – have since enacted similar bans on discrimination. So have five states – Bahia, Sergipe, Matto Grosso, Minas Gerais, and São Paulo.97

In May 2001, the state of São Paulo created a Homosexual Defense unit within the Ministry of Justice, to assist victims of discrimination and violence. In October 2001, the state legislature of Minas Gerais passed Law 694/99, which not only penalizes discrimination based on sexual orientation, but establishes the right of same-sex couples to express affection in public. In December 2001, the city councils of Pelotas, in the southern state of Rio Grande do Sul, and Recife, in the northeastern state of Pernambuco, passed ordinances extending pension rights to same-sex partners of public employees. A similar measure passed by the Legislative Assembly of the state of Rio de Janeiro was vetoed by Governor Antony Garotinho.98

In May 2002, President Fernando Henrique Cardoso expressed support for a bill being debated in Congress that would grant homosexuals the right to marry. The bill was drawn up by São Paulo mayor Marta Suplicy, of the opposition Socialist Workers Party.99 Cardoso had previously appointed anthropologist and gay activist Luiz Mott to the National Council Against Discrimination.100

Important gains are also being made in the courts. In 2001, following an historic verdict against hate-inspired crime, a São Paulo court sentenced two skinheads to 21 years in prison for the February 2000 murder of Edson Neris da Silva, a gay man. Two accomplices were sentenced to four years and seven months in jail, and another to three years and four months. Another skinhead was convicted on a lesser charge of attack, and a seventh suspect was freed for lack of evidence. On March 27, 2002, a São Paulo court convicted still another skinhead for participation in the murder, sentencing him to 19½ years in jail. In court testimony, the convicts said they had attacked Edson Neris da Silva and his partner Darío Pereira because they were holding hands in downtown São Paulo. Pereira was severely beaten but survived the attack.101
In August 2001, a state court in Recife, capital of Pernambuco, ruled that the survivor of a same-sex spouse has the right to the spouse’s pension. That same month, Gilberto Biezek, a General Motors worker in Gravatai, in the southern state of Rio Grande do Sul, won a precedent-setting civil suit against the company, which had fired him in August 2000 upon discovering he was gay. In October, a judge in Santa Luzia, in the State of Minas Gerais, set another precedent by approving the adoption of a child (a 2 year old girl) to an openly gay couple (Jarbas Santarelli Porto y Jose Geraldo Dias). And in August 2001, the Public Ministry in Campinas, state of São Paulo, approved a sex change operation for a person identified only by the initials MK. It acknowledged there was a valid therapeutic reason for the surgery.102

In January 2002, a juvenile court judge in Rio de Janeiro assigned custody of the eight-year-old son of deceased rock star Cassia Eller to her lesbian partner. Around the same time, a federal court in Porto Alegre in the southern state of Rio Grande do Sul ordered the social security system to pay a pension to the partner of a deceased man. Judge Simone Barbisan Fortes argued that stable same-sex partnerships “constitute family communities that deserve the protection of the state.”103

Another sign of change has been in the realm of artistic expression. Brazil’s most critically acclaimed new film in 2002 was “Madame Satan,” based on the true story of João Francisco Dos Santos. Dos Santos was a poor, black, illiterate homosexual who spent ten years in jail in the 1930s for shooting to death a man who had insulted him because of his sexual orientation. After his release from prison, Dos Santos became a celebrity in Rio de Janeiro’s Carnival, adopting the pseudonym Madam Satan. He was a transvestite, who designed award-winning Carnival costumes. According to Mario Osava,

Karim Ainouz, a Brazilian filmmaker of Arab descent, chose this Rio underground figure (1900-1976) as the subject of his first feature-length work. But the central themes are social exclusion and how passion for life can overcome the limitations imposed by others, the director says. The film underscores one of the most important sources of Brazilian culture today, the encounter of blacks and the marginalized middle classes, which gave rise to the famed Brazilian Carnival and to other expressions of music and dances as popular spectacles in the early 20th century. 104

In October 2003, TV Globo – the country’s largest television network – concluded its Mujeres Apasionadas (Passionate Women) series with an episode that featured the first lesbian kiss in the 40-year history of telenovelas (soap operas) An estimated 80 million viewers watched two teenage girls kiss on prime-time television. That signaled a sea change in public attitudes. An earlier 1998 effort by O Globo to introduce a lesbian couple in the telenovela “Tower of Babylon” prompted so many viewer complaints that the network decided to cut its losses by rewriting the script, having the lesbian characters die to get them out of the way.105

After security officers at the Frei Caneca shopping mall in central Sao Paulo asked two men to refrain from kissing in public in July 2003, the local gay pride group Corsa organized an unusual demonstration: a kiss-in. On August 3, 2003, more than a hundred couples kissed in the crowded food court at the mall. Eager to dispel the notion that the shopping center was gay-unfriendly, mall staff welcomed the couples enthusiastically. In preparation for the event, the mall had affixed bright red lips on the front and inside of the building, set up disco
lighting in the food court, and provided a disk jockey who played nothing but songs featuring the word “kiss.”

In much of northern Brazil, however, conditions for homosexuals remain precarious, and nowhere more so than in the Federal District and the states of Amazonas and Pernambuco:

In late December 2002, a Military Police officer with the surname Edras shot to death a transvestite known as “Ze Galinha” in the Amazon region state of Amazonas. Witnesses overpowered Edras and held him until the arrival of police several minutes later. The police, however, declined to arrest Edras. The local LGBT organization, the Amazonas Association of Gays, Lesbians, and Transvestites (Associação Amazonense de Gays, Lésbicas e Travestis, AAGLT) then took up the case, with demonstrations and appeals to the media and to state legislators. Mário Frota, Chair of the legislature’s Human rights Commission, assigned a lawyer, Marcelo Cruz, to the case. A judge then ordered the arrest of the policeman, but the order was not carried out. Two days later an attempt was made to break into the home of AAGLT president Adamor Guedes, reportedly by police led by officer Edras. On January 19, 2003, an assailant shot Marcelo Cruz in the leg, telling him it was “just a warning.” The following day, legislator Frota met with the Secretary for Security of Amazonas, to request protection for Cruz. The request was denied. On January 27, Cruz was found dead in his apartment. Friends who had accompanied him to a bar the night before reported that two armed men had forced him to drink from a glass. A preliminary report suggested poisoning as the most likely cause of death. Police protection was subsequently granted to Adamor Guetes.

In the early morning of October 16, 2003, gunmen attacked the home of Nanci Tavares do Nascimento (48) and Maria da Conceição (34) in the working class neighborhood of Córrego do Curió in Recife, Pernambuco. They fired 17 rounds into Nanci and 14 into Maria. Dozens of bullets remain embedded in the walls. Nanci and Maria were lesbian lovers who earned a living selling beverages from their home. Both were estranged from their families because of their sexual orientation.

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.65 percent of adults aged 15-49, roughly equal to the rate in the USA. As of the end of 2001, UNAIDS estimated there were 610,000 persons infected with HIV out of a population of 172.5 million. Of these, 105,150 who had actually been diagnosed as HIV-positive had initiated highly active antiretroviral therapy (HAART).

Brazil’s HIV/AIDS prevention and treatment program is widely hailed as a world model. The government offers free antiretroviral treatment to all persons diagnosed with HIV/AIDS. The drugs are produced in generic form within the country at a cost of about $1,000 per person per year, a fraction of the usual cost. The treatment halved the number of AIDS-related deaths between 1995 and 2000. By reducing AIDS-related hospitalizations in the public health system by 80 percent, the investment in antiretroviral therapy has led to overall savings in the AIDS-treatment budget. The steep decline in the death rate, however, has greatly increased the proportion of the population living with HIV, and thus increased the risk of unprotected sex. The government has therefore aggressively promoted the use of condoms, with some 600 million being used in 2001, and millions distributed for free. The
results have been impressive. Though Brazil had an infection rate comparable to South Africa in the 1980s, its infection rate is now comparable to that in the United States.\textsuperscript{110}

\textbf{Chile}

\textit{The Economist} characterizes Chile as

South America’s most successful economy – and most conservative society. Divorce and abortion are still banned, some films still cannot be shown and few homosexuals dare to come out into the open. This prudishness is tribute to the enduring influence in Chile of the Roman Catholic church.\textsuperscript{111}

According to Alejandro Silva, Secretary of the Office of the National Human Rights Coordinator, Chilean society remains deeply prejudiced against homosexuals, and the country has yet to seriously confront the issue of discrimination based on sexual orientation.\textsuperscript{112}

Until recently, sexual activity between members of the same sex was prohibited by law. Though the ban has been lifted, public attitudes make life very difficult for homosexuals throughout the country. Boys and men who are perceived to be effeminate are routinely subjected to ridicule, harassment, and beatings. As in much of Latin America, transvestites run the highest risk. Many have been murdered over the past two years, with little sign of official interest in solving the murders.

In a 29-nation survey of public opinion conducted in 1998-1999, Chileans stood out for their lack of tolerance for homosexual behavior. On a scale of 100, the highest level of tolerance was registered by the Netherlands, which came in at 77. The lowest levels were registered by Chile (the only Latin American country in the survey) and the Philippines (the only other country in the survey with a Spanish colonial past) at 9 and 8, respectively. Spain came in at a surprisingly high 59, slightly ahead of Sweden and Norway, underscoring the changes that have swept through its popular culture since the end of the Franco dictatorship. The United States registered at 31. Given the large sample size of 34,557 (1,452 for Chile), these figures appear to be statistically reliable.\textsuperscript{113}

Other opinion polls point to a sharp generational change in attitude. A poll conducted by the Institute of Public Studies (\textit{Instituto de Estudios Públicos}) and Andrés Bello University (\textit{Universidad Andrés Bello}) found that less than 25 percent of persons 45 and older believed that homosexuals should be open about their sexual orientation. Among those aged 30 to 44, the proportion rose to 41 percent, and among 18 to 29 year-olds, to 52 percent. Another study, carried out by the University of Chile and the Ideas Foundation (\textit{Fundación Ideas}), has shown how this generational divide is altering attitudes over time. In 1997, 45.2 percent of Chileans agreed that “homosexuality should be prohibited, because it goes against human nature.” Four years later, in 2001, the proportion had fallen to 31.6 percent.\textsuperscript{114}

Until 1998, sexual activity between consenting adult homosexuals was forbidden, and subject to penalties of up to five years in jail. On December 23, 1998, that provision of the penal code was repealed, after the conservative Chilean Senate finally approved a reform bill that had originally been passed by the lower house of congress in 1995.\textsuperscript{115} A few months earlier, on May 20, 1998, the Senate approved another reform bill that eliminated a provision that allowed police to arrest individuals merely on “suspicion.” Until then, such arrests had been a
common practice of the Chilean national police (Carabineros), exposing homosexuals to routine harassment.¹¹⁶

The outright ban on homosexual behavior, which was virtually unique in Latin America, was a holdover of a repressive past. During the 1924-1931 military-authoritarian presidency of Carlos Ibáñez del Campo, which coincided with the rise of fascism and Nazism in Europe, government agents rounded up homosexuals and dumped them in the ocean with cement weights attached to their feet. That persecution prefigured the treatment of hundreds of desaparecidos (persons made to “disappear” by state security agents) during the dictatorship of Gen. Augusto Pinochet. The desaparecidos were stuffed in sacks with heavy railroad ties, and dumped from helicopters into the ocean. A play which debuted in Santiago in February 2001 – La Huida (The Flight) – has helped bring the earlier persecution to public attention.¹¹⁷

Despite the restoration of democracy in 1990, hostile public attitudes make disclosure of one’s sexual identity hazardous for sexual minorities. Activists estimate that only about one percent of homosexuals are open about their orientations. Carlos Sánchez Soto, one of eight directors of the Unified Movement of Sexual Minorities (Movimiento Unificado de Minorías Sexuales, MUMS), says no one will hire him in his profession as a computer technician now that he is known as a gay activist.¹¹⁸

The country’s uniformed police force, known as Carabineros, were transferred from the Interior Ministry to the Defense Ministry following the 1973 military coup. They remain under the nominal control of the Defense Ministry, but operational control has been transferred back to the Interior Ministry. A major challenge for post-1990 democratic governments has been to reassert effective civilian control over what had become a militarized police force, and inculcate respect for human rights. The Carabineros are commanded by a director general, and organized on a territorial basis into Commissariats (Comisarías).¹¹⁹

Despite the repeal of laws that prohibited sexual activity between members of the same sex, and which allowed for arbitrary detention on mere suspicion, old habits die hard. At the beginning of March 2003, Carabineros in northern Chile arrested 22 homosexuals at a gay discotheque in Calama. The detainees were taken to the First Commissariat, where they were charged with “offenses against modesty, morality, and good customs,” and with drinking alcohol at an unlicensed establishment. Rolando Jiménez, president of the Movement for Homosexual Liberation (Movimiento de Liberación Homosexual (MOVILH), issued a statement saying:

It is extremely serious that persons should have been detained for offenses against modesty and morality for no other reason than being homosexual. Though the law concerning distribution of alcohol should be enforced with equal rigor, in this case it is clear that the persons were detained because of their sexual orientation, because otherwise all that should have been done would have been to fine the owners of the establishment.¹²⁰

The public prosecutor did not file charges, and the detainees were released. MOVILH demanded an investigation and appropriate sanctions against the police officers responsible for the arrest.¹²¹
MOVILH – Chile's first advocacy organization on behalf of sexual minorities – was formed on June 28, 1991, shortly after the restoration of democracy. Its aims are to defend the civil rights of gays and lesbians, promote a more encompassing vision of human sexuality, and provide support to sexual minorities. It led the successful campaign to repeal the legal prohibition on consensual homosexual activity. Its purposes include educating the gay community about the dangers of HIV/AIDS and publicizing violations of the human rights of LGBT individuals.

In January 1995 the Lambda Chile Center (Centro Lambda Chile) began publishing a monthly magazine, Lambda News, offering positive perspectives and information on homosexuality, publicizing violations of the human rights of gays, lesbians, transvestites, transsexuals, and bisexuals, and providing information to help prevent the spread of HIV/AIDS among homosexuals and bisexuals.

The first march for gay and lesbian dignity was held in June 1995.

In 1997, MOVILH and Lambda Chile united to form MUMS. MUMS acts as an umbrella organization for sexual minorities, and includes among its members TravesChile, a group that represents transvestites and transsexuals. MUMS activists are seeking reform of Article 19 of the Constitution, hoping to extend its nondiscrimination provisions to sexual minorities.

Chile’s first LGBT newspaper, OpusGay, was launched in May 2002.

In Chile, as in most of Latin America, the often close correlation between cross-dressing and the sex trade contributes to public intolerance toward transvestites. On October 11, 2002, Carlos Gómez, a city councilmember in coastal Viña del Mar, said that “a firm hand should be applied to for once and for all eradicate from the streets transvestites and all who engage in the sex trade. I have proposed massive roundups in Viña to eliminate all forms of prostitution. The transvestite issue has not been addressed with the required severity.”

Silvia Parada, the transsexual president of TravesChile, says severe discrimination hampers prospects for education and employment among transgendered persons. “Our only source of jobs is the sex trade, and the Carabineros police constantly harass and attack us verbally and physically.” She said the murders of 22 transvestites remain unsolved.

Attacks on homosexuals – especially transvestites – continue to be frequent, and sometimes deadly:

- On March 6, 2002, about fifteen youths aged 18 to 25 attacked a group of transvestite sex workers in Viña del Mar with fists, sticks, and knives. Among those attacked on 12th Street (Calle 12) in the center of town were transvestites whose street names are Milenka, Jasna, Nancy, and Wendy. As of the end of 2002, there had been no arrests in the case.

- In May 2002, the body of Wladimir Ibáñez Carrasco, aka “La Pilar,” a 42-year-old transvestite sex worker, was found in a waterway outside the city of Los Andes, about 25 miles north of Santiago.

- On May 25, 2002, the body of 25-year-old Mauricio Ortega Julio was found on the banks of the El Volcán River of San José de Maipo. The cap of a Carabinero was found nearby.
The young man had been having an affair with police officer Víctor Pérez Soto, who resigned from the force on July 16. As of the end of 2002, no progress had been made in the case, and family members were alleging police involvement in the murder and cover-up.

On August 2, 2002, Hugo Andrés Godoy, a 19-year-old transvestite known as “La Wanda,” was attacked with a baseball bat and nearly beaten to death on Avenida Argentina in Los Andes.

On September 16, 2002, Liceo Juan Francisco Vergara, a high school in Viña del Mar, expelled Mayra Espinoza for kissing a female classmate upon leaving school the preceding day. The kiss was interpreted as “lesbian behavior,” warranting expulsion. Mayra had previously won an award as “best student,” and was vice president of the Student Association. Following complaints, the Ministry of Education negotiated a settlement under which Mayra was allowed to graduate three months early in order to keep her away from classes and the graduation ceremony.

In November 2002, Carlos Muñoz, a member of Vida Optima, an organization created by and for people living with HIV/AIDS, was found dead on the banks of the Mapocho River.

In the early hours of December 6, 2002, Edgardo Vega was found beheaded in his apartment. He was a member of Vida Optima.

On December 12, 2002, a group of youths attacked a young man with the initials JRPS in the center of Santiago for no other reason than his being gay. JRPS chose not to file charges, because he did not want to be publicly identified as being gay.

On December 24, 2002, Marion, a transgendered person, was attacked in Los Andes, suffering numerous deep cuts from a pocketknife.

There are also numerous indications that police abuse continues to be a serious problem:

In June 2002, agents of Santiago Police Station #19 detained 23-year-old Rodolfo Jofré Cerda, alias “Amanda,” a transvestite sex worker. Rodolfo reported being raped by the officers. Five months later, Rodolfo died of a drug overdose.

In July 2002, TravesChile reported receiving death threats from a Carabinero police sergeant and a corporal from Santiago Police Station #4. Though members managed to record the corporal’s license plate number (947521 R), the police commander declined to investigate.

On October 31, 2002, Carabinero police detained two young gay men, JML and RMR, after they kissed each other in the center of Santiago. The police beat the youths at the time of detention, and subsequently stole all of their money after taking them to Santiago.
Police Station #1. MOVILH secured the youths' release within 48 hours and filed charges against the officers in the Second Military Court (Segunda Fiscalía Militar).

- On November 29, 2002, police in the coastal city of Viña del Mar arrested TravesChile member Michel Clementi on charges of “contempt of public authority.” Clementi had been arrested and subjected to physical abuse the previous year, and had subsequently filed a human rights complaint. The new arrest was evidently in response to the complaint.

- On December 27, 2002, agents of the 19th Commissariat of Providencia detained Gonzalo Cid and Nicolás Ramírez, leaders of the Unified Movement of Sexual Minorities (Movimiento Unificado de Minorías Sexuales, MUMS). According to MUMS, their sole offense was the public distribution of condoms.

- At about 1 am on April 12, 2003, some two dozen young men armed with knives and firearms attacked a gathering being held by transvestites at the Santiago headquarters of TravesChile. They fired shots in the air, ransacked offices, and beat several persons, including Alejandra Soto Castillo, whom they had reportedly followed to the gathering. The occasion was a benefit for Cherry Suárez, a transvestite afflicted by AIDS who was suffering from Karposi’s Sarcoma, an opportunistic cancer that attacks persons with weakened immune systems. Only one of the assailants was detained and charged with the crime. Silvia Parada, president of TravesChile, denounced the national police (Carabineros) for failing to protect the transvestites from armed aggression.

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.3 percent of adults aged 15-49, half the rate in the USA. As of the end of 2001, UNAIDS estimated 20,000 persons were infected with HIV out of a total population of 15.4 million. Of these, 1,600 had initiated highly active antiretroviral therapy (HAART).

The center-left coalition government headed by President Ricardo Lagos has launched a plan called Universal Access to Explicit Guarantees (Acceso Universal de Garantías Explicitas, AUGE), intended to provide free care for some 56 “catastrophic” illnesses, including HIV/AIDS. As of June 2002, Public Health Minister Osvaldo Artaza said that 84 percent of persons living with HIV were receiving advanced antiretroviral therapy. But Alberto Roa, editor of OpusGay, Chile’s first LGBT newspaper, said the figure was closer to 60 percent.

Roa described the Catholic Church as “the most negative and pernicious actor” in combating the spread of HIV/AIDS. In the first place, “The Catholic Church’s rejection of sexual relations between people of the same sex, which it considers ‘abnormal,’ has devastating effects on the self-esteem of young people who are just discovering that they are gay.” Moreover, “fear of the Catholic Church is extremely damaging…There has never been a massive HIV prevention campaign targeting the homosexual community in Chile, even though it is the group hardest hit by the virus.” Finally, by opposing the use of condoms, the Catholic Church has, says Roa, adopted “an irresponsible attitude that violates the most basic human right, the right to life.”

Societal discrimination against HIV-positive individuals remains a serious problem:
Verónica, a woman who discovered she had been infected by her husband in 1998, was a domestic worker in an upscale neighborhood of Santiago until her employer learned of her status and fired her.144

Isabel discovered she was HIV-positive after her husband became sick and they were both tested. Her two-year-old daughter was also tested and found to be HIV-negative. But in the following year, a day care center refused to accept the daughter on the grounds that her parents had AIDS.145

In February 2002, the Gasco Company laid off employee Carlos Zamora, after anonymous e-mail messages were sent to company management and the labor union president with the false claim that Zamora was living with HIV/AIDS. One such message said “Carlos Zamora, who works in the Maipú Plant, is sick with AIDS and has been unable to warn anyone of his condition, which is a risk for those of us who work with him and for our families. Carlos is out of control, drug addicted, alcoholic, and sexually open to all sorts of strange things. It is necessary to get rid of him to keep him from spreading his disgusting disease.” Zamora filed a claim for wrongful dismissal. As of the end of 2002, the case had yet to be resolved.146

Colombia

Colombia is a nation torn by civil war. Though there are no laws prohibiting consensual sexual activity between members of the same sex, one of the major belligerent groups in that civil war is extremely hostile to homosexuals. That group consists of the paramilitary forces of the United Self-Defense Groups of Colombia (Autodefensas Unidas de Colombia, AUC), under the leadership of Carlos Castaño. Originally organized by the government as “self-defense” forces to combat communist guerrillas, they have since grown out of Bogotá’s control. Even so, human rights organizations continue to criticize the government for tolerating collusion between the army and paramilitary groups.

According to the Bogotá daily newspaper *El Tiempo*, the paramilitaries now operate not only in rural areas but also in the cities of Medellín, Barrancabermeja, Santa Marta, Cúcuta, Bucaramanga, Arauca, Villavicencio, and Manizales. They have achieved this urban penetration in large part by striking up alliances with criminal networks.147

The paramilitaries espouse policies of “social cleansing” that target undesirables such as beggars and homosexuals. They have attacked gay men in Cucuta and Bucaramanga. In the oil port of Barrancabermeja on the Magdalena River, they have issued a manual that prescribes proper behavior for city residents. Among other things, the manual calls for banishing homosexuals. But the paramilitaries’ actual practice, according to residents, has been to impose the death penalty for anyone who “is of no use to society,” including thieves, drug addicts, drug dealers, sex workers, and homosexuals.148

The Columbian Supreme Court (*Corte Suprema*) has made several rulings advancing the rights of gays and lesbians. In a 1994 decision interpreting the constitutional prohibition of all forms of discrimination, the court ruled that “homosexuals cannot be the object of discrimination because of being homosexual. The fact that their sexual conduct differs from that of the majority of the population does not justify unequal treatment.”149
In October 2001, the Supreme Court ruled that a lesbian prisoner had a right to a conjugal visit by her partner. The groundbreaking case, argued by feminist lawyer Marta Tamayo, enabled Alba Nelly Montoya, held in the Risaralda women’s prison, to enjoy intimacy with her loved one. On November 21, 2002, Tamayo, with help from the Ombudsman’s Office in Manizales, succeeded in getting a judge to grant visitation rights to another lesbian prisoner, Marta Alvarez.

In April 2001, the Constitutional Court ordered all schools to remove rules governing sexual behavior from their codes of conduct. That means that extramarital sex, abortion, prostitution, and homosexuality are no longer subject to disciplinary action by school authorities.

Despite gains achieved in the federal courts, LGBT persons remain subject to harassment, as illustrated by the following cases:

- In early 2001, Alvaro Miguel Rivera, an agronomist and gay activist in Villavicencio near Bogotá, began being followed and receiving threatening telephone calls. In mid-April he tried to file a complaint with municipal authorities, only to be advised “to wait until something happens before taking action.” Rivera has been active in assisting persons infected with the HIV virus or suffering from AIDS in the state of Meta southeast of the capital.

- In May 2001, security personnel at the University of Antioquia in Medellín harassed students and visitors who were either gay or appeared to them to be gay, culminating in the beating of gay student activist Robinson Sánchez. Following complaints by local and international organizations, university authorities met with activists and agreed to cooperate in rectifying the situation.

- Just after midnight on March 1, 2002, a grenade was tossed at the home of Manuel Velandia Mora, an openly gay candidate in parliamentary elections. The blast caused serious structural damage, but no one was hurt. The home is occasionally used for meetings of the LGBT organization Solidaridad Comunitaria (Community Solidarity). Following the attack, anonymous death threats were made in telephone calls to his home and to the organization’s offices. Velandia notified the offices of the Attorney General and the Ombudsman. Police protection was provided for two days, then removed.

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.4 percent of adults aged 15-49, two-thirds the rate in the USA. As of the end of 2001, UNAIDS estimated 140,000 persons were infected with HIV out of a total population of 42.8 million.

A series of court decisions during the late 1990s, culminating with a ruling by the Constitutional Court, established the right of social security beneficiaries living with HIV/AIDS to receive advanced retroviral treatment. The Constitutional Court specifically stated that the Social Security System (Sistema de Seguridad Social) cannot deny treatment to anyone who cannot afford to make copayments.
Ecuador

Ecuador is the only country in the Western Hemisphere whose constitution includes a provision explicitly forbidding discrimination on the basis of sexual orientation. Article 23, Section 3, of the constitution promulgated in 1998 reads as follows:

_Equality before the law._ All persons shall be considered equal and shall enjoy the same rights, freedoms, and opportunities, without discrimination due to birth, age, sex, ethnicity, color, social origin, language, religion, political affiliation, economic position, sexual orientation, health status, disability, or difference of any other kind._

Yet there is a serious gap between law and enforcement. Sexual minorities in Ecuador continue to face severe prejudice and discrimination, as the authorities fail to enforce their constitutional rights. According to the Quito daily newspaper _La Hora,_

The discriminatory treatment sexual minorities receive in our society is well-known: it is not easy for them to obtain decent work, they cannot safely take part in certain public events, they are seen as strange and dangerous, among other things._

Despite the nominal constitutional guarantee of nondiscrimination, sexual minorities are still subject to harassment under the Penal Code, which sanctions “those who publicly offend against modesty by means of indecent acts or speech.” The vague language lends itself to arbitrary interpretation. And although such infractions are legally punishable only by fine, detentions are routine.

The situation has been especially severe in the city of Guayaquil since the appointment of a new National Police chief for the Province of Guayas and Galápagos in September 2001. According to Neptalí Arias Zambrano, Director of the Friends for Life Foundation (Fundación Amigos por la Vida), the new police chief told him that “I am not against homosexuals who behave discreetly, I am against those who dress as women and those who flaunt their homosexuality.” The police chief has directed his force to carry out “operations to enforce morality and good customs” (Operativos de control de la moral y las buenas costumbres), which culminate in the detention of gay men.

The first gay pride march was held in Quito on August 27, 1997. In June 2001, the First National LGBT Conference was held in the same city, with delegates from Ambato, Riobamba, Manta, Cuenca, Guayaquil, Esmeraldas, Ibarra, Loja, and Quito, among other localities.

Incidents of police repression remain frequent throughout the country, as demonstrated by the following cases:

- On May 31, 2001, two police officers detained Patricio Ordóñez Maico, a gay man, taking him to a station in the Mariscal section of Quito. An officer strip-searched him for arms or drugs, but found nothing. While Ordóñez was naked, an officer began abusing him sexually, but stopped when Ordóñez protested. The officers allegedly took money from him, wrote down his address, and warned that if he filed a complaint, they would find him, shoot him, and dump him in the Machangara River. On June 2, 2001, National Police officers stopped Jairo Cortéz Jalca, another gay man, and Patricio Ordoñez as the two were walking home in Quito. The officers beat them, seized Cortéz’ bag, and ordered Ordoñez to leave. They then continued to beat Cortéz. Seeing Ordoñez watching from
nearby, they called him back, striking him and mocking him as the “husband” of Cortéz. The officers stole money and other possessions from the victims. On June 8, Ordóñez reported seeing one of the officers in a patrol car in front of his home. On June 28 and 29, 2001, Jairo Cortéz and Patricio Ordoñez filed complaints with the judicial police, accompanied by an attorney from the Ecumenical Human Rights Committee (Comité Ecuménico de Derechos Humanos, CEDHU). As of March 2002, there had been no response from the police.163

At midnight on June 15, 2001, six members of the National Police intercepted Henry Rodríguez Lozano, president of the Ecuadorian Foundation for Sexual Minorities (Fundación Ecuatoriana de Minorías Sexuales, FEMIS) at the intersection of Primero de Mayo and Tucán Streets in Guayaquil. They forced him into a gray van with license plates indicating the vehicle belonged to the Guayas Province Police Administration (Intendencia de Policía de Guayas). The police officers told Lozano he was being detained because of his repeated filings of complaints against police abuse.164

In June 2002, a police disciplinary tribunal fired officer William Guerrero Capuz for violating the human rights of homosexuals, and thereby committing serious infractions of the Code of Discipline of the National Police (Reglamento de Disciplina de la Policía Nacional).165

On October 12, 2002, police arrested Jairo Giraldo, a Colombian, and Javier Guanga, his Ecuadorian transvestite boyfriend, at the Quito airport as they sought to leave the country. Ten days earlier, Giraldo had been observed exiting the building where a man named Daniel was strangled to death. Giraldo confessed not only to that murder, but also to the strangling deaths of four other men over the previous half year. He said he had been traumatized by rape at age nine, and that as a sex worker in Colombia he had been accustomed to always being the “active” partner in anal sex. In Ecuador, however, his clients insisted on assuming the “active” role, so he killed them in fits of rage.166

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.3 percent of adults aged 15-49, half the rate in the USA. As of the end of 2001, UNAIDS estimated there were 20,000 persons infected with HIV out of a total population of 12.8 million. The AIDS Law (Ley de SIDA) passed by Congress in April 2000 commits the government to provide free testing and treatment for AIDS and associated ailments. Yet most Ecuadorians are not covered by the government social security system, with the result that only 500 persons covered by that public insurance program were receiving antiretroviral cocktails in 2002. Even for them, the country’s economic crisis was causing interruptions in treatment due to shortages of medications. The only persons getting full and dependable treatment were some 100 members of the armed forces and police, who benefit from a separate government program. The high price of antiretroviral treatments on the open market keeps them out of reach for most Ecuadorians, according to the Agua Buena Human Rights Association.167

Paraguay

There are no laws prohibiting consensual sexual activity between homosexuals.168 But societal prejudices remain very strong. That is just as true in cities as in rural areas, and the
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authorities have shown little or no interest in protecting the most basic human rights (including the right to life) of homosexuals.

A lesbian Peace Corps volunteer who served in rural Paraguay from 1999 to 2001 described her experience as follows:

…no cultural acknowledgement of lesbianism exists in that super-macho environment. Heterosexuality – and a lot of it – is the only option…The first gay person ever to come out in this country of 5 million people did so just last year [2001]. Considering the extent of machismo and homophobia, the fact that a lesbian would dare to come out in the popular press was astonishing.169

In March 2001, the Gay-Lesbian Action Group (Grupo de Acción Gay-Lésbico, GAG-L) opened the country’s first gay and lesbian human rights office in Asunción. In June, GAG-L began a public education campaign entitled 108 Reasons Not to Discriminate (108 Motivos para No Discriminar).170

Violence is a constant hazard faced by members of sexual minorities in Paraguay; typically, the authorities make no effort to prosecute those who assault homosexuals:

■ In May 2001, unknown assailants attacked a transvestite in Asunción, the nation’s capital. Three men approached the transvestite in an automobile. One man hopped out and forced the victim inside the car, where the latter was stabbed in the chest. The victim was taken to the Emergency Room, and a formal complaint was filed, but police took no action.171

■ In June 2001, three policemen sexually assaulted a 22 year old man with the initials BS at a police station in Asunción. Prior to the detention, the police had been mocking the victim because of his sexual orientation. The victim dared not go to the hospital or file a complaint out of fear of reprisals.172

■ Also in 2001, neighbors harassed and attacked a 38 year old gay man with the initials AM. The neighbors, who rented rooms in the same rooming house, routinely showered AM with obscene insults alluding to his sexuality, and with threats of rape. At one point, they broke into the shared bathroom while AM was showering, and threatened to kill him. On another occasion, they vomited on his door. When AM went to the police station, the officer on duty declined to take his complaint, instead counseling him to keep quiet about what had happened.173

■ On November 14, 2002, Paraguayan Army general Santiago Quiñonez Imas denounced news media reports that a 17-year-old male recruit was “systematically raped by Captain Omar Emilio Caceres,” saying the allegations were part of a mudslinging campaign to discredit the country’s military draft.174

In 2001 the government of Paraguay was still sponsoring extensive counseling under the National AIDS Program (Programa Nacional de SIDA) “to help the patient die well” (ayudar a bien morir al paciente). According to a report submitted to the Inter-American Commission on Human Rights by AIDS assistance groups from throughout Latin America, the government abruptly terminated funding for the treatment of some 300 persons living with
HIV/AIDS, claiming it was facing a budget crisis. As a result, those persons lost access to antiretroviral medicines. A local nongovernmental organization reported that the emphasis had shifted to alleviating the suffering of AIDS patients by trying to obtain medicines that merely treated the opportunistic infections suffered by persons with untreated AIDS.\textsuperscript{175}

**Peru**

A major factor in Peruvian society’s strong antipathy toward alternative expressions of sexuality was the fusion of two cultural traditions – that of the Spanish *conquistadores* and of the previously dominant Inca empire – that idealized warrior-men. In its Spanish form, the idealization of hyper-masculinity came to be known as *machismo*. But the Incas likewise were said to despise men who failed to “behave like men.” According to the chronicler Garcilaso de la Vega, the tenth Inca, Tupac Yupanqui, had “sodomites” burned alive in the public squares.\textsuperscript{176}

Though there are no longer any laws explicitly prohibiting sexual activity between civilians of the same sex, authorities frequently invoke vague laws aiming to uphold “public morality” as a tool to repress sexual “deviance.” Moreover, Section 269 of the Military Penal Code of 1988 provides for penalties ranging from 20 days to 20 years in jail for “dishonorable acts of carnal knowledge against the order of nature.”\textsuperscript{177}

The Lima Homosexual Movement (*Movimiento Homosexual de Lima*, MHOL) was founded in 1983. But Peru’s first gay pride parade was not held until 2002, when a scant few hundred marchers braved Lima’s unwelcoming atmosphere. Marchers wore masks to hide their identities as they bore signs saying “we want to be visible, but intolerance suppresses us.” Rosa, a 33-year-old woman who declined to give her last name, said “I am sure that if I marched without this mask, come Monday I would show up for work without a job.” Larry LaFontain, a professor of Puerto Rican and Caribbean Studies at Rutgers University in the United States, said “It’s noticeable that lots of people in the parade are scared and concerned… I have friends who are not openly gay and are uncomfortable with being here.”\textsuperscript{178}

Peruvian-born fashion photographer Mario Testino, who wore flashy clothes as an adolescent in Lima, says he could not safely walk the streets of the capital city. “Either my mother lent me her driver, or I spent my allowance on taxis. I couldn’t walk on the street because people threw eggs or shouted at me. In Peru, if you do anything even slightly feminine you’re considered a faggot.”\textsuperscript{179}

Between 1996 and 2000, the government of President Alberto Fujimori carried out a mass sterilization program aimed at poor indigenous women and men, including homosexual men. A quota system rewarded public health physicians with promotions in return for persuading members of these groups to agree to irreversible sterilization. More than 215,000 indigenous women were sterilized. Another 15,000 vasectomies were performed on poor indigenous men. According to gay rights groups, homosexual men were particularly targeted. When seeking treatment for other conditions, they were offered alcohol or other incentives to have a vasectomy. One of those men, Colmer Rengijo, said “they told me ‘this will make you more feminine and sexy.’”\textsuperscript{180}

In 1997, the US Immigration and Naturalization Service granted asylum to a male-to-female transsexual from Peru who had been “taunted, humiliated, and physically attacked by her
family, classmates, teachers, and strangers on the street,” and “arrested and detained by the Peruvian police for being a gay man.”

The Pontifical Catholic University of Peru, in Lima, has barred a gay student organization from holding any events. The organization, Parenthesis Collective (Colectivo Paréntesis) was formed by two third-year students, Rodrigo Vecco and Bernardo Nieuwland. In addition, the university distributed a pamphlet – “Sexual Identity: Is It Possible to Choose?” – which describes homosexuality as an illness which can be cured:

There are innumerable psychological studies from the past 40 years that describe childhood problems that form part of the history of persons with homosexual inclinations: distorted maternal and paternal role models; peer group problems in childhood; sexual abuse in childhood, among others.

It is fair to say that most authors agree that homosexuality is a psychosexual problem. That rules out those theories that would attribute a genetic or physical cause to the problem.

Like any other behavioral problem, homosexuality can be reversed.

The pamphlet was prepared at the request of the university’s chancellor, Cardinal Juan Luis Cipriani, Archbishop of Lima.

The UNDP reported the prevalence rate of HIV/AIDS in 2001 as 0.35 percent of adults aged 15-49, slightly over half the rate in the USA. As of the end of 2001, UNAIDS estimated there were 53,000 persons living with HIV/AIDS out of a total population of 26.1 million. According to Richard Stern, director of the Agua Buena Human Rights Association based in San José, Costa Rica, about 80,000 Peruvians were HIV-positive as of December 2001, roughly 10,000 of whom had developed AIDS. Of these, only 894 were among the eight percent of Peruvians covered by ESSALUD (Empresas de Seguros de Salud), the government-administered social security and health plan that provides anti-retroviral treatment. Another 140 members of the Armed Forces and their families were likewise receiving treatment (although treatment of family members terminates with the death of the servicemember). The New York-based AID4AIDS was supplying another 60 persons with anti-retroviral treatment. That still left almost nine out of ten persons afflicted with AIDS to fend for themselves. The annual cost of anti-retroviral treatment ranged from $4,500 to $7,000, in a country in which more than 40 percent of the population earned less than $730 a year.

**Uruguay**

According to sociologist Carlos Basilio Muñoz, “Uruguayan society is racist and anti-homosexual, often without realizing it.” He says homophobia in his country expresses itself as the “reign of the three ‘I’s … homosexuality should be nonexistent [inexistente], unmentionable [innombrable], and illicit [ilícito].”

In January 2001, Uruguayan president Jorge Batlle told the *New York Times* that Sitges, a coastal town on south of Barcelona, Spain, “was a better place when they [my family] lived there. Now it is full of gay Germans. I prefer normality… I say what I believe and I am not a hypocrite. In a few words, I like women.”
But Uruguay has no laws penalizing sexual activity between members of the same sex. And attitudes towards homosexuals are changing, especially in Montevideo. Montevideo’s first gay pride parade was held in 1993. Since then, the parades have expanded to the point where sympathetic heterosexual participants outnumber homosexuals, and even the Federation of High School Students (Federación de Estudiantes de Secundaria) has joined in.

On October 18, 2001, the Uruguayan Chamber of Deputies (Cámara de Diputados) unanimously passed a bill banning violence and incitement to hatred on the basis of sexual orientation. The bill was sent to the Senate, which stripped the bill of amendments made in the Chamber of Deputies that had weakened it. The Chamber of Deputies eventually accepted the Senate version of the bill, and on July 10, 2003 the bill received final approval by Parliament. In its final version, the bill provides in Article 149.2 that “Those who publicly or through any public media incite to hatred, disregard or any form of moral or physical violence against one or more persons on the basis of their sex, sexual orientation or gender identity, profession, craftsmanship, or physical condition will be punished by spending three to eighteen months in prison.” Article 149.3 increases the sentences to six to 24 months in prison for “those who indulge in acts of moral or physical violence, hate or disregard” toward the same groups.

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.3 percent of adults aged 15-49, half the rate in the USA. As of the end of 2001, UNAIDS estimated there were 6,300 persons living with HIV/AIDS out of a total population of 3.4 million.

In 1997 the president of Uruguay signed a decree ordering all public and private health treatment centers to provide antiretroviral medications to all persons whose attending physicians prescribed them. Some 740 persons diagnosed with HIV/AIDS were soon receiving advanced antiretroviral treatment. In October 2001, the Network of Uruguayan AIDS Service Organizations (Red de Organizaciones Uruguayas con Servicio en SIDA, ROUS) stated that “ever since the existence of HIV/AIDS, our country has been able to count on the most recent medications for the treatment of this affliction, in general for those who rely on the Public Health system and the Institutions of Group Medical Assistance.”

**Venezuela**

According to José Ramón Merentes, coordinator of the Gay, Lesbian, Bisexual and Transsexual unit of Venezuela’s Amnesty International chapter, “The attitude in this society is one of general tolerance but incomprehension and ignorance prevails…There isn’t widespread violence against gays but they fear losing their jobs. Abuses are not vigorously investigated.”

Sexual activity between consenting members of the same sex is legal. Labor laws prohibit discrimination against sexual minorities, but employers often fire persons who they discover to be homosexual, alleging other reasons if need be.

The Gay, Lesbian, Bisexual and Transgendered (GLBT) Network was formed in January 2001, and the first gay pride parade was held in Caracas on July 1, 2001. A lesbian participant, Juliana Pinental, held her girlfriend’s hand, something she said she usually did not dare do in public.
Over a thousand persons took part in Caracas’ second gay pride parade, in June 2002. One of the participants, José Luis González, 28, told a reporter “Things are changing for us. It’s not as bad as it used to be.”

In the previous year there were two reports of harassment:

- In February 2001, the prefect of the municipality of Valencia, in the state of Carabobo (about 60 miles west of Caracas), illegally detained Estrella de los Angeles Alvarez Vázquez, president of the Confederation of Venezuelan Transsexuals (Confederaciòn de Transexuales de Venezuela). A judge ordered Alvarez Vázquez released after she had been held for six days.

- In June 2001, intelligence officers of the Carabobo State Police entered the Office of the Human Rights Defender (Oficina del Defensor de Derechos Humanos) in Valencia without a search warrant. They searched through archives and threatened office coordinator Israel Álvarez de Armas, an advocate for the rights of transvestites.

As in much of Latin America, transvestites face a particularly high risk of discrimination and violence, in part because cross-dressing is associated with sex work. The situation has been especially severe in the state of Carabobo, where police appear to have been implicated in murders of transgendered persons:

- On July 29, 2000, two men shot to death Dayana (legal name: José Luis Nieves) in a guest house in Valencia, capital of the state of Carabobo. At the time, Dayana was recovering from pellet wounds inflicted by a state police officer. The circumstances of the murder led Amnesty International to speculate that it was an extrajudicial execution. Days later, on August 9, police detained two of Dayana’s companions – Pocahontas (legal name: Ronny Yosmar Aquino) and La Guajira (legal name: Alexis Medina), forcing them to undress in the street, and then beating them. On October 7, Ricardo Hernandez Lanz, the then-commander of the Carabobo police, was quoted in the Valencia newspaper Diario Sucesos saying “homosexuals and prostitutes in Carabobo must be ruled by a police code. They cannot move freely in the streets because several families have denounced them for stealing purses, distributing drugs and enticing minors into prostitution. Tell me if there is anybody who can stop me from doing my work. Nobody.”

- On January 11, 2002, the body of transvestite Michelle Paz (legal name: Janny Paz), 21, was found in Urbanización Santa Cecilia, on the northern end of Valencia, capital of the state of Carabobo. Paz, who was last seen doing sex work on Avenida Bolívar between 3 and 4 am, had been shot three times in the back, and once in the face. Earrings, a watch, a cellular phone, and cash were still on the body when it was discovered, ruling out robbery as a motive. Police neglected to seal off the site where the body was found, or even to preserve the clothes found with the body, suggesting a lack of interest in carrying out a serious investigation.

- On January 13, 2002, a uniformed police officer fired two shots at Paola Sánchez on Avenida Bolívar. Sánchez was unhurt, but several hours later police entered her home
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without a warrant, and took her into custody for three days, but did not press charges. Sánchez lives in the home in which Dayana Nieves was murdered in July 2000.201

Following issuance of an alert by the Intelligence Division of the Carabobo Police on February 8, 2002, Maury Oviedo went into hiding. The alert read: “Officer: If you arrest this person, please report to the Commanding Officer and transfer her immediately to the Intelligence Division. Name: Maury Oviedo. Age: 28. Drag queen (homosexual). No permanent address. Monetary compensation is offered. A picture is attached.” Oviedo, president of the local transgender organization Respect for Personality (Respeto a la Personalidad), had been agitating for investigations into the murders of two fellow-transvestites, Dayana Nieves and Michelle Paz.202

On February 8, 2002, Leonela Valero Parra, 24, was found dead in Maracaibo, in the state of Zulia, with bullet holes in the back and chest.203

On March 26, 2002, the body of Angie Milano (legal name: Andy Rafael Milano), 28, was found in an advanced state of decomposition in the Mañongo hills behind the Sambil shopping mall in Valencia, in the state of Carabobo. Milano was a member of the local transgender organization Respect for Personality

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.5 percent of adults aged 15-49, slightly below the rate in the USA. As of the end of 2001, UNAIDS estimated there were 62,000 persons living with HIV/AIDS out of a total population of 24.6 million.204

In May 1997, the First Administrative Court (Corte Primera de lo Contencioso Administrativo) ruled that all beneficiaries of the government’s social security program who are living with HIV/AIDS have a right to receive antiretroviral treatment. On July 15, 1999, the Supreme Court went further, recognizing access to retroviral medications as a fundamental right, and ordered the Ministry of Health to provide such treatment to all Venezuelans and foreign residents. That decision led to the provision of antiretroviral treatment to some 12,000 persons diagnosed as living with HIV/AIDS.205

Central America

Costa Rica

Aided by the country’s long-standing tradition of resolving conflict through dialogue and the rule of law, sexual minorities have made substantial progress in recent years.

Explicit prohibitions of private homosexual behavior between consenting adults were repealed in the 1970s. But Article 382(15) of the Penal Code sets fines of three to thirty days’ wages to anyone who “practices sodomy in a scandalous manner.” Neither “scandalous” nor “sodomy” is defined.206

The country does not have legislation explicitly prohibiting discrimination on the basis of sexual orientation. But the Supreme Court and other government agencies have given a liberal interpretation to Article 33 of the Constitution, which states that “every person is equal before the law and no discrimination whatsoever may be practiced contrary to human
dignity.” Beginning in the mid-1990s, a series of government actions have substantially reduced discrimination against sexual minorities.

In July 1994, thirteen transvestites in San José filed complaints with the national Human Rights Commission claiming police harassment and arbitrary detention. They said they were held without charges, mocked, insulted, fingerprinted, lashed, and forced to sweep and clean the police station between June 17 and 19. Following an investigation, the Security Ministry reassigned some police officers. In September 1995, the government launched a program to teach police to respect transvestites.207

Another turning point came in 1995, after truckloads of police raided the chic club Déjà-Vu in San José on a busy Friday night. The police arrested the owner and demanded identification from hundreds of patrons. Club owners and local activists then sued the police, and the Supreme Court ruled that the raid had been illegal and discriminatory. There have been no raids on bars since that precedent-setting decision.208

As Costa Rican homosexual life came increasingly into the open, gay saunas became popular. Sauna Pads, a chic US-style bathhouse two blocks west of the Holiday Inn in downtown San José, opened in 1999. City officials immediately closed the sauna, arguing it violated Costa Rican standards of “proper behavior and public morality.” Sauna owner Sebastian Degand appealed to the Supreme Court. On January 11, 2000, the court ordered the sauna reopened, stating that “subjective criteria of morality and proper behavior have no legal basis ... and represent a violation of the fundamental rights granted by our Constitution.”209

On March 24, 2003, the country’s child welfare organization, National Infancy Patronage (Patronato Nacional de la Infancia, PANI) granted “provisional custody” of a nine year old boy to a male-to-female transsexual named Mairena. The government agency stated that she had “provided him food, care, upbringing, education, assistance, recreation, health, clothing, lodging, love, and attended to other needs that are today considered as rights, fulfilling the role of a good parent.”210

In June 2003 the National Insurance Institute responded to a query from a Costa Rican LGBT organization with an official letter stating that “a potential insurance holder can appoint as beneficiary any person on whom she/he has an insurable interest, with no discrimination whatsoever in terms of race, age, sexual preference or any other status.” That means that any employee covered under mandatory public insurance programs that apply to jobs in government and the formal sector of the economy has a right to name a same-sex partner as beneficiary for life and medical insurance plans.211

San José now has a lively gay scene, including a dozen bars and clubs, four gay saunas, an internet café, and many gay-friendly hotels, restaurants, and other businesses. The anchor of Costa Rica’s leading television evening news program, Marcello Castro, recently revealed that he is gay, one of very few Latin American celebrities to have publicly declared a homosexual orientation.212

Yet according to Richard Stern, who has spent many years working as a psychologist in Costa Rica, popular culture has yet to catch up with advances made by sexual minorities on the political and legal fronts. The prevalence of machismo still means that
An effeminate boy or masculine girl may be tormented unmercifully in high schools, and even by their own family members. I worked as a psychologist in local non-governmental organizations for five years, providing support to sexual minorities and people living with AIDS. Many of the clients I treated had been, at one point or another, on the verge of suicide because of rejection at home or in school.\textsuperscript{213}

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.55 percent of adults aged 15-49, slightly below the rate in the USA. As of the end of 2001, UNAIDS estimated there were 11,000 persons infected with HIV out of a total population of 4.1 million.\textsuperscript{214}

In 1997, the Costa Rican Supreme Court issued two rulings benefiting persons afflicted with AIDS. In the first, it found that the Calderón Guardia Hospital discriminated illegally against AIDS victims for over 10 years by refusing to provide laboratory services for them. The second ruling directed the Costa Rican Social Security Fund (\textit{Caja Costarricense de Seguro Social}, CCSS) to provide antiretroviral medications to a psychology graduate student who was ill with AIDS. In its verdict, the court stated that “medical assistance is a duty of the Costa Rican State, derived from the concepts of justice and social solidarity contained in the Constitution, and the mission it assigns to the Costa Rican Social Security Fund.” Until that decision, it had been CCSS policy to provide treatment only to pregnant women infected with HIV.\textsuperscript{215}

Costa Rica is now the only country in Central America that provides advanced antiretroviral cocktail therapy to all who need it, including foreign residents.\textsuperscript{216}

\textbf{El Salvador}

Consensual sexual activity between homosexuals is legal.\textsuperscript{217} But societal prejudice against sexual minorities runs very strong, endangering the safety of anyone known to be homosexual.

A case in point is that of William Hernández, an openly bisexual man who heads a local gay rights group, who has been under round-the-clock police protection following his denunciation of a popular priest for sexual abuse. Hernández said Luis Recinos, a parish priest in Apopa outside San Salvador, made him his personal assistant at age 16. The sexual advances began as hugs and tender kisses. Later, Recinos made Hernández perform oral sex, and beat him when he refused. Because of the authority of the Roman Catholic Church and of the priesthood, Hernández said he dared not resist, and later did not dare report what had been done to him. Hernández fled in 1989, after a year of abuse. He did not denounce Recinos until 2000, after a friend told him he had likewise been abused by the priest as a teenager. It later became known that Recinos had been accused of molesting boys at a previous parish, but had merely been reassigned to Apopa. Nothing came of Hernández’ complaint until after the scandal over priestly abuses in the United States spilled over into El Salvador.

According to Sergio Bran, a sociologist at the University of Central America in El Salvador, “Here, priests are sacred, almost godlike. They have total power. No common person is going to take them to court.” In the \textit{macho} culture of El Salvador, as elsewhere in Latin America, it is widely believed that any male victim of sexual abuse – especially in the case of rape – is to blame. “People don’t see the boy as a victim, but as a coward, an effeminate person,” said Bran. “The macho culture is very cruel. It doesn’t recognize victimhood.”\textsuperscript{218}
As illustrated by the following cases, instances of murderous violence against homosexuals are frequent, and are generally not pursued by the authorities:

- On June 29, 1999, unknown individuals shot and injured a gay man as he was leaving the offices of Entre Amigos (Among Friends), an LGBT organization in San Salvador, in the company of William Hernández, the organization’s executive director.219

- On October 27, 2000, two men on a motorcycle intercepted the administrative director of Entre Amigos. They stole her identification documents and money intended to pay employees’ salaries. Two days later, intruders broke into the organization’s offices, and removed a fax machine. The organization responded by installing an alarm system. A few weeks later, on December 3, intruders again broke in after cutting the alarm system cables. They searched the offices thoroughly, removing membership lists and photos as well as clothes and petty cash. Following complaints from local and international groups, the authorities provided police protection in early 2001, and the attacks ceased.220

- At about 3 am on November 19, 2000, a gray van drove up to a transvestite and a young man who was accompanying him near the corner of Avenida Sur and Calle Arce in San Salvador. Unidentified men fired five rounds into the transvestite known as “Walquiria,” who was a member of Entre Amigos. Walquiria died on the spot. His companion, Orlando Sánchez, was shot three times, but survived. According to the International Gay and Lesbian Human Rights Commission,

The method in this crime was the same as in the murders of Nestor Adonai Marenco (December 1999) and Jose Armando Rivera (October, 1999). Seven similar killings were reported in 1999 and twelve in 1998. None of those cases has been solved, or even seriously investigated, by the police. Activists point to the general impunity enjoyed by many offenders in El Salvador, and to a record of indifference on the part of the criminal-justice system toward violence or abuse against members of the homosexual community, with only cursory or perfunctory investigations being undertaken.221

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.6 percent of adults aged 15-49, equal to the rate in the USA. As of the end of 2001, UNAIDS estimated there were 24,000 persons infected with HIV out of a total population of 6.4 million.222 As of May 2002, the Salvadoran Social Security Institute (Instituto Salvadoreña del Seguro Social, ISSS), which insures less than one in six Salvadorans, was providing antiretroviral medications to less than 300 persons. Of another 2,000 persons diagnosed with HIV, less than 50 were receiving antiretroviral therapy in the national hospital system. With almost half the population earning less than $730 a year, and the cost of antiretroviral medications well above that level, most Salvadorans living with HIV/AIDS have been denied effective treatment.223

Compounding the problem, the Salvadoran Congress passed a bill in 2003 that authorizes employers to require HIV testing of prospective employees.224
Testimonial: Elmer Valladares, granted asylum in USA

My name is Elmer Valladares... I was born on October 20, 1969 in El Salvador... Growing up can be a very hard experience over there if you are gay. People in that environment don’t think there are gay people at all! And when they find out one’s gay then, his or her life becomes hell...

Oh, school was so hard because everybody laughed at me. They did it because I looked different. I was always a little feminine and walked like a girl. But I didn’t realize that! My schoolmates would tell me I was like a lady, a sissy... They laughed, they pushed me, they grabbed me in the ass... It was very, very hard! My torments didn’t stop even when I got a girlfriend in order to try and disguise my sexual orientation... I didn’t want to have a girlfriend but my family pushed me to that because in my country there is a lot of machismo. You have to date someone of the opposite sex. It is not a matter of choice... There are a lot of gay people that have to hide, because people don’t want gay people in there. So, yeah, I had a girlfriend in school to prevent people from making fun of me. I’d suffer even more once I was dating someone I didn’t want to and people would still make fun of me sometimes!...

Being harassed is part of gay life in El Salvador... However, nothing, but really nothing compares to what happened in February, 2000... That was not harassment anymore, but plain, actual, barbaric violence! I had this lesbian friend who had a kind of a restaurant or snack bar... I’d go there almost every single day in order to help her out once I had nothing to do in the evenings. I’d sometimes stay there till late at night and the way back home was dark, very dark and desert... One of these nights when I’d stayed till late there – like, 10 o’clock – I saw three guys walking towards me while I was going back home. When I first set eyes on them I thought: “Oh, oh... I’m in for trouble!” I recognized they were police officers because I knew police would always patrol that area. They stopped me and asked me what I was doing there at that time at night... I tried to explain to them that I was simply going home but they wouldn’t listen to me. They briskly told me I was to follow them to the police station instead. When I tried to explain a second time that I was just going back home, they grabbed me by my neck and pushed me to the ground. I begged them not to hurt me but they started hitting me with their nightsticks... I thought wiser to stop protesting and let them take me to the police station. They could’ve killed me right there in the middle of the street if I offered any resistance... Once at the police station they took off my clothes and put my head in a big water tank... They pushed my head under the water and held me down like that for a minute and then pulled me out. They kept doing that for a while... Up and down, up and down... It felt as if I were going to suffocate. I was crying but that didn’t touch them a bit! When they got bored of doing that, they took me out of the tank and put me on a table... They told me to close my eyes; I did it... After a few seconds, they started to hit me, many, many, many, many times! It lasted an eternity... They hit me in the ears, eyes, the whole body. They broke my arm, hurt my ribcage real bad... They hit me with the nightsticks so many times that my eyes were bleeding! My ass became pitch black... The blood became black, and my butts got really swollen. It was horrible!

I was too afraid to go to the hospital by myself, so my lesbian friend Carmen had to go there with me. I stayed there for three days and remained in pain for nearly a month so badly they’d knocked me! In the hospital, I was not given much medication and the little medicine I took was not really good to me. It seems as if they didn’t care much about me, you know... I was gay and besides that I’d been tortured by policemen. Who wouldn’t
stand up and help me out in such a conservative environment as that of Central America?! When my friend realized that the medication was doing me more harm than good she began to administer natural medicine and I healed after a few weeks of pain. It was a terrible time for me... I also owe a lot to that friend who helped me in those trying times...

Sometime during the one month I had to stay home I called a friend of mine in Toronto and told him what had happened to me. He advised me to leave the country as soon as possible, if not I might get killed. I had just contacted the Human Rights organization in San Salvador and was willing to go ahead and denounce the guys who had done that horrible thing to me. I made an appointment with the Human Rights representatives and told what had happened to me... On the day after the interview, I went to have pictures of the parts of my body they had hit... They took hundreds of pictures! But, in order to take the case ahead they would need me to testify against the police. They needed proof so they kept asking me for the police station and the names of the guys... I asked my friend Carmen to come with me because I was afraid to go out by myself! She told one of the guys who had assaulted me that I was going to the Human Rights. He told her to tell me that if I gave their names to the Human Rights they would kill me. They could lose their jobs and be prosecuted if I decided to go on with that case, so they threatened me... I won’t deny I was afraid... I was terrorized! After all the suffering and pain I had just gone through I didn’t want to jeopardize my life even more! All I wanted to do was to run away from that damn place never to come back!! So I didn’t go back to the Human Rights... Just after that I asked my Canadian friend to help me get out of my country...

I don’t really like my country and I don’t want to go back there. There’s NOTHING there that I miss! Being in my country when you’re gay is like being in hell! Your life is under threat all the time and people think you don’t deserve to live. There were a lot of gay people who got killed when I was there. Really, a lot of people... Gay people there suffer a lot. The government doesn’t do nothing to protect us. They don’t care...

Guatemala

Though there is no explicit legal prohibition of homosexuality in Guatemala, strong societal prejudices exist against homosexuals, who are thought of by large numbers of people as human rubbish subject to “social cleansing,” a euphemism for righteous execution.

Because of the generally repressive atmosphere, the only openly homosexual individuals in Guatemala are effeminate men who cannot conceal their orientation. Effeminate men, particularly those with little or no education, have few legal employment prospects. Many of them turn to the sex trade, becoming transvestites in order to allow their customers to maintain the appearance of being macho. In so doing, they become highly visible targets for “social cleansing.”

According to Amnesty International,

Apparent immunity from prosecution for illegal acts has also allowed open season for “social cleansing,” particularly attacks on street children and sex workers including transvestites. Such attacks may be instigated or carried out by the police – they are certainly not seriously investigated by them.

Murderous attacks on homosexuals are frequent occurrences in Guatemala. Authorities typically show little interest in investigating such murders, let alone prosecuting them:
On December 28, 1999, a boyfriend found Larry Lee, a gay 41-year-old journalist from the United States, naked and slashed to death on the bed in his apartment in Guatemala City. Lee’s family, frustrated by the lack of police interest in solving the murder, hired a private investigator who discovered that numerous calls had been placed from a cellular phone stolen from Lee after his death. Appeals from Larry’s younger brother Scott for authorities to investigate the calls were ignored for two years. According to Scott Lee, “The Guatemalan police are looking at it as, ‘Hey, there’s another undesirable off the streets – why would we bother to investigate?’” Police said they were unable to locate some of Lee’s friends, even though a reporter managed to interview one of them. Not until the arrival of two FBI agents in February 2002 did these leads begin to be pursued.227

On May 20, 2000, a man emerged from a car and shot to death Roberto Martínez Castillo (aka Astrid LaFontaine), a transvestite sex worker, while Castillo was standing on a corner in Zone 1 of Guatemala City.228

On July 5, 2000, a young transvestite Nicaraguan sex worker who used the street name Beverly Lineth was harassed and later murdered by three young men who were driving a vehicle through downtown Guatemala City. The sex worker notified a police patrol, which asked the men for identification, then let them go. The men later returned and abducted Beverly. In a search of local hospitals, a companion found Beverly brutally beaten and barely alive: “But when I saw her, she no longer looked like herself. Her face was totally disfigured. All the blows she had taken had been to her face. Her face was so large it did not seem hers. Apparently she was beaten with a piece of pipe or something like that.” Beverly died later that day.229

On March 24, 2001, the Organization of Support for an Integral Sexuality to confront AIDS (Organización de Apoyo a una Sexualidad Integral frente al SIDA, OASIS) held a farewell party for a member of the staff. Five police patrol cars (numbered 11-003, 11-035, 11-089, 11-090, and 11-048) pulled up in front of the organization’s office. The police officers questioned persons who arrived to attend the party, and searched their cars.230

In early August 2001, two men on a motorcycle shot and killed Mario Leonel Rodríguez Monzón, a transvestite more commonly known as “Tutis.” Typically, the authorities characterized the killing as a probable act of “revenge.”231

On May 13, 2003, two men kidnapped Jorge López, President of the Organization for the Support of an Integral Sexuality in the face of AIDS (Organización de Apoyo a una Sexualidad Integral frente al SIDA, OASIS). They locked him in a truck, but he managed to escape. On May 23, López and other members of OASIS were pursued by five men in a car.232

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 1.0 percent of adults aged 15-49, two-thirds greater than the rate in the USA. As of the end of 2001, UNAIDS estimated there were 67,000 persons infected with HIV out of a total population of 11.7 million.233
As of May 2002, the Guatemalan social security system was providing antiretroviral medications to more than 1,500 persons. But well over two-thirds of the population is not covered by social security. Most of the population earns under $730 a year, well under the annual cost of medications. That leaves thousands of uninsured persons living with HIV/AIDS without effective treatment. In 2002, the Ministry of Health was providing medications to only 28 of these uninsured persons.

Testimonial: alias Alejandra Vasquez, self-described “butch dyke,” born 21 March 1969, granted asylum in US

Family life was cool, but, on the other hand, there was also a state of war going on in my country…That made things tough for everyone, but especially for gays and lesbians. The police and the army had power over everybody, including God. That created a state of persistent persecution and fear…the military could kill you without any reason…because the war justified every action they took! That state of affairs gave the perfect excuse for the army, the police and the paramilitary groups to just target minorities…People like sex workers, transgender, transvestites, gays, lesbians…We were always harassed and molested…I wasn’t personally hit by the war, but it made me more vulnerable as a gay person…The army, the police, the death squads, the paramilitary groups…None of them liked us. Unfortunately, Guatemala is a very homophobic society…

When I became an activist, everything just stopped being funny…My country had been in a civil war, so any kind of activism was perceived as dangerous, let alone gay activism! I became much more visible than I already was…For example, when Guatemala signed the peace accords in December of 1996 after thirty-four years of civil war, the gay group marched for the first time in the history of the country, together with a lot of political groups…A lot of friends of mine lost their jobs, because of that…I was afraid of losing my medical license and my reputation, too…

Anyway, prejudice and violence were everywhere. In your workplace, on the streets, EVERYWHERE! Violence was consistent to the point that I got used to it.

There was a very trashy newspaper there called “Extra”, which published the most gruesome stories and pictures of people victim to all kinds of violence…I’d say that every week they’d show a picture of a transvestite, a gay man, or a lesbian beaten or dead. With the open wounds right there for everyone to see them…That paper sold a lot, because people like to see that kind of violence against sexual minorities…

Personally, I faced violence in many different ways…I’d say, more than a hundred times! There are so many stories I could tell…The police used to have this checkpoint in the highways and on the roads toward the highlands…Well, I worked in the highlands for two or three years, so I always had to drive by that checkpoint…It was disgusting! They would stop me, ask for my ID and I would give them my driver’s license…When they compared my female name to my looks they would never believe I was a woman. They couldn’t conceive of a woman who looked like a man as I did…It was always the same story…They would drag me out of the car, telling me I wasn’t a woman…They accused me of being a fag trying to pass as a woman. They used all kinds of insulting words in the process…Most of the times they would ask me for physical proof that I was a woman…I had to show them my breasts many, many times! Just to prove I was a woman! At other times, they would search me looking for a penis. The story would end; depending on how
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much money I had in my pocket...If I had the equivalent to some five or ten dollars they would let me go. If not, I would have to give them my watch, or my jacket, or shoes – whatever I could give them to trade my safety. The Army was a little more drastic...They would ask me to lie on the floor and put my hands on my back. In the meantime, they would be checking my papers and taking away the money from my wallet. Sometimes, they would kick me just for fun...Some other times they would just put their boots on my head, close to the asphalt for me to feel – to learn a lesson, as they'd put it...And you know what that lesson was? It was that you were not accepted! Being gay and lesbian, in my country, was against everybody’s rule! The Catholic Church’s rule, the machismo society’s rule, the families’ rule, and so on...A lot of people are uneducated and assume that if you’re gay you are a child molester...Oh, it was very hard for me, especially because I was with a lot of kids in my profession...

I kept on putting up with all the violence, threats and humiliation for as long as I could. However, there was one episode that definitely opened my eyes and made me sell everything I had and come to the US...There used to be a lot of raids in the gay bars...Sometimes, they would hop from one bar to the other just to scare and harass us...We basically had two gay bars: one was very, very cheap in a very unsafe area and the other was middle-class. They would usually start from the low-class bar and people there would call the other bar to let people know the police were on their way. When that happened everybody would just leave as soon as we got informed. They would stop the music and we would go away...On a Friday night, in the late nineties, I was in a gay bar, dancing...Suddenly, the music stopped and immediately we knew that the police were there. That was the sign...everybody started getting out their ID’s to show the cops. This time it was going to be different, though...They brought a video camera with them, with a big light...About ten, fifteen policemen came and put us all in a line, to frisk us. Every time they searched us they’d take their time to touch us as much as they liked. That added to the humiliation...Then, they asked us to pose for the video camera...I thought I was going to lose my hospital job, if they showed that on TV! ... I just said, “I’m not going to do it.” And I asked the police officer why I needed to be video taped...I thought I was going to lose my hospital job, if they showed that on TV! ... I just said, “I have the right to know!” All the cop did was to tell me that I had no rights and he was going to show me right then how much I didn’t have any rights! He dragged me out of the bar and dropped me on the floor. Then three or four police officers started to kick and hit me. I don’t know how long it actually took, but my friends – who were there, watching everything – said it was like about twenty minutes. I just remember the kicking and the pain...When they stopped kicking and hitting me I heard them saying they were going to take me to the prison. They said they were going to teach me how to be a woman...At that point, I knew that rape was imminent and I’d probably die there and nobody would know it. Police in Guatemala are experts at making you disappear...When I realized I was in real trouble I began to fight them back! I just decided if I fought back they would simply shoot me right there and everything would come to an end sooner...I’d rather die than be raped by those bastards! By that time, my friends had already raised among themselves the equivalent of twenty dollars to bribe the cops...If I didn’t have my friends there to get together twenty dollars, I would have been dead by now. I knew then, I had to leave the country as soon as I could. I knew I didn’t have a choice...They’d let me go that time, but I knew I was not going to be that lucky a second time, you know...

A couple of weeks after that brutal beating, one more gruesome thing happened that made me even more scared....A very close friend of mine, who was very, uh, definitely gay, was kidnapped and beaten to death! He was thrown still alive into the Municipal Dump to die with the trash. He made it out to the hospital, but he died an hour later or
so...The people who killed him wanted to make a statement: he was trash, so he should die where the trash was. I was too afraid to go to his funeral... I thought they might be videotaping us or something...It was really, really unbearable! At that point I was more than convinced I had to leave...I was trying to sell everything I had...I had my practices, my house, car...I sold everything...Absolutely everything! That was the end of 1997.  

Nicaragua

Nicaraguan law prohibits consensual sexual activity between members of the same sex. Article 204 of the Nicaraguan Penal Code, promulgated on September 9, 1992, provides that “anyone who induces, promotes, propagandizes or practices in scandalous form sexual intercourse between persons of the same sex commits the crime of sodomy,” punishable by one to three years in prison. In November 1992, a coalition known as the Campaign for Sexuality without Prejudices filed a suit challenging the constitutionality of the law. In March 7, 1994, the Nicaraguan Supreme Court of Justice upheld the legislation in a five-to-two decision. The majority argued that “[t]o authorize the performance and freedom of sodomy would be a legal attack against the increase of the Nicaraguan population, a step back for its political, economic and social advancement, due to the lack of men and women to push Nicaragua’s progress forward. One cannot attack matrimony...”

Nicaraguan gays and lesbians first tried to organize under the leftist Sandinista government in the 1980s. According to Roger Lancaster, “Police harassment does not appear to have been official policy, but there were sporadic cases carried out under the public order laws.”

On March 13, 1987, Sandinista State Security forces detained a mixed group of native and foreign homosexuals gathered in the public meeting place of the Máximo Jerez neighborhood (barrio) in Managua. Members were interrogated, fingerprinted, and videotaped.

Following the defeat of the Sandinistas in the 1990 elections, gays and lesbians made further attempts to organize. They held gay pride marches in Managua in 1991 and 1992. The National Assembly (Asamblea Nacional), dominated by conservatives, responded by adopting Article 204 of the penal code, turning both gay and lesbian sex into crimes punishable by law.

“There, as now,” wrote Héctor Avellán in July 2002, “homosexuality was stigmatized, and had to remain completely clandestine. The words lesbian and homosexual were, as they continue to be, unutterable.”

The one word that is in common parlance is cochón, roughly equivalent to “faggot” in English, but with a more specific meaning. According to anthropologist Roger Lancaster, there is clearly stigma in Nicaraguan homosexual practice, but it is not a stigma of the sort that clings equally to both partners. Only the anal-passive cochón is stigmatized. His partner, the active hombre-hombre, is not stigmatized at all; moreover, no clear category exists in the popular language to classify him. For all purposes, he is just a normal Nicaraguan male.

The fact that the dominant man suffers little or no social stigma has implications for the type of violence most likely to be faced by homosexual men in Nicaragua:

Violence is indeed possible – in the form of harassment, censure, stigma, intimidation, even rape – but not in the same “panicked” context as in the United States. In Nicaragua,
insecurity about one’s masculinity or sexuality could be dispelled by mounting – thus sexually subordinating – a *cochón.*

As in most of Latin America, transvestites are particularly likely to receive the “reproach of the community.”

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.2 percent of adults aged 15-49, one third the rate in the USA. As of the end of 2001, UNAIDS estimated there were 5,800 persons infected with HIV out of a total population of 5.2 million. The government has provided no antiretroviral treatment for the overwhelming majority who are unable to pay for it. It has not even provided treatment for the opportunistic infections that accompany AIDS. On July 29, 2002, and again on September 18, 2002, the Inter-American Commission on Human Rights issued requests to the Nicaraguan government that it take urgent preventive measures to guarantee the right to life of sixteen persons suffering from AIDS. As of January 2003, the government had not initiated antiretroviral treatment, and four of the sixteen had already died.

**Honduras**

Though there are no laws explicitly forbidding consensual relations between members of the same sex in Honduras, police frequently charge, or threaten to charge, gay men (and occasionally lesbians) with offending “morality and public decency” if they are seen expressing physical affection in public. Similarly, transvestites and sex workers are frequently charged with causing a “public scandal,” even though sex work is not illegal.

Article 60 of the Constitution of 1982 prohibits discrimination “in any form that harms human dignity.” Though that wording could easily encompass discrimination on the basis of sexual orientation, the courts have yet to interpret the text in that way.

Harassment of homosexuals by the authorities is frequent, as illustrated by the following examples:

- In February 2001, the authorities in San Pedro Sula, the country’s second-largest city, shut down Three Worlds, the only discotheque that admitted gay patrons. They slapped a heavy fine on the owners, and told them they would have to exclude homosexuals if they wished to reopen.

- In October 2001, Tegucigalpa police announced they would begin detaining homosexuals and transvestites, arguing that they offered a bad example to minors, and hurt tourism.

- In October 2001, Eloy Page, governor of the province of Cortés, stated that the *Comunidad Gay Sanpedrana* (San Pedro Sula Gay Community) would never be allowed to incorporate as a not-for-profit organization, because its work goes against “morality and good customs.” The group was making its third attempt to incorporate. The following month, a high school principal expelled teenager Armando Sandoval from school after discovering that Sandoval was taking part in the activities of the *Comunidad Gay Sanpedrana.*

- In November 2001, police in San Pedro Sula harassed a couple consisting of a policeman and a transgendered woman. The policeman was first suspended then dismissed from the
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force. His partner was jailed, threatened, and beaten. Though the woman filed a human rights complaint with the government, she nevertheless had to flee the city, leaving her partner behind.250

On January 12, 2002, San Pedro Sula Mayor Oscar Kilgore ordered a raid on the city’s only gay bar, “Boys.” Police arrested 12 persons, including Comunidad Gay Sanpedrana director Jorge Flores and several other staff members. They were held for 24 hours, then released, a tacit acknowledgment that there were no valid legal grounds for their detention. The bar was closed and never reopened. Kilgore also instructed city police to detain any “transvestites and effeminate looking people” who try to enter the downtown area. His purpose was to keep prostitutes away from the business section of the city, and he was backed up in this by Municipal Judge Alvaro Aguilar Frenzel, who said “We have people eating dinner with their children in restaurants who have complained to the police department about nearly naked men dressed as women on the street trying to sell their bodies.” Sex work is legal in Honduras.251

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 1.6 percent of adults aged 15-49, more than two and a half times the rate in the USA. As of the end of 2001, UNAIDS estimated there were 57,000 persons infected with HIV out of a total population of 6.6 million.252 Roughly 40 percent of those who contract AIDS are homosexual, the remainder heterosexual. The Honduran government initially promoted the use of condoms, but stopped doing so under pressure from the Catholic Church, which argues that distributing condoms encourages pre-marital sex.253 Though Honduras had only one sixth the total population of Central America, it was reporting half of all cases of HIV. As of May 2002, more than 4,000 persons were in urgent need of antiretroviral medications, but less than 300 were receiving them, in part because the government insists on charging for the medications in a country in which more than half the population earns less than $730 a year.254

Panama

Consensual sexual activity between homosexuals is legal, but heavily stigmatized by society. In October 2001, following a three year legal battle, the Association of New Men and Women of Panama (Asociación Hombres y Mujeres Nuevos de Panamá) – the nation’s first gay and lesbian organization – was finally able to incorporate as a not-for-profit organization. The Ministry of Government and Justice, which had declined to recognize the organization on the grounds that its aims were contrary to “morals and good habits,” relented following intercession by the Inter-American Commission for Human Rights.255

In February 2001, Los Santos governor Luis Carlos Villalaz said he would not permit the presence of gay student singing groups in the carnival of the town of Las Tablas, situated on the Azuero Peninsula in central Panama about 150 miles southwest of Panama City. The governor said homosexuals offend “public morals and customs.”256

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 1.5 percent of adults aged 15-49, two and a half times the rate in the USA. As of the end of 2001, UNAIDS estimated there were 25,000 persons infected with HIV out of a total population of 2.9 million.257

On May 17, 1999, the Panamanian national Health Care provider, the Social Security Fund (Caja de Seguro Social, CSS) decided to provide advanced anti-retroviral treatment to
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persons afflicted with AIDS. The decision also extended such treatment to persons who are not insured. By the end of 2001, 854 persons diagnosed as living with HIV/AIDS had initiated treatment with highly active antiretroviral therapy (HAART). Another 700 persons diagnosed as HIV-positive were not covered by the Panamanian Social Security Institute (Instituto Panameño de Seguro Social). The Health Ministry (Ministerio de Salud) purchased enough retroviral medication to supply 200 persons, but as of May 2002 had only begun treating 30 persons because of delays and red tape.

Mexico

In Mexico, as in Peru, the confluence of two cultures – Spanish and indigenous – that idealized the hyper-masculinity of the warrior has produced a popular culture that is particularly hostile to any sign of the feminine in a man, and, to a lesser degree, of the masculine in a woman. Spaniards and Aztecs alike were Draconian in their treatment of sexual nonconformists.

Yet recent years have seen substantial political and legal gains for sexual minorities, particularly at the federal level, in major metropolitan areas such as Mexico City, and around top tourist destinations such as Acapulco and Cancún. Aided by the North American Free Trade Agreement, contact with US and Canadian culture is gradually attenuating the culture of machismo. According to anthropologist Eusebio Rubio,

> The courtship patterns in the homosexual individuals have adopted an American pattern: organizing support groups, well-established spots in the cities, specialized bars, and gathering sites. An important number of homosexual and bisexual individuals, however, suffer from the restrictions of a society that is highly homophobic and undergo a long period of isolation before integrating themselves in the homosexual social network.

That is particularly the case in small and medium-sized towns and in the countryside, where life continues to be very difficult for men who are perceived by their peers as being in any way effeminate. Local officials and police in many municipalities rely on local ordinances known as Police and Good Government Regulations (Reglamentos de Policía y Buen Gobierno) to repress public manifestations of homosexuality.

Significant gains, however, have recently been made in legislation at the national level, and in several states and municipalities.

On December 12, 1998, the Mexican Chamber of Deputies voted unanimously to repeal discriminatory language in Article 201 of the Federal District Penal Code (which is federal legislation, because of the special status of the Federal District). The code previously provided for three to eight years’ imprisonment and a fine of 50 to 200 days’ income for the corruption of minors, with homosexuality listed as an aggravating factor. The law also stated that if the minor later acquired corrupt habits, such as “homosexual practices,” then the penalty would rise to five to ten years’ imprisonment and a fine of 100 to 400 days’ income. The law now applies equally to all, without regard for sexual orientation. “With this achievement, Mexico eliminates the last vestiges of discrimination based on sexual orientation from its legal framework,” said lesbian Congresswoman Patria Jiménez, who cosponsored the legislation.
Provisions similar to those that previously existed in the Federal District persist in the penal codes of as many as half of Mexico’s 31 states (as of 1999, the states in question were Aguascalientes, Baja California, Baja California Sur, Campeche, Chiapas, Chihuahua, Coahuila, Durango, Jalisco, México, Puebla, San Luis Potosí, Sinaloa, Sonora, and Tamaulipas).262

But in April 2003, the Mexican Congress unanimously approved a sweeping new Federal Law to Prevent and Eliminate Discrimination (Ley Federal para Prevenir y Eliminar la Discriminación). It explicitly includes sexual orientation in its definition of discrimination as “every distinction, exclusion or restriction which, based on ethnic or national origin, sex, age, disability, social or economic status, health, pregnancy, language, religion, opinion, sexual preferences, civil status or any other, has the effect of impeding or annulling the recognition or exercise of the rights and genuine equality of opportunity of persons.”263

The law defines “discriminatory behavior” as “impeding access to public or private education … prohibiting free choice of employment, or restricting opportunities for access, job security, or promotion in employment … denying or restricting information on reproductive rights … denying or restricting medical services … impeding equitable participation in civil, political or any other kind of organizations … to offend, ridicule or promote violence towards groups referred to in Article 4 of this law through messages and images displayed in communications media … limiting free expression of ideas … impeding access to social security and its benefits … impeding access to any public service or private institution providing services to the public, as well as limiting access and freedom of movement in public spaces … to exploit or treat in an abusive or degrading way … restricting participation in sports, recreation or cultural activities … incitement to hatred, violence, rejection, ridicule, defamation, slander, persecution or exclusion … carrying out or promoting physical or psychological abuse based on physical appearance or manner of dress, speech, mannerisms or for openly acknowledging one’s sexual preference.”264

A National Council Against Discrimination (Consejo Nacional para Prevenir la Discriminación) is charged with investigating discrimination, formulating policies to prevent discrimination, working to ensure compliance with international human rights treaties ratified by Mexico, and educating the public that discrimination is against the law. Its governing board consists of eleven members. Five are assistant secretaries representing the ministries of government (Gobernación), health, public education, labor, and the treasury (Hacienda). Another five are appointed to three-year terms by an Advisory Assembly consisting of academic experts and representatives of non-governmental organizations. The council president, appointed by the President of the Republic for a three-year term, casts only tie-breaking votes.265

Individuals as well as organizations may file complaints of discrimination with the Council. Allegations of discrimination by public officers require mandatory responses within ten working days of the time an official is formally notified of a complaint. Otherwise the allegations are assumed to be well-founded. The Council is empowered to punish public officers who are found to discriminate. In the case of discrimination by individuals or private institutions, the Council offers to mediate. If the accused declines mediation, the Council provides plaintiffs with assistance in filing a lawsuit.266
Human rights activists welcomed the legislation, but voiced concerns about effectiveness. Carlos Mario Gómez, director of Amnesty International Mexico, said he feared the new council would be like other federal commissions, which he described as inefficient and bureaucratic.267

An early indication of progress came in a June 2003 decision by a federal appellate court, which overturned two state court convictions against Sam Warren, a U.S. citizen. Police had raided Warren’s bed and breakfast in Playas de Tijuana, Baja California Norte, on April 17, 2000, seizing pornographic videos and photographs of nude men. Warren says he and seven other men were told they could either pay $10,000 in bribes or be arrested and imprisoned. Six of the men were released after a few months, but Warren and Richard Wilson, also a U.S. citizen, were sentenced to six-year prison terms on charges of corrupting a minor. Warren’s conviction was overturned by the federal court, but Wilson remains in jail because he did not file an appeal. On June 19, 2003, Mexican official deported Warren to the United States because he had entered the country without proper documents.268

Reflecting its origins in the Napoleonic code, Mexican law generally considers private consensual sexual activity to be beyond the scope of the law. Gay magazines with erotic photography are available for sale in kiosks in major cities. The authorities generally permit open displays of political activism, including protests and gay pride parades, and allow service organizations and gay bars to operate relatively unhindered in larger cities. Gays and lesbians are invited to take part in educational programs and debates on television.269

Participation by homosexuals is now widely accepted in two of Mexico’s three principal political parties – very openly in the center-left Party of the Democratic Revolution (PRD), more discreetly in the Institutional Revolutionary Party (PRI).270 In the 1997 national elections, Patria Jiménez of the PRD became the first openly lesbian member of Congress, and gay and lesbian rights advocate David Sánchez Camacho, also of the PRD, was elected to the Legislative Assembly of the Federal District (Mexico City), and subsequently designated Secretary of the Commission for Special Attention to Vulnerable Groups (Comisión de Atención Especial a Grupos Vulnerables).

PRD control of the Federal District has brought a marked change in official attitudes toward sexual minorities. On July 17, 1998, the Human Rights Commission of the Federal District (Comisión de Derechos Humanos del Distrito Federal, CDHDF), federal congresswoman Patria Jiménez (PRD), and the Rainbow Foundation (Fundación Arcoiris) jointly issued a “Human Rights Primer to Prevent Discrimination Based on Sexual Orientation.”271

The primer begins by emphasizing that “being homosexual, lesbian, bisexual, transsexual, or transgendered is in no way an infraction of the law,” and acknowledging that these groups “have traditionally been discriminated against, stigmatized, and marginalized, even though from a legal standpoint they enjoy the same rights as anyone else.” It then enumerates nineteen rights, such as the right “to be treated the same as any other person, without regard to sexual orientation,” to receive education free of stigma or prejudice, to obtain prompt and quality medical care with ethical treatment by medical professionals, to equality in the workplace, to the free expression of ideas, to freedom of association, to not be molested or subjected to torture, to not be deprived of life, liberty, or property, to equal protection of the laws, and to not be discriminated against or harassed because of sexual orientation. The
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primer then directs persons to the proper government agencies and human rights organizations to get assistance or file complaints of rights violations.272

In September 1999, the Legislative Assembly of the Federal District (Asamblea Legislativa del Distrito Federal) passed an ordinance banning discrimination based on sexual orientation.273 The ordinance, which modified Article 281 bis of the Federal District Penal Code, was the first of its kind in Mexico. It provides for prison sentences of one to three years, fines equivalent to 50 to 200 days’ salary, and community service of 25 to 100 days for anyone who “provokes or incites hatred or violence,” “refuses to provide an individual with a service...offered to the general public,” “harasses or excludes an individual or group,” or “denies or restricts employment,” based on “sexual orientation.” Public servants who violate these provisions are to be removed from office and their penalties augmented by an additional 50%.274 The law, sponsored by PRD Deputy David Sánchez Camacho, went into effect October 1, 1999.

Two Mexican states have followed Mexico City’s lead in adopting antidiscrimination laws that explicitly refer to sexual orientation. In February 2001, the state of Aguascalientes promulgated a new Article 205b of the Penal Code, setting penalties of six months to two years in prison, a fine of fifty to two hundred days [salary], and twenty five to one hundred days of community service to anyone who on the basis of age, gender, pregnancy, marital status, race, language, religion, ideology, sexual orientation, skin color, nationality, origin or social position, work or profession, economic status, physical character, disabilities or health status
- provokes or incites hate and violence
- in the exercise of his professional, trade or business activities refuses services to a person who is entitled to it
- ostracizes or excludes a person or group with those actions causing material or emotional harm
- denies or restricts work rights.275

In August 2001, the Legislative Assembly of the southeastern state of Chiapas (bordering Guatemala) unanimously approved amendments to the state’s penal code, including a new provision in Article 205 that penalizes “crimes against personal dignity.” The definition specifically encompasses prejudicial behavior relating to sexual orientation, including all forms of harassment, denial or restriction of rights, and incitement to hatred or violence.276

It should be kept in mind, however, that there is often a breach between law and practice in Mexico. Though the government of the Federal District has been relatively diligent in enforcing its antidiscrimination statute, a different pattern has emerged in the state of Aguascalientes. On the weekend of April 6-7, 2002, city and state police raided gay bars in the city of Aguascalientes, arresting 38 persons. All were charged with “prostitution in public areas,” which is prohibited under the city’s Police and Good Government Ordinance (Bando de Policía y Buen Gobierno). According to the Aguascalientes Gay Lesbian Bisexual Transgender Pride Committee (Comité Orgullo Gay Lesbico Bisexual Transgenero Aguascalientes), police used excessive force, and failed to substantiate the charges. When the defendants were brought before a judge, the judge said he “was fed up with so many faggots” (“hasta la madre de tanto joto”). He ruled that homosexuals should not be allowed to gather in public, and that they could be arrested as needed. A week later, on April 13, police raided the gay bar El Morbo. Gay activists fought back, expelling the officers. According to Comité
Orgullo, Aguascalientes mayor Ricardo Magdaleno Martínez said he intended to close all gay bars in the city, and that he was “very ready to fight all the faggots in Aguascalientes” (“muy preparado para combatir a todos los maricones de Aguascalientes”). In October 2002, police arrested some thirty protestors who had demonstrated in front of the mayor’s office, and held them in jail for five days.

On the other hand, in locations where sexual minorities are well-organized, they have sometimes been able to prevail even without an anti-discrimination statute. A case in point is Guadalajara, whose gay movement has achieved a significant level of acceptance in one of Mexico’s most Catholic and conservative cities. Though both the city and state (Jalisco) are governed by the center-right and generally gay-hostile National Action Party (PAN), a political accommodation has been reached that has improved conditions for the city’s homosexual population.

The gay liberation movement there began in 1981, led by Pedro Preciado and the Grupo Orgullo Homosexual de Liberacion (GOHL). When the PAN won the elections in February 1995, it was widely believed that gay and lesbian rights would face a major setback. But Preciado met with the mayor and governor, and negotiated a mutually-satisfactory arrangement. According to Joseph Carrier, who has been studying the process at first hand,

The accommodation continues at present and there appears to be more rights now for gay people in Guadalajara and other cities in Jalisco than there were when PAN took over the government four years ago. There are, for example, more gay bars and discos than before, completely nude male dancers are allowed to perform in bars, and gay male magazines with nude photos are legally sold by vendors. Moreover, Siglo 21, a leading Guadalajara newspaper presents a list every Friday of what is happening in gay places.

Gay and lesbian organizing is rapidly spreading from its established bases in Mexico City, Guadalajara, and Tijuana, and is becoming more accessible through the telephone and the Internet. In January 1999, a Lesbian, Gay and Bisexual Switchboard began operating in Mexico City on Monday to Friday from 7 p.m. to 10 p.m. and Saturday and Sunday from noon to 8 p.m.

That same month, Rex Wockner reported the formation of the first gay organization in San Luis Potosí. In May 1999, a gay group formed in Ciudad Juárez, calling itself the Juárez Nawi Pride Committee (Comité Orgullo Nawi Juárez). Nawi means gay in the local indigenous language. Members were interviewed on television channel 44, the most popular local station, and most of the callers to the live program were sympathetic.

In June 1999, 50 persons attended a gay pride celebration at the kiosk in the central plaza (zócalo) of Culiacán, Sinaloa.

In February 2001, the First National LGBT Pride Conference was held in Tijuana, with representatives from Mexico City, Monterrey, Tijuana, Aguascalientes, and Pachuca (state of Hidalgo). During the course of the year, gay pride celebrations were held in Mexico City, Guadalajara, Monterrey, Veracruz, Hermosillo (Sonora), Cancún, and Aguascalientes. The celebrations in Monterrey and Hermosillo were the first to occur in those localities. In May, the lesbian organization Grupo Lésbico Patlatonalli celebrated its fifteenth anniversary in Guadalajara. In December, the First Pilgrimage of Sexual Diversity (Primera Peregrinación de la Diversidad Sexual) was held in Monterrey.

Yet as indicated by the following examples, incidents of abuse by local officials and police persist in much of the country:
In January 2001, police raided the New Ocean Bar in Monterrey, arresting and harassing 32 lesbians. Two weeks later, police raided the cantina/bar Wateke and Jardín Cruz Blanca, both of which are frequented by gay and transvestite men. Patrons reported verbal abuse and extortion. In October, Monterrey LGBT organizations went to the state legislature to propose amendments to the Police and Good Government Regulations (Reglamento de Policía y Buen Gobierno) which are used as the legal basis for such raids.285

In March 2001, local police arrested two lesbians in a bar in Saltillo, in the northern border state of Coahuila. They were charged with moral infractions, and reported being abused physically and psychologically, and subjected to extortion. The women filed a complaint with the state human rights commission, the first such complaint ever filed.286

In March 2001, the mayors of the neighboring Gulf of Mexico cities of Veracruz and Boca del Río launched a “crusade to cleanse the area” (cruzada para la limpieza de la localidad) of transvestite and other sex workers. Prostitution is illegal in Mexico, but enforcement is uneven, and very commonly tied to extortion by the police. The sex workers responded by forming the United Union of Sex Workers of Veracruz (Sindicato Único de Sexoservidoras y Sexoservidores Veracruzanos).287

On July 18, 2001, the president of the Human Rights Commission of the state of Yucatán said that “AIDS patients should be quarantined, and if an infected person crosses an established security line, he should be shot dead…It’s better if they die. They should be on an island where they can’t infect others.”288

In August 2001, Tijuana transvestites, assisted by the Binational Center for Human Rights, held a news conference to denounce abuse and extortion by municipal police. Javier Martínez said police officers made him pay $20-$40 a day in bribes to avoid being taken into custody and fined. “They know our addresses. They wait for us to leave our home or be on our way to work.” Tijuana Police Chief Carlos Besneirigoyen said he would discipline any police officer proven to have abused transvestites.289

In September 2001, three young men abducted gay activist and dancer César Salazar Góngora in Mérida, Yucatán. The men raped him, beat him against a rock, and cut his ear with a jackknife. Salazar Góngora filed a police complaint, and underwent a medical examination. In the days that followed he received telephoned death threats for having filed the complaint. With no progress in the police investigation, the victim moved to Mexico City. In October, two assailants attacked another gay man, Emilio Boñigas, in the same city.290

On October 21, 2002, by a vote of 8 to 4, the city council of Tecate, Baja California Norte, passed an amendment to the city’s Police and Good Governance Act (Article 34.15, Chapter VI) providing for jail terms and fines (40 days of salary) for “men who dress as women and move around public places, causing perturbation.” Tecate is a city of about 77,000 inhabitants located 45 miles southeast of San Diego. It is best known for the beer of the same name that is brewed there. According to the newly-organized Grupo
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*Arcoiris Comunidad Gay Tecate* (Tecate Gay Community Rainbow Group), by the end of the month six men had been arrested under the law, one of whom was subjected to physical abuse by the police. In all cases, police officers neglected to fill out the required forms describing the reason for the arrest. There is therefore no written evidence that the arrests took place.291

Sometime between the evening of May 31, 2003, and the afternoon of June 1, one or more assailants murdered Jorge Armenta (27) and Ramón Gutiérrez (33), a gay couple, in their apartment in Nogales, Sonora. Armenta was running for election to the local legislature on the ticket of the Convergence Party (*Partido Convergencia*). Both had been bludgeoned to death with a hammer, and showed signs of torture. Jorge Cano Aguirre, the local representative of the Sonora State Prosecutor, told a newspaper that the police were proceeding on a working assumption that it was a “crime of passion.”292

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.28 percent of adults aged 15-49, just under half the rate in the USA. As of the end of 2001, UNAIDS estimated there were 150,000 persons infected with HIV out of a total population of 100.4 million. Of these, some 53,728 had initiated treatment with highly active antiretroviral therapy (HAART).293 In 2002, the Ministry of Health committed 170 million pesos (equivalent to $19 million) for purchase of antiretroviral medications, extending coverage to about 3,900 persons who were not covered by the social security system. But that still left thousands of infected persons untreated. Persons not covered by the national social security system have to rely on either the national Health Ministry or State Health Services. Of 8,180 persons diagnosed as HIV-positive who were not covered by social security, 5,912 were being treated by those other agencies, leaving 2,268 persons still without access to antiretroviral treatment.294

After winning election as governor of the Federal District in 2000, Andrés Manuel López Obrador established the HIV-AIDS Program of the City Of Mexico (*Programa de VIH/SIDA de la Ciudad de México*) to provide full antiretroviral cocktail therapy for all persons afflicted with HIV/AIDS who could not otherwise afford treatment. According to Doctor Cármen Soler, the program director, any resident of the Federal District who can provide a voter registration card plus proof of current residence is eligible for assistance.295

According to Abram Landesta of the Fundación de Ayuda a la Diversidad Sexual (Foundation for Aid to Sexual Diversity), President Vicente Fox has launched a nationwide health care program called Seguro Popular (Popular Security) which is intended to provide basic health care, including antiretroviral cocktail therapy, to persons not covered by employee insurance plans. As of 2003, however, geographical coverage remained limited.296

**Latin Caribbean**

**Cuba**

Recent reforms have led to improvements in the treatment of sexual minorities, but independent LGBT organizations and publications are prohibited, and there are no gay pride marches or gay clubs.

Article 359 of the 1979 Penal Code provided for fines and detention for those who “publicly flaunted their homosexual condition or hassled or solicited another with their demands.” It
also categorized “homosexual acts in public, or in private but exposed to being involuntarily
seen by other people” as “crimes against the normal development of sexual relations.”

That language was considerably toned down in the 1988 reform of the penal code. A further
reform of the code in 1997 removed remaining discriminatory language. The offense
designated “public scandal” was changed to “sexual insult,” which is now defined to include
harassment with “sexual demands,” in place of the previous language “hassling with
homosexual demands.”

On July 28, 1994, five lesbians and thirteen gay men formed the Cuban Association of Gays
and Lesbians in Havana. In 1997 the government arrested its members and effectively shut
down the organization.

In March 2002, Ricardo Alarcón, President of the Cuban National Assembly, conceded that
his government had discriminated against homosexuals in the past:

   I acknowledge that at one time discriminatory attitudes existed regarding homosexuals
   and religious practitioners, never against women and blacks. From the beginning, the
   Revolution was liberating in that sense. However, we acknowledge that there have been
deficiencies in both areas. As for homosexuals, there have been mistakes, and regarding
religion, sectarianism.

But, said Alarcón, that has now changed, and today there is “more liberty than ever” for
homosexuals in Cuba. One sign of change was the critically-acclaimed 1993 film Fresa y
Chocolate (Strawberry and Chocolate), a sympathetic portrayal of a friendship between a gay
man and a young communist. But the Cuban government still does not allow the existence of
independent LGBT organizations and periodicals. There are no gay pride marches, and no
gay clubs.

Though public antipathy towards homosexuals is gradually easing, it remains quite high
according to a survey conducted in Cuban cities in 2002. More than half of the respondents
believed gays and lesbians were “people with problems,” and more than one in five said they
were sick and needed medical treatment. Six out of seven persons expressed aversion to
lesbians, with the antipathy particularly strong among women.

As in Brazil and Haiti, African cultural influences dating to the period of slavery have
provided some counterbalance to the dominant Iberian tradition of machismo and to the
attitudes of the Roman Catholic Church. That African tradition has been far more tolerant of
unconventional expressions of sexuality.

Though Roman Catholicism was forcibly imposed upon African slaves by their Spanish
masters, the slaves responded by concealing their religion behind the outward forms of
Catholicism. Catholic saints provided perfect cover for the worship of traditional Yoruba
spirits. The resulting syncretic religion is known as Santería, in reference to the worship of
saints. It is also known as Lucumi, a term derived from the Yoruba greeting oluku mi (“my
friend”). Because of its origins as an underground religion, much of Santería holds to a
tradition of secrecy. There are no sacred texts. Minister-initiates are known as santeros
(male) or santeras (female), and advanced ministers as babalawos or babalaos (literally
“fathers of divination”). Only men can become babalawos.

Practitioners of Santería recognize a central creative force in the universe, known as
Oloddumare (Olodumare). That force expresses itself through ashé, the spiritual energy that
finds numerous channels of greater or lesser receptivity in the created world. Ashé’s Catholic counterpart is Christ. The orishas – roughly comparable to the iwa of Haitian Vodou – are archetypal embodiments of ashé, and “rule over every force of nature and every aspect of human life.”

The orishas are the repositories of Olodumare’s ashé. All the invocations, propitiations, spells, and rituals of Santería are conducted to acquire ashé from the orishas. With ashé, all problems can be solved, enemies can be subdued, love and money can be acquired.

Though orishas have traditionally been disguised as saints, the two are not truly equivalent. Initiates commonly use the African names of orishas, and only think of the saints as particular incarnations of their corresponding orishas.

Initiates interact with the orisha through prayer, ritual offerings, and trance possession. The life of each initiate is believed to be guided by a particular orisha, who is a sort of guardian angel. Because the orishas are not immortal, they must be fed from time to time. That feeding is done through ritual sacrifice known as ebbó, in which an orisha is presented with the blood of his or her favorite animal, combined with his or her favorite herbs. Spirit possession is brought about in the course of a drumming party called a tambor or bembé. Each spirit, or orisha is summoned in ritual by its own distinctive rhythmic pattern on batá drums, which opens the appropriate channels of ashé (these enormously varied rhythms have, incidentally, played a key role in the development of Latin music). The orisha then “rides” or “mounts” the body of a santero, who temporarily becomes the vehicle for that spirit to interact with the initiates who take part in the ritual.

Because of the diversity of orishas, their dualism with Catholic saints, and the fact that they take both male and female form, spirit possession provides opportunities for uncensored self-expression, including socially-acceptable deviations from conventional rules of gender and sexual behavior.

Santería is broadly tolerated in communist Cuba. That may in part be because the religion has no centralized ecclesiastical leadership structure that could act as a focus of dissent against the regime. Another reason is suggested by anthropologist Migene González-Wippler:

Probably the reason Fidel Castro allows the practice of Santería in Cuba has to do with its tremendous importance in the cultural, sociological, and spiritual development of the Cuban people. Santería is an intrinsic part of Cuban music, religious practices, and social structure.

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was less than 0.1 percent of adults aged 15-49, under a sixth the rate in the USA. As of the end of 2001, UNAIDS estimated there were 3,200 persons infected with HIV out of a total population of 11.2 million. As of April-May 2002, the National Center for Diagnostic Reference (Centro Nacional de Referencia Diagnóstico) listed a cumulative total of 4,062 persons diagnosed with HIV/AIDS, some 1,000 of whom had died. Of the remaining three thousand, 566 persons were receiving antiretroviral medications, with another hundred on the waiting list. A report submitted to the Inter-American Commission on Human Rights in 2002 concluded:

…Cuba exhibits the same problems as other countries in the region, since the confidentiality of diagnoses, access to public services, work, and health care, all tend to be brought into serious question when one lives with HIV/AIDS.
In 1986, the Cuban government began committing all persons who tested positive for HIV to sanitariums. That policy was relaxed in 1993, with persons being allowed to leave following eight weeks of courses on how to take care of themselves, how to obtain follow-up care, how to avoid the spread of infection, and how to handle discrimination. As of early 2003, 48 percent of persons known to be HIV-positive had opted to remain in the island nation’s sixteen sanitariums. Those who remain typically have been rejected by family members, have lost their jobs, or fear discrimination. All persons who test positive for HIV are issued a special identification card that identifies them as having a fatal illness.312

Dominican Republic

Sexual activity conducted in private between consenting homosexuals is legal. Article 330 of the Penal Code, however, punishes “every violation of decorum and good behavior on public streets” with up to two years in jail. The vague language lends itself to arbitrary interpretation against sexual minorities.313

In May 2001, during the Book Fair (Feria del Libro) in Santo Domingo, the National Police closed the booth in which members of the Dominican Gay-Lesbian Collective (Colectivo Gay-Lesbianas Dominicanas, GAYLESDOM) were distributing information on how to prevent the spread of sexually-transmitted diseases, including AIDS. Following a protest vigil, the minister of culture and the board of directors of the Book Fair concluded that a mistake had been made, and ordered the booth reopened.314

Santo Domingo’s first gay pride parade was held on July 1, 2001, organized by GAYLESDOM. After receiving written authorization to hold the parade near the capital city’s Plaza de España, one of the organizers received a call from Fernando Bellier, police chief of the downtown historic district, saying the parade had been banned on “orders received from superiors.” At the last minute, the group was allowed to hold its celebration on the banks of the Ozama River. But the march ended in tragedy, as one of the participants, Ramón Leonardo, 20, was shot in the chest and died on the way to the hospital.315

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 2.5 percent of adults aged 15-49, more than four times the rate in the USA. As of the end of 2001, UNAIDS estimated there were 130,000 persons infected with HIV out of a total population of 8.5 million.316

Puerto Rico

As a dependency of the United States, the Commonwealth of Puerto Rico was subject to the landmark June 2003 Lawrence v. Texas decision of the U.S. Supreme Court, which declared “sodomy laws” unconstitutional.

Article 103 of the Penal Code of Puerto Rico had until then specified that “any person who has sexual relations with a person of the same sex or commits a crime against nature with another human being shall be punished with imprisonment for a fixed term of ten years.” Aggravating circumstances could result in the sentence being increased to as much as twelve years, while attenuating circumstances could result in its being reduced to a minimum of six years.317

As a direct consequence of the Supreme Court decision, the Puerto Rican House of Representatives and Senate removed that language as they revised the Penal Code in the summer of 2003.318
V. French and Dutch-Speaking Americas

**Dutch Caribbean territories (Aruba & Neth. Antilles – Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten)**

The Kingdom of the Netherlands encompasses three states: the Netherlands, the Netherlands Antilles, and Aruba. The Netherlands Antilles include Sint Eustatius and Sint Maarten in the Eastern Caribbean’s Leeward Islands, and Bonaire and Curaçao, which like Aruba, lie offshore from Venezuela. Sint Maarten is the Dutch part of an island shared with France (Saint-Martin). Though the islands are self-governing under Netherlands sovereignty, they are subject to the European Convention on Human Rights. Both Aruba and the Netherlands Antilles have recognized their inhabitants’ rights to individual petition under the convention. That enables residents of these islands to file direct appeals to the European Court of Human Rights, which has consistently upheld the rights of sexual minorities.\(^{319}\)

The islands are also generally friendly to gay and lesbian visitors. According to the Miami Herald, “The most welcoming (perhaps not surprisingly) are the French and Dutch Caribbean islands, thanks in part to the laissez-faire cultural attitudes inherited from the mother countries.” Aruba in particular offers “a warm, officially sanctioned welcome of lesbian and gay visitors.”\(^{320}\)

**French South American and Caribbean Overseas Departments (French Guiana, Guadeloupe, Martinique)**

All of these territories remain under French sovereignty, and are considered integral parts of the national territory. Technically, they are overseas departments of France, with representation in the French National Assembly in Paris. The Department of Guadeloupe includes the islands of Saint-Martin (which is shared with the Netherlands), Saint-Barthélemy, Marie-Galante, and Les Saintes.

French laws, including a law prohibiting discrimination on the basis of sexual orientation, apply to the overseas departments. So does the European Convention on Human Rights, including the right of individual petition. That right enables residents of all French overseas departments to file appeals to the European Court of Human Rights in Strasbourg, which has consistently upheld the rights of sexual minorities.\(^{321}\)

There is, however, a considerable gap between law and societal attitudes, which remain hostile to homosexuality. In Martinique, for instance, gay men are routinely referred to by the derogatory French Creole term *Macoumé*. According to anthropologist David Murray, “It is utilized primarily in the context of insulting another man and represents how many heterosexual men envisage male homosexuality and why they find it both repulsive and dangerous: homosexuals are individuals with male bodies manifesting female desires.”\(^{322}\)

Such attitudes compel gay men in Martinique to conceal their identity behind a “heterosexual mask”:

…masking is an obligatory activity for most Martinican *gais* not only to maintain and protect one’s public reputation as a man but also to protect one’s family name as well…a Martinican individual thinks of him/herself not only as a man or a woman, but also as a member of a family who is expected to uphold the respectability of the family name…in
Martinique, where many gai men either live with a member of their natal family or live close by to family members, there is not much choice involved.323

A common element in the masking of homosexuality is to have a girlfriend, get married, or father children, while maintaining sexual liaisons with other men “on the side.”324

**Haiti**

Haiti has no laws prohibiting sexual activity between members of the same sex.325 Nevertheless, expressions of homosexuality are not generally accepted by society outside of certain religious rites such as Carnival and Vodou. Haitian Creole reflects common attitudes towards homosexuals. Masisi (or macici, by one old spelling) for example, is a pejorative term for “male homosexual” comparable to “faggot” in English. According to Haitian Guy Antoine, “masisi is the worst insult leveled at a fellow Haitian.”326 It is also noteworthy that Haiti, a country of eight million, has no gay or lesbian organization.

There are nonetheless significant variations in attitudes, based in large measure on religious conviction. Evangelical Protestant denominations, citing scriptural passages they interpret as prohibiting homosexuality, tend to be least tolerant, often excluding openly homosexual men and women from their congregations.

The Catholic Church has a somewhat more nuanced approach, condemning homosexual practices, but generally tolerating the presence of homosexuals in religious ceremonies, and calling on the faithful not to mistreat them. The new Catholic Catechism (1997) states:

> Basing itself on Sacred Scripture, which presents homosexual acts as acts of grave depravity, tradition has always declared that “homosexual acts are intrinsically disordered.” They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved.327

Recognizing that “the number of men and women who have deep-seated homosexual tendencies is not negligible,” it specifies that “they must be accepted with respect, compassion, and sensitivity,” avoiding “every sign of unjust discrimination.” Yet it mandates that “homosexual persons are called to chastity.”328 Openly homosexual persons are in all cases barred from the clergy.

Vodou has a substantially different perspective on homosexuality than any of the major Christian churches, according to manbo (Vodou female minister) Racine Sans Bout:

> In Vodou, homosexuals are not barred from any religious activity. They may participate in religious services, and even become initiates and clergy people. It is true that there is some stigma associated with homosexuality in Haiti, but it does not take the form of the virulent hatred evident in Jamaica, for example, where homosexual individuals may be the victims of mob killings. Especially among the poorer classes, where lack of living space and privacy makes sexual orientation obvious, the feeling is rather that Mother Nature has somehow played a sort of “practical joke” on the person.329

According to Laurence Magloire, “Voodoo is the only environment in which Haitian gays feel accepted and free to talk about issues.” Magloire co-directed a documentary film on Vodou and its acceptance of sexual diversity. The film – Of Men and Gods (Des hommes et dieux), reviewed by Variety in August 2003 – profiled gay male practitioners of Vodou, including two oungans (male ministers).330
A major reason for the toleration that occurs within Vodou ceremonies is the centrality of spirit possession. Though Vodou has a supreme god known as Bondyé (from the French Bon Dieu, “good or beneficent god”) or Gran Mèt (from French Grand Maître, “great master”), that god is seen as often distant and detached from human concerns. A series of intermediaries, or spirits, known as lwa, are more readily accessible.331 Since any participant may be “mounted” (meaning “possessed”) by any lwa, there are plenty of opportunities to be possessed by a lwa of the opposite sex. According to Gerdès Fleurant, “most lwa do not discriminate when it comes to communication with the community: It does not matter if the body is that of a man or of a woman.”332 That entitles individuals (whether homosexual or not) to behave in ways that violate customary gender roles, including cross-dressing. Openly gay or lesbian homosexuals are therefore much more visible in Vodou ceremonies than in other religious ceremonies, or even society at large. A similar permissiveness applies to the annual Carnival, in which participants wear masks and costumes anyway.333

On the other hand, behavior that is approved within sacred rites is generally not accepted outside those rites. A pervasive cult of fertility, for example, creates expectations that all men and women, regardless of sexual orientation, should produce children.

Two recent historical factors have contributed to prejudice against homosexuals. The first was the role played by some gays and lesbians during the Duvalier dictatorship. François Duvalier deliberately elevated gays and lesbians to positions of power. Seeking individuals who could offer him unconditional loyalty, Duvalier recognized that poor Creole-speaking blacks, Vodou oungans and manbos, and — even more so — homosexuals, were less likely to betray him, because no other political figure would offer them such stature, and because they would become vulnerable to retribution without his protection.334

The advent of the HIV/AIDS epidemic in the 1980s further hardened attitudes toward homosexuality. According to a 1991 cover story in The Advocate,

SIDA, as AIDS is termed in French, has virtually erased homosexuality from Haitian culture. A virulent strain of homophobia has replaced it instead, along with denial on the part of families where AIDS has struck.335

In 1982, President-for-Life Jean-Claude Duvalier responded to the AIDS crisis by closing Port-au-Prince’s gay bars and hotels, most of which served foreign visitors, and by expelling homosexual diplomats.336

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 6.1 percent of adults aged 15-49, more than ten times the rate in the USA, and the highest in the hemisphere. As of the end of 2001, UNAIDS estimated there were 250,000 persons infected with HIV out of a total population of 8.3 million.337

**Suriname**

There are no laws prohibiting sexual activity between members of the same sex, with the exception of sexual activity by adults with persons under 21 years of age. There is discrimination, however, in the age of consent. The age of consent for homosexual sex is 18, whereas it is only 16 for heterosexual sex. Section 302 of the Penal Code provides for up to four years in jail for infractions, but the provision is seldom enforced.338
According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 1.2 percent of adults aged 15-49, double the rate in the USA. As of the end of 2001, UNAIDS estimated there were 3,700 persons living with HIV/AIDS out of a total population of 419,000.
VI. English-Speaking Caribbean

Social Context

Attitudes toward sexuality in the Caribbean continue to reflect the legacy of slavery. For slave owners, the prime imperative was for women to produce as many children as possible, without the formation of strong family bonds that could interfere with discipline and could complicate the process of selling family members to other owners. Dwight Whylie, writing in *The Jamaica Observer*, calls this “the plantation legacy”:

Soaked into his society is conviction that a woman who does not have children as soon as she is able is a mule, and any man who fails to do so is suspected of being a homosexual or being sexually incompetent. And children, regardless of capacity to nurture them, are God’s blessing. It comes from three centuries of slavery and the plantation system in which producing children as units of production for the master was the most rewarded activity. This is most sharply evident in the underclass, where short-term relationships leave a woman, who is little more than a child, with a succession of children for a succession of men, and none of them has the resources to care for them.340
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The unreliability of men in such a setting has led to sharp differences in the way boys and girls are raised. Girls tend to be trained to become responsible adults, while boys are allowed enormous freedom on the one hand, and subjected to stern discipline on the other.

Another factor which crept in at this level – and was a major factor at the working class level – was the single-parent family, almost always headed by a woman. This changed the equation substantially. With no male father figure around consistently, mother played both roles. She was breadwinner and homemaker, and from experience saw men as marginal and transient in the family setting. So woman had to look after herself and her children. Men were not dependable. As a consequence they expected much more from their daughters, and at a very early stage, made them into clones of themselves. They were given domestic chores and had to help with the younger ones, while achieving academically, in order to prepare themselves for the double role of mother and father for their children. Her sons were allowed to run loose and have little domestic responsibility. In disciplinary terms, she had to be much rougher on her boys than her girls, because there was no man around to control them. So boys got beaten more often and more severely than girls, and faced the same thing at school from male and female teachers. Where boys are conditioned to accept violence as a normal means of regulating behavior both in the family and in school, it is not surprising that such patterns would repeat themselves in adulthood. For homosexual men the hazards are compounded – not only do they face extreme hostility, but also a greater readiness on the part of other men to use violence against them.

But the wounds of past repression affect women as well, including lesbian women. According to Michelle Cave and Joan French, relations between women of a sexual and intimate nature “are repressed publicly and privately by the dominant social and cultural norms” in the Caribbean.

The attitude of Afro-Caribbean patriarchy to the control of female sexuality has been quite consistent throughout Caribbean history. In the debate about the “black family” it has manifested itself in the thesis which says that the black male is not a family man / does not display attitudes of responsibility because the white backra massa castrated him by not allowing him to have control over “his” woman, just as the white massa had over his. In either construct, as women, our bodies, our sexuality, our selves, are perceived as owned and controlled by men.

Sexuality is the most resistant area for transformation because it is at the very root of patriarchy. Lesbian relationships are the ultimate threat because they posit total autonomy of the female in the sexual realm.

The Caribbean Community (CARICOM) is a regional organization whose member governments are Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago. It has published what it calls “CARICOM Model Legislation on Sexual Offenses.”

Though intended as a guide for reform, the model legislation nevertheless proposes to maintain prohibitions against sexual activity between members of the same sex. It defines “gross indecency” as “an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of genital organ [sic] for the purpose of gratifying sexual desire.” It
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specifies a penalty of up to five years in prison for the commission of such acts between any two persons other than a husband and wife or an adult male and adult female. The customary justification for the discriminatory legal codes that pervade most of the English-speaking Caribbean is that they correspond with the Christian beliefs of the overwhelming majority of the population. According to the Jamaica Forum for Lesbians, All-Sexuals, and Gays (J-FLAG),

It is claimed that our homophobia finds its justification in the pages of the Bible, and particularly in the story of Sodom and Gomorrah, and the purity laws of Leviticus. While we recognise that established ethical and moral guidelines have certainly been influenced by the Bible and related biblical documents, we hold that the appropriation by legislatures of the Christian condemnation of homosexuals is a purely arbitrary process, guided largely by individual biases and collective prejudices. In the case of adultery, of which much more mention is made in Biblical text, Jamaica has no law pertaining to its condemnation or prosecution. The same applies to the act of fornication.

Adultery is not a crime in the Caribbean countries that maintain laws against homosexual behavior. Moreover, adultery and fornication are praised as signs of male virility in the lyrics of popular songs, particularly in Jamaican Dancehall.

The Caribbean has by far the highest rates of HIV/AIDS prevalence in the Americas. The rate of infection is second only to sub-Saharan Africa among the major regions of the world. Contributing to the spread of the disease is the social environment described in a CARICOM report:

As in other regions, features of the Caribbean social context influence the course of the epidemic. Many men and women have multiple sex partners; social and cultural norms condone and even encourage this. Gender roles and socialization contribute to poor communication among partners on sexual needs and concerns, coupled with and compounded by women’s emotional and socio-economic dependence on men, which limits women’s ability to negotiate safer sex practices. These factors are often compounded by high levels of sexual violence in some Caribbean societies. This burden, including domestic violence, disproportionally [sic] affects women and is largely unrecognized and reinforced by inadequacy of social and legal sanctions….

Further, sexual activity among youth often begins at much earlier ages than is commonly believed by parents, teachers, and other adults. Social “taboos” prevent teaching or discussing sex with young people and denies incorporation of sex education into school curricula. Heavy stigma surrounding same-sex relationships means both individual and societal denial of actual risk; many men who have sex with men also have sexual relationships with women, thereby increasing the risk of transmission to women and children. Although condoms are now more widely available, their limited acceptability restricts their use.

Most persons living with HIV/AIDS in the Caribbean become infected at an early age, in their teens and twenties. They are subject to severe stigmatization:

As in many other parts of the world, the introduction of HIV/AIDS in the Caribbean was coupled with a general reaction of fear and prejudice in most societies. This often resulted in marginalization, stigma and outright discrimination and violation of the human rights of people infected and living with HIV/AIDS. People living with
HIV/AIDS continue to be stigmatized and shunned by their communities thus many still choose not to disclose their HIV status for fear of being rejected by their communities and families, losing their jobs, their housing and social status.  

**Antigua and Barbuda**

The Sexual Offenses Act of 1995 provides for as much as fifteen years imprisonment for any man who “commits buggery” (anal intercourse) on another adult, whether male or female. An adult who commits “buggery” on a minor (under 18 years old) is liable to life imprisonment. A minor who “buggers” an adult is subject to a maximum five years in jail.

The same law provides for up to five years imprisonment for acts of “serious indecency,” defined as “an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire.” Since consensual heterosexual behavior is exempt from this provision, the ban applies only to homosexuals.

Though no statistics are available on the incidence of HIV/AIDS, it is clear that Antigua and Barbuda follows the general pattern in the Caribbean. Gaston Browne, the country’s minister of planning, implementation and public service affairs, told the United Nations General Assembly in June 2001:

> The first case of HIV/AIDS was recorded in Antigua & Barbuda in December, 1985 and we have seen a steady increase in reported cases during the past 15 years… the prevalence of HIV in Antigua & Barbuda and the wider Caribbean which is among the highest in the world, ranking second only to Sub Saharan Africa, is threatening to reverse our developmental gains.

**Bahamas**

Though private consensual sexual activity between members of the same sex has been legalized, discrimination persists in the treatment of sexual activity conducted in a public place, such as a deserted beach at night.

The Sexual Offenses and Domestic Violence Act of 1991 prohibits an “adult male” from having “sexual intercourse, in a public place, with another male,” and prohibits a “female adult” from having “sexual intercourse, in a public place, with another female.” The prohibition applies even when the partner consents. Violators are “liable to imprisonment for twenty years.” There is no prohibition on sexual intercourse between a man and a woman in a public place.

Prior to 1991 there was no legal prohibition of sexual activity between women. According to M. Jacqui Alexander,

> There was never an organized demand to criminalize lesbianism during the political mobilization for the passage of the Sexual Offenses and Domestic Violence Act. The organized feminist demand coalesced around the restraining of violent domestic patriarchy. Behind closed doors, however, state managers sought to keep the erotic within the boundaries of the domestic heterosexual home…If husbands now had to rely upon the consent of their wives for sex, if they could no longer resort to physical and psychic violence or coercion in the “matrimonial” home, if, in other words, domestic patriarchy were in perennial need of restraint, then heterosexuality itself was at risk, and therefore
needed to be defended...Autonomous eroticism could only go so far – it could not leave the confines of the matrimonial bed...

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 3.5 percent of adults aged 15-49, almost six times the rate in the USA, and among the highest in the hemisphere. As of the end of 2001, UNAIDS estimated there were 6,200 persons infected with HIV out of a total population of 308,000.

**Barbados**

Government attempts to foster a greater degree of tolerance are undermined to some extent by the continued existence of laws that criminalize sexual behavior between members of the same sex, helping perpetuate the societal stigma against homosexuals. The Sexual Offenses Act of 1992 specifies that “any person who commits buggery [anal sex] is guilty of an offense and is liable on conviction on indictment to imprisonment for life.”

In addition, “a person who commits an act of serious indecency on or towards another or incites another to commit that act with the person or with another person” is “liable upon conviction to a term of ten years” if both parties are at least 16 years of age. The maximum jail sentence rises to 15 years if a minor is involved. “Serious indecency” is defined as “an act, whether natural or unnatural by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.”

In August 2001, United Gays and Lesbians Against AIDS Barbados (UGLAAB) was formed with government assistance to “promote gay and lesbian visibility in Barbados and to combat the AIDS pandemic.”

In January 2003, UGLAAB sponsored a panel discussion in Bridgetown. Moderator David Winston explained its purpose:

We wanted to deal with how members of the gay community are dealt with by the police. Sometimes a gay person would be verbally attacked by people on the street and the police would be right there and would turn their back. There are instances where police in uniform would insult gays. We want to break down the attitudes and educate the police that we are human too.

UGLAAB founder and public relations officer Darcy Dear made a plea for greater visibility in the press:

There is still a stigma, and discrimination attached to us at this time, and after the millions of dollars Government has spent educating the public there is still that stigma.

The Press is like the heart of communication to the public of Barbados and if we could get the Press to report what is happening in the gay community we would have more acceptance or tolerance towards us because the public would know we are not a threat to society. The public does not understand they have nothing to fear from the gay community.

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 1.2 percent of adults aged 15-49, double the rate in the USA. As of the end of 2001, UNAIDS estimated there were somewhere on the order of 2,000 persons infected with HIV out of a total population of 268,000, though it acknowledged that data for the country was inadequate for a precise estimate.
Belize

Gay and lesbian sex are illegal in Belize. According to Solicitor General Edwin Flowers, “homosexual acts is [sic] a serious crime.” Section 53 of the Criminal Code states that “Every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for ten years.”

Moreover, Section 26 ii (d) of the Immigration Act of 1992 prohibits immigration by “Any prostitute or homosexual or any person who may be living on or receiving or may have been living on or receiving the proceeds of prostitution or homosexual behaviour.”

Public disapproval of homosexuality remains high. But according to one local source, “Belizeans seem to be more tolerant of lesbians. A man who will loudly condemn a homo, suddenly becomes soft spoken and understanding on the subject of lesbians.”

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 2.0 percent of adults aged 15-49, more than triple the rate in the USA. As of the end of 2001, UNAIDS estimated there were 2,500 persons infected with HIV out of a total population of 231,000.

British Caribbean territories (Anguilla, Brit. Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos)

Britain’s Overseas Territories are self-governing, but subject to certain human rights standards enforced by the U.K. in order to fulfill its obligations under international human rights treaties. All five Caribbean Overseas Territories are technically bound by the European Convention on Human Rights. But only two of the five – Anguilla and Montserrat – have recognized a right of individual petition to the European Court of Human Rights. That court has been strongly supportive of the rights of LGBT persons. The right of individual petition will be subject to renewal in 2006. The UK will be encouraging all five territories to recognize the right of individual petition, but it will ultimately be up to the islands’ local governments to make that determination.

Based on its own obligations under the European Convention on Human Rights, Britain repealed century-old laws that criminalized homosexual intercourse in the Caribbean territories, effective January 1, 2001. In the Cayman Islands, for instance, sexual activity between consenting gay men had previously been illegal under Article 142 of the penal code. The code had been silent about lesbian sexual activity.

Several years earlier, Britain had asked the legislatures of the five Caribbean territories to voluntarily repeal the laws in order to conform to the U.K.’s obligations under the European Convention on Human Rights. All five territories declined, citing local customs and religious standards. The British Privy Council, which acts as highest court of the territories, responded by issuing an order decriminalizing homosexual acts between consenting adults in private.

Public opinion nevertheless remains hostile to homosexuality on the islands, especially in the Caymans, where residents protested the repeal of the laws against homosexual behavior. In 1999, Cayman officials had turned away a cruise liner carrying a thousand gay tourists. Even so, prosecutions under the old laws were rare. And the prosperous Cayman Islands, once a sub-colony of Jamaica, are free of the violence that afflicts the latter. Crime is virtually nonexistent in this “paradise” with 98% literacy, 5% unemployment, life expectancy in excess of 76 years, and per-capita purchasing power of more than $24,500 a year.
Dominica

Under the Sexual Offenses Act of 1998, any person who “commits buggery,” meaning anal sex, is subject to ten years imprisonment if committed by an adult on another adult, to 25 years in jail if committed by an adult on a minor, and to five years in prison if committed by a minor. The court may also commit the person in question to a psychiatric hospital. “Attempted buggery” may be punished by up to four years in jail. The provisions apply both to men who engage in anal sex with other men and those who do so with women.368

In addition, “any person who commits an act of gross indecency with another person is guilty of an offense and is liable on conviction to imprisonment for five years.” Gross indecency is defined as “an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire).” Consensual heterosexual behavior is exempt from this provision, so that the ban applies only to homosexuals.369

According to State Attorney Sandra Julien, there have been two prosecutions in this small island nation of about 70,000 inhabitants since the law went into effect in 1998. The first, in 1999, did not result in a verdict. The second, in 2002, concluded with an acquittal.370

According to the Embassy of the Commonwealth of Dominica in Washington, DC,

  Dominicans [sic] general attitude towards homosexuality is that it is sin against God and mankind. Homosexuals are treated as outcasts of society.371

Grenada

As in much of the English-speaking Caribbean, consensual homosexual behavior is severely penalized. The Criminal Code specifies that “If any two persons are guilty of unnatural connexion [sic], or if any person is guilty of unnatural connexion with any animal, every such person shall be liable to imprisonment for ten years.”372

According to the First Secretary of Grenada’s Washington embassy,

  The population of Grenada is predominately Christian as such homosexuality is very unpopular. There is no gay rights movement in Grenada as homosexuality is not openly practiced.373

Guyana

As in most of the English-speaking Caribbean, gay sex is illegal in Guyana. Article 351 of the Offenses section of the Criminal Law specifies that “Any male person who, in public or private, commits, or is a party to the commission, by any male person, of any act of gross indecency with any other male person shall be guilty of a misdemeanour and liable to imprisonment for two years.” Article 353 states that “Everyone who commits buggery [anal intercourse] either with a human being or any other living creature, shall be guilty of felony and liable to imprisonment for life.” Article 352 stipulates that unconsummated “attempts to commit buggery” are likewise considered felonies, and subject to imprisonment for up to ten years.374

There are no provisions specifically prohibiting lesbian sex, particularly if conducted in private. Yet Article 354 specifies that “Everyone who (a) does any indecent act in any place to which the public have or are permitted to have access; or (b) does any indecent act in any
place, intending thereby to insult or offend any person, shall be guilty of a misdemeanour and liable to imprisonment for two years.” Section (a) could be interpreted to prohibit public displays of affection by lesbians, and section (b) could be interpreted to prohibit private ones, should they offend a third party.375

In February 2001, the National Assembly unanimously (55-0) approved a constitutional amendment that would have prohibited discrimination, including discrimination based on “sexual orientation.” That led to protests by Christian, Muslim, and Hindu church groups, who argued that the amendment would promote homosexuality, including same-sex marriages. The Georgetown Ministers Fellowship, for instance, deplored the action of the National Assembly, stating it “protects sexually immoral conduct and has the potential to destroy the moral foundations of our nation.” The Central Islamic Organization of Guyana and the Guyana Islamic trust issued a joint statement quoting “The Holy Quran” as saying “Of all the creatures in the world you approach males, / And leave those who God has created for you as wives? / But you are a transgressing people.” The Catholic Bishop of Guyana, Benedict Singh, said the proposed constitutional amendment contained an “official endorsement and national approval of sexual perversion.” President Bharrat Jagdeo vetoed the amendment.376

In July 2003, the National Assembly again shelved a proposed constitutional amendment that would prohibit discrimination on the basis of sexual orientation.377

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 2.7 percent of adults aged 15-49, three and a half times the rate in the USA, and among the highest in the hemisphere. As of the end of 2001, UNAIDS estimated there were 18,000 persons infected with HIV out of a total population of 763,000.378

Jamaica

According to Amnesty International, “the gay and lesbian community in Jamaica face extreme prejudice.” “Gay people in Jamaica, or those suspected of being gay, are routinely victims of ill-treatment and harassment by the police, and occasionally of torture.”379

Writing under an alias because of the risk he would otherwise face in Jamaican society, “Lawson Williams” states:

Jamaica is perceived to be the most homophobic Caribbean territory….Navigating the choppy waters of Jamaica’s renowned homophobia is a potentially confounding experience, with attitudes that range from gratuitous violence to virulent contempt to reluctant acknowledgment. This homophobia also manifests itself among gay people as internalized hate. Many gay people resort to the same hostile behaviour against other gay persons in an attempt to deflect attention from themselves.380

As in much of the English-speaking Caribbean, sex between men is illegal in Jamaica. Article 76 of the Offences Against the Person Act prohibits “the abominable crime of buggery” (anal sex), with penalties ranging up to ten years in jail with mandatory hard labor. Article 77 provides for penalties of up to seven years in jail for attempted buggery. Article 79 forbids “any act of gross indecency” between men, whether in public or in private, with penalties of up to two years in jail with or without hard labor. Since “gross indecency” is not otherwise defined, it is subject to arbitrary interpretation. Gay men have been charged with infractions of that provision just for holding hands.381
At 11:15 pm on January 4, 2003, police in Montego Bay arrested Lenroy Smith, a 40-year-old father of three, and Everton Warren, 19. The police alleged that the two men had been kissing in a car parked on a dark stretch along Freeport Road. Both were charged with “gross indecency.” When the charges were read in court, observers raised their eyebrows and burst into “loud snickers.”

Efforts at reform have been rebuffed. On January 21, 2002, the government rejected a recommendation by a joint select committee of Parliament that it repeal the prohibition on “buggery between consenting adults in private.” Earlier, on December 18, 2001, the Caribbean’s Catholic bishops had announced their opposition to the recommendation, saying “There is an obvious consistency in the Old and New Testament salvation history about the moral unacceptability of homosexual relations.”

According to an editorial in The Jamaica Observer, “few legislators, on either side of the political divide, would be willing to risk their political capital among the Jamaican populace, which is severely intolerant of homosexuality.” In a Don Anderson opinion poll commissioned and published by the Kingston daily newspaper The Gleaner in August 2001, more than 95 percent of Jamaicans opposed legalizing sexual activity between members of the same sex. Slightly over three percent favored legalization, with another one percent not responding.

That hostility becomes even more dangerous in the context of a society that readily accepts violence as a proper means of ordering relations among human beings. According to the United Nations Development Program,

Jamaican society gives tacit and legal approval to violence. This is evident in child-rearing practices where there is tacit and legal approval for corporal punishment of children (boy children are often brutalised by female care-givers). Children are regularly smacked, flogged and even threatened with weapons…Corporal punishment is condoned for prisoners – flogging, and hanging, and gang murders in prisons sometimes occur…The DJs and certain popular entertainers have also glamorised violence in lyrics and the commentaries made during radio programmes and public dances.

According to Lawson Williams,

The factors that construct a homophobic society are the same ones that create violence in general. The inability to treat civilly with differences and manage our attitudes of effusive opposition gives rise to violence as much as it secures the continuation of homophobia or even violent homophobia.

Public attitudes towards gay men are starkly reflected in the lyrics to popular music. According to Peter Tatchell, writing in the December 2002 issue of the British gay magazine axm, “Homophobia is the new buzz in Jamaican music, with three top reggae stars releasing records advocating the lynching of gay people.”

One popular performer, Elephant Man, came out with a hit called “Bun di Chi Chi” (“Burn the Queer”). Another of his hits, called “Log On,” includes the lyrics:

Log on and step pon chi chi [queer] man…Dance wi a dance and a bun [burn] out a freaky [queer] man…Step pon him like a old cloth. A dance wi a dance and a crush out dem…Do di walk mi see the light and di torch dem fass.
A song called “Chi Chi Man” propelled the group TOK (Touch of Klass) to the top of the charts in 2001. The song lyrics call on Jamaicans to “bun” (burn) homosexuals:

From dem a par inna chi chi man car / Blaze de fire mek we bun dem!! (Bun dem!!) / From dem a drink inna chi chi man bar / Blaze de fire mek we dun dem!! (Dun dem!!)389

Capitalizing on the popularity of the song, the opposition Jamaica Labor Party played it at campaign rallies, implicitly casting aspersions on the sexuality of Prime Minister P.J. Patterson, who is unmarried.390 The prime minister felt obliged to respond that “my credentials as a lifelong heterosexual person are impeccable.”391

In November 2003, a Scotland Yard investigation of song lyrics of three Jamaican performers concluded that they could be criminally liable for incitement to hatred and violence against homosexuals. The three singers – Beenie Man, Elephant Man and Bounty Killer – all were nominated for best reggae act at the September MoBo awards in London. One of the songs cited was Beenie Man’s “Damn,” which contains the line “I’m dreamin’ of a new Jamaica, come to execute all the gays” (as translated into standard English from Jamaican slang).392

The nation’s first LGBT organization, the Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG), formed in 1998, has to tread very gingerly in such an intolerant atmosphere.393 J-FLAG maintains an office in Kingston, but according to its official website, “due to the potential for violent retribution, we cannot publish the exact location.”394 So serious is that menace that the J-FLAG telephone number is unlisted, and its only publicly-known members live overseas.395

Daily Observer columnist Mark Wignall responded to the formation of J-FLAG in a commentary entitled “J-FLAG Must Cool its Homosexual Heat”:

Jamaicans expect homosexuals to be quiet as they indulge in their ‘watchamacallit.’ Jamaicans expect them to be ashamed, remorseful, penitent and retiring. None of us want them to take their song and dance routine to the National Arena, or Jamaica House.396

According to Amnesty International,

The Jamaica Forum for Lesbians, All Sexuals and Gays (J-FLAG) has described how laws penalizing same-sex relations in Jamaica give official sanction to the many acts of violence committed against LGBT people. One young man whose gay relationship was discovered by family members was chased into a church by armed local residents who shot him dead as he begged for his life. Although the cruelty of the attack provoked outrage, the “spirit” of the act was widely commended. His partner left home after receiving death threats and was allegedly refused police protection. According to reports, gay men who report attacks to the police are at best met with indifference and at worst face further victimization.397

The example cited by Amnesty International is in no way unusual. In November 2002, The Sunday Gleaner reported that more than 30 gay men had so far been evicted from their homes and neighborhoods in Kingston and forced to live in the streets. The practice of eviction has become so commonplace that it even has a special name: “b judgment.” The b is shorthand for battybwoy, a term of extreme opprobrium that literally means “ass-boy,” referring to a man who engages in anal sex, particularly on the receiving end. “B judgment”
English-Speaking Caribbean

is sometimes applied even to men who are merely presumed to be gay. One of the men thus evicted, Bobby Taylor, reported that he “was forced out, not because I was going around and telling people I was gay, but because persons assumed I was, as I was not living with a woman.” Taylor said that when he returned from work one day, he encountered several men sitting by his gate. They told him to leave the neighborhood because they did not want people like him there. When he complained to the police, the officer asked him whether he was gay. When he said yes, the officer told him he should just find himself a woman to remedy the problem. Taylor had to leave his house and rent another home elsewhere.398

Responding to the stigmatization of men who are perceived as having not enough contact with women, and to the religious justification given for hatred and violence, Jamaican columnist Hughlin Boyd asked a provocative question:

If one were to ask a similar question based on the lifestyle of Jesus Christ, what would be the answer? He was a man who had a number of other men around him and the only two notable women, his mother and a prostitute. Would any of us Judeo-Christian moralists “fire bun” Jesus for hanging out mainly with other men?399

Men who are forced out of their homes and neighborhoods but do not have the resources to obtain housing elsewhere end up on the street. One such youth told J-FLAG:

One morning, at about two o’clock my friend was at a dance in the community. He was enjoying himself and dancing when suddenly there was a gunshot and a bullet hit my friend in the back of his head. He turned around – and they shoot him in his face three more times. He fell and they shoot him as he lay on the ground. They then announced that I was next. Hearing that, I run from the community and have been moving from house to house trying to avoid homelessness.400

Besides being evicted from their homes, gay men also face such indignities as having excrement thrown at them, and are routinely discriminated against in employment, housing, and access to public facilities and services.401

Lesbians deliberately stay in the closet, fearing rejection and violence.402 Staceyann Chin, a lesbian poet who immigrated to New York in 1997, says “it’s illegal to be lesbian in Jamaica. I could have had a decent life in Jamaica, so long as I kept quiet.”3603 Chin was presumably referring to societal attitudes, since consenting sexual relations among lesbians are not prohibited by law (as explained at the beginning of this section). Little has changed since Chin left Jamaica. Under cover of a pseudonym, a 29-year-old self-described bisexual woman told The Gleaner in August 2003 that “To openly declare one’s sexuality in today’s Jamaica could be the difference between life and death.”404

According to Anthony Abrahams, co-host of the current affairs program “The Breakfast Club” on radio station Hot 102, “If you’re talking about demonizing in the local culture, so depraved is the local culture that it is better to be a gunman than a homosexual.”405 A J-FLAG member who was too scared to give his name told the Miami Herald that “We’re like cholera, and being gay is the scourge of the island.”406

The following examples illustrate a persistent pattern of discrimination and violence against homosexuals, reinforced by the actions of police, prison wardens, university administrators, and other officials:
In August 1997, 16 prisoners were killed and another 40 injured in anti-gay attacks at St Catherine’s District Prison and Kingston’s General Penitentiary. The attacks occurred after the Commissioner of Corrections announced that he intended to distribute condoms to guards and prisoners to control the spread of HIV/AIDS. The guards walked out to protest the implication that they were having sex with prisoners. Inmates then went on rampages, targeting fellow inmates who were either gay or believed to be gay. The authorities have taken no action against the aggressors.407

On May 5, 2000, police detained a nurse while he was distributing condoms to sex workers, even though he had identification authorizing him to do his work. They then held him incommunicado for nine hours, during which time they interrogated him and submitted him to verbal abuse, before releasing him without charge.408

On January 19, 2001, four male students at Northern Caribbean University were beaten with planks by fellow students who believed they were gay. University officials responded by threatening six students with expulsion – three who took part in the attack, and three who knew that the attack was being planned but did nothing to stop it. But university president Herbert Thompson said the victims were also under investigation, to determine whether they actually were gay. Homosexuality is not permitted at the university. According to the Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG), “This incident only adds to the staggering number of human rights abuses meted out against persons solely on the knowledge or mere suspicion of homosexuality.”409

In October 2002, the United Kingdom granted asylum to three Jamaican gay men. One of them, David, a 26-year-old who prefers to remain anonymous, bears the scars of numerous brutal attacks. One beating broke his arm in two places. Another beating followed an arrest for “buggery.” As he was being put in a holding cell with fifteen other prisoners, the policeman said “there you go, batty boy.” Within a matter of minutes, his fellow prisoners beat him senseless, perforating his eardrum. On another occasion, someone struck him with a machete, nearly severing his hand at the wrist. On yet another occasion, a mob chased him through downtown Kingston, slashed his throat, and left him to die. “I was always looking over my shoulder, thinking someone was going to attack me or shoot me,” he said on British radio. “It is just not possible to live a normal life in Jamaica if you are gay.”410

With more than 1.2 percent of adults aged 15-49 already infected, Jamaica has one of the higher HIV rates in the hemisphere, more than twice that of the USA. As of the end of 2001, UNAIDS estimated that 20,000 persons were infected with HIV out of a total population of 2.6 million.411 According to Richard Stern, director of the Agua Buena Human Rights Association, that figure rose to 25,000 by the beginning of 2003, with 4,500 having full-blown AIDS. Of these, only about 100 were receiving antiretroviral treatment, obtained either by purchase on the open market or by private donation. The government offered no antiretroviral treatment whatsoever.412

Public prejudices against homosexuals are, ironically, helping spread the HIV/AIDS epidemic well beyond segments of the homosexual population. Between 2000 and 2001, the number of women infected with HIV increased by a staggering ten percent; and women are
over three times more likely to contract the virus than men. One contributing factor has been
the pressure felt by gay men to maintain a heterosexual image in their community by having
sex with women. Another is that men – whether gay or not – dare not admit to having
HIV/AIDS because that would instantly stigmatize them as “chi chi men.” Many are
unwilling to even be tested in view of the consequences of exposure of a positive result.413

A case in point is the tale of Everton Mattis, a man who in his early twenties had been almost
beaten to death by a mob that suspected him of being gay. He spent the next dozen years
trying to conceal his identity by having sex with women. “I was trying to be straight and
sleeping with every woman I could find, but I still couldn’t fight the urges.” A father of two,
he only revealed his other life to his live-in girlfriend after he had infected her with HIV.414

**Testimonial: Fitzroy, 28-year-old musician, downtown Kingston**

It’s terrible. I can’t have peace and freedom like everyone else. If I walk down the road,
all I hear is “batty man, him hafi dead, shoot him, slit him.”

I can’t find work – I had to leave my last job when my boss found out – and I can’t find a
home. It doesn’t matter how much you try to hide it. If you are seen in certain places or
with certain people, you get branded as gay. Once the torment starts, it never stops.

I was going downtown with two friends. Suddenly I saw a group of men coming towards
us with big sticks. We ran to the police station and told them what was happening. But
then the policeman took up a big stick and ran us out of the station. When we got to the
steps, the mob was waiting for us. So we had the policeman behind us with his stick and
the men in front of us with sticks. Luckily a cab with some girls we knew went past. We
ran to it and managed to get away. If that had not happened, the three of us would have
been dead that night.415

**Testimonial: Tara Atluri, undergraduate exchange student from Toronto**

The DJ is spinning. It’s a song about killing batty-men. And I watch all the men in the
fete go wild. They bang on the walls and raise hands in the air as if they are protesting, or
maybe worshipping something. I hate when this song plays. I hate it because my body is
no longer my body – it is theirs. Breast and hip and leg turn from flesh into target with
just one new track. Every man must find a woman to dance with. To hold so tightly that
his fingers leave an imprint on my skin. Fingerprints that sometimes feel as if they will
stay forever.

So here I am. And here he is breathing rum and cigarette down the back of my neck.
While one hand inches up my skirt, the other is an imaginary gun shooting the imaginary
batty men, who don’t live here but yet, are everywhere. And in this moment it all feels
like the same thing. As one hand squeezes my thigh so tightly the other squeezes the
trigger and obliterates a man who deserved to die for acting like a woman. As the DJ
shouts that homosexuals must burn, to the crowds delight, a man whispers what he’d like
to do to me in my ear and my skin feels like fire, raw and blistered by all these names he
marks me with.

The next day men will tell me how they are sure there were batty men at the fete. For
some their homophobic paranoia will have swelled into rage and they will have cuts and
bruises from a fear driven brawl. They will say that men were looking at them. That they think a few might have even brushed up against them on purpose. They will be disgusted and angry. They will tell me how wrong it is that they have to deal with anything like this. They will tell me that that is what women are for.\textsuperscript{416}

**Saint Kitts and Nevis**

As in much of the English-speaking Caribbean, homosexual behavior between consenting adults is severely penalized. The Revised Laws prescribe terms of imprisonment of up to ten years, with or without hard labor, upon conviction for engaging in anal sex, described as “the abominable crime of buggery.” Attempted “buggery” is sanctioned by up to four years imprisonment, with or without hard labor, as is “any indecent assault upon any male person.” The latter, which is in no way defined, is subject to arbitrary interpretation. It could potentially encompass any behavior perceived as a homosexual advance.\textsuperscript{417}

**Saint Lucia**

As in much of the English-speaking Caribbean, consensual homosexual behavior is severely penalized. The Criminal Code states that “if any two persons are guilty of unnatural connection, every such person is liable indictably [sic] to imprisonment for ten years.” In the absence of consent, the penalty rises to life imprisonment.\textsuperscript{418}

**Saint Vincent and the Grenadines**

As in much of the English-speaking Caribbean, homosexual behavior between consenting adults is severely penalized. The Criminal Code states that any person who “commits buggery [anal intercourse] with any other person,” and any person who “permits any person to commit buggery with him or her,” is “liable to imprisonment for ten years.”\textsuperscript{419}

In addition, “any person who, whether in public or private, commits any act of gross indecency with another person of the same sex, or procures or attempts to procure another person of the same sex to commit an act of gross indecency with him or her, is guilty of an offense and liable to imprisonment for five years.”\textsuperscript{420}

Though HIV prevalence statistics are unavailable for Saint Vincent, there are indications the island nation has a high rate of infection. In 1998, Kingstown General Hospital estimated that almost two out of every five hospital admissions were related to HIV/AIDS.\textsuperscript{421}

**Trinidad and Tobago**

As in most of the English-speaking Caribbean, gay and lesbian sex is illegal in Trinidad and Tobago, as is anal intercourse. Article 13 of the Sexual Offences Act of 1986 provides for as much as ten years imprisonment for any man who “commits buggery” (anal intercourse) on another adult, whether male or female. Article 16 of the Sexual Offenses Act provides for up to five years imprisonment for acts of “serious indecency,” defined as “an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire.”\textsuperscript{422}

Though Trinidad has a statute prohibiting discrimination, it was drafted to exclude sexual orientation, thereby leaving sexual minorities exposed to legal discrimination.\textsuperscript{423} In a January 2002 appearance before the United Nations Committee on Elimination of Discrimination against Women, representatives of the government of Trinidad and Tobago defended that exclusion by saying that:
Homosexuality and lesbianism were sensitive issues in Trinidad and Tobago. The multi-religious population was not ready to accept those phenomena. As homosexuality and lesbianism had not yet been decriminalized in Trinidad and Tobago, the Government had decided to adopt a conservative approach and not to extend the legislation to include discrimination on the grounds of sexual orientation at this time. There had been no recent cases of criminalization of lesbianism and homosexuality in the Sexual Offences Act.424

While conceding that there have been no recent prosecutions under the Sexual Offenses Act, the British weekly news magazine *The Economist* counters that “The laws are rarely enforced, but they matter. Police may ignore crimes if the victim is gay, and therefore a ‘criminal’ too.”425

A judicial precedent was set in early 2001 in a case that well illustrates the point made by *The Economist*. Jowelle De Souza had a male-to-female sex-change operation when she was 19. In March 1997, police arrested her after she pushed a photographer who knew about her past and was taking photographs of her without her permission. Officer Eric George brought her to the police station, where she said she had to endure several hours of taunting about her sexuality by George and his fellow officers. They insisted on having her strip-searched by a female officer. De Souza sued the police, saying “There was no legal right to search…I pushed (the photographer). I didn’t assault him with a deadly weapon.” The case was settled out of court after George killed himself and his wife prior to a scheduled court appearance. A High Court judge then awarded De Souza the equivalent of $5,000 in compensation. A key element in De Souza’s success was that she was able to afford hiring a prominent lawyer who happened to be the wife of the country’s attorney general.426

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 2.5 percent of adults aged 15-49, more than four times the rate in the USA, and among the highest in the hemisphere. As of the end of 2001, UNAIDS estimated there were 17,000 persons living with HIV/AIDS out of a total population of 1.3 million.427
Canada

Canada is the most LGBT-friendly country in the hemisphere. It has no laws prohibiting sexual relations among same-sex couples. With passage of the Human Rights Act on November 4, 2003 by the Legislative Assembly of Nunavut, all Canadian provinces and territories now have legislation banning discrimination on the basis of sexual orientation.

Québec was the first province to extend some of the benefits associated with marriage to same-sex partners. On June 10, 1999, its legislature unanimously passed Law 32, which
extended the rights accorded heterosexual common-law partners to same-sex partners, including social benefits, survivors’ benefits, and tax deductions. In June 2002, the legislature unanimously passed a measure recognizing “civil unions,” entitling same-sex couples to virtually the same rights and obligations as married couples, including pension, health insurance, and inheritance benefits, and the right to adopt children.\textsuperscript{429}

On June 10, 2002, an appeals court in Ontario, citing a constitutional prohibition on discrimination, ruled that the right to marry could not be limited to heterosexual couples, and made its decision effective immediately. It redefined marriage as “the voluntary union for life of two persons to the exclusion of all others.” In July, a court in British Columbia followed suit. The ruling Liberal Party then committed itself to passing legislation extending full marriage rights to gays and lesbians nationwide. With 56% of Canadians indicating support for same-sex marriage in a September-October 2003 Environics opinion poll, every political party except the right-wing Canadian Alliance has endorsed the concept. Canada is thus poised to become the third country in the world to do so, after the Netherlands and Belgium.\textsuperscript{430}

Canadian society is likewise tolerant of sexual diversity. In marked contrast to the United States, Canada’s Boy Scouts have accepted membership by openly gay boys and lesbian girls without serious protest. The 129\textsuperscript{th} Toronto Scouting Group was organized in 1999 as a gay unit under the sponsorship of the Christos Metropolitan Community Church, a gay church. From the time of inception, roughly half its membership has consisted of lesbian girls, a logical extension of the coeducational policy adopted by Scouts Canada in 1998. The Scouting Group was conceived both to challenge traditional gay stereotypes, and as a means of providing support to youngsters at a critical phase in their social development, as they come to terms with their sexuality.\textsuperscript{431}

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.31 percent of adults aged 15-49, roughly half the rate in the USA. As of the end of 2001, UNAIDS estimated there were 55,000 persons infected with HIV out of a total population of 31 million.\textsuperscript{432}

United States

In June 2003, the Supreme Court struck down “sodomy” laws that prohibited oral and anal sex in thirteen states and Puerto Rico. But in a December 2003 New York Times/CBS News nationwide poll, only 41 percent of respondents said they believed homosexual relations should be legal.\textsuperscript{433}

This finding echoed results of a 1998-1999 opinion poll in which U.S. residents scored well below the global midpoint in tolerance of homosexual behavior. On a scale of 100, the Netherlands was the most tolerant country, at 77. Chile (the only Latin American country in the survey) and the Philippines (the only other country in the survey with a Spanish colonial past) were the least tolerant, with 9 and 8, respectively. The United States came in at 31, in the vicinity of such traditionally gay-hostile countries as Russia (27), Japan (28), and Roman Catholic Ireland (29) and Italy (32). Other prosperous English-speaking democracies scored significantly higher: Australia and New Zealand were tied at 41, and Great Britain scored 46. Most tolerant of all were the countries of continental Europe: France (51), Austria (52), Germany (51 East, 56 West), Czech Republic (53), Norway (54), Sweden (57), Spain (59), Denmark (60), Switzerland (62).\textsuperscript{434}
Yet opinions polls also show a growing level of acceptance of homosexuality. In a 2003 Gallup poll, roughly a third of respondents said they felt more accepting of gays and lesbians than they had in the past, with only 8 percent saying the felt less so. Nine out of ten said they favored equal rights for homosexuals in the workplace. According to Tom W. Smith, director of the General Social Survey at the University of Chicago’s National Opinion Research Center, the belief that gay and lesbian sex is “wrong” dropped from 77 percent (more than three-quarters) in 1991 to 56 percent (just over a half) in 2002.435

In a 1996 poll by the Pew Research Center for the People and the Press, 65 percent of respondents said they opposed gay marriages. When the poll was repeated in 2003, opposition to gay marriages had dropped to 53 percent. Opposition among blacks and white evangelical Protestants had remained unchanged. But it had decreased sharply among white Roman Catholics and white mainline Protestants.436

On June 26, 2003, in the landmark Lawrence v. Texas decision, the U.S. Supreme Court struck down the last remaining state statutes prohibiting sexual behavior between consenting adults of the same sex. In the opening paragraph of his majority opinion, Justice Anthony Kennedy wrote:

> Liberty protects the person from unwarranted government intrusions into a dwelling or other private places. In our tradition the State is not omnipresent in the home. And there are other spheres of our lives and existence, outside the home, where the State should not be a dominant presence. Freedom extends beyond spatial bounds. Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct. The instant case involves liberty of the person both in its spatial and more transcendent dimensions.437

The 6-3 vote invalidated not only the Texas law that was the immediate object of the suit, but also laws in twelve other states in the South (Oklahoma, Missouri, Louisiana, Mississippi, Alabama, Florida, South Carolina, North Carolina, Virginia), the Mormon West (Utah and Idaho), and Kansas. The decision also eliminated legal barriers to gay and lesbian sex in U.S. dependencies, including Puerto Rico.438

On November 18, 2003, the Massachusetts Supreme Judicial Court concluded, in a 4-3 ruling, that “that barring an individual from the protections, benefits and obligations of civil marriage solely because that person would marry a person of the same sex violates the Massachusetts Constitution”:

> For decades, indeed centuries, in much of this country (including Massachusetts) no lawful marriage was possible between white and black Americans. That long history availed not when the Supreme Court of California held in 1948 that a legislative prohibition against interracial marriage violated the due process and equality guarantees of the Fourteenth Amendment, Perez v. Sharp, 32 Cal.2d 711, 728 (1948), or when, nineteen years later, the United States Supreme Court also held that a statutory bar to interracial marriage violated the Fourteenth Amendment, Loving v. Virginia, 388 U.S. 1 (1967)…. In this case, as in Perez and Loving, a statute deprives individuals of access to an institution of fundamental legal, personal, and social significance – the institution of marriage – because of a single trait: skin color in Perez and Loving, sexual orientation here. As it did in Perez and Loving, history must yield to a more fully developed understanding of the invidious quality of the discrimination.439
North America

Responding to the argument that allowing members of the same sex to marry would undermine the institution of marriage, the majority opinion continued:

Recognizing the right of an individual to marry a person of the same sex will not diminish the validity or dignity of opposite-sex marriage, any more than recognizing the right of an individual to marry a person of a different race devalues the marriage of a person who marries someone of her own race. If anything, extending civil marriage to same-sex couples reinforces the importance of marriage to individuals and communities. That same-sex couples are willing to embrace marriage’s solemn obligations of exclusivity, mutual support, and commitment to one another is a testament to the enduring place of marriage in our laws and in the human spirit.440

The decision, close on the heels of similar rulings by high courts in the Canadian provinces of Ontario and British Colombia, was the first state court decision in the U.S. stating that gays and lesbians were fully entitled to marry. The court gave the state legislature 180 days to come up with legislation consistent with the ruling, or face a court order enabling such marriages to proceed.441

Governor Mitt Romney, a Republican, vowed to veto any bill providing for gay marriage, and to support a state constitutional amendment to ban marriage between members of the same sex. But with two statewide opinion polls sponsored by the Boston Globe and the Boston Sunday Herald both showing about 50% of the public favoring gay marriage and about 38% opposed, it seemed likely that Massachusetts would become the first state to grant marriage licenses to same-sex couples sometime in 2004.442

An earlier decision by the Vermont Supreme Court led to the first “civil unions” between members of the same sex in the United States. On December 20, 1999, the court ruled unanimously that the state must provide the same protections and benefits to gay and lesbian couples that it provides to heterosexual couples. In March 2000, by a vote of 76-69, the Vermont House of Representatives passed a bill making “civil unions” available to same-sex couples. The Senate followed suit the following month, by a vote of 19-11. The bill, signed into law by Governor Howard Dean on April 26, extended all of the rights and benefits accorded to marriage under state law. But by not actually extending the legal institution of marriage itself, it still denied persons who entered into civil unions the more than one thousand federal benefits of marriage, and created a category that had no meaning beyond the state’s borders.443

Even before Vermont’s adoption of civil unions, lawsuits challenging the right of states to exclude gays and lesbians from marriage set off a nationwide backlash culminating in passage of “defense of marriage acts.” A federal Defense of Marriage Act (DOMA) was signed into law by President Bill Clinton on September 21, 1996. Though it does not prohibit states from extending marriage to lesbians and gays, it bars the federal government from recognizing such marriages. Thirty-seven states (all but Oregon, Wyoming, New Mexico, Wisconsin, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, and the District of Columbia) have passed “defense of marriage acts” prohibiting marriage between same-sex couples.444
Fourteen states (Hawaii, California, Nevada, New Mexico, Minnesota, Wisconsin, New York, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland) and the District of Columbia have passed legislation prohibiting discrimination on the basis of sexual orientation. Four of those (California, New Mexico, Minnesota, Rhode Island) and the District of Columbia also prohibit discrimination based on gender identity. Another ten states (Alaska, Washington, Montana, Arizona, Colorado, Illinois, Indiana, Kentucky, Pennsylvania, and Delaware) prohibit discrimination only in the case of public employees.445
North America

Following a court challenge, the U.S. Supreme Court ruled in 2000 that the Boy Scouts of America (BSA) could, as a private organization, discriminate in its criteria for membership. In February 2002, the BSA reaffirmed its stance of excluding homosexuals and atheists, arguing “that an avowed homosexual cannot serve as a role model for the traditional moral values espoused in the Scout Oath and Law, and that these values cannot be subject to ‘local option’ choices.” In August 2003, the BSA declined to renew the charter for Venture Crew 488 in Sebastopol, California, after troop leaders announced they had adopted a policy of not discriminating on the basis of religious belief or sexual orientation.446

According to the UNDP, the prevalence rate of HIV/AIDS in 2001 was 0.61 percent of adults aged 15-49. As of the end of 2001, UNAIDS estimated there were 900,000 persons infected with HIV out of a total population of 286 million.447
### Generic Terms

<table>
<thead>
<tr>
<th>Word</th>
<th>Country</th>
<th>English translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>aceptarse</td>
<td>Latin America</td>
<td>to “accept” one’s orientation</td>
</tr>
<tr>
<td>asumirlo</td>
<td>Latin America</td>
<td>to “assume” one’s orientation, come out of the closet</td>
</tr>
<tr>
<td>chi chi man</td>
<td>Jamaica</td>
<td>fag, queer</td>
</tr>
<tr>
<td>de ambiente</td>
<td>Central America</td>
<td>gay, “of the environment”</td>
</tr>
<tr>
<td>de onda</td>
<td>Mexico</td>
<td>gay, “on the wave”</td>
</tr>
<tr>
<td>declararse</td>
<td>Latin America</td>
<td>to “declare” one’s orientation, come out of the closet</td>
</tr>
<tr>
<td>entendido</td>
<td>Latin America</td>
<td>“in the know” – discreet term being replaced by “gay”</td>
</tr>
<tr>
<td>fresa</td>
<td>Mexico</td>
<td>gay urban professional (literally “strawberry”)</td>
</tr>
<tr>
<td>papacito</td>
<td>Latin America</td>
<td>sugar daddy (literally “little daddy,” term of endearment)</td>
</tr>
<tr>
<td>pipa</td>
<td>Mexico</td>
<td>hung (literally “pipe”)</td>
</tr>
<tr>
<td>raro, rara, rarito</td>
<td>Latin America</td>
<td>“strange,” “queer”</td>
</tr>
<tr>
<td>tapado, tapada</td>
<td>Latin America</td>
<td>closeted (literally “covered, hidden”)</td>
</tr>
</tbody>
</table>

### Terms for lesbians

<table>
<thead>
<tr>
<th>Word</th>
<th>Country</th>
<th>English translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>camionera</td>
<td>Latin America</td>
<td>“female truck driver”</td>
</tr>
<tr>
<td>hombruna, hombrecito</td>
<td>Latin America</td>
<td>“mannish,” “little man”</td>
</tr>
<tr>
<td>lesbiana</td>
<td>Latin America</td>
<td>lesbian</td>
</tr>
<tr>
<td>macha, machona, machorra, marimacha, marimacho</td>
<td>Latin America</td>
<td>“masculine woman”</td>
</tr>
<tr>
<td>maricona</td>
<td>Latin America</td>
<td>female fag (from maricón)</td>
</tr>
<tr>
<td>tortillera</td>
<td>Latin America</td>
<td>lesbian, from “omelet-maker,” mixing eggs together</td>
</tr>
<tr>
<td>safica, safista</td>
<td>Brazil</td>
<td>After Greek poet Sappho from island of Lesbos</td>
</tr>
<tr>
<td>sapatao</td>
<td>Brazil</td>
<td>“big shoe,” meaning butch dyke</td>
</tr>
</tbody>
</table>

### Terms for bisexuals

<table>
<thead>
<tr>
<th>Word</th>
<th>Country</th>
<th>English translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>contestando a dos teléfonos</td>
<td>Venezuela</td>
<td>answering two telephones</td>
</tr>
<tr>
<td>de ida y vuelta</td>
<td>Mexico, Guatemala</td>
<td>roundtrip</td>
</tr>
<tr>
<td>de los dos lados</td>
<td>Latin America</td>
<td>on both sides</td>
</tr>
<tr>
<td>jalador</td>
<td>Mexico, Guatemala</td>
<td>flirt, swinger (connotes bisexuality)</td>
</tr>
<tr>
<td>jugando por los dos equipos</td>
<td>Chile, Venezuela</td>
<td>playing on both teams</td>
</tr>
</tbody>
</table>

### Terms for gay men who are both active and passive (“versatile”)

<table>
<thead>
<tr>
<th>Word</th>
<th>Country</th>
<th>English translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>abierto</td>
<td>Uruguay</td>
<td>open</td>
</tr>
<tr>
<td>ambo</td>
<td>Mexico</td>
<td>ambisexual (versatile)</td>
</tr>
<tr>
<td>cincuenta/cincuenta</td>
<td>Colombia</td>
<td>50/50</td>
</tr>
<tr>
<td>completo</td>
<td>Cuba</td>
<td>complete</td>
</tr>
<tr>
<td>internacional</td>
<td>Mexico</td>
<td>international (cosmopolitan)</td>
</tr>
<tr>
<td>moderno</td>
<td>Chile, Peru</td>
<td>modern</td>
</tr>
<tr>
<td>reversible</td>
<td>Ecuador</td>
<td>reversible, as in raincoats</td>
</tr>
<tr>
<td>sol y sombra</td>
<td>Mexico</td>
<td>sun and shade</td>
</tr>
<tr>
<td>versátil</td>
<td>Colombia, Uruguay</td>
<td>versatile</td>
</tr>
</tbody>
</table>
## LGBT Glossary

### Terms for active (“top”) gay men

<table>
<thead>
<tr>
<th>Word</th>
<th>Country where used</th>
<th>English translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>activo</td>
<td>Latin America</td>
<td>active (“top”)</td>
</tr>
<tr>
<td>besouro</td>
<td>Brazil</td>
<td>“beetle,” as in dung beetle, bugger</td>
</tr>
<tr>
<td>bode or bofe</td>
<td>Brazil</td>
<td>“male goat,” stud</td>
</tr>
<tr>
<td>buey</td>
<td>Mexico</td>
<td>“ox”</td>
</tr>
<tr>
<td>bugarrón, bujarrón</td>
<td>Latin America</td>
<td>“bugger” (both derived from “Bulgarian,” búlgaro)</td>
</tr>
<tr>
<td>cabro, cabrán</td>
<td>Latin America</td>
<td>“male goat”</td>
</tr>
<tr>
<td>chingón</td>
<td>Mexico</td>
<td>“fucker,” “shagger” (chingar = “to fuck”)</td>
</tr>
<tr>
<td>corchero</td>
<td>Ecuador</td>
<td>plunger (corchón = bottle cork)</td>
</tr>
<tr>
<td>fodincul</td>
<td>Brazil</td>
<td>“one who fucks in the ass” (foder = “to fuck”)</td>
</tr>
<tr>
<td>hombre</td>
<td>Bolivia, Colombia</td>
<td>(real) “man”</td>
</tr>
<tr>
<td>homem</td>
<td>Brazil</td>
<td>(real) “man”</td>
</tr>
<tr>
<td>macho</td>
<td>Latin America</td>
<td>“male”</td>
</tr>
<tr>
<td>mayate</td>
<td>Mexico, Guatemala</td>
<td>from Nahuatl word mayatl, dung beetle</td>
</tr>
<tr>
<td>padrote</td>
<td>Mexico</td>
<td>“big daddy”</td>
</tr>
<tr>
<td>picador</td>
<td>Mexico</td>
<td>from man mounted on horse who goads the bull in bullfights</td>
</tr>
</tbody>
</table>

### Terms for passive (“bottom”) gay men

<table>
<thead>
<tr>
<th>Word</th>
<th>Country where used</th>
<th>English translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>aguacate</td>
<td>Mexico</td>
<td>voluptuous bottom (from Nahuatl aguacatl, “avocado”)</td>
</tr>
<tr>
<td>apapayado</td>
<td>Chile</td>
<td>papaya-like (same as preceding)</td>
</tr>
<tr>
<td>battywoy, battyman</td>
<td>Jamaica</td>
<td>ass-boy, ass-man – batty means “ass”</td>
</tr>
<tr>
<td>bicha</td>
<td>Brazil</td>
<td>“bitch,” (related to French biche, female deer)</td>
</tr>
<tr>
<td>borboleta</td>
<td>Brazil</td>
<td>Portuguese for “butterfly”</td>
</tr>
<tr>
<td>brasilero</td>
<td>Argentina</td>
<td>Brazilian</td>
</tr>
<tr>
<td>cabrito</td>
<td>Costa Rica</td>
<td>little goat</td>
</tr>
<tr>
<td>cacorro</td>
<td>Andes</td>
<td>from cacharro, a crude clay pot</td>
</tr>
<tr>
<td>cangrejo</td>
<td>Puerto Rico</td>
<td>“crac” (connoting redness)</td>
</tr>
<tr>
<td>carne al gancho</td>
<td>Guatemala</td>
<td>“meta on the hook”</td>
</tr>
<tr>
<td>cauchó</td>
<td>Ecuador</td>
<td>from Quechua for “rubber”</td>
</tr>
<tr>
<td>chilintzin</td>
<td>Mexico</td>
<td>anal passive, from Nahuatl</td>
</tr>
<tr>
<td>chingada</td>
<td>Mexico</td>
<td>literally “fucked one,” also used in a pejorative way about women, as in “hijo de la chingada”</td>
</tr>
<tr>
<td>coca-culo</td>
<td>Chile, Peru</td>
<td>hot ass: a play on Coca-Cola – culo means “ass”</td>
</tr>
<tr>
<td>cochón</td>
<td>Nicaragua</td>
<td>perhaps derived from cochino (“filthy,” “pig”)</td>
</tr>
<tr>
<td>colmenero</td>
<td>Argentina</td>
<td>honey drinker (literally “beekeeper”)</td>
</tr>
<tr>
<td>comilón</td>
<td>Argentina</td>
<td>cocksucker (literally “big eater, glutton”)</td>
</tr>
<tr>
<td>cuiloni</td>
<td>Mexico</td>
<td>anal passive, from Nahuatl</td>
</tr>
<tr>
<td>culero, culo, culón</td>
<td>Cuba, Honduras</td>
<td>culo in Spanish means buttocks</td>
</tr>
<tr>
<td>fodidincul</td>
<td>Brazil</td>
<td>literally “one who gets fucked in the ass” (foder = “to fuck”)</td>
</tr>
<tr>
<td>frouxo</td>
<td>Brazil</td>
<td>“flabby” – a weakling, sissy</td>
</tr>
<tr>
<td>hueco</td>
<td>Mexico, Chile, Guatemala</td>
<td>hole, cavity, recess</td>
</tr>
<tr>
<td>incubada</td>
<td>Brazil</td>
<td>“incubated,” as in inseminated</td>
</tr>
<tr>
<td>jota, joto</td>
<td>Latin America</td>
<td>equivalent to “faggot” (literally “jack” in deck of cards)</td>
</tr>
<tr>
<td>loba</td>
<td>Latin America</td>
<td>voracious anal passive (literally “female wolf”)</td>
</tr>
<tr>
<td>manita caída</td>
<td>Mexico</td>
<td>limp wrist (literally “fallen little hand”)</td>
</tr>
<tr>
<td>mano quebrada</td>
<td>Ecuador</td>
<td>limp wrist (literally “broken hand”)</td>
</tr>
<tr>
<td>marchatrás</td>
<td>Argentina, Mexico</td>
<td>someone who backs onto (literally “backward walker”)</td>
</tr>
<tr>
<td>maricón, marica</td>
<td>Latin America</td>
<td>possibly derived from women’s name Maria</td>
</tr>
<tr>
<td>meiacomoda</td>
<td>Brazil</td>
<td>“comfortable stocking”</td>
</tr>
</tbody>
</table>
### Terms for effeminate men

<table>
<thead>
<tr>
<th>Word</th>
<th>Country</th>
<th>English translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adamado</td>
<td>Brazil</td>
<td>“ladylike,” effeminate</td>
</tr>
<tr>
<td>Afemado</td>
<td>Latin America</td>
<td>effeminate</td>
</tr>
<tr>
<td>Amulherado</td>
<td>Brazil</td>
<td>“womanized,” effeminate</td>
</tr>
<tr>
<td>canta en el coro</td>
<td>Colombia, Venezuela</td>
<td>“sings in the choir”</td>
</tr>
<tr>
<td>Gallina</td>
<td>Latin America</td>
<td>chicken</td>
</tr>
<tr>
<td>Guarmilla</td>
<td>Ecuador</td>
<td>from Quechua guarmi, woman</td>
</tr>
<tr>
<td>Loca</td>
<td>Latin America</td>
<td>“crazy woman”</td>
</tr>
<tr>
<td>Mandarina</td>
<td>Colombia</td>
<td>fruit, literally “Mandarin orange”</td>
</tr>
<tr>
<td>Madrina</td>
<td>Latin America</td>
<td>“godmother,” queen of the effeminate hive</td>
</tr>
<tr>
<td>Mariposa</td>
<td>Latin America</td>
<td>literally “butterfly”</td>
</tr>
<tr>
<td>Mariquita</td>
<td>Latin America</td>
<td>pansy, sissy, literally “ladybug”</td>
</tr>
<tr>
<td>mujer, mujercita</td>
<td>Latin America</td>
<td>“woman”</td>
</tr>
<tr>
<td>muy delicado, muy fino</td>
<td>Latin America</td>
<td>“very delicate”</td>
</tr>
<tr>
<td>Naguilón</td>
<td>Guatemala</td>
<td>cowardly, from anagua, “underskirt”</td>
</tr>
<tr>
<td>Patrona</td>
<td>Brazil</td>
<td>“grand dame”</td>
</tr>
<tr>
<td>Pisaleve</td>
<td>Brazil</td>
<td>“light stepper,” delicate man</td>
</tr>
<tr>
<td>plumero, plumoso, con pluma, tiene pluma</td>
<td>Latin America</td>
<td>“with feathers”</td>
</tr>
<tr>
<td>Reina</td>
<td>Latin America</td>
<td>queen</td>
</tr>
<tr>
<td>Violeta</td>
<td>Central America</td>
<td>Pansy, literally “violet”</td>
</tr>
<tr>
<td>Zarza</td>
<td>Peru</td>
<td>fruit, literally “blackberry”</td>
</tr>
</tbody>
</table>

**Pejorative terms in red**

### Sources:
Notes

1 MOVILH. Informe 2002: Primer informe anual sobre los principales hechos que involucran a las minorías sexuales chilenas (Santiago: Movimiento de Integración y Liberación Homosexual, 2003), 5.
2 La Prensa is not a newspaper of record. If one were to make an analogy to New York City, it would be to the Daily News, not the New York Times.
7 “1998 Crime Report,” Citizen’s Commission Against Homophobic Crimes, undated (issued Summer 1999), 8. Careless errors are commonplace. For example, the anonymous authors assume that “for every registered case of execution, there may be at least three more cases.” That would suggest multiplying by four to reach an estimate, but they instead multiplied by three. Even so, multiplying 164 alleged cases by 3 yields 492, not 494. The error occurred when a 0 was multiplied by 3 to get 3 in one cell of the spreadsheet.
11 MOVILH. Informe 2002: Primer informe anual sobre los principales hechos que involucran a las minorías sexuales chilenas (Santiago: Movimiento de Integración y Liberación Homosexual, 2003), 5.
Sexual Orientation and Human Rights in the Americas

31 Ibid., 65.
32 Ibid., 68.
38 Carrier, Joseph. Telephone interview, 7 July 1999.
44 *Catechism of the Catholic Church*, 1994 English edition, 2357-2359. The new Catechism issued in 1992 stated [section 2358] that “They [homosexuals] do not choose their homosexual condition; for most of them it is a trial.” That language was altered in 1997 to read “This inclination, which is objectively disordered, constitutes for most of them a trial.” Ontario Center for Religious Tolerance, “Roman Catholic Church and Homosexuality.” URL: www.religioustolerance.org.
45 “En el caso particular de los jóvenes homosexuales urbanos de la ciudad de México, Monsiváis encuentra que una inmensa mayoría ha alcanzado un cierto nivel de aceptación de “normalidad” con el término gay. Monsiváis plantea que el espacio semántico de la palabra “gay” se transforma en el espacio social de la tolerancia: asumirse gay es formar parte de un movimiento internacional, es pasar de una condición problemática a un modo de vida extravagante, pero “moderno.” Marta Lamas, “Escenas de un campo de batalla: la política sexual en México,” *Letra S*, supplement to *La Jornada*, 7 January 1999.
47 “Uno de los factores culturales que ha tenido un mayor peso en invisibilizar a las mujeres lesbianas es la noción que las mujeres no tenemos una sexualidad autónoma...la gente no acaba de creer que no existe las mujeres lesbianas, no entiende lo que pasa sexualmente entre las mujeres lesbianas...Eso entonces ha hecho la cultura mucho más permisiva en turno a las parejas de mujeres. Dos hombres difícilmente podrían vivir sólo sin que hubiera rumores en torno a ellos. Dos mujeres que se acompañan, pues ¡Que linda! Probrecitas así que sobrelleva su soledad.” Claudia Hinojosa, on-camera, in *Y sigue la marcha andando! Historia del movimiento lésbico en México*, video produced by El Clóset de Sor Juana, Mexico City, 1998.
Notes

49 Donayre, Marta. E-mail comments, received 12 June 2003.

50 Davies, Thomas. Professor Emeritus, San Diego State University. comments submitted by e-mail, 2 June 2003.


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84 Stern, Richard, et. al. “Informe sobre la situación de los derechos humanos de las personas que viven con VIH/SIDA (PVVS) y acceso a la atención integral y los tratamientos antirretrovirales (ARV) en América Latina y el Caribe,” presented to Inter-American Commission on Human Rights, Washington DC, 16 October 2002, 23.


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105 Morales, Magaly. “Brazil’s first televised lesbian kiss brings record ratings for Globo,” Fort Lauderdale Sun-Sentinel, 29 October 2003, 3E.
118 Krauss, Clifford. “At 41, a Father Figure to Chile’s Gay Rights Cause,” New York Times, 16 October 1999.
121 Ibid.
125 Ibid., 7.
127 MOVILH. Informe 2002: Primer informe anual sobre los principales hechos que involucran a las minorías sexuales chilenas (Santiago: Movimiento de Integración y Liberación Homosexual, 2003), 11.
hechos que involucran a las minorías sexuales chilenas (Santiago: Movimiento de Integración y Liberación Homosexual, 2003), 14.

129 MOVILH. Informe 2002: Primer informe anual sobre los principales hechos que involucran a las minorías sexuales chilenas (Santiago: Movimiento de Integración y Liberación Homosexual, 2003), 14.

130 Ibid., 12.


134 MOVILH. Informe 2002: Primer informe anual sobre los principales hechos que involucran a las minorías sexuales chilenas (Santiago: Movimiento de Integración y Liberación Homosexual, 2003), 12.

135 Ibid.

136 Ibid., 13, 15.


140 Ibid.


145 Ibid.

146 MOVILH. Informe 2002: Primer informe anual sobre los principales hechos que involucran a las minorías sexuales chilenas (Santiago: Movimiento de Integración y Liberación Homosexual, 2003), 10.


“Marcha del ‘orgullo gay’ por sus derechos,” La Hora, 8 July 2002.


“Policial dado de baja por maltrato a homosexuales,” La Hora, 17 June 2002.


Ibid.

Ibid.

Ibid.

Ibid.


Murray, Stephen O. “South American West Coast Homosexualities,” in Stephen O. Murray, Latin American Male Homosexualities (Albuquerque: University of New Mexico Press, 1995), 281. By contrast, in the Moche civilization that preceded the Incas, “homosexual behavior appears to have been associated with religious rites that involved the participation of various social classes, including priests” [Oscar Ugarteche, Historia, sexo y cultura en el Perú (Lima: Editorial Abrxas, 1993), 38]. Moche ceramics portray men engaging in anal sex (Murray 282).


Ross, Deborah. “Click! Mario Testino is the king of fashion photographers,” The Independent (London), 9 July 2001, 1.

186 Guerra, Fabio. “Campeones en homofobia: El primer libro sobre la homosexualidad en el Uruguay deja al tabú sin el salvoconducto del silencio,” Brecha, No. 557.
198 Ibid.
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209 Ibid., 42.


212 Ibid.

213 Ibid.


Notes


253 “Impoverished Honduras at the center of Latin America’s AIDS epidemic,” Agence France Presse, 5 July 2002.


264 Ley Federal para Prevenir y Eliminar la Discriminación. Article 9.


266 Ley Federal para Prevenir y Eliminar la Discriminación. Articles 43, 44, 60, 61, 62, 80, 81.


274 Artículo 281 bis del Código Penal para el Distrito Federal Título decimoséptimo bis: Delitos contra la dignidad de las personas.


285 Ibid.
286 Ibid.
287 Ibid.
298 Ibid.
301 Ibid.
Notes

317 “Toda persona que sostuviere relaciones sexuales con una persona de su mismo sexo o cometiere el crimen contra natura con un ser humano será sancionada con pena de reclusión por un término fijo de diez (10) años.” URL: www.lexjuris.com [Accessed 17 November 2003].
319 Council of Europe. “List of declarations made with respect to treaty no. 005, Convention for the Protection of Human Rights and Fundamental Freedoms.”
320 Herald Staff. “Islands offer understated but friendly welcome to gays,” Miami Herald, 21 January 2001, 9J.
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