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Peru

Country Report for use in refugee claims based on persecution relating to sexual orientation and gender identity

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This document was prepared by law students and highlights information about publicly-accessible country conditions available at the time it was prepared. It is not exhaustive, nor is it updated on a regular basis. The information provided here is not a substitute for legal advice or legal assistance, and the International Human Rights program at the University of Toronto, Faculty of Law cannot provide such advice or assistance.

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I. Introduction

This report summarizes sources pertaining to the rights of LGBT individuals in Peru. These sources include Peruvian legislation, reports of governmental and non-governmental bodies inside and outside of Peru, media reports and scholarship. The report also briefly examines Canadian case law on LGBT refugee claimants from Peru. Due to language and translation-related issues, however, it is necessarily confined to materials available in English (or roughly translated through google-translate).

The sources reviewed indicate that in Peru, LGBT individuals face widespread discrimination and violence, sometimes at the hands of law enforcement agencies. Perpetrators of these crimes enjoy impunity. While there are no formal prohibitions against homosexuality, it is socially and culturally deplored.

Reputable governmental reports note that there are no laws specifically prohibiting discrimination against persons based on sexual orientation. This should be verified in the domestic legislation by a Spanish speaker. Governmental authorities, including police, continue to harass and abuse LGBT persons. Police officers have reacted indifferently to charges of domestic violence where an LGBT person is the complainant. For example, a court recently handed down a four-year suspended sentence against two police officers for not assisting a transsexual person who was beaten and injured by a neighbourhood watch group. (US Department of State, *Country Report on Human Rights Practices: Peru 2010* (April 8, 2011)).

Other governmental reports suggest that violence is committed against LGBT persons in various regions of the country. Official discrimination persists. In May 2009, Peru adopted a new disciplinary code for police, which states that “Having sex with people of the same gender that cause scandal or undermine corporate image is a serious offence that may lead to being discharged from the force.” (Immigration and Refugee Board of Canada, “*The situation of*

homosexual men and women, including protection available to victims of ill treatment.” (12 April 2010))

Media and NGO reports highlight the plight of LGBT individuals in Peru: widespread discrimination, threats of violence, and abuse. One uncorroborated media report suggests that in the first three months of 2011 alone, 40 people were killed because of their sexual orientation. (*Peru: Mensualmente más de 20 gays y lesbianas son víctimas de maltratos en Chimbote* / by <http://www.elferrolchimbote.com>, (06/01/11)).

According to these reports, law enforcement agencies have perpetrated violence against LGBT individuals. In one recent example, police broke up a kiss-in being conducted by gay activists, and assaulted these activists (“Peru: Police Rough-Up Gay Activists at Lima, Peru Kiss”, *El Comercio PE* (13 February 2011). In 2006, forces of the Tactical Action Unit (SUAT), of the National police, of the motorized police and the Municipal “Serenazgo” violently burst into two bars frequented by young lesbians and persons from the gay community. Several of these persons, including minors, were violently dragged out of the bar, beaten and forced to get into police trucks. (World Organisation against Torture, Urgent Intervention, “Peru: Attack against Lesbians and Gays in Lima, including minors” (27 October 2006))

II. Research Limitations

The primary research limitation of this report is a lack of Spanish speaking researchers. As such, there are a number of areas where translation services are required for a proper analysis of materials. Domestic legislation, in particular Law 28.237, should be analysed to determine the extend of prohibitions against discrimination on grounds of LGBT status. Media articles and news reports should be examined in their original language. To avoid this problem, this report relies on secondary sources. **The authors of this report emphasise that these secondary materials should not be relied upon as substitutes for the careful examination of primary source materials.**

III. Legislation

Searchable database (in Spanish only) of Peruvian Constitution, codes, legislation, regulations, etc. available at: < http://spij.minjus.gob.pe/spij_leg_basica.asp >. English translation required.

1. *Political Constitution of Peru, 1993*, Congress of the Republic, (Official English translation, August 2006), online: < http://www.congreso.gob.pe/ingles/CONSTITUTION_29_08_08.pdf >.

See: Chapter I, Fundamental Rights of the Person, Article 2, and Chapter II, Social and Economic Rights, Article 4, 5 and 6

- **Sexual orientation is not an enumerated ground of prohibited discrimination**
- **Marriage is “protected and promoted;” only “the stable union between a man and a woman” is recognized**
- **The State “promote[s] responsible motherhood and fatherhood” but does not recognize rights of same-sex parents**

2. International Gay and Lesbian Human Rights Commission (IGLHRC), “Peru: Support Equality And Sexual Rights In Constitutional Reform” (19 September 2002), (online): < <http://www.iglhrc.org/cgi-bin/iowa/article/pressroom/pressrelease/615.html> >.
 - **In 2002, Congress embarked on process of amending the national Constitution**
 - **Seven LGBT NGOs created a coalition called FREDIF (Frente por el Derecho a ser Diferente--the Front for the Right to be Different) to promote the inclusion of "sexual orientation" as a category protected against discrimination**
 - **Members of Congress ignored their demands**

3. Eddie Bruce-Jones and Lucas Paoli Itaborahy, *State-sponsored Homophobia: A World survey of laws criminalising same-sex activity between consenting adults*, The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), (May 2011), online: < http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf >.
 - **Homosexual acts decriminalized in 1836-37 (p 9)**
 - **Age of consent equal for heterosexual and homosexual acts since 1836-37 (p 11)**
 - **No constitutional prohibition of discrimination based on sexual orientation (p 13)**
 - **No prohibition of discrimination in employment based on sexual orientation or gender identity (p 12 - 13)**
 - *Note that there are some conflicting reports on this point. A Spanish speaker should review the relevant legislation to resolve this point.*
 - See: ILGA *LGBT world legal wrap up survey*, below:
 - Peru has prohibited discrimination based on sexual orientation in employment and other areas since 2004 (p 6 - 7)
 See also: IGLHRC “Update: Call on Peruvian Authorities...”, below:
 - Law 28.237 passed by the Peruvian Parliament, instituted a new constitutional protection for the LGBT population. It prohibits discrimination based on sexual orientation, recognizes sexual minorities as a protected group, and allows individuals to submit appeals and complaints in cases of discrimination. Law 28.237 has been in force since December 1, 2004.
 But see US DOS, *Human Rights Report, Peru*, for 2009 and 2010, below:
 - “There are no laws prohibiting discrimination based on sexual orientation”
 - **Hate crimes based on sexual orientation or gender identity are not considered an aggravating circumstance (p 14)**
 - **Incitement to hatred based on sexual orientation is not prohibited (p 15)**
 - But, see US DOS *Human Rights Report, Peru, 2009*, below:
 - NGOs lobbied Congress to pass a Hate Crimes Law, delivered to the Human Rights Committee of Congress on October 23, 2009
 - A review of Spanish newspapers (with help of Google translate) suggests the bill (bill 3584/2009-CR) passed first stage approval in June 2010
 - **Marriage is not open to same sex couples (p 15) and same sex couples are not offered any rights of marriage (civil partnerships, registered partnerships, civil unions) (p 16).**
 - **Joint adoption by same sex couples is illegal (p 16)**
 - **There is no law recognizing gender after gender reassignment treatment (p 17)**

Jones and Itaborahy note that while there have been “important changes and advances in the recognition of the right to equality and non-discrimination against LGBTI people in Latin America and the Caribbean,” these positive steps lack “the institutionality necessary to remain effective” (p 48)

4. UN Human Rights Council, *Joint Statement on Ending Acts of Violence Related Human Rights Violations Based on Sexual Orientation and Gender Identity*, (22 March 2011), online: < <http://www.unhcr.org/refworld/docid/4eb8f32e.html>>

- **Peru was *not* a signatory to the March 2011 UNHCR Joint Statement on Ending Acts of Violence & Human Rights Violations Based on Sexual Orientation and Gender Identity**

The Statement was signed by 85 states worldwide. Latin American and Caribbean countries which signed this document are: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay and Venezuela.

In contrast, see also IGLHRC, “Update: Call on Peruvian Authorities for Justice...” (below):

- In 2002, Peru ratified the Andean Charter to Promote and Protect Human Rights (Carta Andina de Promoción y Protección de los Derechos Humanos)
 - See Article 10, Section F, Article 52 and 53 in particular: Signatories recognize that all people, regardless of their sexual orientation or preference, are entitled to the same human rights, and commit themselves to combating all forms of discrimination against individuals on account of their sexual orientation or preference, in accordance with national legislation
 - *Peru’s commitment to Articles, 10, 52 and 54 of the 2002 Andean Charter is clearly undermined by its failure to ratify the 2011 UNHCR Joint Statement.*
5. US Department of State, *Country Report on Human Rights Practices: Peru, 2009* (March 11, 2010), online: < <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136123.htm> >
- **There are no laws prohibiting discrimination based on sexual orientation**
 - **NGOs lobbied Congress to pass a Hate Crimes Law, delivered to the Human Rights Committee of Congress on October 23, 2009**
 - A review of Spanish newspapers (with aid of Google translate) suggests the Hate Crimes bill (Bill 3584/2009-CR) was approved June 17, 2010 by a majority of the Commission of Justice and Human Rights. It is not clear if it was approved by the full House.
 - Evangelical newspapers and blogs suggest leaders reacted to the Commission’s approval by sounding the alarm and calling for protest
 - *This point would merit follow up with a Spanish researcher/translator*
 - **Violence and discrimination against LGBT persons reported**
 - **Persons with HIV/AIDS face “extensive discrimination and harassment.”**
 - **Government authorities sometimes harassed and abused homosexual persons**

- **On April 14, 2009, NGOs sent the 2008 case of the rape of Luis Alberto Rojas Marin by police officers to the Inter-American Human Rights Commission; the commission rejected the petition on August 27, 2009**
6. US Department of State, *Country Report on Human Rights Practices: Peru 2010* (April 8, 2011), online: < <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154516.htm> >.
- **No laws specifically prohibit discrimination against persons based on sexual orientation**
 - **Government authorities, including police, continued to harass and abuse LGBT persons**
 - On March 29, 2010, a court handed down a four-year suspended sentence *against two police members* for not assisting a transsexual person who was beaten and injured by a gang.
 - On January 29, 2009, a transgender woman known as Techí, was kidnapped and tortured by members of a local neighborhood watch patrol in Tarapoto. In April 2009, local prosecutors presented the case to the Second Court of Tarapoto (see US DOS Report 2009, above). The case remained in the Second Court of Tarapoto at the end of 2010.
 - **Impunity for perpetrators**
 - The “majority of reported cases of domestic violence did not result in formal charges because of fear of retaliation or the expense of filing a complaint.”
 - “Insensitivity on the part of law enforcement and judicial authorities toward female victims contributed to a societal attitude of permissiveness toward abuse”
 - Inadequate protections to victims of such violence due to “legal delays, ambiguities in the law and the short supply of victim shelters”
7. Daniel Ottosson, *LGBT world legal wrap up survey*, ILGA (November 2006), online:< http://typo3.lsvd.de/fileadmin/pics/Dokumente/Homosexualitaet/World_legal_wrap_up_survey_November2006.pdf >.:
- **Openly gay, lesbian and bisexual persons can serve in the army, since 2004 (p 8)**
8. Dan Collyns, “Peru to ban gay police officers,” *BBC News*, (May 14 2009), online: < <http://news.bbc.co.uk/2/hi/americas/8049368.stm> >.
- **Gay police officers were banned from the force, supposedly in an effort to “improve its dismal reputation”**
 - **The law required indefinite suspension of an officer who engaged in homosexual acts**

But, see: US DOS, *Human Rights Report, Peru, 2009*, below:

- **The Constitutional Tribunal determined that homosexuality is not an impediment to entry into the armed forces or the police when it ordered the police academy to reinstate an expelled student.**
9. Luis Jaime Cisneros, “Gay marriage debate inflames Peru election”, *The China Post*, (March

15, 2011), online: <

<http://www.chinapost.com.tw/international/americas/2011/03/15/294621/Gay-marriage.htm>

>.

- **Proposal to introduce bill recognizing civil unions for same-sex couples sparked debate during 2011 presidential election**
- **70 percent of Peruvians polled said they opposed same-sex civil unions**
- **74.4 percent said they opposed same-sex marriage**

The debate over civil unions for same-sex couples “divided” Peru during the 2011 presidential campaign, “drawing particularly fierce opposition from the Catholic Church.” Presidential candidate Alejandro Toledo said that if elected, he would introduce a bill to recognize civil unions of same-sex couples. Two other presidential candidates – Keiko Fujimori and Manuel Rodriguez Cuadros – also voiced their support for civil-unions for same-sex civil unions, but “[t]he debate is roiling socially conservative Peru where more than 80 percent of people are Catholics, in large part because the politicians are so far out ahead of the voters. Nearly 70 percent of Peruvians said in a poll last month that they are opposed to gay civil unions, while some 74.4 percent said they are against gay marriage.”

10. Andrea Marcela Madambashi, “Thousands of Evangelicals March in Peru Against Gay Rights Bill,” *The Christian Post*, (July 16, 2011), online: <
<http://www.christianpost.com/news/thousands-of-evangelicals-march-in-peru-against-gay-anti-discrimination-bill-52403/> >.

- **Thousands protest bill permitting public displays of affection by same-sex couples**

In July 2011, thousands of evangelical protestors marched in Lima, Peru, to express their disapproval of a bill that permits homosexuals to “express their affections in public spaces, including schools.” Senator Manuel Caredenas, who proposed the bill, said it aims to “promote gender equality and prevent discrimination based on sexual orientation.” Protesters responded with messages such as: “Don’t kill our innocence. No to the gay bill, but yes for the values.” Gregario Durand from the National Confederation of APAFAS (Parents Family Association) warned the bill would “create anarchy and would increase obscenity.”

11. Carlos A Quiroz, “Gay LGBT organizations and activists in Peru support Ollanta Humala in presidential elections,” *Pruanista*, (May 17, 2011), online: <
<http://peruanista.wordpress.com/2011/05/17/gay-and-lgbt-organizations-and-activists-of-peru-support-ollanta-humala-in-presidential-elections/> >

- **36 LGBT organizations signed petition supporting candidacy of Ollanta Humala**

The organizations said Humala’s government would promote “respect for life, civil rights of all Peruvians, the rights of sexual minorities (LGBT citizens) and above all it supports a secular state where there is freedom of worship and ideas.”

Humala went on to win the June 5th, 2011 presidential election

See: “Peru election winner Humala congratulated by rival,” BBC News, (June 7, 2011) online, < <http://www.bbc.co.uk/news/world-latin-america-13651468> >.)

Humala has not introduced any measures that directly impact the rights of LGBT communities. Whether President Humala will institute change is unclear. He has been called a “chameleon” by commentators, who note that he was able to win the presidential race by “dropp[ing] a leftist government platform he had unveiled only months before and forg[ing] last-minute alliances in the centre. Many Peruvians are consequently wondering just which Mr Humala will start governing their country on July 28th.”

See: “Victory for the Andean chameleon” *The Economist*, (June 9, 2011), online: < <http://www.economist.com/node/18805443> >.

Whatever positive changes he may bring for LGBTQ citizens of Peru may lack staying power, as the President has already stated he will not seek re-election following his five year term.

See: “Humala Says on Twitter that Won’t Seek Reelection,” *Peruvian Times*, (September 22, 2011), online: < <http://www.peruviantimes.com/22/humala-says-on-twitter-that-wont-see-reelection/13736/> >

12. Richard Ammon, “Gay Peru: Different Definitions of Gay,” *GlobalGayz. Com*, (October 1999, updated April 2008), online: < <http://www.globalgayz.com/country/Peru/view/PER/gay-peru-different-definitions-of-gay> >.

- References a law passed in 1999 that prohibits discrimination on the basis of sexual orientation
- This legislation “did not suddenly open Peruvian culture to embrace sexual varieties by any means” but “for those accustomed to oppression and harassment, the years since the law passed have seen an easing of police attitudes” towards LGBT persons, “at least in Lima.”
- Could be referring to Law 27,115 “providing for public criminal prosecution of offences against sexual freedom” (1999); see Diane Alméras, below.

13. Diane Alméras et al, “Violence Against women in couples: Latin America and the Caribbean,” ECLAC Women and Development Unit, United Nations Development Fund for Women (UNIFEM), Santiago, Chile (October 2004), Page 18, online: < <http://www.eclac.org/publicaciones/xml/5/22695/lcl1744i.pdf> >.

Lists potentially relevant laws, in need of official English translation:

- Law 28,237: passed by the Peruvian Parliament, instituted a new Constitutional Procedures Code for their country. It recognizes discrimination based on sexual orientation as a protected category and allows individuals to submit appeals and complaints in cases of such discrimination.
- Law 26,260 establishing the policy of the State and society on family violence (1993)
- Law 26,763 establishing mechanisms to provide greater protection for victims (1997)

- Law 26,788 reforming the Penal Code by incorporating, as an aggravating circumstance, the existence of a family relationship between the aggressor and the victim (1997)
- Law 26,770 reforming the Penal Code, establishing that marriage does not vitiate grounds for the prosecution of crimes against sexual freedom (1997)
- Adoption of the Regulations of the Single Text of Law 26,260
- Law 27,115 providing for public criminal prosecution of offences against sexual freedom (1999)
- Law 27,306 amending the Single Text of Law 26,260 (2000)

14. UNAIDS, “Informe Nacional sobre los progresos realizados en la aplicación del UNGASS: Peru.” Joint United Nations Programme on HIV/AIDS (UNAIDS), (January 2006 - December 2007), online: <
http://data.unaids.org/pub/Report/2008/peru_2008_country_progress_report_sp_es.pdf>.

- Law 27, 270: Law penalizing discrimination (2000)
- Law 27,115: Act Establishing the Public Prosecution of Crimes against sexual freedom (1999)
- Law 27, 942: Law on Prevention and Punishment of Sexual Harassment
- Law 28, 237: Article 37 recognizes legal protection against sexual orientation discrimination by a writ of - D.S. 004-97/SA, Regulations of the Law 26, 626: Act amends Section 28, 867.
- Criminal Article 323 ° - may be the Hate Crime provision referenced in other articles above.

IV. Jurisprudence

Overall Summary:

One claim from 2004 (of a homosexual male from Lima) was granted and another 2011 claim (of a lesbian from Peru) was granted judicial review by the Federal Court. Two other decisions (from 2003 and 2004) were denied, one due to lack of credibility and another due to the fact that the claimant did not seek help from any Peruvian authorities following an attack. There are several positive claims from 1997-1999 of gay and lesbian refugees from Colombia and Chile.

- Successful claims from all three countries typically involved some kind of violent attack targeted at the claimant due to their sexual orientation, followed by indifference – or further violence – from police.
- Claims that did not involve targeted attacks and/or abusive police behaviour were rejected.

Federal Court of Canada – Cases re: Peru

J.G.J.G. v. Canada (Minister of Citizenship and Immigration) [2011] FC 860

Judicial Review Granted -

- Claimant is a lesbian from Peru seeking judicial review of IRB decision. In 2008, claimant was assaulted by 4 men on her way home from a small-scale gay pride party; the men attempted to rape her and threatened her sister and nephew. When claimant reported

the incident to police, the first officer laughed, refused to take action. Claimant returned to speak to commanding officer who also refused to take action. Claimant approached a lawyer for help but he advised her that her case is futile because the courts are homophobic.

- Board found the determinative issue to be state protection, and found that she could avail herself of it, through institutions such as Ministries of Interior and Defence, the Public Ministry and the Ombudsman.
- Federal Court: in its decision, the Board gave no weight to letters from her sister and psychologist which corroborated her claims and gave contrary evidence to available documentary evidence from IRB regarding institutional homophobia. These letters are relevant and should have been considered. Institutions are allegedly homophobic, yet Board suggested she seek them out for assistance. Board cited evidence that these institutions are making efforts to counter corruption – but evidence did not address issue of whether help would be forthcoming to someone in claimant’s situation. Judicial review granted.

Immigration and Refugee Board – Cases re: Peru

R.A.T. (Re) [2004] R.P.D.D. No. 39

Claim Granted

The claimant was a 27-year-old homosexual male from Lima, Peru. The claimant was driven out of his home by his father and began living publicly as a homosexual in Peru in 2002. The claimant had two different partners from 2002-2003 and in both relationships, him and his partner were attacked several times. The claimant had to be hospitalized twice, each time for several days, following the attacks and this was confirmed through medical records. Upon reporting the attacks to police, his claim was ignored and police threatened to detain him and his partner for “immoral conduct.” After reporting another incident where the claimant and his partner were attacked while holding hands in a park, the police detained the couple for a few hours for “immoral conduct.” The couple was also savagely attacked in their home by neighbours who asked them to leave the neighbourhood.

- **The panel cited recent documentation that shows that Peruvian authorities are “unable to provide adequate protection to sexual minorities (para 11).”**
- In light of independent documentary evidence cited from IRB Documentation Centre, panel concluded that homosexuals who choose to live openly in Peru are at risk in every part of the country.

J.W.B. (Re) [2003] R.P.D.D. No. 141

Claim Denied

Claimant was a 29-year-old homosexual man from Lima who worked in the fashion industry. He alleged that he was harassed and discriminated against because of his sexual orientation but was never personally targeted and never suffered abuse by police. He was allegedly threatened by attackers but upon filing a police report, police were ineffective in following through with the report.

- The panel found that the claimant's allegations lacked credibility, especially in light of the fact that the claimant did not seek help and protection from friends and the community in the 6 weeks after he was allegedly threatened.
- Instead, the claimant continued living at the same address and going to work.
- The panel member also found it suspicious that the claimant obtained his Peruvian passport 4 months before actually leaving Peru, but in his PIF he made no mention of having a desire to come to Canada at the time that he obtained his passport.

Manrique v. Canada (Minister of Citizenship and Immigration) [2004] R.P.D.D. No. 683

Claim Denied

In May 2003, police went to claimant's home, accused him of homosexuality, and assaulted him. The claimant had recently been fired by his boss who is also a homosexual. In retaliation, the claimant took some compromising photos of his boss, and it is presumed that his boss reacted by ordering the police attack. At issue in this case is whether or not the claimant could avail himself of protection from Peruvian authorities. The panel noted that the onus is on claimants to establish through clear and convincing evidence that the state is unable to provide protection, or that provisions made by the state to protect people in similar situations have not been helpful. The panel further noted that the burden of proof (of inability of the state to provide protection) is proportionate to the degree of democracy in the country, so that the more democratic a state's institutions, the more the claimant must have done to exhaust all possible courses of action.

- The claimant made no effort to obtain state protection and did not consult a doctor after the attack.

Immigration and Refugee Board – Cases re: Colombia

P.W.Z. (Re) [2000] C.R.D.D. No. 47

Claim Denied

Claimant is a lesbian from Colombia who helped organize the Gay Pride march in Bogota in 1998. She never experienced physical harassment as a result of her sexual orientation, but attributes this to luck. She feared targeting by skinhead groups, cleansing squads, and police. Her only negative experiences included being asked to line up and show ID when police entered a gay bar she was at. Evidence suggests that homosexuals in Colombia who keep a low profile do not face grave risks but might suffer discrimination by state authorities or the population at large. Serious risks are faced mostly by those engaged in high-profile activism. Openly gay people living in poverty are considered "disposable" and may be targets of cleansing squads. Because claimant is member of middle class and well-educated, panel found there to be no serious possibility that she would be targeted by cleansing squads.

L.L.R. (Re) [1999] C.R.D.D. No. 18 –

Claim Granted

Claimant was sexually harassed by her boss at work when she told him she was a lesbian. Complained to police; they were verbally abusive to her, photographed and fingerprinted her.

Claimant was arrested while coming home from a gay bar with her partner one night; police accused them of engaging in illegal acts as lesbians. Took them to jail where both were raped and beaten by four police officers. Claimant's sister returned to police station with a lawyer to complain, police denied mistreatment and insisted she committed a serious crime. An officer hinted to sister that a similar incident could reoccur. Claimant's partner was unwilling to press charges because feared the consequences. Board found her sexual assault to be of the most "egregious kind" and believed she had a well-founded fear of persecution if returned. Granted Convention status.

Immigration and Refugee Board – Cases re: Chile

B.Q.D. (Re) [1997] C.R.D.D. No. 308

Claim Granted

Claimant was a lesbian from Chile who left the country at age 18. Was detained one night after being found outside a gay bar, subsequently raped by two police officers at the police station. Board found all of her evidence to be credible, therefore found it unnecessary to consider whether all lesbians from Chile are persecuted. Because claimant is known to police, she would face a serious possibility of persecution if she returned. Since the state is the main agent of persecution, she would not be able to get adequate state protection. Granted Convention status.

K.V.R. (Re) [1997] C.R.D.D. No. 312 –

Claim Granted

Claimant was a lesbian from Chile who was once arrested by police while at the beach. Police informed her they had information about her sexual orientation. Claimant's ex-partner sent two men to beat her up, and she was hospitalized after. When reported incident to police, they didn't help, even though they apparently had a record on the woman who ordered the attack and said that she had a history of involvement with other young girls. Claimant was beaten by two men a second time (attack presumably ordered by same woman), and was hospitalized. Upon making police report to the court, claimant was raped a few days later by police. Fled to Santiago, saved her money so she could travel to Canada to apply for refugee status. Granted Convention status.

J.K.D. (Re) [1997] C.R.D.D. No. 307

Claim Granted

Claimant, a homosexual male, was detained by Investigations Police because of his sexual orientation. Was raped, and after the incident continued to be harassed by police. Board believed he was harassed to the point of being persecuted by police because of his homosexuality. Would face serious possibility of persecution if returned to Chile because he is known to police. Granted Convention status.

V. Governmental Reports

Canada

1. Immigration and Refugee Board of Canada, “*The situation of homosexual men and women, including protection available to victims of ill treatment.*” (12 April 2010) *PER103442.FE*, online: < http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=452961&l=e>

- This report provides an overview of the public/social attitude toward LGBT people, the type of persecution they face, the treatment and attitude of the police and legal protection for LGBT people.
- Although there are no formal prohibitions against homosexuality the report cites sources that suggest that homosexuality is socially and culturally deplored and that LGBT people face discrimination and violence from both the police and members of the public.
- The report suggests that violence is committed against LGBT people in various regions of the country.
- Violence in Lima appears to be prevalent with one source indicating that 40 homosexuals were killed in this region between April and June 2009.
 - Universo Gay. 15 July 2009. Andrés Bacigalupo. “Homosexuales peruanos exigen una ley contra la discriminación.” < http://noticias.universogay.com/homosexuales-peruanos-exigen-una-ley-contra-la-discriminacion_15072009.html > [Accessed 21 November 2011]
- According to an article by the Andean Air Mail & Peruvian Times news website published on 15 May 2009 homosexuality is “perceived as inherently flawed and often as an illness”. A representative of the Runa Institute for Gender Development and Research confirmed that a person who displays [translation] “an abnormal [sexual orientation] exposes him- or herself to dangerous situations and loss of social consideration.”
- In 2008, acts of violence were committed by the Peruvian National Police (Policía Nacional del Perú, PNP) and by members of various communities in different regions of the country against LGBT people, which [translation] “demonstrates that discrimination and prejudice against [lesbian, gay, bisexual and transsexual/transgender people] LGBTs are rooted in cultural practices”
- According to *Country Reports on Human Rights Practices for 2008*, published by the United States (US) Department of State, homosexuals “faced extensive discrimination and harassment” (US 25 Feb. 2009, Sec. 5).
- Data provided by the Homosexual Movement of Lima (Movimiento Homosexual de Lima, MHOL), indicates that six people were killed in Lima because of their sexual orientation in the months of May and June 2009 (*La República* 12 July 2009). Another source, citing the same data, indicates that 40 homosexuals were killed during the months of April, May and June 2009.
- There are no policies to protect homosexual victims of violence (Instituto Runa 15 Mar. 2010) and no law prohibiting discrimination based on sexual orientation (*Country Reports for 2009*, US 11 Mar. 2010, Sec. 6).
- An article posted on 14 December 2009 on the website of the Peruvian Network of LGBT indicates that a bill that defines hate crimes as including crimes based on sexual

orientation and gender identity and that specifies punishment, was presented to the Justice and Human Rights Commission of the Congress of the Republic. Additional information on the bill could not be found among the sources consulted by the Research Directorate.

- The Representative from the Runa Institute stated that many regulations towards eliminating discrimination have been implemented in various regions of the country by the by-laws of certain municipalities in the Jesús Nazareno district and the provinces of Huamanga, Sullana, Chanchamayo and El Callao prohibit discrimination based on sexual orientation.
- The regional governments of Abancay and Loreto have reportedly approved regulations prohibiting discrimination based on sexual orientation and gender identity.

2. Immigration and Refugee Board of Canada, *“Peru: The situation of homosexual men and women, including protection available to victims of ill treatment.”* (August 2003-March 2005) (3 March 2005) PER43413.FE, online: <http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=437331&l=e>

- This report provides an overview of the public/social attitude toward LGBT people and lesbians in particular, the type of persecution they face, the treatment and attitude of the police and legal protection for LGBT people.
- It also discusses the prevalence of LGBT movements, NGO’s and activism in civil society and the police’s response to this. In particular it discusses various LGBT events in Lima and how the police have responded to these.
- The report cites a source discussing the active gay scene in Lima, however the report also cites an incident where the Lima municipal police raided a gay and lesbian nightclub and beat people who tried to avoid being filmed on camera. The Lima municipal police did not try to prevent a gathering of the LGBT community on 14 February 2005 because at least four television stations were present.
- However, one source indicates that transsexual activists who had participated in the Valentine’s Day events had been threatened by municipal police officers. The report discusses legal protection afforded to LGBTs and possible reforms.

United States of America

3. Bureau of Democracy, Hum. Rts., and Lab., U.S. Dep’t of State, *Peru: Country Reports on Human Rights Practices—2010* (April 2011), online: <<http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154516.htm>>

- This report discusses governmental and police abuse and discrimination against LGBT persons. Explaining that “There are no laws specifically prohibiting discrimination against persons based on sexual orientation, and such discrimination occurred. Government authorities, including police, sometimes harassed and abused LGBT persons.”
- The report cites two cases against members of the police force and neighbourhood-watch patrol relating to the abuse of transgendered persons: - - On 29 March 2010 two police members were given a four-year suspended sentence for not assisting a transsexual person who was beaten and injured by a gang.

- A case involving the alleged torture of a transgender woman by members of a neighborhood-watch patrol in January 2009 remained at year's end.
- The report also discusses other forms of official discrimination against LGBTs stating that there were some instances of official and societal discrimination based on sexual orientation in employment, housing, statelessness, and access to education or health care during the year.
- On the other hand:
 - The report discusses the gay pride march that occurred in Lima On July 10 2010. According to the report there were no impediments or incidents related to the march, and police provided sufficient protection.
 - In December 2009 the Constitutional Tribunal ordered the police academy to reinstate an expelled student that homosexuality is determining that homosexuality is not an impediment to entry into the armed forces or the police. The Ministry of Interior Handbook of Human Rights Applied to the Civil Police stipulates that police must respect human rights, especially of the most vulnerable groups, and referred explicitly to the rights of lesbian, gay, and transvestite individuals.

United Nations High Commissioner for Human Rights

4. UN Working Group on the Universal Periodic Review Reports (Office of the High Commissioner for Human Rights)

The Universal Periodic review of Peru (A/HRC/8/37) was held on 6 May 2008 and was based on the following documents: the national report submitted by Peru in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/2/PER/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/2/PER/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/2/PER/3). At its 19th meeting, on 12 June 2008, the Council considered and adopted the outcome of the universal periodic review on Peru (A/HRC/8/37), together with the views of Peru concerning the recommendations and/or conclusions (A/HRC/8/52 chap. VI).

- (i) *The national report submitted by Peru in accordance with the annex to Council resolution 5/1, paragraph 15 (a), (A/HRC/WG.6/2/PER/1), online: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/126/66/PDF/G0812666.pdf?OpenElement>>*
- This report discussed the National Human Rights Plan for 2006 to 2010.
 - One section of the National Human Rights Plan concerns combating discrimination and identifies the more vulnerable sectors of the population - women, indigenous peoples, children and adolescents, the elderly, migrants and people living with HIV/AIDS - with a view to strengthening measures to guarantee their rights. The Plan recommends action to promote a social culture of respect for difference, avoiding violent or degrading treatment on grounds of race, religion, gender or sexual orientation, among others.
 - Details of achievements and action taken with respect to the treatment of people on the grounds of sexual orientation is not discussed in the report.

(ii) *The summary prepared by OHCHR in accordance with paragraph 15 (c), UN Doc A/HRC/WG.6/2/PER/3, online: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/126/87/PDF/G0812687.pdf?OpenElement>>*

- This report is a summary of 17 stakeholders' submissions to the universal periodic review. Submissions in respect of treatment of LGBT people in Peru are set out below.
- According to CLADEM-Peru (the Peruvian chapter of the Latin American and Caribbean Committee for the Defence of Women's Rights) and ACPD (Action Canada for Population and Development), the 1993 Peruvian Constitution protects citizens against discrimination of any kind, but does not expressly prohibit discrimination based on sexual orientation.
- Both ACPD and CLADEM-Peru noted the National Human Rights Plan's limitations in respect of measures for the lesbian, gay, bisexual and transsexual communities.
- ACPD reported that the Equal Opportunity for Women and Men Act adopted in 2007 establishes the principle of State action to ensure equality of opportunity, gender equality based on elimination of all forms of discrimination and sexual exclusion, and the recognition of cultural differences.
- However, it also pointed out that a bill to prohibit discrimination against women on the basis of their sexual orientation and recognize sexual diversity had been rejected, which means there is no means of ensuring equality of opportunity for lesbians.
- CLADEM-Perú and ACPD also pointed out that sexual diversity is not recognized in the following public policies and programmes: the National Health Strategy on Sexual and Reproductive Health, the National Guidelines for Comprehensive Sexual and Reproductive Health Care adopted by the Ministry of Health, and the National Curriculum Blueprint for Education 2021 adopted by the Ministry of Education.
- The Centre for the Promotion and Defence of Sexual and Reproductive Rights - PROMSEX (CPDDSR-PROMSEX) reported on the situation of transsexuals, lesbians, gays and bisexuals.
- CPDDSR-PROMSEX stated that this group is subjected to physical and psychological violence at the hands of the municipal security services and the national police, mainly in certain parts of metropolitan Lima.
- In addition, it reported that transsexuals, lesbians, gays and bisexuals suffer discrimination in the provision of health services and in the job market.
- There were also reports of violence against adolescents and young people in the education system because of their sexual orientation.
- The Runa Gender Studies and Development Institute also submitted information on violence committed against transvestites, transsexuals and transgender persons, recommending implementation of education and awareness programmes.

(iii) *Universal Periodic Review Peru, 18 May 2008 (A/HRC/8/37), online: <http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/PE/A_HRC_8_37_Peru_E.pdf>*

- At its 7th meeting held on 8 May 2008, the Working Group adopted the Universal Periodic Review report on Peru. The report sets out 20 recommendations for Peru, which were made in the course of discussions.

- One recommendation was “to consider applying the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist in policy development (Slovenia)”
- (iv) *Report of the Human Rights Council on its eighth session A/HRC/8/52, 1 September 2008, online: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/152/83/PDF/G0815283.pdf?OpenElement>*
- The outcome report adopted by the Human Rights Council at its eighth session sets out the response of Peru to the recommendations set out in the report of the Working Group on the Universal Periodic Review (A/HRC/8/37)
 - Peru indicated that in a constructive spirit and within the framework of its national legislation, it will study each of the recommendations (including recommendation 2 above) and these will also serve as substantial guidance for the human rights agenda.

The Inter-American Commission on Human Rights

5. *Annual Report of the inter-American Commission on Human Rights, 2010 OEA/Ser.L/V/II, 7 March 2011, online: <<http://www.cidh.oas.org/annualrep/2010eng/TOC.htm>>*

- The IACHR expressed its deep concern about the information it received regarding the situation of systematic discrimination and violence against lesbian, gay, bisexual, trans, and intersex persons (LGBTI) in the region (i.e. central and south America and the Caribbean.)
- The IACHR received information about serious acts of violence and hate crimes perpetrated against the LGBTI community in countries of South America and Central America, as well as about the particular cruelty of the means of violence employed against members of the trans community.
- The report does not specifically mention the situation in Peru.

VI. Non-Governmental Reports

Overall Summary:

Source material suggests that there are a host of issues for LGBT people living in Peru:

- (a) Widespread discrimination:** In Peru, the dominant attitude towards LGBT people is deeply negative. LGBT people are perceived as abhorrent and transgressive. The violence against LGBT people is underpinned by these deep-seeded, highly negative cultural perceptions.

In addition to abuse and violence (highlighted below), there is one recent tangible example of these negative cultural attitudes on a practical level. In May 2009, Peru adopted a new disciplinary code for police, which states that “Having sex with people of the same gender that cause scandal or undermine corporate image” is a serious offence that may lead to being discharged from the force.

(b) Threat of violence: Reports suggest that in the first three months of 2011 alone, 40 people were killed because of their sexual orientation. There are reports of assaults and abuse in different regions throughout the country. Additionally, LGBT people are facing threats of violence from different cohorts of society – for example, in 2001, a transgender woman was kidnapped and tortured by members of a neighborhood watch group. Thus, there is a significant, ongoing threat of bodily harm to LGBT people living in Peru.

(c) Lack of legal protection: There are no national laws dealing specifically with discrimination against LGBT Peruvians (although there are some anti-discrimination laws on a regional basis). The failure of the government to protect LGBT rights is even more relevant when considered alongside the widespread and consistent violence against LGBT Peruvians.

(d) Abuse by authorities: In addition to the new discriminatory law highlighted above, there are many examples of LGBT people being abused by the police. In one recent example, police broke up a kiss-in being conducted by gay activists, and assaulted these activists.

The police and judicial systems are not entirely blind to the issues of violence against LGBT Peruvians. There have been a handful of key judgments made against individuals convicted of violent hate crimes. However, there is ample evidence that LGBT Peruvians continue to suffer at the hands of the police forces.

Source summary:

International Gay and Lesbian Human Rights Commission (IGLHRC)

- i. International Gay and Lesbian Human Rights Commission (IGLHRC), “Peru: New Incidents Of Police Brutality. This Time Victims Are The Lesbians” (27 October 2006), online: < <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/partners/311.html> >.
 - LGBT persons arrested in “raids” on gay bars in December 2005, March and October 2006
 - Television reporters allowed to *accompany* law enforcement officers on raids
 - **Arrests and abuses of LGBT persons perpetrated by “Serenazgo officers,” a security body active in Lima, whose legal status is not clearly specified by law**
 - See: World Organization Against Torture, “Peru: Attack against Lesbians and Gays in Lima, including minors,” (October 2006), online : < <http://www.omct.org/violence-against-women/urgent-interventions/peru/2006/10/d18438/> >.
 - The term “sereno” is used for police officers on guard duty during the night. The Serenazgo was created in 1996 “to control delinquency and street prostitution after the metropolitan municipality of Lima requested concrete policies to reduce the occurrence of crime...”
- ii. International Gay and Lesbian Human Rights Commission (IGLHRC), “Update: Call on Peruvian Authorities for Justice in Murder of HIV/AIDS and Gay Activist,” (7 October 2010, updated December 2010), online: < <http://www.iglhrc.org/cgi->

[bin/iowa/article/takeaction/globalactionalerts/1213.html](http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/globalactionalerts/1213.html) >.

- IGLHRC demanded “a full and fair investigation into the murder of journalist and human rights activist Alberto Osorio”
- Ombudsman’s office “expressed their commitment to following up on the case” and to training police and media “to avoid prejudicial investigations and communications.” It also pledged to make a presentation to Congress in support of a Hate Crimes Bill
- In December 2010, the National Police undertook a “comprehensive investigation” and arrested and charged someone for Osorio’s murder

Boletín Diversidad, a Peruvian organization that monitors homophobic violence, reports an increase in the number of gay or transgender persons murdered under similar circumstances as Osorio: “at least” 7 were murdered in 2009 and 9 in the first ten months of 2010. The media is said to “sensationalize” the murders of gay and transgender people, portraying the victims “as immoral instead of focusing on the arbitrary and violent nature of these hate crimes”

The media speculated, for example, that Osorio had intentionally transmitted HIV to his killer, who was thus acting out of revenge, or else that his death was the consequence of sadomasochistic practices.

IGLHRC reports that “very few of the cases of gay men and transgender people who have been murdered over the past year have resulted in criminal prosecution.” In those cases where there was a prosecution, the sexual orientation and/or gender identity of the victim was not taken into account as a potential motivation for the crime allowing “for the impunity of perpetrators” and “underscor[ing] discrimination in the justice system itself.”

iii. IGLHRC, “Peru: Demand Investigation in Rape Case,” (5 June 5 2008), online : < <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/partners/218.html> >.

- **Three police officers accused of raping homosexual man detained overnight at station**
- **Judge ordered accused officers be suspended and detained; all 3 freed after protests**

On February 25, 2008, in Ascope County in the La Libertad Region of Peru, three members of the National Police arrested 26 year old Luís Alberto Rojas Marín at the Police station, “took his money and belongings, and later undressed and raped him, forcing him to submit to a variety of different sexual practices. Mr. Rojas Marín was left naked the whole night” before being released in the morning ; “the victim maintains he was abused because of his sexual orientation.”

On April 11, 2008, Judge Rosendo Villas Castillo ordered the three accused officers be detained. It was “the first time that Peruvian authorities have ever ordered the arrests of police officers for committing hate crimes or human rights abuses related to sexual orientation.” Family and friends organized marches in protest, however, blaming the victim for the rape, and “trying to discredit him because he openly expresses his sexual orientation.” The Judge’s orders were ignored and the officers were released.

iv. *Perú: Protest Discriminatory New Law to Ban Gay Police. Online:* <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/globalactionalerts/911.html>

- In May 2009, Peru adopted a new disciplinary code for Peruvian police. In Article 34 of that code, ““Having sex with people of the same gender that cause scandal or undermine corporate image” constitutes a serious offence, for which a perpetrator may be discharged.

Amnesty International

- v. Amnesty International, *Peru country report, 2010*. Online: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4c03a80ac&skip=0&oi=PER&querysi=lesbian&searchin=fulltext&display=10&sort=date>
- According to the 2010 country report, LGBT Peruvians are faced with ongoing discrimination and abuse.
- The report highlighted one incident in San Martin province, where a transgender woman was kidnapped and tortured by a neighbourhood watch patrol.

PROMOSEX Peru

- vi. PROMOSEX, “*Peru will not sign declaration against human rights violations for Lesbians, Gay, Transgender and Bisexuals people*” (posted on Asylum Law, 03/16/11, Online: < <http://kausajusta.blogspot.com/2011/03/peru-no-firmara-declaracion-sobre.html> >
- According to this source, “officials of the ministry of Foreign Relations announced that Peru will not adhere to the Joint Declaration to Put a Stop to Acts of Violence and to the Violations of Human Rights Directed against People for their Sexual Orientation and Gender Identity, which will be presented by various countries next March 21 before the Council of Human Rights, an organization within the United Nations.”

Various Reports (Many don't fall under NGO category but are here for context)

- vii. United States Department of State, *2010 Country Reports on Human Rights Practices - Peru, 8 April 2011*

This report confirmed that there is still on-going harassment of LGBT people in Peru. It also highlighted the lack of legal protection against discrimination based on sexual orientation, and claimed that institutions such as the government and the police also exhibited discriminatory behaviour based on sexual orientation.

- viii. Immigration and Refugee Board of Canada, *Peru: The situation of homosexual men and women, including protection available to victims of ill treatment, 12 April 2010, PER103442.FE*

This report draws on a wide range of source material, from articles by Peruvian NGOs to US State Department country reports. These sources provide a comprehensive picture of the severe challenges faced by lesbian, gay and bisexual Peruvians.

Public Perceptions

In Peru, homosexuality is widely viewed as abnormal and abhorrent. Further, there is some suggestion that these negative public perceptions are closely linked with violence, and public disregard for the rights of these individuals perceived to deviate from sexual norms: “In correspondence sent to the Research Directorate in March 2010, a representative of the [Instituto Runa de Desarrollo y Estudios sobre Género], a private organization that promotes the integral development of Peruvian society explained that a person who displays [translation] “an abnormal [sexual orientation] exposes him- or herself to dangerous situations and loss of social consideration.””

Violence against LGBT Peruvians

There are many accounts of violence against LGBT Peruvians. For example, there is evidence that 40 people were killed in April, May and June 2009 because of their perceived sexual orientation.

Legal Protection

Although homosexuality is legal, and there is some protection from discrimination in certain regions, there is inadequate national legal protection for people who face abuse and discrimination based on their sexual orientation: “According to the Representative from the Runa Institute, there are no policies to protect homosexual victims of violence (Instituto Runa 15 Mar. 2010). According to *Country Reports for 2009*, there is no law prohibiting discrimination based on sexual orientation (US 11 Mar. 2010, Sec. 6).”

Further, there is at least one example of a discriminatory law in a professional setting, which “provides for the immediate and indefinite suspension (Andean Air Mail & Peruvian Times 15 May 2009) or discharge of police officers who have homosexual relations (IGLHRC 27 May 2009).”

This is especially salient in light of reports that police are guilty both of violence against LGBT Peruvians, and of unresponsiveness in incidents where LGBT Peruvians are the victims of violence.

- ix. *Peru: Mensualmente más de 20 gays y lesbianas son víctimas de maltratos en Chimbote / More than 20 gays and lesbians are victims of mistreatment every month (posted on Asylum Law, original source is by www.elferrolchimbote.com, 06/01/11), Online: <http://www.elferrolchimbote.com/index.php?option=com_content&view=article&id=260:mensualmente-mas-de-20-gays-y-lesbianas-son-victimas-de-maltratos-en-chimbote&catid=1:local&Itemid=181>*
- In Chimbote alone, over 20 LGBT Peruvians are mistreated every month. Additionally, in the first three months of 2011, there were over 40 murders of lesbian and gay individuals.
- x. “Peru: Police Rough-Up Gay Activists at Lima, Peru Kiss,” El Comercio, Online: <<http://elcomercio.pe/lima/713170/noticia-policias-agredieron-gays-que-se-besaban-centro-lima>> (13 February 2011). Online translation available at:

<<http://www.towleroad.com/2011/02/lima.html#ixzz1DxKv2Kme>>. **SOGI cannot vouch for the accuracy of this or any other translation.**

- This source documents an example of police violence against LGBT Peruvians. In an incident in Lima, police broke up a kiss-in being conducted by about 15 gay activists in the Plaza de Armas de Lima. The police also assaulted the activists.

VII. Media

1. International Gay and Lesbian Human Rights Commission, News Release, “Peru: Demand an Investigation into Attack on Travesti” (18 February 2009) online: <<http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/resourcecenter/862.html> >
 - On January 28th, 2009, a television news report showed an incident in which neighborhood watch patrols in the city of Tarapoto, Peru, chased and caught a travesti and her companion and then physically humiliated and insulted them. Neighborhood watch members cut their victims’ hair and forced them to strip before subjecting them to a series of military training exercises until they collapsed from exhaustion. Throughout the ordeal, a crowd of onlookers made fun of the victims.
 - Translated video of this news report can be found online: <<http://www.youtube.com/watch?v=-8GL8q30xm0&url=http://blabbeando.blogspot.com/2009/01/peru-news-cameras-capture-inhuman.html>>
2. World Organisation against Torture, Urgent Intervention, “Peru: Attack against Lesbians and Gays in Lima, including minors” (27 October 2006) online: <<http://www.omct.org/urgent-campaigns/urgent-interventions/peru/2006/10/d18438/> >
 - Lima (specific): on 13 October 2006, forces of the Tactical Action Unit (SUAT), of the National police, of the motorized police and the Municipal “Serenazgo”[2] violently bursted into two bars, “Avenida 13” and “69”, respectively frequented by young lesbians and persons from the gay community. Several of these persons, including minors, were violently dragged out of the bar, beaten and forced to get into police trucks. Even though the policemen could presume there were minors among the group of women in the bar (whose number are still unknown until now), they allowed the access to reporters from different TV channels, disregarding the duty to preserve the girls’ privacy.
3. Peruanista, “Being Homosexual is a Crime in Peru: LGBT Activists Declare After Police Attack in Lima – I was Detained for Being Gay” (15 February 2011) online: <<http://peruanista.wordpress.com/2011/02/15/when-being-homosexual-is-a-crime-in-peru-lgbt-activists-declare-after-facing-police-brutality-in-lima/>>
 - February 15, 2011: A group of eight lesbian and gay activists in Peru were wounded by the police during a symbolic protest against homophobia. A special police assault squad attacked some 30 LGBT activists in front of the Catholic cathedral of

- Lima.
- Quotes the **Homosexual Movement of Lima: “Every 5 days lesbian, gay or transgender person is killed in Peru”**
4. Luis Mendez Perez, “Leader of Homosexual Movement Recieves Death Threats, www.notiese.org (3 March 2011), Online: <http://www.notiese.org/notiese.php?ctn_id=4714> and archived at <<http://www.asylumlaw.org/docs/sexualminorities/Peru030311.pdf>>
 - "With spots on his house reading "Death to the gays" and a letter directed to the "despicable parasites who deform the natural order of Almighty God," Jorge Chavez Reyes, secretary of the Board of Directors of the Homosexual Movement of Lima, Peru (HMOL), was threatened, last February 25 by neo-nazi groups called National Vanguard."
 5. Eduardo Salinas, “70 Homosexuals are Murdered Every Year, the last victim was asphyxiated, decapitated, stabbed, burned and then discarded in a garbage bag and then left at the Atocongo bridge,” La Republic PE, 7 October 2011, Online: <http://www.asylumlaw.org/docs/sexualminorities/Peru70_100711.pdf>
 - Article in Spanish but title appears self-explanatory

VIII. Scholarship

1. Nelly Jitsuya & Rebeca Sevilla, “All the Bridges that We Build: Lesbophobia and Sexism Within the Women’s and Gay Movements in Peru” (2003) 16(1) Journal of Gay & Lesbian Social Services 1.
 - **“It is very difficult for lesbians to be visible. The lack of information, tolerance or respect towards different lifestyles, especially from the conservative Catholic Church and the traditional family structure have emerged as major obstacles to the right to live with dignity.” (4)**
 - **GLAF (Lesbian Feminist Consciousness-Raising Group) emerged as autonomous group in 1984**

This article, written by two founding members of GALF, the first Peruvian lesbian feminist group, traces its history from the mid-1980s to the early 2000s. Particular focus is placed on the challenges of building alliances with the broader gay movement and heterosexual feminist movement due to lesbophobia and heterosexism, respectively. The authors speak to the need for a greater recognition of diversity within gay, lesbian, and feminist organizations.

2. Frederick L. Whitam et al, “The Emergence of Lesbian Sexuality and Identity Cross-Culturally: Brazil, Peru, the Philippines, and the United States” (1998) 27 Archives of Sexual Behaviour 31.

- **Attitudes towards lesbians in Peru are somewhat ambivalent. Lesbian activity is not criminalized nor do public attitudes appear to be particularly negative.**
- **During interviews in 1986 lesbian respondents in Lima consistently reported widespread tolerance for lesbian activity**
- **Complaint of exploitation of homosexuals—both male and female—by the press for creation of news scandals to create circulation**
- **1987: police raided Lima’s only lesbian bar, 72 lesbians were arrested and televised nationally**
- **Lesbians in Lima complained about lack of organized networks, restaurants, or coffee shops where lesbians could meet**
- **Only lesbian bar in Lima is a middle-class establishment: men are excluded, customers dress according to butch-femme roles—norms are strict**

Study of 205 lesbians and 224 heterosexual women in Brazil, Peru, the Philippines, and the United States conducted between 1981 and 1991. Similarities were identified in emergence of lesbian sexuality, in contrast to heterosexuality, regardless of culture. Authors conclude that “norms for heterosexual behavior impact the development of lesbian sexuality and identity, impeding, but not obliterating, their development.”

3. Andrea Cornwall, Sonia Correa, & Susie Jolly, eds, *Development with a Body: Sexuality, Human Rights, & Development* (London: Zed Books Ltd, 2008).

- **Activists from LGBT organizations report that some Neighbourhood Watch groups exercise violence against transgender people in their localities.**
- **Since Neighbourhood Watch groups are response to failure on the part of the state to guarantee citizen security, these groups (together with national and municipal police) could mean violence against LGBT people.**

Anthology on linkages between sexuality, human rights, and development. Offers perspectives from Brazil, India, Nigeria, Peru, Serbia, South Africa, UK, and Zambia. In particular, with respect to Peru, see piece by Giuseppe Campuzano, “Gender, identity and *tranvesti* rights in Peru.”