



# Uruguay

## Country report for use in Canadian refugee claims based on persecution on the basis of sexual orientation or gender identity

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By: Sexual Orientation and Gender Identity Working Group

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### I. Introduction

In recent years, Uruguay has implemented progressive policies that have made it a hospitable environment for sexual minorities, a beacon for LGBT rights in Latin America. Some of the most notable reforms include the legalization of same-sex marriage in 2013, the lifting of the ban on homosexuals in the military in 2011, laws allowing transgender individuals to change his/her name and gender in 2009, and finally, laws allowing same-sex couples to adopt children in 2009. While violence and prejudice against LGBT-identified individuals still exists, the progressive government appears committed to providing legal safeguards and fundamental rights for such individuals. In the past ten years, there have been no cases decided by the Immigration and Refugee Board regarding Uruguayan citizens seeking refugee-status based on their sexual orientation or gender identity, indicating that conditions in the country are relatively safe.

### II. Legislation

1) *Penal Code*, Law 17677

Online: <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=445807>

Official Text (In Spanish):

[http://www.parlamento.gub.uy/Codigos/CodigoPenal/Cod\\_Pen.htm](http://www.parlamento.gub.uy/Codigos/CodigoPenal/Cod_Pen.htm)



- **In 2003, Uruguay reformed its Penal Code to include a provision criminalizing acts of hate, contempt, and other forms of physical or moral violence on the basis of sexual orientation or gender identity.**

### **Article 149.2**

“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 149.2**

“Those who indulge in acts of moral or physical violence, hate or disregard 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 six to twenty four months in prison”

#### 2) Law 17.817 – *Fight Against Racism, Discrimination and Xenophobia*

Online: <http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=445807>

Official Spanish text:

<http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=17817&Anchor>

- **Declares a national interest in combating all forms of discrimination, including, specifically, discrimination on the basis of sexual orientation or gender identity.**
  - This law provided for the creation of an Honorary Commission against Racism, Xenophobia and all forms of Discrimination (“Honorary Commission”) whose responsibilities were to include, inter alia,**
    - (1) monitoring and reporting on compliance with anti-discrimination laws,**
    - (2) developing proposals to achieve greater compliance with these laws,**
    - (3) designing and implementing educational campaigns to combat discriminatory attitudes,**
    - (4) providing a free advice service for victims of discrimination.**

#### 3) Law No. 18.590 - *Code on Children and Adolescents*

Online:

<http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18590&Anchor=>



Official Spanish Text:

<http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18590&Anchor>

- **Amendments made to Law 18.590 in 2009 making it possible for LGBTI individuals to adopt children.**

4) Law No. 18.620 - *Right to Gender Identity and Change of Name and Sex in Identification Documents*

Official Spanish text:

<http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18620&Anchor>

- **Legislation provides for the right to have gender changed in official documentation to match the holder's gender identity**

5) Law No. 19.075 - *Equal Marriage Law*,

Online:

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/93484/109334/F1598267387/URY93484.pdf>

Official Spanish text:

<http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=19075&Anchor>

- **Civil Code modified to define marriage as a “permanent union, in accordance with the law, between two people of different or the same sex.”**

### III. Canadian Jurisprudence

#### *Immigration and Refugee Board of Canada Decisions*

1. S.C.E. (Re) [2004] R.P.D.D., No. 8

**Holding:** Refugee claim denied.

- **Claimant found to have not taken all reasonable steps to seek protection in Uruguay; therefore, has not discharged onus of establishing state's inability or unwillingness to protect him.**

Claimant claims to fear persecution in Uruguay and Argentina from the public and the police because he is a bisexual man. Alleges that he was assaulted by a group of men because of his sexuality. He also alleges that after being put in jail, he was raped by inmates whom the police had informed of his sexual orientation. Determinative issue is whether or not Uruguay provides



state protection. The Board noted that there are no laws in Uruguay that prohibit or restrict homosexual behaviour. The Board also invoked the existence of a gay magazine and gay organizations based in Uruguay as evidence that there is no persecution against LGBT-identified people in Uruguay. The Board recognized the existence of general discrimination against sexual minorities, but held that this discrimination did not rise to the level of persecution warranting refugee status. This was further cemented by recent policies implemented by the Uruguayan government that suggest a willingness to address the issues faced by sexual minorities.

2. *S.T.E. (Re)* [2002] C.R.D.D. NO. 23,

**Holding:** Refugee claim denied.

- **Panel doubts claimant's daughter is actually a lesbian, although it reject claim on other grounds.**

Panel rejects the claim based on claimant's lack of credibility. The Board points to a variety of inconsistencies in claimant's PIF. Specifically, among the claimant's many allegations was her assertion that her daughter's homosexuality was the source of the harassment she suffered, evidence by vandalism on her home that read "mother of a lesbian." However, at the hearing she maintained that this vandalism was actually in the washroom at work.

3. *O.J.L (Re)* [2001] C.R.D.D. No. 497

**Holding:** Refugee claim denied.

- **Claimant was rejected on the basis of lack of subjective fear; no findings on objective risk of persecution for sexual minorities in Uruguay.**

The claimant failed to discharge her burden of establishing that there would be a possibility of persecution due to her sexual orientation if she were to return to Uruguay. The panel found the claimant's credibility to be tainted. They found the claimant's evidence regarding her relationship with a woman to be lacking.

### ***Federal Court of Canada Decisions***

1. *Benitez v. Canada (Minister of Citizenship and Immigration)* [2001] F.C.J. No. 1800

**Holding:** Application for review dismissed.

- **Applicant failed to discharge the onus of establishing the inadequacy of state protection in Uruguay.**



Court held that the first Officer had made adequate and detailed findings and there was no reason to intervene with the findings. The Officer found that there was insufficient credible information to find that the state was unable or unwilling to protect the applicant from the dangers he faced as a gay man in Uruguay.

#### IV. International Law

##### *UN Treaties*

Treaty	Date of Signature	Date of Ratification
ICCPR	1967	1970
ICESCR	1967	1970
CAT	1985	1986

##### *Human Rights Committee*

1. State party report - "Fifth periodic reports of State parties: Uruguay" (21 December 2012)

Online:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fURY%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fURY%2f5&Lang=en)

- **Uruguay has improved its policy of promotion and protection of human rights since 2005**
- **Since the last report submitted to the Human Rights Committee in 1998, Uruguay has taken major steps to align its human rights legislation and policies with international standards**
- **Article 1 of Act No.18620: "Rights to gender identity and to a change of name and sex in identity documents" stipulates that everyone has the right to free development of his or her personality in line with gender identity, regardless of biological sexual characterization**
- **Act No. 18246 of December 2007: Union of Cohabiting Partners, recognizes the diversity of family arrangements and sexual orientation, guaranteeing rights to members of such unions, including social security**

The Uruguayan state, through the Ministry of Social Development, promotes enjoyment of human rights by all persons, regardless of sexual orientation or gender identity. The state



attempts to outlaw discriminatory practices that violate individual rights based on sexual orientation or gender identity.

2. “Fourth period report of States parties due in...Uruguay” (19 December 1996)

Online:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CPR%2fC%2f95%2fAdd.9&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CPR%2fC%2f95%2fAdd.9&Lang=en)

- **Article 8 of the Constitution protects the right to equality: violence against anyone due to race, religion, colour or origin is punishable under criminal law**
- **Regarding Article 27 of the Covenant –Rights of Minorities—Uruguay does not define minorities in the same way as the Sub-Commission on Prevention of Discrimination and Protection of Minorities**
- **Rather, minority defined as ethnic, religious or linguistic minority group clearly identifiable as such that is numerically inferior to the rest of the population and possesses distinct cultural, historical, religious or linguistic characteristics**
- **As such, does not appear to include LGBT-individuals.**

3. “Human Rights Violations Against Lesbian, Gay, Bisexual, Transgender, and Intersex People in Uruguay: A Shadow Report” (2013)

Online:

[http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/URY/INT\\_CCPR\\_NGO\\_URY\\_15358\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/URY/INT_CCPR_NGO_URY_15358_E.pdf)

- **Shadow report provided to the Human Rights Committee commends Uruguay for having taken a “leadership position within Latin America” in terms of LGBT rights**
- **Despite progress, the report nonetheless notes violations of right to life, right to freedom from torture and cruel treatment, and the right to equality and non-discrimination**
- **The report finds that the majority of violations are committed by private, not state, actors and stem from continued homophobic and transphobic attitudes in Uruguay**
- **The report criticizes Uruguay for not complying with positive obligations to ensure Covenant rights to LGBTI individuals, such as due diligence in prevention, punishment or investigation of harm caused by private actors and to take active measures to prevent a recurrence of the violation**
- **The report concludes with recommendations on how Uruguay could heighten the efficacy of its anti-discrimination policies and further questions about ongoing political developments in Uruguayan LGBT rights**



### ***Committee on Economic, Social and Cultural Rights***

1. "Implementation of the International Covenant on Economic, Social and Cultural Rights: Combined third and fourth period reports, submitted under articles 16 and 17 of the Covenant: Uruguay" (1 April 2009)

Online:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fURY%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fURY%2f3-4&Lang=en)

- **Despite the prolonged economic crisis of 2002, Uruguay has maintained commitment to promoting economic, social, and cultural rights**
- **This report makes no mention of rights relating to sexual orientation and gender identity**

2. "Implementation of the International Covenant on Economic, Social and Cultural Rights: Second Period Reports Submitted by State parties under articles 16 and 17 of the Covenant: Uruguay" (25 March 1996)

Online:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2f1990%2f6%2fAdd.10&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2f1990%2f6%2fAdd.10&Lang=en)

- **Article 40 of the Uruguay Constitution reads: "the family is the basis of our society. The State shall safeguard its moral and material stability so that children may be properly reared within that society." There is no specific definition of "family," but two types of families are generally recognized: those arising from a formal civil marriage, and ones where parents not joined in marriage at time of conception. No explicit mention of how the State perceives families with same-sex parents, but there is no prejudice towards adoptive families**

### ***Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment***

1. Consideration of reports submitted by States parties under article 19 of the Convention" (June 2014)

Online:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fURY%2fCO%2f3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fURY%2fCO%2f3&Lang=en)

- **Pursuant to Act No. 15798 of 27 December 1985, Uruguay ratified the Convention against Torture and Other Cruel, Inhuman or Degrading**



#### **Treatment or Punishment.**

- **Uruguay thus incorporated into its national law a key international instrument for the adoption of legislative, administrative, judicial and other measures aimed at preventing acts of torture throughout the national territory.**
- **In addition, on 27 July 1988, by means of a letter addressed to the Secretary-General of the United Nations and in accordance with article 21 of the Convention, Uruguay recognized the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.**
- **In the same letter and pursuant to article 22 of the Convention, Uruguay recognized the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.**
- **Pursuant to Act No. 17914 of 21 October 2004, Uruguay ratified the Optional Protocol to the Convention, thus incorporating into its domestic law an instrument that establishes a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.**
- **Within the inter-American system, Uruguay is also a party to the Inter-American Convention to Prevent and Punish Torture. The Convention was ratified pursuant to Act No. 16294 of 5 August 1992; thus the principal binding inter-American instrument for the prevention and punishment of torture as defined in that Convention was incorporated into the domestic legal order.**

#### ***Inter-American Commission on Human Rights***

- **No recent reports on Uruguay (last country report published in 1978)**

#### ***Inter-American Court of Human Rights***

- **No relevant jurisprudence involving Uruguay**



## V. Government Reports

### Canada

1. Immigration and Refugee Board of Canada “*Uruguay: Situation and treatment of sexual minorities, including legislation; state protection and support services (2012 - February 2014)*” (March 2014) Online: <http://www.refworld.org/docid/54bf66204.html>
  - **Despite major progress, discrimination against LGBT individuals still occurs. Societal homophobic and transphobic attitudes manifest themselves in acts of discrimination, remarks that assault the dignity of LGBTI individuals, and acts of physical violence, including [murder] in the most extreme cases.**
  - **There were occasional reports of nonviolent societal discrimination, including in employment and occupation spheres, based on sexual orientation and gender identity.**
  - **Teachers and students also experience discrimination in schools.**
  - **Because of the absence of an effective mechanism for monitoring hate crimes against LGBTI individuals, it is impossible to provide a comprehensive account of the frequency or nature of these crimes. However, the results of a survey conducted during the 2005 Gay Pride Parade indicated that:**
    - **3% of the respondents had been the victims of sexual aggression and an additional 10% had been the victims of other acts of physical violence.**
    - **Overall, 48% of the respondents reported that they had been threatened or verbally insulted at least once in open public places (such as schools or workplaces) due to their sexual orientation or gender identity.**
    - **The report further notes that transgender women reported "widespread discrimination" when accessing the job market - "transgender people face automatic rejection in applying for jobs nearly 100 percent of the time, which leads them to resort to sex work."**
    - **It was also noted that "Uruguay frequently has failed to meet its positive obligation to investigate violations of the Covenant rights of LGBTI individuals, to punish those responsible for the violations, and to provide redress to the victims of the violations."**
    -



## ***United States of America***

1. U.S. Department of State; Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices 2013: Uruguay" (2013)

Online: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

- **No laws criminalize sexual orientation, and authorities generally protected the rights of LGBT persons.**
- **Four cases of transvestites killed in 2012 and two cases during the year were unsolved. Colectivo Ovejas Negras (CON - Black Sheep Collective), an LGBT rights NGO, requested information from authorities about these cases but did not receive an answer.**
- **Additionally, CON noted alleged cases of sexual abuse at detention centers and the imminent shutdown of a public hospital change-of-sex service available to the transgender community.**
- **There were isolated reports of street violence against LGBT individuals; the police did not intervene in these incidents. CON claimed police occasionally refused to file reports on discrimination and street violence.**
- **The NGO also asserted that in the provinces police committed acts of violence and degradation against transgender persons who were legally registered prostitutes.**
- **There were occasional reports of nonviolent societal discrimination, including in employment and occupation based on sexual orientation and gender identity.**
- **The Public Health Service Administration in tandem with LGBT NGOs offered workshops and public awareness training for health workers to create health centers free of prejudice and discrimination.**

## **VI. Reports from International Agencies and Non-Governmental Organizations**

### ***Amnesty International***

1. "Uruguay: Key Human Rights Concerns" (February 2014)

Online: <http://www.amnesty.org/en/library/asset/AMR52/001/2013/en/dfc3e45f-caf0-41a7-bc95-3c9e7bbc9442/amr520012013en.pdf>

- **Amnesty International is concerned about the lack of justice in recent killings of transsexual women in Uruguay.**
- **According to official information from the Ministry of Interior there were five murders of transsexual women between 2011 and 2012: three of them**



in the Department of Canelones and the Department of Cerro Largo and two in the capital of Montevideo.

- According to information received by Amnesty International, only the case in the Department of Cerro Largo has led to the prosecution of the perpetrator.
- Amnesty International has been told by relatives and local organizations that the investigations into the other four killings are not progressing.

2. "Uruguay's Equal Marriage Act: A step towards full equality in the Americas" (April 2013)  
Online: <http://www.amnesty.org/en/news/uruguay-s-equal-marriage-act-step-towards-full-equality-americas-2013-04-12>

- The Uruguayan Parliament's adoption of the Equal Marriage Act on 10 April will bolster human rights protections and bring an inclusive society for all a step closer, Amnesty International said.
- Uruguay is the second country in Latin America to allow equal marriage for same sex couples - after Argentina legalized it in 2010.
- "The approval of equal marriage and adoption for same sex-couples is supported by Amnesty International's position that the right to marry and found a family, as set out in international human rights law, should be applied without discrimination, including for same-sex couples," said Javier Zúñiga, Special Advisor at Amnesty International.
- "The passing of the law has been possible mainly thanks to the persistence and campaigning of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) and other civil society organizations in an out of Uruguay."
- "This is an important step towards full equality for LGBTI people in South America, where discrimination and violence based on sexual orientation and gender identity remains high."
- The law also allows same-sex couples to adopt children, as well as to choose the order of their children's surnames - allowing children to take the surname of both their parents.
- The measure must now be signed into law by Uruguayan President José Mujica to come into force. Currently, Uruguayan regulations allow for civil unions of same-sex couples.

### ***Freedom House:***

1. "Marriage Equality Law a Major Step Forward for LGBTI Rights in Uruguay" (April 2013)



Online: [https://freedomhouse.org/article/marriage-equality-law-major-step-forward-lgbti-rights-uruguay#.VOeWqbDF\\_50](https://freedomhouse.org/article/marriage-equality-law-major-step-forward-lgbti-rights-uruguay#.VOeWqbDF_50)

- The proposed law was passed by the lower legislative chamber in December 2012, with 81 of 99 members voting in favour.
- In addition to allowing for legally recognized marriage for non-heterosexual couples, the law would replace the words “marido y mujer” (husband and woman) with “contrayentes” (contracted parties) in marriage contracts, and allow married couples—regardless of their sexual orientation—to decide which surname will be placed first in naming their children.
- “The passage of this law is a critical step forward for LGBTI rights in Uruguay,” said Viviana Giacaman, director for Latin America programs at Freedom House. “Once again, Uruguay has provided a positive example for other countries to follow, which will hopefully lead to further social, political, and legal progress for LGBTI communities throughout Latin America.”
- While the Catholic Church and a vocal political minority strongly opposed the law, it was passed with broad popular support: polls show that Uruguayans support the measure, with nearly 70 percent of people aged 16-44 backing the law.
- Uruguay was the first country in the region to recognize civil unions for same-sex couples, passing a national civil union law in 2008. Uruguay was rated “free” in Freedom House’s 2013 *Freedom in the World* survey and its 2012 *Freedom of the Press* survey.

### ***Human Rights Watch:***

1. “Uruguay: Marriage Equality Approved” (April 2013)

Online: <http://www.hrw.org/news/2013/04/02/uruguay-marriage-equality-approved>

- The Uruguay Senate, in approving a bill on April 2, 2013, to legalize same-sex marriage, has moved to guarantee marriage equality and diminish discrimination, Human Rights Watch said.
- The vote was 23 to 8. Uruguay would be the 12th country to approve same-sex marriage nationwide.
- The lower house of Uruguay’s legislature voted in December 2012 to legalize same-sex marriage.
- The Senate bill included some modifications, including a measure to raise the minimum age for marriage to 16 for everyone, instead of the present age 12 for girls and 14 for boys.
- Human Rights Watch urges all countries to eliminate child marriage and to adopt 18 as a minimum age for marriage for both sexes.



- The modified law will most likely be discussed and voted upon by the lower house later in April.
- It is anticipated that the law will pass and that the first same-sex marriages could take place in July or August. The lower house should move to pass this bill swiftly, Human Rights Watch said.

## VII. Newspaper and Media Reports

1. "Uruguay Celebrates First Anniversary of Marriage Equality" On Top Magazine, August 10, 2014.  
Online: <http://www.ontopmag.com/article.aspx?id=19207&MediaType=1&Category=24>
  - 134 same sex couples have tied the knot since marriage became legal in August 2013 in Uruguay.
  - Legal adviser to LGBT rights advocate Ovejas Negras (Black Sheep) says that while the country has made great progress, there is still a lot to be done.
2. "The LGBT, feminist and student voices behind Uruguay's radical reforms" Diana Cariboni, August 1, 2014.  
Online: <http://www.theguardian.com/global-development/2014/aug/01/uruguay-lgbt-feminist-student-protest-liberal-reforms>
  - Organizations representing marginalized people have joined forces to gain political influence.
  - Gay pride parade attendance rose from 300 people in the 1990s to 30,000 people in 2013.
  - Uruguay has become a more open and tolerant country.
  - However, some individuals note that despite these positive changes, LGBT individuals are still at risk of physical violence for publically displaying their queerness.
3. "First Gay Couple Registers to Marry in Uruguay" On Top News, August 5, 2013  
Online: <http://www.ontopmag.com/article.aspx?id=16032&MediaType=1&Category=24>
  - Sergio Miranda and Rodrigo Bordo become first gay couple to register to marry in Uruguay.
  - Uruguay previously recognized same sex couples with civil union.
  - Uruguay is second South American nation after Argentina to legalize same sex marriage.



4. “Uruguay Gay Marriage Law Takes Effect Monday,” On Top Magazine, August 4, 2013.  
Online: <http://www.ontopmag.com/article.aspx?id=16026&MediaType=1&Category=24>

- **Gay marriage law takes effect**

5. “Uruguay’s senate approves same sex marriage bill,” Catherine E. Shoichet and Dario Klein, CNN, April 3, 2013.

Online: <http://edition.cnn.com/2013/04/02/world/americas/uruguay-same-sex-marriage/>

- **Uruguayan senators voted overwhelmingly in favour of a bill that would make Uruguay the second country in Latin America to legalize same-sex marriage.**
- **Church describes the bill as a blow to the institutions of marriage and the family.**

6. “Uruguay pride marked by fifth trans murder of the year” Gay Star News, September 30, 2012

Online: <http://www.gaystarnews.com/article/uruguay-pride-marked-fifth-trans-murder-year300912>

- **A trans woman was killed days before the LGBT pride march, marking the fifth trans-related murder in the country in 2012.**
- **The victim’s body was found mutilated and partially burnt.**
- **Pride parade included a minute of silence in honour of the trans-related murders.**

7. “Uruguay to Lift Ban of Gays in the Military” Huffington Post, May 25, 2011.

Online: [http://www.huffingtonpost.com/2009/05/13/uruguay-to-lift-ban-onga\\_n\\_203004.html](http://www.huffingtonpost.com/2009/05/13/uruguay-to-lift-ban-onga_n_203004.html)

- **Decree signed by President Tabare Vazquez and Defence Minister Jose Bayardi lifts ban on homosexuals joining the armed forces.**

8. “Uruguay approves sex change bill” BBC News, October 13 2009.

Online: <http://news.bbc.co.uk/2/hi/americas/8304123.stm>

- **Law passed unanimously that will allow transgender individuals to legally register a change of name and gender on all official documents (birth certificates, passports, etc.).**
- **Restricts change of gender and name to those over 19 and stipulates that five years have to pass before an applicant can request another change.**



- **Church strongly opposes the law; archbishop of Montevideo says it is an attack of family values.**
9. “Uruguay passes same-sex adoption law” CNN, September 10, 2009.  
Online: <http://edition.cnn.com/2009/WORLD/americas/09/10/uruguay.gays/>
- **Uruguay became first Latin American country to allow same-sex couples to adopt children.**
  - **Bill passed with backing of President Tabare Vazquez.**
  - **Measure was opposed among conservatives and the clergy.**

## VIII. Scholarship

1. Nicole Laviolette “Sexual Orientation, Gender Identity, and the Refugee Determination Process in Canada,” 2014.  
Online: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2177305](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2177305)
- **Article explains how sexual minority refugee claimants in Canada encounter certain challenges.**
  - **Discusses 1999 case involving two gay men from Uruguay, in which the RPD concluded that while the environment for LGBT-identified individuals in Uruguay was troublesome, and often discriminatory, it failed to qualify as persecution.**
  - **In that case, the RPD used the absence of penal provisions prohibiting homosexuality as evidence of this lack of persecution; author argues that this absence does not suggest that same-sex activity is tolerated, and that laws that regulate morality are often employed to repress homosexual behaviour.**
2. Omar Encarnacion, “Gay Rights: Why Democracy Matters,” Journal of Democracy, July 2014.  
Online: <http://www.journalofdemocracy.org/article/gay-rights-why-democracy-matters>
- **Argues that democracy is a prerequisite for gay rights.**
  - **Uruguay among the countries that have legalized same-sex marriage, as a country that values political freedoms and civil society.**
3. Erica Townsend-Bell, “Intersectional Advances?: Inclusionary and Intersectional State Action in Uruguay,” University of Iowa APSA 2011 Annual Meeting Paper, 2011.  
Online: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1902789](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1902789)



- **Addresses issue of which social groups are likely to push states to act intersectionally.**
  - **Uses Uruguay as case study, finding that intersectional action is limited to very narrow instances “that match conditions required for inclusionary action.”**
  - **Finds that women of color are more likely to make intersectional claims than traditional feminist groups.**
4. Maria Almario, Ellen Rikken, “Positive Theme in LGBT self-identities in Spanish-speaking countries” *International Perspectives in Psychology*, January 2013.  
Online: <http://psycnet.apa.org/index.cfm?fa=buy.optionToBuy&id=2013-04968-001>
- **Findings suggest that people across nationalities may have similar experiences of positive identity related to their sexual and gender identity.**
  - **Qualitative analysis shows eight positive identity themes amongst LGBT-identified people in Spanish-speaking countries: “personal insight and strong self of self; strong connections with family and friends; belonging to a community and being a role model for others; authenticity and honesty; involvement in social justice activism; freedom from gender prescribed roles...and different types of relationships with others.”**
5. Omar Encarnacion, “Latin America’s Gay Rights Revolution,” *Journal of Democracy*, Vol. 22 (2), 104-118: April 2011.
- **Explains the gay-rights revolution in Latin America to suggest that Latin American gay-rights movement is the effect of political strategy, not social change.**
  - **Argues that this political leveraging of gay rights explains the rise of anti-gay violence despite the adoption of liberal policies that promote gay rights.**