

# LGBT QUARTERLY UPDATE



QUARTER FOUR

October 24, 2014

## MARRIAGE AND IMMIGRATION WHEN TRAVELING

**A**s same-sex couples gain increased benefits in more locations around the world, the complications when traveling abroad to countries without the same recognitions only increase, as well. However, acceptance of LGBT lifestyles and same-sex marriage does not extend to all countries of the world; in some countries identifying as such can lead to harassment or even arrest. Yet, from visa applications to at-the-border immigration forms, members of same-sex couples are repeatedly asked: Are you married?

Security-aware LGBT travelers are left wondering what the safest answer is. At this point, there is no clear answer. Anecdotal and public forums, married same-sex travelers report that answering visa and immigration forms either 'yes' or 'no' has not led to complications, but concerns remain. On one hand, a 'yes', could potentially increase a traveler's exposure as a member of the LGBT community, which may also lead to complications. On the other hand, identifying as 'no' will mean lying on a visa form. A Google or Facebook search could reveal to a foreign government that a traveler had misrepresented him- or herself, and some visa forms ask for a traveler's spouse's name, which could reveal a same-sex marriage. With this in mind, same-sex married travelers report that they continue to measure each situation

with an eye to the local laws and cultures; not identifying as married if they think it may attract official or public attention to their sexuality, and identifying if they feel safe. With regard to making this call, countries fall into one of four categories, depending on the measure of acceptance for LGBT behavior and same-sex marriages: (1) Countries that have laws granting same-sex couples civil unions or legally recognized marriages; (2) Countries that do not recognize marriages or unions but generally accept LGBT people; (3) Countries where homosexuality is not officially criminalized, but it is not culturally accepted; and (4) Countries where homosexuality is illegal and not culturally tolerated.

Same-sex travelers in countries of the first two categories have been unaffected when identifying as married publicly, even when marriage is not recognized by the host country. However, in extreme situations, married couples in countries that do not legally acknowledge the relationship may not be able to access the same level of assistance or benefits afforded to heterosexual couples. Even in these cases, the visa or immigration form is unlikely to affect the situation.

In the third category, travelers who identify as married could draw additional



attention to themselves if they are traveling with a same-sex spouse, but it is unlikely to lead to legal trouble. As an addendum, once through the legal traveling process, travelers publicly identifying as married and LGBT could draw ire from the public, and security forces may not be sympathetic. Russia is the prime example of the third category: While homosexuality is not technically illegal, the Russian government passed a law banning homosexual "propaganda" in 2013, and reports of violence against

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## CAMEROON

Like many neighboring countries, Cameroon is unfriendly to the LGBT community. Same-sex relations are criminal violations punishable by fines and up to five years in prison. Furthermore, public opinion remains largely hostile towards homosexuality, which it views as taboo. Mobs have been known to attack, hang, and stone persons found 'guilty' of homosexual activity. LGBT travelers are encouraged to maintain a low profile in all parts of the country and especially the capital city.

The Cameroonian government actively seeks out and prosecutes individuals suspected of homosexual acts, frequently coercing confessions from suspected perpetrators. According to NGO sources, an anti-gay vigilante brigade patrols the capital in an effort to identify and persecute homosexuals. In August 2013, the brigade detained four men on suspicion of homosexuality, seeking to "bring them to justice." Law enforcement can detain suspected LGBT individuals for up to 48



hours and can even force detainees to undergo anal examinations.

LGBT individuals and advocates can face a range of threats, from verbal harassment to assault and even murder, and anti-gay hate crimes have increased in frequency over the last ten years. Between 2005 and 2013, Amnesty International reported 51 arrests concerning homosexual conduct. In October 2014, law enforcement arrested seven men and transgender women on such suspicions. Authorities later released all seven people detained; however, they remained under close observation afterwards. An openly gay man, Jean-Claude Roger Mbed, was brutally

attacked near the Yaounde University campus in December 2013, after being provisionally released from a three-year prison sentence for sending a text message with homosexual content. Mbed died a few weeks later due to medical complications. In July 2013, an LGBT activist and reporter, Eric Ohena Lembembe, was beaten to death in his home in the capital city.

Law enforcement officials sometimes convict persons of "homosexuality" on mere suspicion and minimal evidence. Police arrested two men in 2011 because alleged witnesses reported that they were consuming an alcoholic beverage perceived to be feminine. ■

## HONDURAS

LGBT individuals in Honduras face a complex, sometimes contradictory risk environment. Although the government has passed laws extending some protection to the LGBT community, social acceptance of homosexuality remains low.

Homosexuality is not illegal in Honduras, but the government extended limited protections to LGBT persons. In 2013, the government expanded the definitions of discrimination and hate crimes to include sexual orientation and gender identity. However, the legal environment remains mixed. Despite success in gaining protection under the law, in 2005 the country made same-sex marriage and adoption illegal.

Honduran society remains intolerant of LGBT individuals. Religious leaders speak out against LGBT rights, and the US State Department reports that activists allege employers and the Honduran government discriminate against LGBT individuals. In 2005, a leading



religious minister compared homosexuality to alcoholism and in 2013, a Honduran court dismissed a discrimination case against another anti-LGBT religious leader. Hate crimes against the LGBT community are common in Honduras, and assailants have killed prominent LGBT leaders, including the 2012 murder of journalist and gay rights campaigner Erick Martinez. Martinez was a well-known spokesman for the lesbian and gay rights group Kukulnan. He had been chosen in 2011 as a candidate for a coalition of parties that emerged after the ousting of President Manuel Zelaya in a military coup in 2009.

Rather than enforcing the law against hate crimes, police sometimes commit acts of anti-gay brutality themselves. According to the San Pedro Sula Gay Community activist group, as of February 2013, 50 members of their community have been killed since 2004, and the National Human Rights Commission (Conadeh) demonstrated in a report that police are among the groups most often denounced for homophobic attitudes and hate crimes. Activists claim that officers of the National Bureau of Investigation (DNIC) were responsible for the February 2013 deaths of three members of the transsexual community in San Pedro Sula. ■

# FEATURE REPORT (CONT)

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the LGBT community have increased over the last year. Members of same-sex marriages report that they have chosen to not identify as married to avoid attention, though there have been no official reports suggesting that the government is attempting to identify same-sex couples via their visa applications.

Countries of the fourth category are a serious threat to the security of LGBT travelers. In these countries the acute anti-LGBT legal and social attitudes pose a continuous and multifaceted security threat, and locals identify LGBT people through a range identifiers including types of drinks (Cameroon) and their specific clothing (Uganda). While at this point there is no evidence suggesting that government officials are actively

seeking out members of the LGBT community through visa or traveler applications, the potential effects of being exposed as homosexual are heightened.

At this point, the official situation remains in flux. The US Department of State has a blanket advisory for all travelers to answer official forms honestly, but also advises all US citizens traveling abroad to be mindful of their safety. The State Department has made its own concessions to the Supreme Court's ruling *United States v. Windsor*, which found unconstitutional the federal government's designation of a marriage as between one man and one woman issuing policy on Next of Kin assistance that embraces same-sex marriages, and dictates partners of these marriages will receive the benefits of assistance if a

spouse has an emergency when traveling. With that established, the State Department reiterates that US citizens traveling abroad must respect the laws of the host country – including laws governing interpersonal relationships.

As same-sex marriages become more common in some countries, those with staunch anti-LGBT policies may look increasingly at visa and immigration forms in order to pursue anti-LGBT agendas. However, it is more likely that governments, recognizing the importance of the LGBT traveler community, may not change their process. In this case, as the number of marriages continues to grow, there may be an increasing number of travelers in same-sex marriages deciding to check the box 'yes', next to the question, "Married?"

## GLOBAL UPDATE

### ECUADOR

#### Civil Unions Now Legal

On September 15, same-sex couples were given the legal right to enter into civil unions, providing them the same legal benefits afforded to heterosexual marriages. President Rafael Correa publicly announced that any government employee who denies benefits to same-sex partners "will be dismissed." ■

### DENMARK

#### Gender Changes without Medical States Legalized

The Danish Parliament abolished the requirement of medical certification of a person's new gender before being legally recognized. A waiting period of six months remains. ■

### GAMBIA

#### New Bill Increases Sentences

The Gambia's National Assembly passed a new bill nearly identical to Uganda's law criminalizing homosexual relations. Under the new law, people convicted of aggravated homosexuality face life in prison. Previously, convictions for this offense carried a maximum sentence of 14 years in prison. ■

### INDONESIA

#### Aceh Province Introduces New Anti-Gay Law

The provincial government of the Aceh Province introduced a new by-law punishing consensual same-sex relations with 100 lashes. The law is applicable to both Muslims and non-Muslims. ■

### ITALY

#### Mayors Defy Interior Minister

On October 7, Interior Minister Angelino Alfano declared that overseas marriages registered by authorities must be canceled and removed. In protest, the Mayors of Bologna, Rome, Udine, and Naples have refused to annul these marriages. Gay marriages performed in Italy are not legal. ■

### CHAD

#### Cabinet Proposes Criminalizing Same-sex Relations

Legislation to punish same-sex relations with up to 20 years in prison is pending in the country's Cabinet. Homosexuality has never been illegal in the country. ■

# REGIONAL RESOURCES

## Front Page

### Freedom to Marry

- <http://www.freedomtomarry.org/landscape/entry/c/international>

### Gay Welcome Travel

- <http://www.gaywelcome.com/gay-families-tourism-campaign.php>

### Huffington Post Blogs

- [http://www.huffingtonpost.com/mark-sullivan/a-trip-abroad-reveals-how\\_b\\_4118709.html](http://www.huffingtonpost.com/mark-sullivan/a-trip-abroad-reveals-how_b_4118709.html)

### Pew Research

- <http://www.pewforum.org/2013/12/19/gay-marriage-around-the-world-2013/>

### GayTravel Travel Guide

- <http://www.gaytravel.com/>

## In-Focus

### Cameroon

#### *Global Rights*

- <http://www.globalrights.org/cameroon>

### Honduras

#### *Honduran Equality Delegation*

- <http://honduranequalitydelegation.wordpress.com/>

## Global Update

### Ecuador

- <http://www.advocate.com/world/2014/08/28/ecuadorian-president-defends-civil-union-rights>

### Denmark

- <http://www.advocate.com/politics/transgender/2014/09/03/denmark-passes-groundbreaking-gender-self-determination-law>

### Gambia

- <http://www.advocate.com/world/2014/09/09/gambia-adopts-ugandas-jail-gays-bill>

### Indonesia

- <http://www.advocate.com/world/2014/10/05/100-lashes-new-law-reveals-indonesias-split-personality-lgbt-rights>

### Italy

- <http://www.pinknews.co.uk/2014/10/08/italy-several-mayors-to-defy-interior-ministers-block-on-overseas-same-sex-marriages/>

### Chad

- <http://www.pinknews.co.uk/2014/09/22/chad-considers-criminalising-homosexuality/>

## General Resources

### International Lesbian, Gay, Bisexual, Trans and Intersex Association

- <http://ilga.org/>

### Human Rights Watch

- <http://www.hrw.org/>

### Lambda Legal

- <http://www.lambdalegal.org/>

### Human Rights Campaign

- <http://www.hrc.org/>

### State Department LGBT Travel Information

- [http://travel.state.gov/travel/cis\\_pa\\_tw/lgbt/lgbt\\_5887.html](http://travel.state.gov/travel/cis_pa_tw/lgbt/lgbt_5887.html)

### United Nations Free & Equal

- <https://www.unfe.org/>

# UPCOMING EVENTS

## Worldwide

No Upcoming Events

## Africa

South Africa—*October 25*—Johannesburg Pride

## Americas

Brazil · *November 13–16* · Rio de Janeiro, Gay Pride

Argentina · *November 16* · Buenos Aires, Pride Parade

Mexico · *October 27–31* · Mexico City, ILGA World Conference

United States · *February 4–8* · Denver, Creating Change Conference

Canada · *January 26–February 2* · Vancouver, Gay Ski Week

## Asia

Hong Kong · *November 8* · Pride Parade 2014

## Europe

Belgium · *October 28* · Brussels, Sexual Orientation and Gender Identity Discrimination Conference

Spain · *January 5* · Barcelona, Winter Festival

Iceland · *January 30–February 2* · Reykjavik, Rainbow Winter Festival

Austria · *January 31* · Vienna, Viennese Rainbow Ball

## Middle East / N. Africa

No Upcoming Events

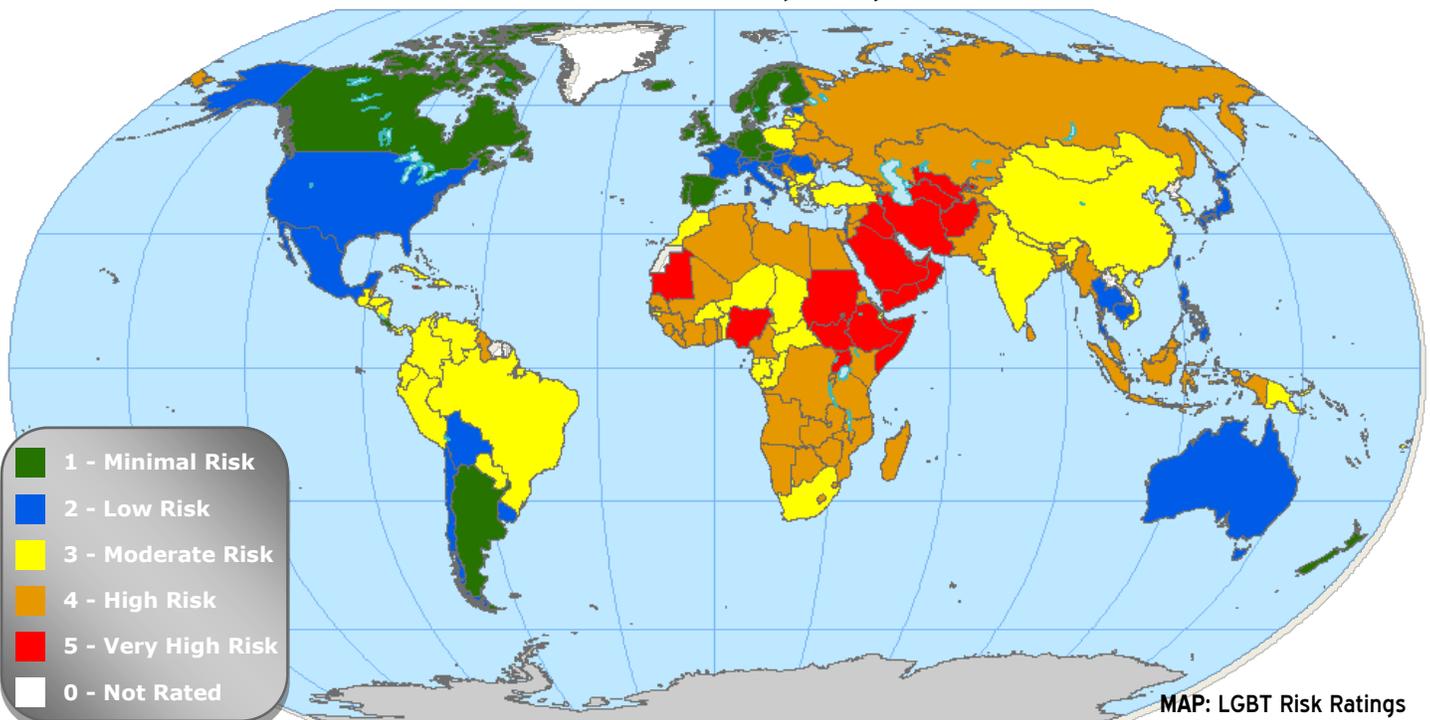
## S. Pacific / Oceania

Australia · *January 18–February 8* · Melbourne, Midsumma Festival

New Zealand—*February 7–March 1* · Auckland Pride

## Russia / CIS

No Upcoming Events



## Contact

We take great pride in addressing topics from around the world that may be of concern to the LGBT community. If you would like to suggest topic pieces, upcoming dates, or provide feedback, please contact Sean Williams at [assessments@jet.com](mailto:assessments@jet.com).