

PREJUDICE

/ KNOWS NO BOUNDS

Executive Summary

Over the course of the past five years, over 1,300 lesbian, gay, bisexual, trans, and intersex (LGBTI) people have been murdered in Latin America and the Caribbean. This is tantamount to an average of about one LGBTI killing per day.

Despite these alarming statistics, governments in the region have yet to develop clear and effective strategies aimed at preventing, investigating, and punishing violence against LGBTI people. To the contrary, they have dismissed civil society's outcry and ignored the many recommendations issued by international organisms to address the violence. Such negligence is the product of the historic erasure of people with diverse sexual orientations and gender identities (SOGI), entrenched social stigmas, the revictimizing nature of criminal justice systems across the region, and, above all, the sheer lack of political will to develop a coordinated institutional response.

In the face of mounting violence against LGBTI people (shown in this report), a continued lack of official data, and the growing "gender backlash"¹ sweeping the region, 10 LGBTI rights organizations joined forces to create the **Regional Information Network on Violence against LGBTI People in Latin America and the Caribbean** and launch a Regional Observatory on homicides of lesbian, gay, bisexual, trans, and intersex people: **SInViolencia LGBTI**. Through the Observatory, we monitor LGBTI killings in the region with the goal of helping governments and international bodies formulate and evaluate public policies and best practices intended to prevent, investigate, and sanction violence against these populations.

¹ Multiple authors have discussed the recent onslaught of attacks against gender- and sexuality-related rights throughout Latin America and the Caribbean. Though the vilification of "gender" dates back to the Vatican's activism during the 1990s, the backlash against LGBTI rights has intensified over the course of the past decade, in large part as a response to the LGBTI "rights revolution" that the region experienced starting in the early 2010s. For more information, see: CORRALES, Javier. The Expansion of LGBT Rights in Latin America and the Backlash. In: The Oxford Handbook of Global LGBT and Sexual Diversity Politics [online]. Oxford University Press, 2019. ISBN: 9780190673741. [Accessed July 29, 2019]. Available at: <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190673741.001.0001/oxfordhb-9780190673741-e-14>; ENCARNACIÓN, Omar G. Latin America's Gay Rights Revolution. In: Journal of Democracy. Baltimore: Johns Hopkins University Press, April 2011, vol. 22, no. 2, p. 104-118; LEMAITRE, Julieta. By reason alone: Catholicism, constitutions, and sex in the Americas. In: International Journal of Constitutional Law. New York, March 2012, vol. 10, no. 2, p. 493-511; VAGGIONE, Juan Marco. Reactive Politicization and Religious Dissidence: The Political Mutations of the Religious. In: Social Theory and Practice. Tallahassee, April 2005, vol. 31, no. 2, p. 233-255.

This marks the first time in history that organizations from 10 countries² pool their efforts to gather, systematize, and analyze comparable data on homicides of LGBTI people in the region. Our efforts show not only that collecting such information is possible but also that civil society can play a fundamental role in helping governments to fulfill their SOGI-related international obligations.

“Civil society organizations may in some cases be better placed to collect data related to sexual orientation and gender identity, as victims may not feel safe reporting to States whose agents may have perpetrated violations, are legally required to prosecute them, or will refuse to act to protect them”³.

The database **SInViolenciaLGBTI** provides up-to-date information on homicides of LGBTI people committed between January of 2014 and June of 2019 in 9 of the 10 countries that make up the Network. Though we will publish an in-depth report on Brazil at a later date, current estimates indicate that 343 LGBTI people were murdered in 2017, 320 in 2018, and 140 during the first semester of 2019. What is more, according to preliminary projections by the Brazilian non-governmental organization (NGO) ANTRA, the total figure over the past five could reach up to 1,650 LGBTI killings.

One of this report’s most significant findings is the recurrence of certain patterns of violence across the 10 countries. Despite the enormous cultural, economic, and political differences that characterize the region, there is a remarkable level of consistency regarding the prejudices toward LGBTI people and the types of violence employed against them:

Most of the cases documented correspond to victims between the ages of 18 and 25, who were murdered primarily on weekends. The weapon used and site of recovery varies according to the person’s sexual orientation and/or gender identity. Whereas the bodies of gay men are often found in their homes, either asphyxiated or with multiple stab wounds, those of trans women are generally found in public spaces, evidencing high levels of cruelty. Lesbian women, however, are frequently attacked in pairs, also in public spaces and in large part by known perpetrators.

Still, the violence against LGBTI people is far more than numbers. Each murder, but especially those founded in widely held societal prejudices, takes a disproportionate toll on LGBTI people and their communities because it sends the message that the only way for LGBTI people to survive is to hide their sexuality and gender identity. State inaction in the face of such violence only compounds this message, thereby amplifying its discriminatory effect on these historically marginalized groups.

² These include four trans rights organizations, two lesbian rights organizations, and four LGBTI rights organizations hailing from Brazil, Bolivia, Colombia, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, and the Dominican Republic.

³ OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS. Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. 2019. A/HRC/41/45. Par. 24.

Why have a Regional Observatory on violent deaths of LGBTI people?

Our **Regional Observatory** is a best practice adopted by civil society in response to recommendations issued by the Inter-American Commission on Human Rights (IACHR) to the States in the region. In its 2015 report on Violence against LGBTI Persons, the IACHR entreats governments to “undertake efforts and allocate sufficient resources to systematically collect and analyze data on the prevalence and nature of violence and discrimination based on prejudice against LGBTI persons, or those perceived as such”⁴. In addition, it notes that underreporting and the absence of official data contributes to a social environment in which it is understood that violence against LGBTI persons is tacitly permitted as well as to high rates of impunity⁵.

The IACHR stresses that the absence of official data and, consequently, the invisibility of the violence against LGBTI persons, hinders an effective State response. The data collected, moreover, must be as disaggregated as possible, such that governments can determine which violations result from intersecting prejudices related to the victims’ (real or perceived) sexual orientation, gender identity, gender expression, and/or bodily diversity, on one hand, and their race, ethnicity, age, nationality, disability, and/or socioeconomic status, among other factors, on the other.

There is a striking need for comparable data in the region

The reliability of data depends in part on the existence of standardized procedures for collecting and processing it. This is why instruments like the Bogotá Protocol⁶, which establishes a series of criteria meant to ensure valid, reliable, and transparent reporting on homicides in Latin America and the Caribbean, have been created. Studying individual country dynamics through the lens of a shared regional standard like the Bogotá Protocol allows us to more precisely identify the contextual factors that enable violence against LGBTI populations and to better evaluate best practices related to prevention and impunity reduction⁷.

⁴ INTERAMERICAN COMMISSION ON HUMAN RIGHTS. Violence against LGBTI Persons in Latin America. 2015. OAS/Ser.L/V/II.rev.2 Doc. 36. ^[11]_[SEP]

⁵ Ibid.

⁶ The Bogotá Protocol was drafted at the Conference on Quality of Homicide Data in Latin America and the Caribbean, which was held in Bogotá on September 7-9, 2015. Over 90 persons, including members of criminal justice and health institutions, as well as statistical institutes, academics, members of civil society, and multilateral agencies, from 12 countries participated in this conference. Of the countries that make up the Regional Network, six have signed on to the Protocol: Brazil, Colombia, El Salvador, Honduras, Mexico, and Peru. Bolivia, the Dominican Republic, Guatemala, and Paraguay have yet to sign. For more information, see: OPEN SOCIETY FOUNDATIONS. Bogotá Protocol on the Quality of Homicide Data in Latin America and the Caribbean. 2015. [Accessed July 31, 2019]. Available at: <https://www.ccb.org.co/content/download/13428/171969/version/1/file/Protocolo+de+Bogot%C3%A1+sobre+calidad+de+los+datos+de+homicidios+en+Am%C3%A9rica+Latina+y+El+Caribe.pdf>. ^[11]_[SEP]

⁷ INTERAMERICAN COMMISSION ON HUMAN RIGHTS. Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas. 2018. OEA/Ser.L/V/II.170 Doc. 184.

In any case, we must emphasize that, under international human rights law, States have a legal obligation to collect disaggregated data on violence against LGBTI persons⁸. As such, though civil society organizations have and will continue to play a key role in researching, monitoring, and disseminating such information, their work in no way substitutes or absolves governments of this responsibility⁹. Quite the opposite, it is our hope that the patterns of violence presented in this report will help governments in the region design and implement policies that will more effectively guarantee LGBTI people's human rights.

Why focus exclusively on homicides?

Setting aside the fact that many LGBTI homicide victims are revictimized by the criminal justice system, which either neglects to investigate or conducts biased investigations into their murders, and by society at large, which often justifies their deaths, homicide is, in a sense, the last link in the chain of violence and discrimination that LGBTI people experience. Prior to their deaths, these victims likely faced discrimination in their homes and communities, high barriers to accessing health and education services, diminished job prospects, police abuse, and/or sexual violence. However, the disturbing rates of homicidal violence across the region have convinced us to focus, at least for the time being, on producing reliable homicide data and drawing attention to this specific form of violence.

Our data will serve as an advocacy tool

This report is only a first step toward understanding and addressing violence against LGBTI persons in Latin America and the Caribbean. Though our database allows us to record the victims' race, ethnicity, nationality, and HIV status, as well as whether they were human rights defenders, sex workers, and migrants, we continue to face enormous difficulty in finding such information. The same is true for the georeferentiation of recovery sites, since we often lack sufficient data to pinpoint their exact location.

However, not only do we aim to produce evermore precise and detailed information, but, as of next year, we also intend to make our database publicly available so that researchers, human rights organizations, universities, and decision-makers can access the information as well. Throughout this process, we intend to remain in constant communication with the government institutions responsible for monitoring, investigating, and punishing the homicides of LGBTI people.

⁸ OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Op. cit., par. 13.

⁹ Ibid. Par. 25.

