



2018, Mick De Paola, Unsplash.

The impact of violence on LGBTI people in the North of Central America

Lesbian, gay, bisexual, trans and intersex (LGBTI) people face discrimination, human rights violations and persecution across the world, particularly in societies where their sexual orientations, gender expressions, identities, or bodies do not fit the established cultural norms¹. This discrimination is particularly severe in the North of Central America (NCA), where LGBTI people are disproportionately impacted by the high levels of generalised violence. A comprehensive overview of the ongoing violations is difficult to obtain, due to the lack of disaggregated data collection and various barriers impeding people from making official reports. However, the available existing evidence shows that LGBTI people face rejection from their families, communities and wider society, and additional barriers in accessing basic services such as health and education, as well as employment. As reported by LGBTI rights organisations, this is exacerbated by the absence of a protective legal framework, the guarantee of basic rights, and persecution from criminal groups and state actors.

For many affected people, the only available coping mechanism is internal or cross-border displacement, and seeking asylum in the United States or Mexico (although not all those who are forcibly displaced seek asylum and many are unaware of their right to do so). International protection mechanisms exist for LGBTI persons, under the 1951 Convention Relating to the Status of Refugees² (with most qualifying as 'a determined social group') and the principles of Yogyakarta³ which establish the right to seek and qualify for asylum for people escaping persecution related to sexual orientation or gender identity.

The governments of the three NCA states have been reluctant to design and implement measures guaranteeing protection, assistance and access to justice for LGBTI people. The progress that has been made towards guaranteeing rights has been obtained largely through the advocacy efforts of LGBTI organisations. In contrast, the humanitarian sector has little capacity to provide a differentiated response to the specific needs of LGBTI people, especially those displaced.

This snapshot analyses the main risks for LGBTI people in the NCA, particularly in the context of criminal violence. It highlights: an overview on access to basic rights; the main agents of persecution; the latest available data on human rights violations; the situation of displaced LGBTI people; and the main actions that states and the humanitarian sector must focus on in order to meet the needs.

Key Messages:

- LGBTI people in the NCA face structural, family, community, criminal and state violence, and a lack of legal protection.
- Human rights abuses are underreported in official registries. At least 243 homicides were registered by civil society organisations in the last 5 years.
- These different forms of violence impede access to education, employment and basic services. In El Salvador, only 50% of displaced LGBTI people studied beyond primary school.
- Displacement is a protection coping mechanism. 88% of LGBTI asylum seekers from the NCA suffered sexual and gender-based violence in their countries of origin.



This is the sixth Snapshot on Violence and Protection in North of Central America; an initiative of the REDLAC Regional Protection Group for the NCA, led by the Norwegian Refugee Council, and supported by AECID and ECHO. The analysis is based on contributions from humanitarian organisations operating in Honduras, Guatemala and El Salvador, through semi-structured interviews carried out in July and August 2019, as well as monitoring of official statistics, press, and academic studies. The document includes inputs from various organisations in the Protection Group, but does not reflect messages approved by each organisation.

A general update on the protection crisis in the NCA January to August 2019

Honduras



2,564 homicides were registered between January and August this year, an average of 11 per day. This represents a 5% increase compared to the same period in 2018⁴.



39 massacres (the assassination of three or more persons in the same context and place) were registered between January and June⁵.



3 minors were reported to have been killed during political protests in April and June⁶.



In July, the crops of a community opposing a hydroelectric project in Rio Blanco (between Santa Barbara and Intibuca) were destroyed, affecting 25 families⁷.



According to a recent study by IOM and the Secretary of Security, 16% of girls and 10% of boys experienced sexual violence before turning 18 years old⁸. Near 30% of all minors surveyed experienced physical violence; this rate was higher (40%) for children living in urban areas⁹.



According to Casa Alianza, each year approximately 25,000 boys and girls leave Honduras for the United States¹⁰.



The National Commission for Human Rights has received 7,446 reports of people displaced by violence between 2016 and June 2019, out of which more than half report having fled from violent threats, 12% due to the murder of a relative, 12% due to extortion, 7% due to threat of murder and 4% due to the recruitment of children¹¹.



Between January and June, 70,149 people were deported to Honduras, a 63.3% increase compared to the same period in 2018¹².

El Salvador



1,860 people were murdered between January and August¹³, an average of 8 homicides per day. According to the government, August was the least violent month of the XXI century¹⁴. However, the Transparency Portal of the National Civilian Police (which publishes disaggregated data of homicides and rapes) stopped functioning at the beginning of 2019¹⁵.



Out of the 154 homicides registered in July, 22 were committed by security forces, and 16 were remains of bodies found in clandestine graves¹⁶.



736 cases of violence against women were registered between 2018 until June of this year, out of which 242 were sanctioned¹⁷.



The alert for missing children has been activated 23 times this year¹⁸.



Out of the 42,000 families affected by the drought in 2018, half are still vulnerable to food insecurity¹⁹.



Between January and July, 22,693 people were deported to El Salvador a 59% increase compared to the same period in 2018²⁰.

A general update on the protection crisis in the NCA January to August 2019

Guatemala



A total of 3,186 necropsies linked to violent events were registered between January and August, an average of 13 people per day²¹.



Due to the extended drought, a lagoon and two rivers have dried up in northern Guatemala. Last year drought affected 354,000 families across the country²³.



Human rights defenders report that the government is less receptive to their work, especially after the ending of the mandate of the International Commission against Impunity in Guatemala (due to pressure from the government)²⁵, and budget cuts for the Human Rights Office²⁶.



From January to August the alert for missing children was activated 5,078 times, an average of 21 children per day²².



During the first 6 months of the year, 327 aggressions and 12 assassinations of human rights advocates have been registered²⁴.



Between January and July, 64,622 people were deported to Guatemala, an 18% increase compared to the same period in 2018²⁷.

Outside the region:



This year 296 deaths of migrants were registered close to the United States-Mexico border and 82 were registered in Central America²⁸ (in comparison to another high-risk journey, 307 migrants died in the Mediterranean this year²⁹).



The latest data from the US fiscal year (October 1, 2018 to August 31, 2019) show that 72,873 unaccompanied Honduran minors were intercepted at the US border³¹. In 2014, when 68,541 children were registered, the US government declared the unaccompanied minors crisis³².



657,404 people have been arrested at the US border from January to August 2019³³.



Mexican authorities rescued 19 victims of human trafficking in Mexico City³⁰.



The Mexican government announced that 30,000 migrants, who had requested asylum in the US and were sent to Mexico under the 'Migrant Protection Protocol', were to be relocated to Chiapas, in the south of Mexico near Guatemala³⁴.

1 The lack of protection for the LGBTI community in the NCA



2019, ESA, Diana-Díaz.

A. Social context and dominant narratives

Hetero-normativity

Prejudice, discrimination and its associated violence, are rooted in social contexts and conventions that impose heterosexuality as the norm³⁵ (known as 'heteronormativity'). This discourse is the underlying current of homophobic narratives that are propagated – particularly by media outlets – throughout societies and reinforce prejudice, the normalisation of stigma and violence³⁶. Although there are variations in each country, heteronormativity is dominant in the NCA. In **Guatemala**, 80% of the general population, and 90% of the LGBTI population, consider that LGBTI persons are discriminated against in their country³⁷. In the three countries, approximately 88% of the general public opposes equal marriage³⁸, and in Honduras, the same proportion of the public considers homosexuality as immoral³⁹.

Political trends

This dominant discourse has important political repercussions. In recent years, hate speech, promoted by anti-LGBTI rights, conservative and/or religious groups, have increasingly played a more prominent role, finding support in right-wing parties, and rolling back existing rights of LGBTI people⁴⁰. In **Guatemala**, for example, the president, who is evangelical, declared that, “our government and Guatemala believe in the family based on the marriage of a man and a woman”⁴¹. His government has supported a draft law – the Law for the Protection of Life and Family - (currently in third debate and yet to be approved⁴²) to prohibit same-sex marriage and abortion, moreover establishing that “no one is obliged to accept non-heterosexual conducts and practices as normal”⁴³. The dissemination of information about LGBTI people in schools and

the discussion of other forms of sexuality that do not correspond to heterosexuality would be prohibited. According to OHCHR, this law could lead to increased hate crimes against LGBTI people⁴⁴, and according to the LGBTI organisation Visibles, could lead to the criminalisation of girls, women and LGBTI people⁴⁵. According to an organisation interviewed for this snapshot, during the recent electoral campaign, neither of the candidates referenced the LGBTI population in their campaigns. In fact, both candidates signed a commitment to halt any advancements in LGBTI rights⁴⁶. In **El Salvador**, expressing support for LGBTI people in political campaigns is considered to be “political suicide”⁴⁷. Before this year, the Sexual Diversity Directorate existed under the Presidency's Social Inclusion Secretariat, operating since 2010 to implement policies addressing discrimination based on sexual orientation and gender identity⁴⁸. This directorate also offered employment opportunities for the LGBTI population⁴⁹ and provided psychological and legal services to victims of violence. However, since the arrival of the new government this year, the Social Inclusion Secretariat has been eliminated and the Sexual Diversity Directorate has been reassigned to the Ministry of Culture. No information has been provided as to how this directorate will operate, and currently services are being directly provided by civil society organisations. In 2017 in **Honduras**, four trans women ran for public office, but were subject to threats and hate crimes and none were elected⁵⁰.

B. Legal protections: progress and setbacks

Anti-discrimination legislation

None of the NCA states criminalise homosexuality, and all three national legislations include some form of protection against discrimination⁵¹. However, according to the organisations interviewed, this does not translate into concrete protection, especially in the face of exclusion, discrimination and impunity. In **Guatemala**, the state has publically acknowledged that there is no official recognition or codification of the rights of LGBTI people, and that the Penal Code does not specify causes of discrimination, nor protect people against discrimination due to sexual orientation or gender identity in areas such as employment, education, housing, healthcare or treatment in public establishments⁵². In 2012, the Guatemalan state committed to elaborating a public policy for LGBTI people, but is yet to fulfil its commitment⁵³. In **El Salvador**, although the Constitution protects everyone equally, there is no specific legislation on antidiscrimination for protecting LGBTI people or other vulnerable groups⁵⁴. The Sexual Diversity Directorate used to promote non-discrimination and certain protection measures within the government. In 2018, LGBTI organisations in **Honduras** publicly called for an Antidiscrimination Law.

Gender Identity Legislation

LGBTI organisations in **Honduras** have been pushing for a Gender Identity Law for the legal recognition of the names of trans persons since 2003. This law would allow for trans women and men to have a legal document with the gender indicator and name with which they self-identify⁵⁵. It is expected that the draft law will be presented to the National Congress before the end of 2019⁵⁶. In **El Salvador**, a similar draft law is under construction⁵⁷. In **Guatemala**, since 2016, the National Registry of Persons, supported by the United Nations Development Program, has implemented a new protocol for LGBTI persons, through which it is possible to change the person's name and photo in their identity documents according to their gender identity⁵⁸. However, trans people are still unable to change their gender markers in their documents⁵⁹, and the costs of the process are often prohibitive. A draft law on gender identity (initiative 5395) was presented in 2017 by trans organisations, and received an unfavourable opinion in August 2018⁶⁰. According to a Guatemalan organisation interviewed for this snapshot report, legislators from the Congress organised a technical workgroup to discuss the initiative but only invited people from the evangelical and Catholic churches to participate. Correct documentation is fundamental for access to basic rights. Without this modification in identity documents, trans people are subject to harassment in their daily interactions, in banks, health centres and when accessing State services. 42% of trans women in El Salvador claim having experienced problems using their identification document (for example whilst paying bills, claiming inheritance, using their passport)⁶¹.

Hate crime legislation

In **Honduras**, thanks to advocacy from LGBTI organisations and communities, the Penal Code was reformed in 2012 to sanction discrimination and hate crimes due to sexual orientation and gender identity⁶². However, despite the legislation, organisations interviewed highlight that there is no practical application⁶³. Likewise, in **El Salvador**, in 2015 the Penal Code was reformed to include convictions for hate crimes and threats, but in practice it still lacks application⁶⁴. According to the LGBTI rights advocate and founder of COMCAVIS TRANS, Karla Avelar, *“the Prosecutor does not have the resources, nor the criminal system the necessary experience and training to investigate and appropriately prosecute hate crimes”*⁶⁵. This year in June, for the first time since 2015, a case of a trans woman murdered by police officers was registered as a hate crime and went before the Peace Tribunals⁶⁶.

Equal marriage legislation

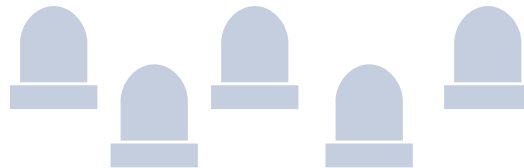
None of the NCA countries has legislation permitting equal marriage or civil union. In **El Salvador**, the definition of the family in the Family Code excludes the possibility⁶⁷. In **Honduras**, in 2004 political and religious groups managed to push for the reform of articles 112 and 116 of the Constitution to prohibit same-sex marriage and the adoption of minors by homosexual couples, and invalidated the recognition of marriages of same-sex couples celebrated under foreign jurisdictions⁶⁸.

Access to healthcare

In terms of access to healthcare services, **El Salvador** has an attention protocol in place in hospitals for survivors of sexual violence (prophylaxis, HIV therapies, and in some cases mental health therapy). They also have specialised clinics for the LGBTI community and sex workers. In **Guatemala**, according to an organisation interviewed, the Ministry of Health provides treatment for people in transit with HIV for a period of two months. However, access is easier if these people have their medical history and documentation with them, which is not always the case. Furthermore, since February 2019, the HIV Attention Units of the Guatemalan hospital network have declared a shortage of antiretroviral drugs⁶⁹. In general, there is no holistic approach to healthcare provision for LGBTI people in the NCA, and is limited to the response to AIDS/HIV and other severe STDs.

2 Violence and its impacts on the LGBTI population

A. A snapshot of recent violence



HOMICIDES OF LGBTI PERSONS

	2014	2015	2016	2017	2018	2019	Total
Honduras	25	37	23	35	27	17	164
Guatemala	2	0	3	5	10	6	26
El Salvador	5	5	15	12	22	5	53

(from 2014 to June 2019, according to the Sin Fronteras observatory⁷⁰):

- A **rise in the use of firearms in homicides** against LGBTI people in the NCA has been observed over the last two years.
- **More crimes are observed during the month of July**, the same month as the celebration of Pride⁷². In Honduras, for example, July was the most violent month of 2019, with 8 violent deaths registered (4 gay people, 1 lesbian person, 3 trans people)⁷³.
- According to a poll of 50 trans women in Honduras, **60% responded having suffered physical violence**⁷⁴.

“In April 2019, two lesbians were murdered in Jalapa, Guatemala, with an homophobic message left on their bodies”⁷¹.

Assassinations of trans people in the NCA in the last year

Honduras

- **Bessy Michelle Ferrera**, Age: 40, 8 July 2019, Comayaguela, Central District, **Shot**⁷⁵
- **Santiago Carvajal (“Santi”)**, 6 July 2019, Puerto Cortes, **Shot**⁷⁶
- **Antonia Lainez Larios**, 3 July 2019, El Negrito, Yoro, **Shot**⁷⁷
- **Shakira (“La Moy”)**, Age: 20, 8 June 2019, Choloma, Cortes, **Stoned**⁷⁸
- **Fabiola**, Age: 28-30, 2 June 2019, Quimistan, Santa Barbara, **Stabbed**⁷⁹
- **Wilmer Adali Hernandez Rapalo**, Age: 24, 24 March 2019, Dos Caminos, Villanueva, Cortes, **Beaten and burnt**⁸⁰
- **Laura Gentle Argueta**, Age: 31, 2 March 2019, Roatan, Islas de la Bahía, **Stabbed**⁸¹

Guatemala

- **R. Adeldo Rodriguez Alonzo**, Age: 24, 28 May 2019, Usumatlan, Zacapa, **Shot**⁸²
- **Angela Paola Fajardo**, 18 May 2019, Guatemala City, **Stabbed**⁸³
- **Unknown name**, Age: 25, 7 December 2018, Villa Nueva, Guatemala, **Unknown cause**⁸⁴
- **Jessica Areli Ruedas Gomez**, Age: 29, 28 August 2018, Jalapa, **Stabbed**⁸⁵
- **A. Sis**, 16 July 2018, Salama, Baja Verapaz, **Shot**⁸⁶

El Salvador

- **Lolita**, Age: 20, 8 February 2019, Sonsonate, **Stabbed**⁸⁷
- **Camila Diaz Cordova (“Aurora”)**, Age: 29, 3 February 2019, Soyapango, San Salvador, **Unknown cause**⁸⁸
- **Unknown name**, Age: 20, 25 August 2018, Soyapango, San Salvador, **Beaten and strangled**⁸⁹

Information from the ‘Remembering our Dead’ portal from Trans Lives Matter, from July 2018 to July 2019

B. The lack of data and invisibility of violations

The previous page is a small sample of the latest available numbers of abuses against the LGBTI population, but do not provide a full picture. Although there are important initiatives led by civil society organisations to visibilise the situation, there is a lack of reliable official data managed by states on violent acts committed against LGBTI population based on their sexual orientation or gender identity. This is due to various reasons⁹⁰: first, a lack of disaggregated data in the homicide and abuses registries. Authorities register the sex appearing on the victim's identity document, but do not gather data regarding sexual orientation or gender identity. Second, due to fear or distrust of authorities, few victims in the NCA dare to file complaints. This is even more common for LGBTI people, who may suffer abuse and discrimination from authorities. High levels of impunity also discourage people from seeking help⁹¹, and as consequence, it is estimated that in Honduras, for example, 90% of police abuse cases are not investigated⁹². This lack of information regarding violence rates against LGBTI population makes it impossible to establish the real dimension of the problem and the creation of public policies destined to prevent, protect and care for the LGBTI community⁹³.

“people are revictimised over and over again, there is no healing process”

Humanitarian organisation in Honduras

C. Different agents of persecution

In general, organisations working in the NCA speak of a structural violence, where discrimination against LGBTI people affects their access to basic services, including, education, healthcare, justice and employment, exposing them to greater risks and increasing their vulnerability. Moreover, in the context of generalised and criminal violence, discrimination and homophobia exacerbates and aggravates their protection risks.

Three overlapping categories of agents of persecution can be identified:

- **Family and community surroundings:**

In many cases, violence begins at an early age, in the family and community. According to interviews for this snapshot, in some communities with low educational levels, the lack of knowledge regarding different sexualities and gender identities, as well as the influence of conservative religions, reinforce the rejection toward LGBTI people in their homes and communities. In these cases, people (particularly girls and trans youth) are expelled from their homes at an early age at 12 or 13 years old⁹⁴. In other cases, rejection can lead to abuse and psychological violence, also known as 'corrective violence'⁹⁵. An organisation interviewed working with LGBTI population in **Guatemala**, reported several cases of people accused of being 'sinners' by their families. In the same country, some trans women are not expelled from their homes, but are

subject to double work shifts to comply with both traditional gender roles⁹⁶.

According to several organisations interviewed, churches (Catholic and evangelical) in some communities act as the agents of persecution, particularly in Honduras and Guatemala. In other cases, community groups implement cleansing politics and patrols⁹⁷ and provoke the displacement of people they do not consider part of the community. Some schools expel or deny entrance to students who manifest their sexual orientation or gender identity⁹⁸. In Guatemala, conversion therapies persist and there is strong social pressure to participate in these activities⁹⁹. In **El Salvador**, according to information collected by five civil society organisations on cases of displaced LGBTI persons¹⁰⁰, 50% of the cases dropped out of school after completing their primary education and only 18% finished high school. The main reasons for dropping out were violence received by students or teachers (34%), sexual harassment of teachers and principals (24%), harassment of teachers (16%) and gang violence (4%).

What with rejection from their families, schools and churches, there are few places left for LGBTI people to find safety and protection. This marginalisation and lack of opportunities results in a high proportion of LGBTI people forced to take on sex work. Many have to survive in the streets, exposed to organised crime, human trafficking for sexual exploitation, as well as physical safety risks and health problems¹⁰¹. According to REDLACTRANS, 58% of trans women in Guatemala do not finish elementary school, and 76% work in informal employment, including sex work, in order to survive¹⁰².

- **Organised crime and gangs**

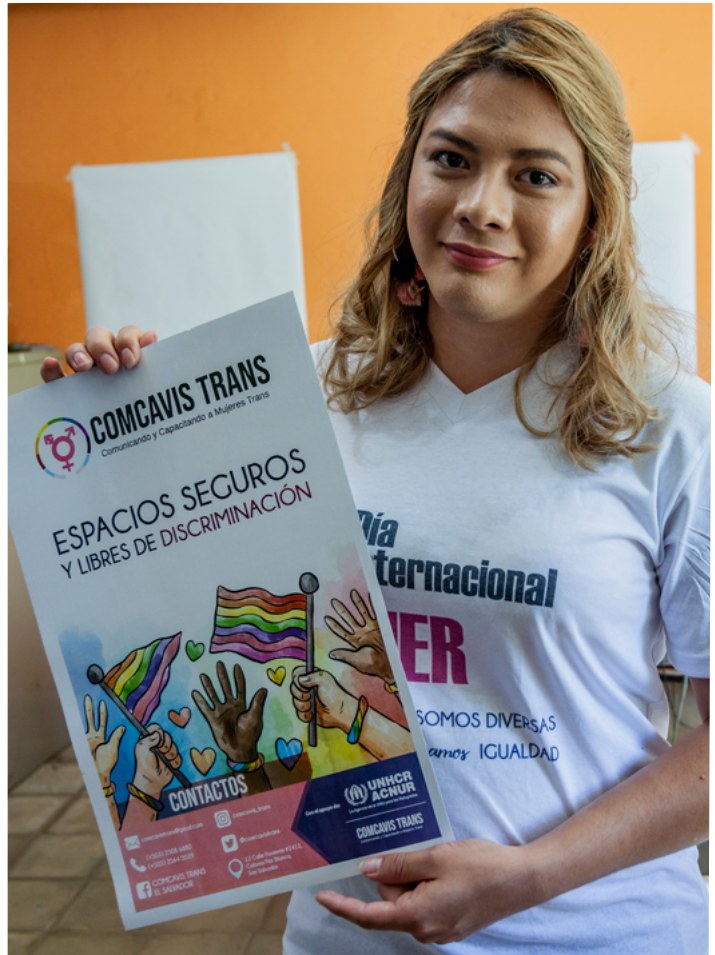
Gangs controlling territories of a great number of urban communities in the NCA are visibly machistas (macho), and as a result, LGBTI people are at higher risk of attack and persecution. Attacks and homicides of LGBTI people (or those perceived as being part of the population) often have signs of torture, mutilation of genitalia or homophobic messages written on the victims' bodies¹⁰³.

Different criminal groups have different ways of abusing LGBTI rights. Some consider that they do not have “total control if LGBTI+ people are present in territories”¹⁰⁴, and therefore they threaten, displace or murder LGBTI persons. In other cases, gangs extort LGBTI people¹⁰⁵, particularly sex workers. In other cases, criminal groups manipulate and exploit LGBTI people, recruiting them for drug trafficking. According to some of the organisations interviewed, there is the perception that trans women can go unnoticed before authorities or will not be searched by male police officers. Organisations have attended several cases of trans women that have been recruited into criminal gangs and have trafficked drugs across borders, based on the promise of surgeries (breast augmentation or sex reassignment surgery) upon reaching the other country. In some cases, gangs or narcotraffickers finance breast augmentations, but implants are filled with drugs in order to cross borders. An organisation interviewed recently provided a response to a trans woman left alone in the street bleeding, after gang members cut her breast open to recover their merchandise.

• **State agents:**

Homophobic discourses and social attitudes have harmful effects on state institutions. For example, a study in **El Salvador** from 2014 of the National Police found that 67% of officers interviewed said that LGBTI people did not have the same rights as other people under national law¹⁰⁶. According to another study, 57% of interviewed officers thought that LGBTI people had mental illnesses and only a 26% would accept working with them as colleagues¹⁰⁷. According to the organisations interviewed, LGBTI people in El Salvador do not have confidence in the state institutions, due to the lack of investigation and impunity reported in institutions such as the Office of Human Rights, the National Police, the National Prosecutor's Office, and the Attorney General's Office.

These attitudes can lead to violence acts: attacks, abuse of authority and arbitrary detentions. The IACHR has received an important number of reports of human rights violations by security forces including torture, demeaning or inhumane treatment, excessive use of force, and illegal detentions¹⁰⁸. According to some organisations, these attacks affect people working on the streets the most. Reports have been made of authorities extorting people in exchange for "protection". In other cases, during arbitrary detentions, people are subject to blackmail and sexual violence¹⁰⁹. In **Honduras**, certain legal dispositions, particularly the Law for Police and Social Coexistence, result in discrimination against trans people. Article 99 allows for the detention of "street prostitutes", and article 142 grants the police the authority to arrest "attempts against modesty, good customs and public morals" allowing the abuse and arbitrary detentions of sex workers, and particularly affecting trans women¹¹⁰. According to a poll conducted with 50 Honduran trans women, 39% identified members of the police or armed forces as their main aggressors¹¹¹. In the same country, the LGBTI rights organization, Cattrachas, is litigating a case before the Inter-American Court of Human Rights on the extrajudicial killing of a trans woman, Vicky Hernández, during the 2009 coup. According to the Inter-American Commission on Human Rights, "this case presents the Inter-American Court with the opportunity to develop jurisprudence regarding violence against LGBT persons, with special emphasis on the situation of trans women"¹¹².



2019, ESA, Diana Diaz

"we are reaching the tip of the iceberg of the needs"

Humanitarian organisation in El Salvador



Most vulnerable profiles

According to most of the organisations interviewed, the population group within the LGBTI community facing the highest risks are trans women, followed by gay men. The most common explanation is that because of their high visibility, these profiles are more vulnerable to attacks. However, it is also possible that it is easier to identify attacks on trans women, than for example, lesbian women or bisexual people. Attacks on the latter may be underreported in official records and media outlets. There is no data and there is little information regarding the situation of trans men, and homicides are often registered as femicides. It is reported that in general trans men suffer from invisibility in society, but also sometimes within LGBTI and feminist organisations¹¹³. LGBTI rights defenders are another high risk profile.

Cindy's life story



Illustration: Milko Delgado, NRC, 2019

According to the organisations interviewed, in general, LGBTI people in North of Central America are not subject to a single type of violence, isolated event or agent of persecution, but to a combination of several types of violence. This is in addition to structural violence, which hinders access to education, employment and basic services¹⁴. The few survival mechanisms available, such as sex work or displacement, are dangerous options and often place people at greater risk of abuse, trafficking, disease and human rights violations.

3 Displacement as consequence of violence against LGBTI people

A protection mechanism

Facing expulsion from their homes, discrimination from their communities and social circles, threats and attacks from gangs, in addition to abuses from authorities and general lack of access to basic rights, in many cases, displacement is a coping and protection mechanism for the LGBTI community. According to the UNHCR, 88% of LGBTI asylum seekers from the NCA suffered sexual and gender violence in their country of origin¹¹⁵. According to a study in **El Salvador** on the causes of displacement, one third of the LGBTI population were displaced due to gang threats, 27% due to homicide attempts based on sexual orientation and/or gender identity, 11% due to physical violence, 9% due to sexual violence, 8% due to extortion and authority abuse, and 2% due to domestic violence¹¹⁶.

Displacement statistics

In terms of persecuting agents, according to information gathered by 5 civil society organisations in **El Salvador**¹¹⁷, 102 cases of displaced LGBTI people were identified in 2018. In 79% of cases, gangs were perpetrators of the acts of persecution; 17%, the National Civil Police; 2% people from the community; and, 2% their partners. According to the Honduran organisation, Asociación de Derechos Humanos Cozumel Trans, at least 250 people of the LGBTI community in **Honduras** have obtained asylum in the last eight years, and hundreds more have sought it unsuccessfully¹¹⁸. An organisation from **Guatemala** interviewed for this snapshot stated that in the course of the year they have served 132 LGBTI displaced people in transit through Guatemala.

“Kataleya lived in a dangerous slum in Guatemala City, known as El Gallito. Kataleya says that when a group of men found out she is a transgender woman, they beat her and sexually assaulted her. She woke up in a ditch. “I got up and went to see my mom...all beaten up,” she says. Kataleya and her mom left the city and headed to a northern region of Guatemala, close to the border with México. “I escaped to another part of Guatemala, and they did the same things to me. I escaped to Mexico, and they did the same things to me.”

Maria Inés Taracena, Arizona Public Media, 2017¹¹⁹



Niño/as de Paz, ACNUR, Ciudad de Guatemala, Casa del Migrante

Rejection from host communities

Displacement is not a guarantee of safety or a durable solution for many people, particularly due to discrimination from host communities or authorities, or rejection when searching for employment or housing. According to several organisations, this rejection worsens the displacement cycle, and LGBTI people are often forcibly displaced several times without finding safety. The migratory route is long and there is a high risk of attacks, human trafficking and smuggling, labour exploitation and sexual abuse.

Shelter as a priority need

Organisations interviewed highlighted shelters as one of the LGBTI community's most pressing need. The governments of the NCA offer scarce physical protection for displaced people; most of the available shelters are maintained by civil society, and few provide specialised or differentiated care to respond to the LGBTI people's protection needs. In **El Salvador**, the organisation CONCAVIS TRANS shelters destitute and homeless trans women, but there is no specialised shelter for displaced LGBTI people¹²⁰. The Salvadoran Institute for Childhood and Adolescence Development manages a shelter for children and adolescents, but there is no specialised attention protocol or services for LGBTI youth. In **Guatemala**, the National Protection Network is made up of seven civil society organisations working with UNHCR, develops safe spaces for people in the LGBTI community, and trains the authorities on specific protection needs. However, according to an organisation working in Guatemala, greater efforts can still be made to disseminate information to LGBTI people on the services provided by the network. During the mixed migrations of the 2018 caravans, the LAMBDA Association turned its office in a temporary shelter for 125 LGBTI people, providing lodging and food for people in transit. A shelter just after the Guatemalan border in Tenosique, Mexico, has a separate space for hosting LGBTI people at night¹²¹. However, according to an organisation working in the region, during the day and in the common areas of the shelter, the other migrants

often discriminate against LGBTI people. Some organisations also mention that there are higher levels of discrimination in shelters run by certain religious groups. A best practice used by several humanitarian organisations is the distribution of cash to enable people to stay in hotels rather than in shelters.

"[They are] lucky if they stay at a shelter or receive services from an organisation, many don't know that they can seek help"

LGBTI Organisation in Guatemala



Separate or common shelters?

There is no consensus in the literature or among civil society organisations on the best way to offer safe shelter for displaced LGBTI people in transit. For several organisations, providing a space exclusively for LGBTI people is problematic: as the LGBTI population is "a heterogeneous collective that does not necessarily have more affinity to share space among themselves than with heterosexual cisgender people"¹²², and creating separate spaces can be considered discriminatory. Other organisations perceive that the existing barriers and risks in current shelters (discrimination, micro aggressions and violence) remain high and are unlikely to change in the recent future, and a temporary and pragmatic solution is to provide separate spaces.

For both solutions, the following considerations are essential¹²³:

- The shelter must guarantee freedom from violence and discrimination, both from employees and volunteers working in the space, as well as from other migrants in transit.
- Protocols that preserve LGBTI peoples' dignity and rights must be employed for admittance and registration. For example: respecting the use of social names and gender self-perceptions. Special attention must be paid to ensuring 'do no harm' and not revictimising people during the needs identification process and initial interview.
- Access to health services must be ensured, by training personnel, providing information about services and guaranteeing that sexual and gender violence response programmes are also available to the LGBTI population (and not only heterosexual women).
- The respect for the principle of 'do no harm' must ensure that people are not being rejected or forced to take on greater risks by the shelter (for example by securing that opening and access hours are not harmful for sex workers, or any other restrictions that might cause them to abandon the shelter)

LGBTI networks in the migration route

An important self-protection mechanism are networks run by trans women and LGBTI organisations. Through these networks, LGBTI individuals and families open their doors to displaced people, and enable them to avoid having to spend time in shelters where they can be subject to greater risk¹²⁴. There have been reports of trans people and gay men traveling in groups or caravans as a safety measure for many years now, such as the 'Caravana Arcoiris 17'¹²⁵.

Asylum applications

According to organisations interviewed, LGBTI people usually seek the United States as their final destination, due to perceiving that they will find protection and greater opportunities. According to a study by the Spanish Agency for International Development Cooperation (AECID), LGBTI people seek asylum in Guatemala only because they lack the economic resources to continue on north, and not because they consider Guatemala as a safe space¹²⁶. The same often applies to Mexico. Despite having sought protection, asylum seekers face a number of risks. An organisation interviewed received reports of asylum seekers in Mexico and the US who were stripped from their documents, requested 'proof' of their sexual orientation, and 'advised' by authorities to hide their identities and 'be discreet' to order to request asylum. Many LGBTI people do not know their rights and do not know that persecution and violence due to sexual orientation and/or gender identity is a valid reason for requesting for asylum. Furthermore, since equal marriage is not legal in the NCA, LGBTI families do not have the necessary documentation to apply for family reunification¹²⁷.

Migration detention

Whilst requesting asylum and waiting for a response, LGBTI people maintained in detention are subject to multiple violations, particularly trans women detained in men spaces and vice-versa. In the United States, the number of LGBTI people in detention is not public, but civil society organisations are aware of at least 300 trans people who have currently been in detention for months or even years. In the US, trans women represent one out of every five survivors of sexual violence in detention¹²⁸. Reports point to an inadequate access to HIV and hormonal treatment. In the last year, two trans women have died in and after falling ill in detention in the US¹²⁹.

Deportations and returns

For those who abandon the asylum process because of these detention conditions, or have their requests rejected, returning to the NCA can be a death sentence. There is no adequate response or identification of protection needs for those deported¹³⁰, and even less so for LGBTI people. According to an organisation in **Honduras**, people avoid returning to same area or home that they fled from, and that most of the time, in less than two months they become displaced north again. The severity of this situation was demonstrated recently with the case of Camila Diaz Cordova, a 29-year-old Salvadoran trans woman who travelled in 2018 with the caravan and requested asylum in the United States. After being held in a detention centre for men, she was deported to **El Salvador**. Finding no employment or safety in her country, she engaged in sex work. A few months later, she was murdered by three police officers, beaten and abandoned on the side of the road¹³¹.



2019, GUA, Diana Diaz, Casa Migrante



The response of the humanitarian sector

According to interviews with different grassroots organisations, civil society, international cooperation and the United Nations, the humanitarian sector is still learning how to provide specialised attention to LGBTI people, and more practical elements are still needed to improve the “diversity approach” in the response. However, several humanitarian organisations implement protocols to care for LGBTI people, particularly in Guatemala, where UNHCR and LAMBDA have developed minimum standards for differentiated care and have worked in the training of the partners of the National Protection Network, composed of seven civil society organisations and authorities¹³². Several organisations work in training and capacity-building authorities. IOM, for example, has worked for several years with the governments of Central America to elaborate non-binding national work-plans on the protection of the LGBTI community, and has trained Foreign Relations Ministries and migration police staff.

There are very few humanitarian organisations implementing programmes specially targeting the LGBTI population, and resources for specialised services are scarce. According to several organisations, the current needs surpass the response capacity. As a result, most organisations do not openly advertise that they offer services to the LGBTI community, due to lacking the capacity to respond to all of the needs.

The following actions must be prioritised:

- 1** Strengthening grassroots and local LGBTI organisations, with sustainable financial resources and support for advocacy and strategic litigation.
- 2** Securing that LGBTI people are consulted and involved in the design, implementation, monitoring and evaluation of the programmes affecting them.
- 3** Improving the communication of the services offered across the migration routes.
- 4** Developing/implementing practical tools for a differentiated response.
- 5** Improving interview processes and training for response teams in the NCA countries and on the migratory route.
- 6** Promoting more joint advocacy actions amongst civil society organisations.
- 7** Improving and supporting data gathering processes on needs and protection risks in coordination with civil society organisations.
- 8** Conducting joint periodical civil society reports on the humanitarian needs of the LGBTI population.

4 Main recommendations

In the three NCA countries, the following immediate actions are required:



In protection:

- Recognition from states of the impact of violence on LGBTI people.
- Drafting of legislation on anti-discrimination, on civil documentation allowing family reunification and on gender identity documentation.
- Follow up and legal assistance for human rights abuses of LGBTI people, in particular for sexual violence.
- Strengthening of homicide and hate crime registry systems to include subcategories for LGBTI persons, and public documentation of the extent of the problem.
- Disaggregated information that includes sex, gender and sexual orientation, to ensure that LGBTI populations are documented as victims of forced displacement.
- Recognition of forced displacement, as a consequence of discrimination and violence due to sexual orientation and gender identity, in the three countries, and the ratification and implementation of the necessary legal frameworks to respond to the situation.
- Drafting of protection mechanisms and protocols for deported people with protection needs.
- Awareness raising for state personnel on diversity and the development of processes that prevent re-victimization.



In education and employment:

- Access for diverse sex and gender identities in the education system, the elimination of barriers at schools and graduation.
- Employment for LGBTI persons that does not undermine safety and dignity.



In healthcare:

- Integral healthcare for LGBTI people that goes beyond HIV treatment, including ensuring access hormonal treatment for trans people, mental health programmes and responses to sexual and gender-based violence, amongst other treatments¹³³.



In shelter:

- Specialised shelters and safe spaces, free from discrimination, with trained personnel and adequate supplies.

Methodology

This report is based on a systematic monitoring of press reports, operational reports of national organisations and international agencies, and academic documents, as well as semi-structured interviews conducted between July and August with 11 humanitarian organisations.

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