

# The Safety, Legal Protections, and Social Inclusion of LGBTQ People in Central America in 2018



Arcus commissioned this report in the context of strategic planning of its Social Justice Program. The report was commissioned as part of an effort to learn about LGBTQ communities in Arcus' focus geographic regions and countries, where the foundation aims to increase safety, legal protections, and acceptance and inclusion. The following information reflects the opinions of its authors and not necessarily those of Arcus. Arcus uses some but not all of the findings to guide grantmaking decisions.

## Table of Contents

Background .....	1
An Overview of SOGI Human Rights in the Central American Region....	2
The Safety and Security of LGBTQ People in Central America .....	2
<b>Discrimination, Violence and Hate Crimes</b> .....	2
<b>Combating Violence and Violence Observatories</b> .....	2
<b>Access to Justice</b> .....	3
<b>LGBTQ Safety and Security Issues in the Current Crisis in Nicaragua</b> .....	4
<b>Coordination and Collaboration between LGBTQ, Faith, and Secular Allies</b> .....	5
Legal Protections Framework .....	6
<b>Legislation and Public Policy</b> .....	6
<b>State LGBT Protection Entities</b> .....	7
<b>Strategic Alliances and Coordination between LGBTQ Organizations and Groups</b> ..	7
Acceptance and Inclusion .....	9
<b>Inclusion of Marginalized Groups</b> .....	9
<b>Social Exclusion and the Forced Migration of LGBTQ People</b> .....	10
<b>Public Education and Communication and the Strengthening         of Public Narratives about LGBTQ People</b> .....	10
Analysis of Needs and Opportunities.....	12
Goal 1: Increased Safety for LGBTQ People.....	12
Goal 2: Legal Protections (Policy) .....	13
Goal 3: Acceptance and Inclusion for LGBTQ People .....	14
Recommendations .....	15
1. Increased Safety And Security For LGBTQ People.....	15
2. Legal Protections (Policy) .....	15
3. Acceptance And Inclusion For LGBTQ People.....	15
4. Possible Focus on Trans Organizations, Nationally and Regionally .....	16
5. Possible Selection of Countries and/or Combinations of Countries .....	16
Annexes.....	18
Annex 1: Non-Discrimination Provisions in Legislation Specifying Sexual Orientation .....	18

---

# Background

---

While some LGBTQ organizational expressions did exist in Central America in the 1970s and early 1980s, the human rights of LGBT people began to emerge in the late 1980s and 1990s linked primarily to post-conflict, peace processes, and HIV and AIDS prevention and response.

Currently, homosexuality is not criminalized in any country in Central America. Neither is it illegal to be transgender. However, even when political constitutions refer to “equal rights for all citizens” and/or when discrimination is prohibited on specific grounds (for example, race and religion), the right to a sexual orientation and a gender identity are not directly enshrined per se as constitutional rights. The principles of equality and non-discrimination, in the political constitutions of Central American countries, are not manifestly applied to LGBTQ people.

The discrimination, violence, insecurity, and marginalization that LGBTQ people face in all spheres of life, and through all its stages, derive, initially, from entrenched cultural traditions and fundamentalist religious doctrines. These, in turn, influence the policies, practices, and organizational cultures of State, governmental, and societal institutions, resulting in the treatment of LGBTQ people as second-class citizens, with very little, if any, recourse to protection. Similarly, as a result of endemic discrimination and violence in all spheres of life, LGBTQ people also face severe limitations in realizing their basic human rights to life, dignity, privacy, education, health, and work.

*The letters of the acronym LGBTQI—referring to Lesbian, Gay, Bisexual, Transgender, Queer and Intersex persons—appear in various forms and combinations on the following pages depending on their use by the individuals or the organizations referenced.*

# An Overview of SOGI Human Rights in the Central American Region

## The Safety and Security of LGBTQ People in Central America

### Discrimination, Violence and Hate Crimes

A 2017 report on the rights of LGBTQ people in Central America<sup>1</sup> described the region as “...hell for the people of the LGBTI collective,” arguing that not only is it one of the most unequal and violent in the world, but also that it boasts the highest levels of impunity in relation to the systematic violation of the human rights of the LGBTI population.

No definite, representative research has been carried out in Central American countries to accurately ascertain the **prevalence of discrimination and violence** against LGBTQ people. In recent years, however, various studies by civil society organizations have indicated widescale, systematic abuses of the human rights of LGBTQ people within the family and the community, in their day-to-day interactions with public institutions (education, health, police, criminal justice system, etc.), and in relation to access to work.<sup>2,3</sup> These result in psychological, sexual, physical, and economic harm, denial of opportunities and resources, and, in some cases, loss of life.

The alarming levels of individual and collective insecurity created by this situation is exacerbated by three converging phenomena: a) extremely conservative, patriarchal societies, b) hateful messages disseminated persistently by churches and the media, and c) state apparatus that is inoperable.<sup>4</sup>

The concept of “hate crime” is not clearly defined by any Central American country’s national legislation and is not necessarily understood in the same way among and within LGBTQ organizations<sup>5</sup> and other civil society and State actors. For many, the term is limited to the murder of an LGBTQ person, motivated by the rejection and/or hatred of their sexual orientation and/or gender identity. LGBTQ hate crimes, including murders, are higher in the Northern Triangle (Honduras, Guatemala, and El Salvador) than in the Southern Triangle (Nicaragua, Costa Rica, and Panama). While there are no official statistics, and limited capacity to monitor hate crimes, recent reports reveal the following:

- In Honduras between 2009 and 2016, a total of 215 murders of LGBT people were recorded<sup>6</sup>

- In El Salvador since 1994, an estimated 600 hate crimes have been committed<sup>7</sup>
- In Guatemala in 2017, the IACHR expressed its concern about the increasing number of murders of trans women at a time when general murder rates have been reduced.<sup>8</sup> Also, in 2015, the IACHR observed that “murders of LGBTI persons are not documented in the police registries, and the ones that are exceptionally registered, ended in impunity.”<sup>9</sup>

### Combating Violence and Violence Observatories

Most LGBTQ groups, in one form or another, carry out activities that they see as in some way combating violence, particularly their awareness-raising activities aimed at the general population.

Several countries in the region have initiated violence observatories or taken measures to document hate crimes, usually under the auspices of a single LGBTQ organization. In some countries (El Salvador and Nicaragua, for example), two or more LGBTQ organizations may be documenting violence and hate crimes without necessarily coordinating their efforts.

**Red Lésbica Cattrachas** in Honduras has an observatory of violent deaths of LGTBI people with data from 1994 to the present day. Information is sourced from media reports, and each death is reported for investigation. Cases are compared with data from the justice operators, and the state response is recorded. From the beginning of 2016 to February 2017, the observatory reported 29 murders (16 gay men, 8 trans people, and 5 lesbians). And between 1994 and February 2017, the total number recorded is 269 murders (153 gay men, 93 transgender people, and 23 lesbians).

**Asociación Comunicando y Capacitando a Mujeres Trans en El Salvador (COMCAVIS)** in El Salvador has carried out research (with other LGBTQ organizations and international bodies) on the human rights situation of LGBTQ people and hate crimes and follows up to pressurize responsible bodies to implement findings and recommendations. According to Mugen Gainetik, the Asociación Solidaria Para Impulsar El Desarrollo Humano (ASPIDH ARCOIRIS) in 2017 was intending to set up a violence observatory. Similarly, the Federación Salvadoreña LGBTI (LGBT federation) in El Salvador includes the creation of an observatory to document

LGBT-specific human rights violations, to fill a void that they consider the government has taken no action on.

In Guatemala, **Asociación LAMBDA/Red Nacional de Diversidad Sexual y VIH de Guatemala (REDNADS)** have initiated a *Human Rights and Social Inclusion of LGBTI People Observatory*. According to Mugen Gainetik, in 2017, the observatory is “*unique of its kind in the country, but LAMBDA has no resources to sustain it. They record hate crimes quarterly but only in three border departments.*”<sup>10</sup>

In Nicaragua, **Grupo Safo**, with the support of American Jewish World Service (AJWS), has been developing a violence observatory for several years but has faced technical and financial challenges with the creation of an online platform. Similarly, the Asociación Red de Desarrollo Sostenible (RDS) carries out some documentation of suspected hate crimes as they become public and is as yet developing systems for their registration and for follow up. The website of the **Special Procurator for Sexual Diversity in Nicaragua** includes a [violence observatory](#), but no statistical information on violence and hate crimes is available on the site.

At the **Latin American regional level**, Cattrachas, COMCAVIS and REDNADS/LAMBDA participate in the Regional Network of Information about Violence against LGBT People, supported by Diakonia.<sup>11</sup> The objective of the Network is to create and maintain a database, “*open to public use, that can help governments and international organizations to design and evaluate public policy initiatives and best practices for the prevention, investigation, and punishment of violence against the LGBT community, especially violence motivated by the sexual orientation or gender identity of its victim.*”

The network held a regional encounter in Mexico at the end of September 2018, in which it revealed the most up-to-date statistics on murders of LGBT people between 2014 and 2018: 142 in Honduras, 47 in El Salvador, and 14 in Guatemala.<sup>12</sup>

### Access to Justice

Engaging with the criminal justice system (CJS) is seen by many LGBTQ people in Central America as a futile exercise plagued with difficulties, pitfalls, and frustrations. In Guatemala, “*the State has not done a proper job prosecuting hate crimes against the LGBTI population. Between 2010 and 2015, the Prosecutor’s Office (Ministerio Público) has reported only 11 cases related to the LGBTI population concerning discrimination, threats, forced sex work, violence against women and injuries.*”<sup>13</sup>

Similarly, according to the Inter-American Commission on Human Rights (IACHR), LGBT murders in Honduras are more likely to go unpunished compared to murders of heterosexual people, due to discriminatory practices by the authorities.<sup>14</sup> According to the National Commissioner for Human Rights, in 2012, more than 92 percent of hate crimes were not properly investigated and remained unresolved. In 2015, the Crimes Against Life Unit of the Public Prosecutor’s Office, which includes in its records the deaths of LGBTI people, reported that 172 hate crimes had been registered from 2009 to August 30, 2014 (45 percent allegedly committed by police authorities), 38 were processed, nine sentences were emitted, but only one person was found guilty.<sup>15</sup>

Also, even where governmental institutions have been strengthened (in Guatemala, for example, where trans people can use their own names and register their identity to report hate crimes), LGBTQ people remain reluctant to press charges and seek access to justice, due to lack of confidence in the capacity and political will of the authorities, and fear of reprisals.

Key factors that hinder accessing justice are:

- prevailing political cultures that reinforce impunity
- deep distrust in the political will and capacity of the criminal justice system to treat LGBTQ cases seriously and on equal terms
- the existence of a governmental “double discourse”: on the one hand, the government appears to support the LGBTQ collective (expressed in some legislative advances); on the other hand, government institutions (police, public prosecutor, health facilities) continue to treat LGBTQ people with hostility, discrimination, and contempt
- exposure to verbal, emotional, and physical abuse by police officers when pressing charges, making a formal complaint, or denouncing experiences of discrimination or violence
- fear of violent reprisals by the accused party and/or their family, friends, etc.
- cultural reticence to pressing charges, especially in close-knit rural and urban communities where anonymity and confidentiality are difficult to achieve
- institutionalized homo/lesbo/transphobia, and in key officials and decision-makers, often influenced by conservative, fundamentalist religious beliefs
- the economic implications of seeing the legal process through
- the psychological and emotional impact involved.

Despite these obstacles and the endemic structural weaknesses in national criminal justice systems, some LGBTQ organizations provide occasional support and accompaniment to individuals and their families who choose to pursue justice by engaging the formal CJS. When this occurs, there is greater likelihood of a positive outcome than when an individual alone tries to access justice. LGBTQ organizations see this as a way to put pressure on the justice system to respond accordingly, to denounce and challenge systemic deficiencies, to rally LGBTQ and cross-movement support, and to encourage other LGBTQ people to take actions to defend their rights and pursue justice when these are violated.

In El Salvador, the Ministry of Justice and Public Security recently published a new [LGBT policy](#) that was developed with the collaboration of LGBT organizations and other human rights and civil society organizations. It contains six axes of intervention: prevention, service delivery, protection, intersectoral coordination, knowledge management, and accountability. The policy envisages the creation of a National Coordinating Technical Committee that includes the participation of LGBT people.

Accessing justice, however, is not only understood as a formal process of directly engaging the CJS. It also entails creating the conditions for that system to function as it should. As such, many LGBTQ organizations (individually or in LGBTQ alliances), where possible, collaborate with government institutions (particularly police forces) to provide training/awareness raising, develop public policies and plans, and work together to improve the quality of attention and services.

Pervasive deficiencies in the response of CJSs, coupled with cultures of impunity, have led many LGBTQ organizations to widen their conceptualization of “access to justice” to include equal rights and opportunities (justice) in relation to access to health, education, and work. This entails focusing on challenging and changing homo/lesbo/transphobic attitudes and practices, and shifting social norms regarding SOGIE at all levels in society to facilitate the realization of those basic rights. It is also a crucial element for ensuring that the personnel of governmental institutions responsible for implementing LGBTQ public policy, plans, and protocols that do exist, do so in the spirit of human rights and justice.

## LGBTQ Safety and Security Issues in the Current Crisis in Nicaragua

Currently in **Nicaragua**, most LGBTQ organizations are in some way involved in the ongoing civic resistance, non-violent movement to end the repression unleashed by the Ortega government in April 2018 and which has left an estimated 500 people dead, thousands injured, and hundreds arbitrarily arrested and incarcerated or missing. Several **people who were imprisoned are known to be LGBTQ activists/leaders**,<sup>16</sup> and there are legitimate fears for their physical, psychological, and sexual wellbeing and safety. Similarly, other LGBTQ leaders/activists have been harassed and threatened, their homes raided, and for safety and security reasons, some are in hiding or have left the country.<sup>17</sup>

The LGTBI national platform (Mesa Nacional)—coordinated by RDS, the lesbian group Artemisa, and the newly formed the National Unity of Self-Convened Sexual Dissidence (*Unidad Nacional de la Disidencia Sexual Autoconvocada*) that brings together several LGBTQ activists from diverse organizations and groups—are members of the National Unity Blue and White Movement,<sup>18</sup> which brings together more than 40 alliances, coalitions, movements, and other coordination platforms. Their overt political activism within the current crisis exacerbates their already vulnerable situation as LGBTQ leaders.

### THE EXTREME VULNERABILITY OF TRANS PEOPLE

Compared to other LGB people, trans women are particularly vulnerable to human rights abuses. Honduras, for example, has the highest number of trans women murders relative to its population,<sup>19</sup> despite legislation that makes discrimination against LGBT people illegal.<sup>20</sup> In 2017, for every 1 million inhabitants in Honduras, almost 11 trans and gender-diverse people were murdered.<sup>21</sup> Trans women killings in El Salvador and Guatemala are also alarmingly high in relation to those of other LGB people, as are general levels of discrimination and violence. In 2017, Guatemala had the second highest number of trans women murders relative to its population: almost 3 for every 1 million inhabitants.<sup>22</sup>

Trans women, in general, also experience greater levels of discrimination and violence in education<sup>23</sup> and in relation to accessing work and in the workplace than other LGBTQ people.<sup>24</sup> As a result, trans women’s educational attainments are generally low, leading to high un/subemployment, and low levels of income. This, in turn, means that many trans women turn to sex work, where they can become vulnerable to exploitation, violence, drug abuse, and HIV/STI.<sup>25</sup>

The recent emergence of trans men groups in Central American countries is a response to the marginalization that trans men experience in society and within the LGBTQ movement itself.

### Coordination and Collaboration between LGBTQ, Faith, and Secular Allies

Very few LGBTQ organizations in Central America have established consistent coordination and collaborations with faith-based organizations (FBOs). Many of their constituents, however, are from families and communities where Christian values and practices (Catholic, Protestant, and Evangelical) form an important part of the social fabric. Often, when coming out or transitioning, they experience trauma in the face of contradictory religious messages, the threat of condemnation and rejection and the fear of marginalization, discrimination, and violence.

#### PREVIOUS COLLABORATIONS BETWEEN LGBTQ ORGANIZATIONS AND FBOs

For several years in Nicaragua and El Salvador, some LGBTQ groups collaborated with the Metropolitan Community Church, endeavouring to establish MCC groups in both countries. Currently, however, these do not appear to be operating. The [MCC website](#) does not list Nicaragua, and El Salvador is considered an “emerging church.”<sup>26</sup>

In Nicaragua, the Iniciativa Desde la Diversidad Sexual por los Derechos Humanos (IDS DH) was part of the original coalition of organizations that in 2016/17 conceived and executed the multimedia campaign *En la Viña del Señor* (In the Vineyard of the Lord), which also had support and coverage from national TV channels.

While not a collaboration exactly, Cattrachas in Honduras, within the framework of the elections in 2017, carried out research on [The Secular State and Religious Fundamentalisms](#) that revealed the heavy influence of conservative religious values on media outlets and within political parties, leading to the dissemination of prejudice and messages of hate toward LGBTQ political candidates and community. Similarly, the possibility of established/traditional political parties presenting LGBTQ candidates was negatively influenced by the Catholic Church and the Evangelical Confraternity.

In previous years, the Lutheran Church had a program of pastoral care in El Salvador.

#### CURRENT COLLABORATIONS BETWEEN LGBTQ ORGANIZATIONS AND FBOs

Currently, **Espacio Latinoamericano de Sexualidades y Derechos – MULABI**, based in Costa Rica, is part of the recently formed [Coalition – Religions, Beliefs and Spiritualities in Dialogue with Civil Society](#) that supports the rights of LGBTQ people and challenges fundamentalist and conservative religious positions that sow prejudice and discrimination.

Also based in Costa Rica, the Lutheran Church, committed to the human rights of LGBT people, has provided pastoral care to LGBTQ people since 2005 through its [Pastoral de la Diversidad](#), whose mission is to raise awareness and commitment within the church, and overcome the condemnation and exclusion of people with different sexual orientations. The program offers a weekly “inclusive Mass” and counselling on request. Centro de investigación y Promoción para America Central de Derechos Humanos (CIPAC) has links with the Lutheran Church’s pastoral program for LGBTQ people.

In El Salvador, IEPES (Protestant Evangelical Church of El Salvador) supports the [human rights of LGBT people](#) and has been part of wider alliances that [condemn hate crimes](#) and demand justice for victims of discrimination and violence.

#### POSSIBLE FUTURE COLLABORATIONS BETWEEN LGBTQ GROUPS AND FBOs

The RDS reports that it has recently started to develop relationships with FBOs linked to CONSIDA (Nicaraguan AIDS Commission). Similarly, the Costa Rican Movimiento Diversidad proposes dialogue with “progressive religious sectors” as a possible future axis of work.

Despite the general acknowledgment of the negative impact of fundamentalist religious beliefs and practices on the lives and human rights of LGBTQ people, LGBTQ organizations in Central America have not developed ongoing strategies to counteract these. Some examples do exist, such as the participation of MULABI in the [Coalition – Religions, Beliefs and Spiritualities in Dialogue with Civil Society](#) mentioned above, and the public denouncement of the conservative religious values of the Procurator for Human Rights (Raquel Caballero) by LGBTQ organizations in El Salvador.<sup>27</sup>

#### THE ROLE OF CIVIL SOCIETY ORGANIZATIONS

In each Central American country, there are CSOs that give direct support to LGBTQ people and that coordinate activities and processes with LGBTQ organizations and groups. Many of these are feminist and human rights

organizations that have LGBTQ people among their founders, management committees, and personnel.<sup>28</sup>

#### Nicaragua:

- Puntos de Encuentro
- Programa Feminista La Corriente
- Centro de Información y Servicios de Asesoría en Salud – CISAS
- Las Venancias (Matagalpa)
- Colectivo Feminista (Matagalpa)
- CEPRESI – Centro de Prevención del SIDA

#### El Salvador:

- AMATE EL SALVADOR – Centro de Estudios de la Diversidad Sexual y Genérica
- Las Dignas
- ORMUSA – Organización de Mujeres
- Salvadoreñas por la Paz
- CoCoSI – Asociación Comité Contra El SIDA
- Oficina de Asistencia Legal Para la Diversidad Sexual El Salvador – ALDES

#### Guatemala:

- UDEFEGUA - Unidad de Protección a Defensoras y Defensores de Derechos Humanos Guatemala

#### Honduras:

- APUVIMEH - Asociación para una Vida Mejor de Personas Infeccionadas y Afectadas por el VIH/SIDA
- CDM – Centro de Derechos de las Mujeres

The principal advantage of supporting/funding work with LGBTQ populations through established NGOs is their capacity to administer and report on large grants. The main disadvantage is the resentment that is created within (and between) LGBTQ groups, and their sense of being under the power and authority of non-LGBTQ organizations that can be disempowering and a source of conflict.

## Legal Protections Framework

### Legislation and Public Policy

Since the latter half of the 19th century, same-sex sexual activity has been legal in Honduras, El Salvador, and Guatemala.<sup>29</sup> Decriminalization took place in Costa Rica in 1971,<sup>30</sup> and in Nicaragua and Panama in 2008.<sup>31</sup>

### NON-DISCRIMINATION PROVISIONS THAT SPECIFY SOGIE

None of the six CA countries explicitly prohibit discrimination of SOGIE in their constitutions, nor do they have specific laws that protect LGBTQ people and their human rights.

All six countries, however, have enacted some form of **non-discrimination provisions/protections** that specify SOGIE,<sup>32</sup> through reforms of penal codes, emission of presidential and/or ministerial decrees, or as part of other legislation (for example, HIV and AIDS). These are detailed in [Annex 1](#) and include the prohibition of discrimination based on SOGIE in relation to employment and access to health services.

Of the six CA countries, only Costa Rica has taken concrete steps to establish **equal marriage** and/or civil partnerships.<sup>33</sup> The Panamanian government, however, in the wake of IACHR’s ruling in January 2018,<sup>34</sup> announced that the country would fully abide by the ruling. The IACHR ruling has been strongly condemned by the Catholic Church, other religious groups, and several parliamentary deputies in Panama. However, in February 2018, the attorney general announced that the country cannot ignore the IACHR ruling, reiterating the government’s position that the ruling is fully binding on Panama.

In 2005, the Honduran government amended the constitution to explicitly prohibit marriage between two people of the same sex. El Salvador, Nicaragua, and Guatemala, under pressure from conservative religious sectors, have taken measures to reinforce the conservative, heterosexist interpretation of marriage and even introduce measures for its prohibition.<sup>35</sup>

Given that same-sex relationships are not legally recognized in any of the six CA countries, joint adoption is not permitted. In some cases, individual LGBTQ people can adopt.

None of the six CA countries have taken measures to ban “conversion therapies” to ensure the protection of vulnerable individuals from unregulated and often torturous processes aimed at “curing” them.

### LEGAL PROTECTIONS FOR TRANSGENDER PEOPLE

Efforts by LGBTQ organizations to secure **gender identity legislation** in the six CA countries have, to date, been unsuccessful and have faced severe resistance and backlash by conservative elements in society and in national legislative bodies.



In January 2018, the IACHR advisory opinion on Gender Identity, Equality, and Non-Discrimination of Same-Sex Couples established that “*the change of a name, as well as the rectification of the image and the sex or gender in public records and identity documents is a right protected by the American Convention.*”<sup>36</sup> The Court also found that States are obliged to “*recognize, regulate and establish appropriate procedures*” to guarantee such rights.<sup>37</sup> As a result, the government of Costa Rica immediately made it possible for transgender persons to change their legal gender without surgeries or judicial permission.

In Guatemala, however, in a reactionary backlash to the IACHR advisory opinion, legislators have introduced [Law 5272](#), which, according to Amnesty International, will, if passed, “*violate the rights of thousands of women, girls, and LGBTI [people].*”<sup>38</sup> Similarly, in August 2018, both the Legislative and Constitutional Points Commission and the Women’s Commission rejected the gender identity bill that trans organizations had presented in December 2017. Ironically, since 2016, transgender people in Guatemala can change their legal name so that it matches their gender identity, following judicial permission. However, they cannot change their legal gender.

In Panama, under legislation passed in 2006, transgender people can only change their legal gender and name after sex reassignment surgery.<sup>39</sup> In Nicaragua, Honduras, and El Salvador, it is not possible for transgender people to change their names or legal gender.<sup>40</sup>

#### HATE CRIME LEGISLATION<sup>41</sup>

While not specifically using the term “hate crime,” Nicaragua (2008), Honduras (2013), and El Salvador (2015) are among 43 countries (23 percent of UN States) that recognize possible “*aggravating circumstances*” in criminal acts against LGBTQ people.<sup>42</sup> Honduras (2013) has made it illegal to incite hatred and discrimination based on sexual orientation.<sup>43</sup> To date, there has been no successful application of these pieces of legislation, due partly to the lack of knowledge of judicial operators of their existence and to institutionalized homo-trans-lesbophobia in criminal justice systems.

#### State LGBTQ Protection Entities

In 2009, the Nicaraguan Procurator for the Defense of Human Rights appointed a **Special Procurator for the Rights of the LGBT Community**, whose role as government ombudsperson is to hear and investigate complaints by private citizens against government officials or agencies,

when the official channels for pursuing justice have been exhausted and have proven ineffective.

In 2010, the president’s office in El Salvador created a **Directorate for Sexual Diversity** within the Secretariat for Social Inclusion. Its role is to promote public policies that guarantee the basic human, economic, social, civil, and political rights of the LGBTI population, and to encourage the creation of services and spaces free from homo-lesbo-transphobia and from any form of SOGIE-based discrimination by sexual orientation and gender identity.

In Guatemala in April 2014, the Human Rights Office/Procurator (PDH) created the **Sexual Diversity Defense** unit (DDS) to promote equality of opportunity, inclusion, participation, non-discrimination, and respect for LGBT people.

In Honduras in 2015, the National Commissioner for Human Rights (CONADEH) created the **Sexual Diversity Division**, whose role is to improve the promotion, protection, defense, and monitoring of the rights of the LGBT community. A major focus of its work centers on the prevention of violence and the violation of the rights of the LGBT community, as well as attending to complaints.

Many LGBTQ leaders and organizations question the effectiveness of these state entities, due mainly to very limited budget allocation by the state and by their lack of authority to act with autonomy, objectively, and impartially.

#### Strategic Alliances and Coordination between LGBTQ Organizations and Groups

Historically, coordination and alliance efforts between LGBTQ organizations and groups in Central American countries has been beleaguered by internal conflicts fueled by several interrelated factors:

- the historical protagonism and leadership of gay men in LGBTQ organizations (linked to HIV prevention and access to significant levels of funding)
- the reproduction of patriarchal gender norms that reinforce inequalities and power imbalances that marginalize lesbians and trans people
- models and styles of leadership that reflect the authoritarianism inherited from patriarchal cultures
- power struggles between individual leaders and organizations
- diverse visions in relation to common agendas, strategies, and goals
- weak organizational structures and institutional-administrative capacities

- mistrust/suspicious of misuse of funds by organizations responsible for coordinating joint initiatives, and limitations in relation to transparency
- competition for resources.

Over several years, these internal tensions have led to trans and lesbian organizations/groups seeking greater autonomy and making efforts to establish stronger links between peers. The emergence of lesbian and trans voices, with very specific identity-related needs and strategic interests and characterized by a feminist critique of hegemonic masculinities within gay-led and mixed organizations has led many to question the feasibility of a single LGBTQ movement.

As a result, some lesbian organizations and groups (especially of young lesbians and bisexual women), in challenging the hegemony of gay-led organizations within inter-LGBTQ collaborations/movements and, in some cases, challenging the reproduction of patriarchal leadership models within lesbian and trans groups and organizations, have opted for greater collaboration with feminist organizations/movements. Several trans women leaders, particularly in Nicaragua, have also integrated feminism into their analysis and self-identification. This, in turn, enables them to participate in LGBTQ alliances and platforms from a position of empowerment, in defense of their own and common agendas.

Several factors converge, however, that highlight the need for the establishment and consolidation of alliances and coordination between LGBTQ organizations and groups, independently of identity-based affiliations and internal LGBTQ politics:

- the high levels of discrimination, violence, and hate crimes against LGBTQ people
- pervasive heteronormative attitudes, values, and practices in society that restrict LGBTQ people’s access to education, health, work, and life opportunities
- priorities and funding approaches adopted by international donors.

As such, the following “national” LGBTQ platforms currently exist.<sup>44</sup>

#### NICARAGUA

The “**Mesa Nacional**”/**National Platform**, coordinated by the RDS, has 20+ members from all parts of the country, including the Caribbean Coast. Its focus has been on access to justice and the strengthening of member organizations. Even when facing funding limitations, the RDS and other active members of the Mesa Nacional endeavor to keep it functioning.

Although not members of the Mesa Nacional, other initiatives in Nicaragua that have created successful articulations between several LGBTQ organizations have been led by **feminist NGOs**—like CISAS and La Corriente Feminista—that have the capacity to access funding sources (EU, for example) and to administer projects. Several lesbian and trans groups that benefit from these initiatives also take part in the Mesa Nacional, and efforts are made by all actors to coordinate on issues of common interest (for example, the annual Pride March and during the current political crisis).

#### EL SALVADOR

In June 2017, the **LGBTI federation (Federación Salvadoreña LGBTI)** emerged; it brings together 16 LGBT organizations.<sup>45</sup> The federation has developed a strategic plan that outlines its mission and vision and a series of strategic areas of intervention. The development of the federation occurs within the context of a conservative swing within the Procurator’s Office for Defense of Human Rights (PDDH), seen as a threat to the LGBTQ movement’s agenda.

Many of the members of the LGBTI federation also participate in a series of **National Platforms** (for example, on work, health, education, and security and justice) that bring together LGBT organizations, relevant State actors, and other stakeholders, and participation in these have been included in the federation’s strategic plan.

The **TRANSAL Network** brings together five transgender organizations in the country: COMCAVIS Trans, ASPIDH Rainbow Trans, HT503 - Trans Men Generation, ASTRANS LGBTI, and Colectivo Alexandria. The principal focus of their efforts in the last five years has been the promotion of a national platform to draft and present a gender identity law. It has been supported by Plan International and FESPAD (a Human Rights NGO), and, in 2014, a permanent roundtable for a gender identity law was established, to draw up a proposal for a draft bill.

#### GUATEMALA

**REDNADS (National Sexual Diversity and HIV Network)** is a network of several LGBTI organizations<sup>46</sup> led by LAMBDA created in 2006 that carries out actions aimed at strengthening the citizenship and the social, cultural, and political participation of LGBT communities. It promoted the first national Campaign against Homophobia (2014) and the VI Congress on Human Rights of the LGBTI population (2015). It has also appeared twice before the IACHR, making visible the contexts and challenges of LGBT communities in Guatemala.

The **Federation of LGBTI Organizations of Guatemala (FOLGBTIG)** integrates several smaller LGBT groups (Association SOMOS; Women in Heels Collective; Association Happy, Diverse People; FOGATA; ODASA; and other community-based LGBTI organizations). Its foundation was in response to a critique of the strategies of more established LGBTI organizations and their monopoly on funding sources.

#### HONDURAS

The **Sexual Diversity Committee in Honduras** brings together about 10 LGBT organizations from different parts of the country.<sup>47</sup> Initially set up through support from Hivos, it describes itself as “a high-level sexual diversity platform for political leadership, and decision-making and -implementing body, in relation to the state, international organizations, donors, and other bodies linked to the problems faced by sexually diverse people.”<sup>48</sup> In 2014, the committee prepared a shadow UPR report on the rights of LGBT people in Honduras. Currently, however, its activities are mostly limited to the organization of specific events (for example, IDAHOT and Pride) and to continued lobbying and advocacy of the Honduras government.

On a **CA regional level**, the following coordination platforms exist, but currently appear to have very limited activity.

#### CENTRAL AMERICAN TRANSMEN’S NETWORK (RECATH)

The RECATH is made up of:

- Colectivo TRANS-FORMACIÓN (Guatemala)
- Generación Hombres Trans - HT503 (El Salvador)
- Hombres Trans (Honduras)
- TRANSMEN (Nicaragua)
- Hombres Trans (Costa Rica)
- Chicos Trans (Panama)

#### CENTRAL AMERICAN NETWORK OF TRANSWOMEN LIVING WITH HIV (REDCATRANS+)

The REDCATRANS+ was created in 2014 as a result of an agreement reached in the Central American Encounter of people living with HIV and in response to the absence of proposals related to trans women in regional strategies for people living with HIV.

#### LATIN AMERICAN AND CARIBBEAN TRANS NETWORK – REDLACTRANS

In Central America, the **REDLACTRANS** network has prioritized the drafting of gender identity laws and lobbying for their approval by national parliaments. One trans organization in each country in Central America is recognized as the official representative of the network (see [current list here](#)).

#### CENTRAL AMERICAN SEXUAL DIVERSITY NETWORK (RED DIVERSA)

The **RED DIVERSA** network was established through funding from the European Union for a consortium made up of Italian NGOs Terra Nuova and Arcigay, LAMBDA in Guatemala, Kukulcan in Honduras, Entre Amigos in El Salvador, and CEPRESI in Nicaragua, all established, gay-led, HIV-focused LGBT organizations. An estimated 20 LGBT organizations took part in the network between 2014 and 2016, when the project ended. According to Mugen Gainetik,<sup>49</sup> the network currently lacks resources and only meets sporadically, under the presidency of Kukulcan.

#### “MARIPOSAS DE COLORES” (COLOURFUL BUTTERFLIES)

In July 2018 in Tegucigalpa, 30+ trans women from CA countries and Colombia held an encounter—with support from Caribe Afirmativo and the Fundación Triángulo—called “Mariposas de Colores” (Colourful Butterflies)<sup>50</sup> that focused on issues of security and protection, including the development of a manual on trans protection. The encounter issued a communiqué/manifiesto<sup>51</sup> calling on States to respect their rights and include trans issues in policy, plans, and budgets.<sup>52</sup> This may develop into a regional network of trans women organizations.

## Acceptance and Inclusion

### Inclusion of Marginalized Groups

The **marginalization of lesbians and trans women** within mixed LGBTQ spaces (groups, organizations, and alliances) has led many of them to strengthen their autonomy and seek other spaces with shared interests and agendas, particularly with women’s/feminist movements.

Some lesbian groups have identified target populations who suffer marginalization related to other aspects of their identities and/or contexts: a) lesbians and bisexual women from poor rural and urban communities, b) un/under-employed lesbians with minimal educational achievements, and c) trans men.

Recognizing the **economic marginalization** that many LGBTQ people experience, Somos CDC in Honduras has a specific program for the economic empowerment of LGBTQ people. It offers training in entrepreneurship and economic development, as well as skills development and finance for developing business plans for LGBTI-run small business enterprises, and exchanges between the latter. Similarly, Estrellas del Golfo in El Salvador secures access to governmental vocational training for trans women from rural areas

that corresponds to a real need to equip them with skills and opportunities to access employment, given that most have very low levels of academic achievement.

Several trans organizations (for example, OTRANS in Guatemala and COMCAVIS in El Salvador) respond to the needs and the defense of the rights of specific **subgroups of trans women** who face marginalization and risks: those deprived of liberty, migrants, asylum seekers and internally displaced, and sex workers.

In Guatemala, several organizations (for example, OTRANS, REDMMUTRANS - Red Multicultural de Mujeres Trans, LAMBDA, and the REDNADS) work directly with **indigenous trans women and those from rural areas**—who experience severe levels of marginalization for their empowerment—to strengthen the political advocacy work they carry out locally. In Nicaragua, the Mesa Nacional, coordinated by the RDS, integrates LGBT collectives from the North and South Caribbean Autonomous Regions of Nicaragua, which have large indigenous (Mísquito, Myanga, and Rama) and afro-descendent populations where strict taboos around sexual diversity prevail and are marked and influenced by the norms and practices of indigenous and Creole cultures. Many of the leaders and members of these LGBT groups are trans women.

In recent years in Costa Rica, Panama, and El Salvador, a few LGBT groups have begun to focus on the rights of **older LGBT adults** on the basis that they are a marginalized group, even within the LGBT community, whose needs are often not covered by social security provisions.

MULABI, based in Costa Rica, has identified **intersex children and adolescents** as a marginalized and vulnerable group, promoting their right to dissent from norms that compel them to fit into a specific sex or gender.

### Social Exclusion and the Forced Migration of LGBTQ People

In recent years, in the northern triangle of Central America, and to a lesser degree in the southern triangle, increasing numbers of LGBTQ people, many of them trans women leaders, have been forced to leave their home countries. This is fueled by entrenched homo-trans-lesbophobia in society and ongoing security/safety concerns, often linked to threats and extortion from gangs.

Some LGBTQ people are compelled to seek refuge with friends/family in other communities, and many from rural

areas are displaced to urban centers, particularly capital cities. LGBTQ organizations like COMCAVIS<sup>54</sup> and Entre Amigos in El Salvador, OTRANS and LAMDA/REDNADS in Guatemala, and Arcoiris and Cozumel Trans in Honduras offer support to LGBTQ people in migration and seeking asylum, as well as to LGBTQ people who have been deported from the U.S.<sup>55</sup> In Costa Rica, Eros has begun to develop a program of support to LGBTQ migrants/refugees from other parts of CA.

The International Organization for Migration (UN IOM), based in Costa Rica, hosts a Mesoamerica Program [Strengthening the Capacities to Protect and Assist Vulnerable Migrants in Mesoamerica](#), which is financed by the Bureau of Population, Refugees and Migration (PRM) of the Department of State of the United States of America. As part of this program, the IOM has organized two regional workshops in 2016 (Mexico) and 2017 (Guatemala), with UN, State, and civil society stakeholders, leading to the establishment of the Mesoamerican Network for the Protection and Assistance of LGBTI Migrants, “a project that seeks to link the efforts of organizations that defend human rights to develop an articulated regional response to the attention of the multiple needs of this part of the population.”<sup>56</sup> The [report of the 2017 workshop](#) in Guatemala contains regional and national operational plans<sup>57</sup> (in Spanish) and a list of network members, by country.<sup>58</sup>

The IOM Mesoamerica Program has also produced a [resource for the sensitization and training of public institutions, social organizations, collectives, and LGBTI activists on migration and LGBT populations](#).

Another report (in Spanish) on issues of migration and LGBT people was published by AECID, Spain, in August 2018: [The Situation of LGBTI People from northern Central America with International Protection Needs in Guatemala and México](#).

### Public Education and Communication and the Strengthening of Public Narratives about LGBTQ People

Almost all LGBTQ organizations in the six CA countries carry out, or have carried out, activities, events, and processes aimed at **raising awareness in the public at large** on the rights of LGBTQ people, and on the multiple abuses that LGBTQ people face in all spheres of life. In general, however, these have had limited scope, often linked to short-term (generally poorly funded) projects operating in specific geographical areas with particular target populations.

Many LGBTQ organizations, especially those who come from a background of HIV prevention, use/have used or adapted **Information, Education and Communication (IEC)-related strategies or tools** (campaigns, brochures, leaflets, posters, talks, fairs, t-shirts, baseball caps, radio jingle and programs, etc.) as vehicles for challenging and changing homo-trans-lesbophobic attitudes and practices. In general, these have tended to prioritize the transmission of key messages, rather than a more integrated and complex communications for social change approaches (which also call for greater funding and technical expertise). Consequently, while the accumulative effect of IEC awareness-raising activities over many years may have generated some positive results, they have not necessarily been effective in facilitating processes capable of widely deconstructing engrained cultural stereotypes and prejudices related to SOGIE and LGBTQ people.

Currently, many LGBTQ organizations in CA are making use of **social media** (particularly Facebook) as a principal communication tool to publicize their activities, denounce abuses of their rights, strengthen public narratives about LGBTQ people, and rally support nationally and internationally. A few of the more established organizations, with greater access to funding, have websites.

At the same time, many LGBTQ organizations and empowered LGBTQ leaders have developed important **communications skills** and regularly participate in national and local radio and TV programs on SOGIE issues, transmitting positive images of LGBTQ people that challenge conservative, demeaning narratives based on ignorance and prejudice. For the most part, however, these tend to be reactive or by invitation, rather than as a result of proactive communications strategies.

The feminist NGO Puntos de Encuentro in Nicaragua, in its successful TV series [Sexto Sentido](#) (Sixth Sense) and [Contracorriente](#) (Turning the Tide), integrated gay, lesbian, and trans women characters, highlighting their struggles to attain their rights in socially conservative urban and rural contexts. Both series have been widely transmitted on national TV networks in Central and South American countries and on some Latino cable channels in the USA. A 30-minute *Sexto Sentido* special edition called “[Diversidad a todo color](#) (Diversity in Full Colour)” focuses on the stories of Angel (a gay man) and Vicky (a lesbian) and includes personal testimonies of trans women from Nicaragua and has an accompanying [guide](#) for its use in workshops, schools, and communities. It was developed through the establishment of an LGBTQ working group from several LGBTQ organizations; coordinated by Puntos de Encuentro.

# Analysis of Needs and Opportunities

## Goal 1: Increased Safety for LGBTQ People

For LGBTQ people to feel safe and secure in their own homes, in the community, and in public and political spaces, all discrimination and violence against them must be eliminated.

Needs	Opportunities
<p>Achievement of major <b>shifts in homo-trans-lesbophobic</b> attitudes, values, beliefs, practices, and norms <b>entrenched in cultures and societal institutions</b>, that are fueled by harmful cultural traditions and fundamentalist religious doctrines</p>	<p>Building on previous campaigns (for example, En La Viña del Señor in Nicaragua), developing proposals that expand reach and integrate a social norms approach</p> <p>Developing policy and plans (about LGBTQ bullying, for example) within institutions, particularly the Ministry of Education</p>
<p><b>Development of policies and plans</b> within state, governmental, and societal institutions to <b>create SOGIE-friendly environments</b>, establish positive actions for the safety and security of LGBTQ people, and take punitive measures against prejudicial and harmful practices by individuals, groups and organizations</p>	<p>In the <b>health sector</b>, promoting the operationalization of already existing resolutions and protocols and some services for LGBTQ people (VICIT<sup>59</sup> clinics) to reduce discrimination in the delivery of health services</p>
<p>Strengthening of systems for <b>registering and documenting acts of discrimination, violence, and hate crimes</b> against LGBTQ people, and the use of this information in informing public policy to reduce and eradicate all hate crimes against LGBTQ people</p>	<p>Strengthening the capacities of already existing violence observatories in Honduras, El Salvador, Guatemala, and Nicaragua (emerging)</p> <p>Consensus on conceptualization of “hate crime” and its legal categorization/formulation (using as reference CEJIL reports Honduras, Costa Rica, and Nicaragua, 2013)</p> <p>Broadening of the scope of violence observatories that currently only seem to focus on the murders of LGBTQ people</p>
<p><b>Holistic approaches to the strengthening of access to justice</b> that target the <b>criminal justice system</b> and not just some of its components (for example, that focus on training for police, support for specific court cases) and that integrate cultural as well as technical aspects</p>	<p>Development in El Salvador of an LGBTQ-led process to assure the implementation (with budget), monitoring, and evaluation of the recently elaborated <a href="#">LGBT policy</a> by the Ministry of Justice and Public Security (MJPC). The LGBT federation could play a major role in the immediate future in strengthening the capacity of the different components of the MJCP to plan and implement the policy.</p>
<p>The continued “deghettoization” of LGBTQ groups and organizations through the <b>establishment of working relations and alliances</b> with other human rights, feminist, social justice, and faith-based organizations and movements; this also entails the need for increased visibility of LGBTQ people within these</p>	<p>The knowledge and expertise of human rights, feminist, social justice, and faith-based organizations (where feasible) and movements can be capitalized upon to strengthen LGBTQ organizations. Mutual collaborations on issues of common interest can also be strengthened through strategic alliances.</p>

## Goal 2: Legal Protections (Policy)

For LGBTQ people to enjoy legal protections, legislation and public policy must not only exist (and be known to exist); there must also be consistent LGBTQ-determined and -led strategies, in collaboration and in alliances with other stakeholders, to ensure their implementation, evaluation, and monitoring.

Needs	Opportunities
<p><b>Vibrant, effective LGBTQ national and local platforms and alliances</b> (that may be identity-, issue-, or sector-based) to:</p> <ul style="list-style-type: none"> <li>a) advocate for the application of already existing legislative and policy provisions</li> <li>b) propose new legislation and policy initiatives, lobby for their approval, and monitor their application</li> </ul>	<p>Strengthening advocacy initiatives of trans-led initiatives (with LGB support) to approve stalled gender identity legislation</p> <p>Dissemination of already existing legislation (for example, penal code reforms), lobbying for their application and their use in educational/awareness raising initiatives</p>
<p><b>Ongoing processes of (gender transformative) training and capacity building for LGBTQ people</b> to create/expand the existing (limited) pool of knowledgeable, articulate, politically aware, gender sensitive, and confident LGBTQ leaders, and strengthen their capacities to organize, influence, and communicate</p>	<p>Many previous training initiatives have focused mainly on knowledge acquisition (HIV, human rights, etc.) and less so on processes of empowerment. Human resources to do this already exist within LGBTQ collectives in each country and in allied organizations from other civil society organizations/movements (human rights, feminist, etc.).</p>
<p>Visions, models, and practices of leadership within and between LGBTQ groups and organizations that adopt <b>relational leadership approaches</b> (thus rejecting patriarchal, authoritarian ones) that are inclusive, empowering, purposeful, ethical, and process-oriented</p>	<p>Emerging groups of young LGBTQ people (especially young lesbians and bisexual women) are already in processes of questioning authoritarian, patriarchal models and style of leadership. Relational leadership approaches could be integrated into the above-mentioned training initiatives.</p>

## Goal 3: Acceptance and Inclusion for LGBTQ People

For LGBTQ people to experience acceptance and inclusion in all walks of life, effective LGBTQ-led educational, awareness-raising, and communicational strategies must reach large sectors of the population with sustainable results that not only change the attitudes and behavior of individuals, but that are also effective in changing deeply entrenched stereotypes and prejudices against LGBTQ people.

Needs	Opportunities
<p>For LGBTQ people to be able to participate fully in society and live dignified lives, they must first have <b>equal rights and opportunities re: access to education, health, and work</b>. Consequently, there is an urgent need to challenge and change deep-rooted stereotypes and homo-trans-lesbophobia at both the cultural and institutional levels that lead to high levels of school desertion, which in turn limits employment possibilities and levels of income.</p>	<p>Estrellas del Golfo in El Salvador and Somos CDC in Honduras have had some success in assuring vocational training and promoting entrepreneurship for trans women and gays; their strategies could be strengthened and replicated by other LGBTQ organizations.</p> <p>In Costa Rica, CIPAC with the Ministry of Education produced in 2008 a <a href="#">resource for preventing and responding to homo-trans-lesbophobia, discrimination, violence, and bullying of LGBTQ people</a> in schools. It is one of very few experiences of high-level coordination with educational authorities in Central America.</p>
<p>In the health sector, lesbians and trans women, specifically, need access to <b>SOGI-friendly quality health services</b>, given the difficulties that arise from the heteronormative presumptions of many health professionals, and the resultant prejudicial treatment that can occur when their SOGI is revealed.</p>	<p>Some protocols already exist (for example, in El Salvador and Nicaragua) for quality, LGBTQ-friendly service delivery, but frontline healthcare providers are generally not familiar with them. They represent an opportunity to sensitize and train healthcare professionals at all levels within the health system.</p>
<p>Vibrant, effective LGBTQ national and local platforms and alliances (see needs under goal 2 above) <b>working together to develop educational, awareness-raising, and communicational strategies</b> (with a communication for social change approach) able to reach and influence wide sectors of the public, including faith-based communities, to shift homo-trans-lesbophobic norms and practices</p>	<p>Many LGBTQ organizations and groups have experience at the local level of designing and delivering events, activities, and campaigns to raise awareness with minimal resources and limited scope and reach. Pooling expertise and resources, and with specialized technical support, could amplify reach and impact of educational, awareness-raising, and communicational strategies.</p>
<p>Key LGBTQ leaders trained and empowered in <b>public speaking and in how to effectively make use of traditional and social media outlets</b> to counteract stereotypes and prejudices and disseminate positive role models of LGBTQ people and their needs, rights, and demands</p>	<p>Existing expertise in social communication within progressive media outlets, feminist organizations, etc. represents an opportunity for collaborations to develop skills for public speaking and in how to effectively make use of traditional (radio and TV interviews) and social media outlets.</p>



# Recommendations

## 1. Increased Safety and Security for LGBTQ People

To contribute to **increased safety and security for LGBTQ people** and their organizations, consider giving support to:

- 1.1 Organizations that carry out **processes of training and awareness-raising** aimed at the public at large, including faith-based organizations, and at LGBTQ populations to prevent and educate on human rights, discrimination, violence, and hate crimes against LGBTQ people.
- 1.2 Specific trans organizations' strategies for **reducing their vulnerability to discrimination and violence** in all spheres of life and for the development and/or strengthening of personal and institutional safety and security strategies.
- 1.3 LGBTQ organizations that **engage directly with the criminal justice system** or components of it (police, public prosecutor, courts, forensic and health services, prisons) or other State institutions, to strengthen its response and achieve efficient, quality services.
- 1.4 LGBTQ organizations that **provide legal and psychological support** for LGBTQ people who have suffered discrimination and violence because of their SOGIE (hate crimes) and who have decided to access justice through the criminal justice system, and/or other mechanisms (for example, labor tribunals, access to health).
- 1.5 Organizations that can provide training for LGBTQ/religious leaders to strengthen their capacities to provide pastoral care for LGBTQ people and develop strategies to counteract fundamentalist religious beliefs and harmful discourse and practices.

## 2. Legal Protections (Policy)

To contribute to **increased legal protection for LGBTQ people** and their organizations, consider giving support to:

- 2.1 LGBTQ (and other) organizations and processes that **educate and raise awareness on the legal protections, policies, protocols, resolutions, etc.**, that already exist, especially within State and government institutions, to promote their application
- 2.2 **Trans organizations and platforms** in each country that are in processes of drafting, promoting, and advocating for the passing of **gender identity bills**,

including strategies for counteracting fundamentalist, conservative resistance

- 2.3 LGBTQ-led initiatives that seek to draft, promote, and advocate for specific **legislation on discrimination, violence, and hate crimes**; including formative research and public awareness/political advocacy campaigns
- 2.4 **Identity-based collaborations and coordination platforms**, especially those of trans women, trans men, and (young) lesbians, to strengthen organizational and administrative capacities and the design, implementation, and monitoring and evaluation of projects on specific issues (access to quality health services, HIV prevention, etc.)
- 2.5 The **strengthening of national platforms** in each country in the design, implementation, and monitoring and evaluation of projects of common interest; and that contemplate the development of organizational models that foster mutual collaboration and relational leadership approaches

## 3. Acceptance and Inclusion for LGBTQ People

To contribute to **increased acceptance and inclusion for LGBTQ people** and their organizations, consider giving support to:

- 3.1 The design, implementation, and monitoring and evaluation of projects/programs that facilitate LGBTQ access (particularly of trans people) to **opportunities in education, vocational training, and employment**; and systematisation of best practices (and their dissemination)
- 3.2 **Trans organizations and collaborations between trans organizations** at the national and regional levels
  - a) that engage **severely marginalized** trans women and men (for example, sex workers, indigenous/afro descendent trans people, older LGBTQ adults, etc.) and
  - b) on **issues of common interest** (for example, hormone treatment; HIV prevention; migration/asylum; rights of prisoners/prison conditions; access to education, health, and work; sex workers rights)
- 3.3 **Protection and assistance of LGBTI migrants** by strengthening the regional and national plans of LGBTQ organizations, which can be done through collaborative actions with the IOM, UNHCR, and/or directly with network members in each country

3.4 The design, delivery, and monitoring and evaluation of **multimedia campaigns with a communication for social change approach**. For wider reach and greater impact, these can be developed by national platforms (and/or collaborations between two or more LGBTQ organizations), with technical backing from specialists, allied NGOs, and State/governmental collaboration, where appropriate.

## 4. Possible Focus on Trans Organizations, Nationally and Regionally

In all Central American countries, **organizations of trans women and, more recently, trans men**, have emerged in recent years, many breaking away from LGBTQ NGOs or groups, to have greater autonomy in the development of strategies aimed particularly at their own constituencies. Possible areas of support to trans organizations and/or coordinating initiatives between them within each country and regionally that cut across Arcus Foundation's three areas of interest/objectives include:

- a) Strengthening already existing platforms, processes, and proposals to achieve the passing of **gender identity laws** and other advocacy initiatives (for example, on hate crimes, discrimination, health issues, etc.);
- b) Support to key trans organizations' strategies for **reducing their vulnerability** to discrimination, violence and hate crimes;
- c) Strengthening of trans organizations' efforts to **engage the criminal justice system** (on their own and/or as part of wider LGBTQ platforms) and that provide legal and psychological support to trans people who pursue legal justice;
- d) The design, implementation, and monitoring and evaluation of projects/programs that facilitate trans people's access to **opportunities in education, vocational training, and employment**;
- e) Strengthening the support that trans organizations provide to **severely marginalized** trans women and men and on **issues of common interest** (see 3.2 above);
- f) Support to trans organizations that work on issues of **migration and/or internal displacement** with the trans population;
- g) Strengthening **coordination between trans organizations** in the different CA countries and their political demands;
- h) Strengthening processes of **research on the human rights abuses of trans people** and the capacities of trans

organizations to prepare and submit presentations to UN, OAS/IACHR, and other international platforms;

- i) Training for trans organizations and leaders to **strengthen their capacities to participate in public spaces** (physical and virtual) and political processes, to challenge stereotypes and contribute to positive narratives of trans people.

## 5. Possible Selection of Countries and/or Combinations of Countries.

In selecting possible **countries or combinations of countries**, bear in mind in **El Salvador** the existence of:

- the LGBT federation with strategic plan and with the will to articulate efforts despite differences, difficulties, and conflicts
- significant advances in the legal framework to protect and promote LGBTQ rights
- political will on behalf of State/government institutions to coordinate with LGBTQ organizations and existence of several national platforms
- plans, policies, and protocols related to LGBTQ health issues and, more recently, access to justice
- the presence of fundamentalist religious and politically conservative forces and the need to strengthen the limited capacities of LGBTQ organizations to counteract these
- small, emerging groups of young lesbians

While many of the above-mentioned factors may also be applicable to a greater or lesser degree in other countries in the Central American region (Nicaragua, Honduras, and Guatemala), El Salvador at this point in time represents an opportunity for supporting collaborative, intersectoral approaches capable of achieving change at both the cultural and institutional level in areas of safety/protection, access to justice, and combating and documenting violence. To do this effectively, however, historical divisions and conflicts between LGBTQ organizations will have to be overcome.

The current **political, social, and economic crisis in Nicaragua** is affecting the capacity of LGBTQ organizations to function normally and has brought issues of **safety and security to the forefront**. Support could be channelled to LGBTQ organizations actively involved in the civic, non-violent movements for justice and democracy.

Another possible **country focus combination** could be the common issues within the **three northern triangle countries**, such as hate crimes (conceptualization, legislation, prevention, eradication), access to justice, and political

advocacy and lobbying (national and international). This kind of support could be carried out via the national platforms that exist in El Salvador, Guatemala, and Honduras and which currently have few resources.

Concerning **Costa Rica and Panama**: Both countries are generally not included in the funding strategies of international donors, except in the case of regional projects/programs.

# Annexes

## Annex 1: Non-Discrimination Provisions in Legislation Specifying Sexual Orientation

### EL SALVADOR

- 2015 amendments to articles 129 and 155 of the Salvadoran Criminal Code increased sanctions against murders (article 129) and threats (article 155) motivated by hate on the basis of gender, gender identity and expression, and sexual orientation.
- On May 4, 2010, the president's office issued Decree No. 56, which contains dispositions that prohibit discrimination based on sexual orientation and gender identity in the public sector (applicable to employees in the Executive Branch only); the same Decree in 2010 created a Directorate for Sexual Diversity within the Secretariat for Social Inclusion.
- In 2009, Agreement No. 202, issued by the Ministry of Health and Social Assistance, provided for measures to eradicate all forms of discrimination based on sexual orientation in public health services.
- In 2004, Articles 3(1) and 6 of the Executive Order No. 40, which regulates the law on HIV, prohibited discrimination based on sexual orientation in public health issues.

### GUATEMALA

- In 1996, Article 10 of the Code of Childhood and Youth prohibited discrimination of children based on their sexual orientation or that of their parents (among other grounds).

### HONDURAS

- In 2013, Honduras amended its criminal code to criminalize acts of discrimination based on sexual orientation and gender identity with Article 321. See Inter-American Commission on Human Rights (2015) [Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas](#), page 223.

### NICARAGUA

- In 2014, Article 1 of Ministerial Resolution 671-2014 prohibited discrimination based on sexual orientation in access to health services.
- In 2012, Article 3(l) of Law 820 (on HIV and AIDS) prohibited discrimination based on sexual orientation (among other grounds).

- In 2008, reforms to the Penal Code (Law #641) eliminated Article 204 (sodomy) and introduced two new articles that offer some protection to LGBTQ people. Article 36 includes “sexual orientation” as an aggravating circumstance when a crime has been committed, implicitly recognizing hate crimes against LGBTQ people. Article 315 prohibits discrimination against people in the workplace, based on their “sexual option.” In the nine years that have passed since the introduction of the new Penal Code, however, there have been no known applications of articles 36 and 315.

### COSTA RICA

- On January 9, 2018, the Inter-American Court of Human Rights ruled that countries that are signatories to the American Convention on Human Rights are required to allow same-sex couples to marry. In August 2018, the Costa Rican Supreme Court ruled in favor of lifting the same-sex marriage ban, giving the country's legislators 18 months to legalize same-sex marriage.
- In 2015, Article 1 of the Executive Order No. 38,999 prohibited discrimination against the “sexually diverse population” (applicable in the Executive Branch only). Other articles of this norm provide for measures to combat this discrimination.
- 2015 Article 5 of Executive Order No. 38,999 stipulated that the relevant agencies of the Executive Branch must regulate same-sex de facto unions, ensuring they are afforded sick leaves to care for their partner or attend their funeral.
- 2007 Executive Order No. 33877-S repealed Executive Order N° 19933-S, which prohibited gay and bisexual men from donating blood.
- 2001 Article 123bis of the Penal Code (as amended by Law 8,189) criminalized torture based on “sexual option.”
- 1998 Article 10 of Law No. 7,771 (General Law on HIV/AIDS) prohibited discrimination in employment, and Article 48 incorporated “sexual option” as one of the prohibited grounds of discrimination.

### PANAMA

- 2002 Article 1(5) of Law 6 of 2002 (Law on Habeas Data) includes “sexual orientation” among the confidential information granted special protection under Article 13 of the law.
- 2002 Article 3 of Law 16 of 2002 (Law on the Right to Admission to Public Venues) prohibits discrimination based on sexual orientation.

<sup>1</sup> [Directorio de Organizaciones Centroamericanas que Trabajan por los Derechos del Colectivo LGBT+](#), Mugen Gainetik, Basque Country, 2017.

<sup>2</sup> In a study of LGBT people carried out by *Colectivo Amigos Contra el Sida* in 2010, in five departments in Guatemala, 72 percent of respondents mentioned they had been victims of violations of their health, work, and education rights: [Estudio diagnóstico sobre Percepción y situación de violación de los Derechos Humanos en la Diversidad Sexual de Guatemala en los departamentos de Suchitepéquez, Retalhuleu, Quetzaltenango, San Marcos y Petén](#), Guatemala, 2010.

<sup>3</sup> A 2010 study of LGBT rights in Nicaragua found that 100 percent of the 1,295 LGBT people consulted experienced discrimination in the school system—over 48 percent within their families and nearly 12 percent in public health services. Almost half reported having suffered some type of violence because of their sexual orientation or gender identity. In the study, eight out of 10 trans women reported having experienced violence in relation to their gender identity, as had five of 10 lesbians and over four of 10 gay men. The study also revealed the types of discrimination and violence that LGBT people suffer daily, including threats against their personal security and physical aggressions that result in mild or severe injuries, stigmatization, and discrimination in public health services and preventative incarceration, with no administrative or judicial grounds. [Una Mirada a la Diversidad Sexual en Nicaragua](#), Grupo Estrategia por los Derechos Humanos de la Diversidad Sexual (GEDDS), Managua, 2009.

<sup>4</sup> [Diagnóstico Situación Colectivo LGTBI CA 2017](#), Mugen Gainetik, Basque Country, 2017.

<sup>5</sup> Studies carried out in Costa Rica, Nicaragua, and Honduras, however, in 2011, commissioned by CEJIL and published in 2013, include conceptualizations of the term “hate crime against LGBT people.” See: [https://www.cejil.org/sites/default/files/legacy\\_files/01%20Indice%20Diagnostico%20WEB.pdf](https://www.cejil.org/sites/default/files/legacy_files/01%20Indice%20Diagnostico%20WEB.pdf).

<sup>6</sup> <https://www.theguardian.com/global-development-professionals-network/2017/mar/01/where-are-the-most-difficult-places-in-the-world-to-be-gay-or-transgender-lgbt>.

<sup>7</sup> [Diagnóstico Situación Colectivo LGTBI CA 2017](#), page 8, Mugen Gainetik, Basque Country, 2017.

<sup>8</sup> [Human Rights Violations Against Transgender Women in Guatemala](#), page 7; report submitted for consideration at the 122nd Session of the Human Rights Committee Geneva, March-April 2018.

<sup>9</sup> *Idem*, page 8.

<sup>10</sup> [Directorio de Organizaciones Centroamericanas que Trabajan por los Derechos del Colectivo LGBT+](#), page 15, Basque Country, 2017.

<sup>11</sup> Other members are: Colombia Diversa; LETRA S, Sida, Cultura y Vida Cotidiana (Mexico); and the Red Paraguaya de la Diversidad Sexual or REPADIS (Paraguay).

<sup>12</sup> A breakdown of the statistics by SOGI can be found here: Cifras homicidios 2014-2018

<sup>13</sup> [Human Rights Violations Against Transgender Women in Guatemala](#), page 8; report submitted for consideration at the 122nd Session of the Human Rights Committee Geneva, March-April 2018.

<sup>14</sup> Inter-American Commission on Human Rights (2015), [Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas](#).

<sup>15</sup> [Diagnóstico Situación Colectivo LGTBI CA 2017](#), page 37, Mugen Gainetik, Basque Country, 2017.

<sup>16</sup> See, for example, <https://www.change.org/p/freedom-now-for-victoria-obando-la-pibecito-blue-libertad-ya-para-victoria-obando>.

<sup>17</sup> See case of Bayardo Siles, LGBT activist from Matagalpa:

<https://ticotimes.net/2018/08/28/i-was-rotting-in-el-chipote-university-student-bayardo-siles-talks-about-his-days-in-jail> and <https://www.change.org/p/daniel-ortega-libertad-ya-para-bayardo-siles-daniel-ortega-freedom-now-for-bayardo-siles/u/23173206>.

<sup>18</sup> Launched October 4, 2018: <https://www.alianzacivicanicaragua.com/manifiesto-unidad-nacional-azul-y-blanco/>.

<sup>19</sup> <https://www.theguardian.com/global-development-professionals-network/2017/mar/01/where-are-the-most-difficult-places-in-the-world-to-be-gay-or-transgender-lgbt>.

<sup>20</sup> In 2013, Honduras amended its criminal code to criminalize acts of discrimination based on sexual orientation and gender identity. Honduran Criminal Code, Art. 321 (as amended by Decreto Legislativo 23- 2013, February 21, 2013). See Inter-American Commission on Human Rights (2015) [Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas](#), page 223.

<sup>21</sup> <https://transrespect.org/en/tdov-2017-tmm-update/>.

<sup>22</sup> [Diagnóstico Situación Colectivo LGTBI CA 2017](#), page 26, Mugen Gainetik, Basque Country, 2017.

<sup>23</sup> According to Mugen Gainetik, only 10 percent of trans women in Nicaragua have attained technical or university studies, compared to 35 percent of the general LGBT population. They also face higher levels of discrimination, harassment, and aggression within the education system and have dropout levels double that of other LGBTI people. [Diagnóstico Situación Colectivo LGTBI CA 2017](#), page 47, Basque Country, 2017.

<sup>24</sup> According to Mugen Gainetik, the law in Nicaragua does not allow trans people to change their ID documents to reflect their gender identity. When they apply for a job, they must present their ID cards with the sex and the name they were assigned at birth, and a photo that in many cases does not correspond to their current gender identity and expression. [Diagnóstico Situación Colectivo LGTBI CA 2017](#), page 48, Basque Country, 2017.

<sup>25</sup> According to Mugen Gainetik, in Nicaragua, eight out of 10 trans women sex workers report having suffered violence, and one in three have been forced to have sex (double than the rest of the LGBTI population). Also, twice as many trans women are detained, accused, and prosecuted than other LGBTI persons: one in three trans women has been arrested at least once, one in six has been indicted, one in 18 has been prosecuted, and one in 14 have been sexually abused in prisons or police stations (compared to one in 43 of other LGBT people). [Diagnóstico Situación Colectivo LGTBI CA 2017](#), page 48, Basque Country, 2017.

<sup>26</sup> Correspondence with a former MCC member indicates that the establishment of the church in El Salvador was abandoned when it became apparent that it would be difficult and costly to acquire legal status. In Nicaragua, the principal promoter of the MCC moved to Panama.

<sup>27</sup> See public protest by LGBT organizations: <https://www.laprensagrafica.com/elsalvador/Fuerte-altercado-entre-procuradora-y-lider-LGTBI-durante-acto-por-cultura-de-paz-20170929-0097.html>.

<sup>28</sup> Many of these are referenced in [Directorio de Organizaciones Centroamericanas que Trabajan por los Derechos del Colectivo LGBT+](#); others are known to the consultant. It is not a definitive list.

<sup>29</sup> The first Penal Code of **El Salvador** was enacted in 1826 following the Spanish Criminal Code of 1822 that contained no provisions on consensual same-sex sexual acts between adults... In 2003, the Human Rights Committee noted (at para. 16) that local provisions (“ordenanzas contravencionales”) were being used to discriminate against people on account of their sexual orientation. According to Guatemalan historian Manuel Fernandez, consensual same-sex sexual acts were decriminalized in **Guatemala** as a result of the 1871 Revolution “on the constitutional grounds that private sexual acts between consenting adults were not the concern of the state.” The new Penal Code (updated version) entered into

force in 1877. In Honduras, consensual same-sex sexual acts between adults have been legal since the entry into force of the 1899 Penal Code of Honduras. [ILGA State Sponsored Homophobia 2017](#), page 29.

<sup>30</sup> The 1941 Penal Code criminalized sodomy under Article 233. With the enactment of the 1971 Penal Code, consensual same-sex acts in private were decriminalized. However, “scandalous sodomy” remained a misdemeanor under Article 378(15), until it was repealed by Section 2 of Law 8,250 in 2002. In 2013, the last provisions that provided for security measures in cases of “homosexuality” were repealed by Resolution N° 010404 issued by the Constitutional Chamber. In 2008, the Committee Against Torture noted (para. 11) that local provisions in Costa Rica on “public morals” granted the police and judges discretionary power to discriminate on the basis of sexual orientation. [ILGA State Sponsored Homophobia 2017](#), page 29.

<sup>31</sup> In **Nicaragua**, in 1992, “sodomy” was criminalized in a polemic reform that included the infamous Article 204 in the Nicaraguan penal code. It remained intact until 2008, when a new Penal Code was approved, and in which Article 204 had been removed. In **Panamá** in 2008, Presidential Executive Order No. 332 repealed section 12 of Executive Order No. 149, which had criminalized “sodomy” since 1949.

<sup>32</sup> [ILGA State Sponsored Homophobia 2017](#).

<sup>33</sup> Following the IACHR ruling in January 2008, on August 8, 2018, the Supreme Court in Costa Rica declared unconstitutional the sections of the Family Code that impede same-sex marriage, and gave the Legislative Assembly 18 months to reform the law accordingly, otherwise the sections of the Code would be abolished automatically.

<sup>34</sup> Inter-American Court of Human Rights Advisory Opinion Oc-24/17 of November 24, 2017. Requested by the Republic of Costa Rica - Gender Identity, and Equality and Non-Discrimination of Same-Sex Couples: [http://www.corteidh.or.cr/docs/opiniones/seriea\\_24\\_esp.pdf](http://www.corteidh.or.cr/docs/opiniones/seriea_24_esp.pdf).

<sup>35</sup> In Nicaragua in 2104, the demands of the LGBT community were ignored in the development of a new Family Code. According to Human Rights Watch, the proposed law 5272 in Guatemala “expressly prohibits” same-sex marriage and defines “family” as being limited to a “father, mother, and children.” The bill defines marriage as a union between people who were a man and a woman “by birth,” excluding transgender people. While same-sex marriage is currently not recognized in Guatemala, the bill would entrench and reinforce that unacceptable reality. <https://www.hrw.org/news/2018/08/31/guatemala-reject-life-and-family-protection-law>. In El Salvador, several attempts have been made to prohibit marriage between two people of the same sex. In January 2018, however, the Supreme Court declared that the constitutional amendment approved in May 2015 to prohibit marriage between two people of the same sex was unlawful. (See: <https://www.washingtonblade.com/2018/02/14/el-salvador-supreme-court-blocks-marriage-amendment/>).

<sup>36</sup> Taken from [https://www.asil.org/insights/volume/22/issue/9/inter-american-court-human-rights-advisory-opinion-gender-identity-and#\\_edn11](https://www.asil.org/insights/volume/22/issue/9/inter-american-court-human-rights-advisory-opinion-gender-identity-and#_edn11).

<sup>37</sup> Idem.

<sup>38</sup> According to Amnesty International, the bill “...directly discriminates against LGBTI people by expressly prohibiting same-sex marriage and legal recognition for same-sex couples, and by proposing a discriminatory and excluding definition of family.” Furthermore, the bill dangerously formulates a supposed “right” to “not accept sexual diversity or gender ideology as normal,” effectively legalizing discrimination that may foment violence against LGBTI people. The bill also violates the rights of children to have access to comprehensive sex education because it prohibits “teaching sexual conduct that differs from heterosexuality as normal.” In relation to the rights of women, AI is concerned that “... the bill would modify the penal code to criminalize miscarriages, impose prison sentences on women who suffer them, and impose prison sentences on anyone who promotes or facilitates access to abortion. These regulations put at risk the lives of women and girls and their access to medical services.” [ty.org/en/latest/news/2018/09/guatemala-ley-discriminatoria-pone-en-ries-go-la-vida-y-los-derechos-de-miles-de-mujeres-ninas-y-personas-lgbti/](https://www.amnes-ty.org/en/latest/news/2018/09/guatemala-ley-discriminatoria-pone-en-ries-go-la-vida-y-los-derechos-de-miles-de-mujeres-ninas-y-personas-lgbti/).

<https://www.elespectador.com/noticias/elmundo/primeravez-una-transsexual-logra-panama-cambiar-su-nomb-articulo-632056>.

<sup>39</sup> The first registered case of a transsexual woman successfully changing their legal gender and name occurred in 2016: <https://www.elespectador.com/noticias/elmundo/primeravez-una-transsexual-logra-panama-cambiar-su-nomb-articulo-632056>.

<sup>40</sup> There have been some reports of trans women in El Salvador being able to change the names on their ID papers, as a result of judicial processes: <http://www.nodal.am/2017/05/salvador-la-corte-suprema-acepta-hombre-tenga-nombre-mujer/>.

<sup>41</sup> [ILGA State Sponsored Homophobia 2017](#).

<sup>42</sup> Nicaragua: 2008 Article 36(5) of the Criminal Code of Nicaragua establishes aggravated penalties for crimes motivated by the victim’s sexual orientation; Honduras 2013 Article 27(27) of the Penal Code (as amended by Decree No. 23-2013) establishes that motivation based on the victim’s sexual orientation (among other grounds) operates as an aggravating circumstance; El Salvador: 2015 Article 129(11) of the Penal Code (as amended by D.L. No. 106/2015) aggravates the crime of homicide when it is perpetrated based on the victim’s sexual orientation.

<sup>43</sup> Article 321-A of the Penal Code in Honduras (as amended by Decree No. 23-2013) criminalizes incitement to hatred or discrimination based on sexual orientation.

<sup>44</sup> Information mostly taken from [Directorio de Organizaciones Centroamericanas que Trabajan por los Derechos del Colectivo LGBT+](#), Mugen Gainetik, Basque Country, 2017.

<sup>45</sup> These are: Asociación Comunicando y Capacitando a Mujeres Trans con VIH en El Salvador (COMCAVIS TRANS), Espacio de Mujeres Lesbianas Salvadoreñas por la Diversidad (ESMULES), ASPIDH, Asociación Solidaria para Impulsar el Desarrollo Humano, Asociación de Estudiantes LGBTI + de la Universidad de El Salvador “Br. Douglas Salazar,” Fraternidad Gays Sin Fronteras (FGSF), Centro de Estudios de la Diversidad Sexual y Genérica AMATE El Salvador, Fundación de Familiares y Amigos por la Diversidad Sexual de El Salvador, Colectivo Normal, Colectivo Alejandria El Salvador, C.A., Generación Hombres Trans, Ministerio de Diversidad Sexual, Activistas Independientes, ASTRANS LGBTI, Asociación Entre Amigos LGBTI de El Salvador, Asociación de Lesbianas de El Salvador (Ales Lavinia), Colectivo LGBTI Estrellas del Golfo.

<sup>46</sup> In 2017, according to Mugen Gainetik, they are: Asociación Lambda, Colectivo Hombres Trans-formación, Asociación Gente Positiva, ODISCEA, Asociación Liberal Integrada-ALI (Izabal), Casa de Colores (Retalhuleu), Fundación Marco Antonio y Vidas paralelas (Quetzaltenango).

<sup>47</sup> These include: Asociación KUKULCAN, Colectivo VIOLETA, APUVIMEH, Asociación ARCO IRIS, Colectivo UNIDAD COLOR ROSA, Asociación COZUMEL TRANS, Grupo Lésbico Bisexual IXCHEL, Grupo Lésbico Bisexual LITOS.

<sup>48</sup> [Directorio de Organizaciones Centroamericanas que Trabajan por los Derechos del Colectivo LGBT+](#), page 25, Mugen Gainetik, Basque Country, 2017.

<sup>49</sup> [Directorio de Organizaciones Centroamericanas que Trabajan por los Derechos del Colectivo LGBT+](#), page 33, Mugen Gainetik, Basque Country, 2017.

<sup>50</sup> <https://caribeafirmativo.lgbt/mariposas-colores-encuentro-mujeres-trans-centroamerica-seguridad-proteccion/>.

<sup>51</sup> <https://caribeafirmativo.lgbt/manifiesto-los-estados-centroamerica-nos-la-situacion-las-mujeres-trans/>.

<sup>52</sup> Participant organizations: Somos Trans, Odetrans, Asociación Nicaragüense Trans (ANIT), Comcavis Trans, Asociación de Derechos Humanos Cozumel Trans, Sindicato de trabajadoras domésticas y oficios varios Trans,

Muñecas de Arcoiris, Oprouce, Crisálidas Trans Villanueva, Red Multicultural de Mujeres Trans, Trans Vida, Cepresi, Corporación Caribe Afirmativo.

<sup>53</sup> CIPAC, in coordination with ESMULES El Salvador and the Asociación de Hombres y Mujeres Nuevos de Panamá, AHMNP has carried out research on the situation of older LGBT people (discrimination, violence, care needs, etc.). In Costa Rica, the Movimiento Diversidad has also begun to focus on LGBT older adults.

<sup>54</sup> Founder and former coordinator of COMCAVIS in El Salvador, Karla Avelar, sought asylum in Ireland in October 2017: <http://www.washingtonblade.com/2017/10/23/trans-activist-el-salvador-seeks-refuge-ireland/>.

<sup>55</sup> “The US does not prohibit trans persons from immigrating to the US. According to the National Center for Trans Equality, anyone who has been harmed or fears harm in their home country because they are trans may be eligible for asylum in the US. Asylum in the US is granted to those who fear harm based on a prescribed list of factors. Trans persons are most often granted asylum because of their ‘connection to a particular social group.’” Paragraph 259, [Mr & Ms X: The Rights of Transgender Persons Globally](#), International Bar Association LGBTI Law Committee, 2015.

<sup>56</sup> Taken from: <https://rosanjose.iom.int/site/en/news/iom-guests-discuss-challenges-protection-lgbti-migrants>.

<sup>57</sup> See [Report of the 2017 workshop](#) pages 45 – 55.

<sup>58</sup> Idem, pages 60 – 63.

<sup>59</sup> Sexually Transmitted Infection (STI) surveillance, prevention and control strategy, known as VICITS by its Spanish acronym. See: <http://www.vihces.com/index.php/en/vicits-centroamerica>.

## ABOUT THE AUTHOR

### PATRICK WELSH

Born in Northern Ireland and raised in Scotland, Patrick Welsh taught in Nigeria in the early 1980s before moving in 1986 to Nicaragua, where he spent five years working in rural areas affected by the Contra war, promoting popular education as a tool for human and creative/artistic development within the context of the Sandinista Revolution.

After a short spell working with CAFOD in London in the early 1990s, he returned to Nicaragua in 1993. For the next 10 years, as a development worker employed by the Catholic Institute for International Relations-CIIR (latterly known as PROGRESSIO), he supported the work of the Nicaraguan NGOs the Centre for Popular Communications and Education (CANTERA) and the Association of Men Against Violence (AMAV), of which he is a founding member, in the development of strategies and participatory methodologies for gender training and awareness raising with men. During that period, he also coordinated the AMAV LAC regional program, which entailed extending the work with men on gender and masculinities to Honduras, El Salvador, Dominican Republic, Ecuador, and Peru.

Since 2003, as a freelance consultant, Welsh has supported the initiatives of many local, national, and international organizations in the design and delivery of projects and programs to engage men and boys for gender equality, including LGBT rights and HIV prevention. These organizations include: Puntos de Encuentro and the Masculinities Network for Gender Equality-REDMAS in Nicaragua; Sonke Gender Justice Network in South Africa; the MenEngage Alliance globally and in Latin America; CARE International in Asia, Africa, and Latin America and the Caribbean; Voices for Change - V4C/Dfid in Nigeria; and UNDP, UNHCR, PAHO, and UNFPA.

Welsh is the author of *Men are Not from Mars: Unlearning Machismo in Nicaragua*, which documents CANTERA's work on masculinities in Nicaragua from 1993 to 2000. He has also written numerous articles for national and international publications on issues of masculinities, GBV, sexuality, sexual abuse, SOGIE, and homophobia. He has had chapters published in peer-reviewed journals *The Community Development Journal* (Oxford Journals) and *IDS Bulletin* ("Undressing Patriarchy: Men and Structural Violence"), and in books *Men and Development: Politicizing Masculinities* and *A Man's World?*

Welsh is a committed activist in the promotion and defense of women's rights and LGBTI rights.

## ABOUT ARCUS FOUNDATION

Founded in 2000, the Arcus Foundation is dedicated to the idea that people can live in harmony with one another and the natural world. Arcus' work is based on the belief that respect for diversity among peoples and in nature is essential to a positive future for our planet and all of its inhabitants. Arcus is among the most consistent funders of social justice work pushing for the safety, acceptance, and inclusion of LGBTQ people around the world, and of conservation work to ensure the world's great apes and gibbons can thrive in their natural habitats. The Foundation works globally and has offices in New York City and Cambridge, United Kingdom. Learn more at [www.arcusfoundation.org](http://www.arcusfoundation.org).

## DESIGN

©Emerson, Wajdowicz Studios / NYC / [www.designEWS.com](http://www.designEWS.com)

## COVER PHOTO

Courtesy of Red Lésbica Cattrachas