

ANNEX - Press Release 153/14

AN OVERVIEW OF VIOLENCE AGAINST LGBTI PERSONS

**A REGISTRY DOCUMENTING ACTS OF VIOLENCE
BETWEEN JANUARY 1, 2013 AND MARCH 31, 2014**



**Rapporteurship on the Rights of Lesbian,
Gay, Bisexual, Trans and Intersex Persons (LGBTI)**

AN OVERVIEW OF VIOLENCE AGAINST LGBTI PERSONS

The Inter-American Commission on Human Rights (IACHR) has continued to monitor the situation of violence against lesbian, gay, bisexual, trans, and intersex persons (LGBTI) in the Americas, and as a result it has documented killings and other instances of violence against LGBT persons during a fifteen-month period **(between January 1st 2013 and March 31st 2014).**

Through this Registry of Violence, the Commission found that during this period, at least 594 persons who were LGBT or were perceived to be LGBT were killed, and 176 were victims of serious non-lethal attacks to their integrity apparently related to their sexual orientation, gender identity and/or gender expression. The Commission reiterates its concern about the situation of violence and discrimination against LGBT persons, and against those perceived as such in the Americas, and urges OAS Member States to adopt measures to prevent, investigate and punish these acts of violence, including measures to address the underlying causes of this violence and discrimination and to collect data on these types of violence. Finally, the IACHR is currently working on a report on violence against LGBTI persons in the Americas which will be launched in 2015, and which will take into account the preliminary findings of the Registry of Violence highlighted in this press release.

In collecting this data, the IACHR notes the difficulty in asserting the sexual orientation or gender identity of victims, particularly with respect to killings. Sources of information, particularly media reports, seldom take into account self-identification when reporting these crimes; in fact, LGBT victims of violence are often portrayed by the media in insensitive terms. The IACHR also notes that across the region persons with diverse sexual orientations and gender identities choose different categories or no categories with which to identify themselves. In this regard, while the

IACHR attempted to classify victims according to most common categories for identity and orientation, for purposes of data collection, these may not correspond to how the victims viewed themselves. The common denominator of this violence is the perception by the perpetrator that the victim has transgressed accepted gender norms (because of the victim's gender identity/expression or sexual orientation).

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Duty of States to collect data on violence against LGBT persons

The IACHR conducted daily monitoring of information on violence against LGBT persons during a fifteen-month period in an attempt to better understand forms of violence experienced by the different groups. However, the majority of OAS Member States do not collect data on violence against LGBT persons. In light of this context, with a few exceptions of State reporting, the IACHR had to fill this gap in resorting to other sources for information such as media coverage, reports from civil society organizations, and other monitoring sources. The result is a Registry of Violence that is not exhaustive but reveals the diverse and pervasive forms of violence experienced by LGBT persons in the Americas.

In this context, the IACHR is concerned about the lack of official data produced by OAS Member States to document violence against LGBTI persons. The IACHR recalls that all OAS Member States have agreed to produce data on homophobic and transphobic violence, with a view to fostering public policies that protect the human rights of lesbians, gays, bisexuals, trans, and intersex persons in OAS General Assembly Resolutions (see resolutions on Human Rights, Sexual Orientation and Gender Identity and Expression, AG/RES. 2807 (XLIH-O/13) and AG/RES. 2863 (XLIV-O/14). The IACHR calls on all OAS Member States to establish mechanisms to collect data on violence against LGBTI persons, and that it is disaggregated by factors such as race and ethnicity to effectively address these types of violence.

Underreporting renders non-lethal violence that occurs every day against LGBT persons invisible

During a fifteen-month period, the IACHR documented 176 cases of non-lethal violence, apparently linked to the victim's sexual orientation and gender identity, or the perception thereof. Many cases of violence against LGBT persons are underreported; many persons are afraid of reprisals, reluctant to identify themselves as LGBT, or do not trust the police or the justice system. The underreporting of cases of violence against LGBT persons becomes readily apparent when it concerns non-lethal attacks, particularly since few of these are reported to authorities, monitored by organizations or covered by the media. In this regard, the IACHR notes that killings are most prone to be reported by the media, leaving out ordinary and persistent forms of everyday violence, which have to be, nonetheless, fully exposed, identified and addressed by States.

Pervasiveness of violence

In total, the Inter-American Commission received information of 770 acts of violence against LGBT persons in 25 OAS Member States (Argentina, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, United

States, Uruguay, and Venezuela). The lack of information with respect to other OAS Member States should not be taken as indicative of the absence of violence experienced by LGBT persons in these countries. The IACHR notes also that information with respect to some countries might be more accessible than others, which is not necessarily indicative that there are more acts of violence in the countries where violence was registered. According to general information received, cases of lethal and non-lethal violence against LGBT persons do occur in all 35 OAS Member States but are not always denounced or covered by the media.

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Violence to punish those seen as defying gender norms

According to the UN High Commissioner for Human Rights, violence against LGBT persons constitutes “a form of gender-based violence, driven by a desire to punish those seen as defying gender norms.” In many cases, the High Commissioner adds, “even the perception of homosexuality or transgender identity puts people at risk”.

The data collected by the IACHR makes apparent that many of these cases of violence against LGBT persons were committed with verbal violence related to the perceived sexual orientation or gender identity of the victims. This is particularly evident in cases of non-lethal violence. Along these same lines, the IACHR found cases of mob attacks or attacks by large groups of persons against those perceived to be gay, lesbian or trans. In other instances, same-sex couples were attacked simply because of their public display of affection, including by holding hands; or trans persons were killed or attacked when perpetrators realized they were trans.

High levels of cruelty

The Commission notes that a large number of cases in the Registry evidence high levels of cruelty and heightened levels of violence based on both the perception of sexual orientation and gender identity/expression. This is consistent with findings from the UN High Commissioner for Human Rights who has affirmed that violence against LGBT persons tends to be especially vicious compared to other bias-motivated crimes. The means used to inflict harm against LGBT persons, according to the data collected by the IACHR, include arms, knives and other weapons, burnings, decapitations, death by brutal and severe beatings, stoning, death by bricks or hammers, asphyxia, and dismembering, among others.

Perpetrators of violence

As for the perpetrators of violence against LGBT persons, although in the majority of cases, particularly killings, there is little or no data, the IACHR highlights that it is concerned about the troubling information regarding instances of police abuse,

such as torture, inhuman and degrading treatment, and verbal and physical attacks. There is also under-reporting regarding instances of police abuse. The Commission has received information that trans women are reluctant to report cases because they fear retaliation and discrimination from the police and law enforcement agents. According to the data collected by the IACHR, a large number of cases of alleged police ill treatment are linked to instances where gay men, and trans and lesbian women are arbitrarily and violently removed from public spaces. Also, in terms of perpetrators, the Commission found instances of violence by intimate partners. The IACHR acknowledges that while reporting sources cannot confirm whether these are killings motivated by prejudice; such killings must be fully investigated and addressed by the State.

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Killings of trans women and gay men

According to the information collected, the vast majority of killings targeted gay men and trans women, or those perceived as such. The IACHR notes that according to the data collected, trans women and trans persons who express themselves as female are more likely to be killed by firearms; their bodies found in the streets or public spaces; and sometimes in situations linked to sex work; while gay men or those perceived as such are more likely to be killed by bladed weapons and in private spaces, such as the home of the victim.

Young age of trans victims

In terms of the age of the victims, the IACHR notes that while it seems gay men of all ages are targeted, in the case of trans women, it is mostly younger trans women who are victims of violence. In this regard, the IACHR has received information that the life expectancy of trans women in the Americas is between 30 and 35 years of age. The Inter-American Commission is particularly concerned about the

young age of trans victims. According to the data collected, approximately 80% of trans persons killed were 35 years of age or younger. Violence against trans persons, particularly trans women, is the result of a combination of factors: exclusion, discrimination and violence within the family, schools, and society at large; lack of recognition of their gender identity; involvement in occupations that puts them at a higher risk for violence; and high criminalization of trans women. Trans women and other gender non-conforming persons are often targeted by law enforcement agents, who tend to act based on prejudice and assume they are criminals; and are often discriminated against in the justice system, which has a tendency to subject trans women to a stricter application of the law and harsher penalties.



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Particularities of violence against lesbian women

Lesbian women are at particular risk for violence because of misogyny and gender inequality in society. Through its different monitoring mechanisms the IACHR has historically received information on the vulnerability of lesbian women to acts of sexual violence, or intra-family violence; however,

there is major underreporting of these acts. This may be because many forms of violence experienced by lesbian women occur in private and are intersectional forms of violence. Of the 770 acts of violence (lethal and non-lethal) against LGBT persons registered by the IACHR, 55 targeted lesbian women, or those perceived as such. According to the data collected by the IACHR, lesbian women were victims of 'corrective rape' or rape targeted to punish them, in an effort to "change" their sexual orientation; collective beatings for public display of affection; attacks with acid; and forcibly committed to centers that offer to "convert" their sexual orientation. Also, according to data collected, lesbian women are disproportionately affected by violence exerted by their family members.

Finally, according to the Registry of Violence by the IACHR, the majority of non-lethal violence against lesbian women involves lesbian couples being attacked in public spaces

Invisibility of violence against bisexual persons

During the fifteen month period, the IACHR was informed of three acts of violence against bisexual men. The IACHR notes the difficulty in documenting violence specifically targeting bisexual persons. Unless a source specifically indicates that someone is being targeted because of his or her bisexuality, violence against bisexual persons is often exerted because they are seen as either gay or lesbian, or when expressing same-sex affection, thus rendering violence based on prejudice towards bisexuality invisible for data collection purposes.

Violence against trans men

In collecting this data, there are other groups of persons who are notably absent from the statistics. In this sense, the Commission received very limited information on acts of violence -including killings- targeting trans men. Also, according to civil society organizations, trans men tend to be more invisible within the larger LGBT community, and in this regard, -contrary to what happens with trans

women- invisibility shields them from the types of societal violence usually affecting other gender non-conforming persons. Nonetheless, the IACHR held a hearing in October 2014 in which it received information on violence and discrimination against trans men, in particular in family and health contexts.

Medical violence against intersex persons

Similarly, the IACHR notes that monitoring during this period did not produce any data on instances of violence against intersex persons, mainly because the majority of acts of violence against intersex persons, most notably, medical intervention that seeks to “normalize” their bodies -particularly, their genitals- is the result of State approved medical protocols, and is not reported in the media, or denounced by the families or organizations. Also, feelings of shame and fear of societal discrimination, contribute to the invisibility and secrecy around these acts of violence against intersex persons.

These interventions are rarely medically necessary, are often performed without their informed consent or that of their parents, and cause intersex children and adults great harm, including, but not limited to, chronic pain and life-long trauma, irreversible genital insensitivity, sterilization, and severe mental suffering, which is partly caused by the secrecy involving these procedures

Family violence and self-harm

Finally, the Commission notes that according to the World Health Organization, *violence* includes the intentional use of physical force against oneself, which constitutes self-directed violence that relates to suicidal behavior and self-harm. In the past, the IACHR has noted instances of suicide and self-harm, for example, with respect to persons deprived of liberty and children held in adult facilities, mostly stemming from the conditions of detention. In

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collecting data on instances of violence against LGBT persons during this fifteen month period, the IACHR also came across instances of suicide, the majority of which, according to the sources documenting such violence, were prompted by family rejection, parents’ disapproval or school bullying. Also, according to the information received, young LGBT persons are more prone to self-harm and to commit suicide because of lack of acceptance from their family and society as a whole of their sexual orientation or gender identity.

Media and respect for diversity

For the purposes of this collection of data, the IACHR resorted mostly to news and media reporting. The Commission notes that some media coverage included language which could be interpreted as disregarding the humanity or dignity of LGBT persons. With respect to this trend, the IACHR recalls Principle 6 of the IACHR Declaration of Principles on Freedom of Expression, adopted in 2000, which establishes that journalistic activity “must be guided by ethical conduct, which should in no case be imposed by the State”. In this sense, the IACHR notes that voluntary professional codes of conduct for the media and journalists can play a fundamental role in combating discrimination and in promoting equality principles, including by being alert to the danger of discrimination or negative stereotypes of individuals and groups being furthered by the media, and by reporting in a factually accurate and sensitive manner (OHCHR, “Rabat Plan of Action”, 2012).

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Obligation of States to address violence against LGBTI persons

The IACHR urges OAS Member States to:

Take all necessary measures to apply due diligence in preventing, investigating, punishing and providing reparations regarding violence against lesbian, gay, bisexual, trans and intersex persons.

Address the underlying causes of violence based on prejudice linked to the sexual orientation, gender identity or expression of persons who challenge socially established gender norms. This includes the adoption of policies and public campaigns to promote awareness and respect for the human rights of LGBT persons, in all sectors, including in the education and family settings, as a means to combat the prejudices that underlie violence related to sexual orientation and gender identity and expression.

Produce data on violence against LGBT persons, with a view to fostering public policies that protect their human rights.

Revise medically accepted protocols calling for cosmetic and non-medically necessary surgeries for intersex infants, children and adults; and to address underlying causes of violence against intersex persons linked to a general lack of respect and acceptance of body diversity in society.

The Inter-American Commission on Human Rights urges OAS Member States to adopt urgent and effective measures to prevent and respond to these human rights violations and to ensure that LGBTI persons can effectively enjoy their right to a life free from violence and discrimination

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