

Cadáver de hombre vestido de mujer es hallado en Tehuacán

Investigan asesinato de hombre vestido de mujer en Sinaloa

POLICIA
Matan a golpes a hombre vestido de mujer

Matan a travesti en Fresnillo; le clavan desarmador

WAITING TO DIE

REGIONAL REPORT 2016-2017

Matan a travesti por supuesta fobia

Matan de una puñalada en el pecho a un travesti en Cuatricentenario

Asesinan a un travesti en la zona occidente de Honduras

Asesinan de seis balazos a un travesti en el este

Confirman las autoridades que travesti murió degollado

Confuso incidente con hombre vestido de mujer en baño de mall

Asesinan a un travesti de varios disparos en el rostro

Asesinan a un travesti

"Cosen" a puñaladas a transexual que cuidaba perro

Atropellan a un hombre vestido de mujer en Reynosa

Travesti de 15 años aparece asfixiado en montaza de Guápiles

El hombre quedo tendido en la calle con la cabeza destrozada

Matan a un travesti en Brasil tras propinarle una paliza salvaje

A balazos asesinan a travesti en San Salvador El Seco

Matan de un balazo a un travesti en Tlaltizapán



CEDOSTALC

CENTER FOR THE DOCUMENTATION AND SITUATION OF TRANS PEOPLE IN LATIN AMERICA AND THE CARIBBEAN

INDEX

FOREWORD	2
1. INTRODUCTION	2
1.1 REDLACTRANS	2
1.2. CENTER FOR THE DOCUMENTATION AND SITUATION OF TRANS PEOPLE IN LATIN AMERICA AND THE CARIBBEAN (CEDOSTALC)	3
2. METHODOLOGY	4
3. SITUATION AND HUMAN RIGHTS VIOLATIONS IN THE REGION	5
3.1.1 GENDER IDENTITY LAW	6
3.1.2 LEGISLATION AGAINST THE RIGHTS OF TRANS WOMEN	8
3.2 VIOLATIONS TO THE RIGHT TO LIFE AND PERSONAL INTEGRITY	10
3.3 VIOLATIONS TO THE RIGHT TO ACCESS JUSTICE	28
3.4 VIOLATIONS TO THE RIGHT TO ACCESS HEALTH SERVICES	32
3.5 VIOLATIONS TO THE RIGHT TO ACCESS EDUCATION	36
3.6 VIOLATIONS TO THE RIGHT TO LABOR ACCESS	39
4. SUMMARY AND RECOMMENDATIONS	41
5. NOTES AND BIBLIOGRAPHY	45
NOTES	45

Foreword

Waiting to Die is a report on the main cases of human rights violations against trans women in Latin America and the Caribbean in 2016 and 2017. The cornerstone of this product are the testimonies of trans women who have suffered some kind of violation to their rights and present in their own words the violence, stigma and discrimination that fall on their bodies. Behind each testimony, there is a story that needs to be told and made visible to a society that is blind to our reality and to the States that do not include us in their agendas. The stories, many of them told by the victims, allow granting visibility to what statistics conceal in numbers and percentages. Therefore, *Waiting to Die* is not a metaphor; it is the tough and real lifestyle to which we are doomed due to the lack of response from States.

1. Introduction

1.1 REDLACTRANS

The Latin American and Caribbean Network of Trans People (REDLACTRANS) was created in 2006 and is currently made up of 25 organizations led by trans women to promote and ensure that they speak for and represent themselves. The network promotes the principles of inclusion and participation without discrimination of any kind, with particular emphasis on gender equality, the respect for ethnic groups, gender identities and expressions, age, the country of origin and/or the socio-economic and cultural situation.

REDLACTRANS is currently based in Argentina, Barbados, Bahamas, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Suriname, Trinidad and Tobago, and Uruguay.

The general purpose of REDLACTRANS is to promote the guarantee of all rights of trans people in Latin America and the Caribbean. Thus, it has four strategies:

1. Ensuring the documentation and systematization of reports and following-up cases of violence or hate crimes against trans people.
2. Promoting favorable legal frameworks and public policies for the rights of trans people in Latin America and the Caribbean.
3. Strengthening the capacities of different organizations within REDLACTRANS to seek self-sustainability through programs and resources.
4. Contributing to the decrease of the HIV incidence in transgender women through prevention strategies, the access to health care services and the coordinated and active participation in national responses to HIV.

1.2. Center for the Documentation and Situation of Trans People in Latin America and the Caribbean (CeDoSTALC)

The region shows a lack of knowledge and information on the social situation of transgender population. In 2015, the Inter-American Commission on Human Rights (IACHR) suggested collecting statistical information on violence against LGBT people in Latin America and the Caribbean. In general, there are no sufficient epidemiological and socio-economic data enabling a comparison among the different countries, and existing data do not provide sufficient information to make decisions in response to HIV-AIDS, considering the particular characteristics of transgender population. These characteristics show that one of the most extreme forms of stigma and discrimination towards trans people in Latin America is social and institutional violence. Even though violence in Latin America and the Caribbean affects population as a whole, trans people suffer it in a disproportionate manner because they are victims of hate crimes and the impunity around these crimes. Social stigma and discrimination increase when trans people get HIV-AIDS, which is an important barrier that prevents the access to treatment and support services.

In response to this situation, REDLACTRANS has commissioned the Center for the Documentation and Situation of Trans People in Latin America and the Caribbean (CeDoSTALC), which allows obtaining first-hand information by receiving reports on human rights violations and infringements suffered by trans population in the regions, particularly in the areas of institutional violence and access to health care.

The CeDoSTALC was created as a community system to collect information, monitor and provide a response to the barriers hindering access by transgender population to their human rights in the region. It focuses mainly on institutional violence, access to HIV treatment and other health care services. Such system is anchored in a virtual platform that collects cases and enable the circulation and centralization of information from nationally based trans organizations (OTBN) and the Regional Department of REDLACTRANS.

To implement the CeDoSTALC, REDLACTRANS carried out workshops to train a trans woman in documenting human rights violations in her country. This strategy guarantees the success of documentation due to the direct contact with the population. Considering CeDoSTALC's achievements to date, REDLACTRANS has decided to expand the system to other American countries, specifically the English-speaking Caribbean.

REDLACTRANS is aware of the support granted by the Global Fund to Fight AIDS, Tuberculosis and Malaria, Wellspring Advisors, Robert Carr Civil Society Networks Fund, Heartland Alliance and International HIV/AIDS Alliance in relation to the work done to document and prepare this report. This process showed that the joint work of different organizations is the strategy that will guarantee the continuity of the CeDoSTALC to reduce the human rights violations suffered by trans women in Latin America and the Caribbean.

2. Methodology

This report is the result of the work done by REDLACTRANS activists in order to document the violations that they suffer every day, so that they should not be forgotten and may be viewed as a reflection of reality in the region. This report is a solid instrument that counteracts the historical violence and stigma context that has characterized our population.

This report shows a community work done by national coordinators. In April 2017, as part of the Buenos Aires Regional Workshop, REDLACTRANS's national coordinators agreed on the criteria of each subregion –Southern Cone, Andean region and Central America– to perform survey, documentation and systematization tasks. At this stage, the violation case report form was validated and implemented unanimously in all countries.

Using these contributions, REDLACTRANS launched the programming of the MARTUS free software according to the needs of our population.

In May 2017, REDLACTRANS carried out a training workshop to document cases of human rights violations in the city of San Salvador, El Salvador, where Latin American human rights promoters were trained to collect cases and enter them into the virtual system. This workshop was the beginning of the documentation process governed by the use of standardized tools in all countries, a fundamental requirement to keep the documentation of the region under the same criteria.

In July, we performed a pilot test to document cases in 17 countries, and each promoter started surveying cases in their respective territories. Work was coordinated and supervised by the Regional Department located in Buenos Aires. As part of this project monitoring, two meetings were held to identify obstacles and the lessons learned in the first few years. The meetings were part of the Political Incidence Sub-regional Workshops carried out in Quito (September) and Mexico City (October).

As a result, this regional report was prepared using the contributions made and systematized by each organization in their national reports. By assessing quantitative and qualitative variables, this document shows a situation analysis with respect to the human rights violations suffered by trans women in the region. Finally, using this analysis, we designed a series of recommendations for American states and key political players in order to get involved on this matter.

3. Situation and human rights violations in the region

This section is a situation analysis of trans women in Latin America and the Caribbean, considering mainly human rights violations occurred in 2016 and 2017. First we describe and analyze the regulatory and legislative context of the countries within the region and then we analyze thoroughly the multiple violations to our population in relation to the right to life and personal integrity, the access to justice, health care, education and work.

3.1.1 Gender Identity Law

In the last few years, significant progress was made in Latin America and the Caribbean with respect to the recognition of gender identity in trans people. The Latin American region now has some of the most progressive gender identity laws in the world. However, the respect and guarantee of trans people's human rights vary significantly within the region, both at State levels and by other social players.

Most Latin American countries lack gender identity laws allowing trans people to access such a fundamental right as the recognition of the self-perceived gender in official documents. In countries with no such laws, trans people must file lawsuits and, in most cases, only those who have undergone a sexual reassignment surgery are allowed to change their gender in documentation. In other countries, like Peru and Guatemala, the change of name is accepted in some occasions in records, but not the official change of gender. These legal battles are important because they serve as background to promote legislation in the region (REDLACTRANS 2014).

Laws and public policies aimed at protecting the right to obtain identification documents that are consistent with gender identity appeared in the region in 2008. That year Mexico City approved a court proceeding for all trans people to obtain birth certificates showing their gender identity. However, this court proceeding required trans people to prove their gender identity, which involved medical, psychological and environmental studies. These long proceedings were unaffordable for most transgender population and turned into symbolic barriers for the effective access to this right. Only in 2014 (1) did sex-gender diversity organizations cause the Legislative Assembly of Mexico City to replace the court proceeding with an administrative procedure before the Civil Registry. In July 2016, Michoacán became the second Mexican state to approve an identity law. By amending section 117 of the Family Code, trans people are allowed to change their name and gender.

In 2009, Uruguay became the first country in the region to have a national gender identity law. This law defines a court proceeding whereby all trans people may request the amendment of their data in the civil registry to agree with their gender identity. This was a criticized law because its final version eliminated minors' rights to request a provisional change of name and included a section stating that the matrimonial regime

is not modified, which was interpreted as a prohibition for trans people to get married.
(2)

In addition, this law sets the medical and psychological confirmation procedures for trans people, as well as a judicial procedure, which requires time and economic resources from the requesting parties. At present, the Transgender Association of Uruguay (ATRU) and REDLACTRANS seek to amend this law to turn all procedures into administrative procedures, as in Argentina.

The incidence of diversity groups was undoubtedly strengthened by the Argentine Gender Identity Law in 2014. This law is deemed to be the best gender identity law in the world, as it was the first law that did not require any medical or psychiatric diagnosis, it guarantees simple and free changes to the registry with no need of a court proceeding and it incorporates mechanisms to recognize gender identity in minors. The Argentine law is the result of a process for the dissemination and claim of human rights in the country, which started in 2003 and promoted public policies aimed at the defense of vulnerable populations (REDLACTRANS 2014). The participation of sex-gender diversity organizations in this process led to the design of the National Plan against Discrimination in 2005 and, consequently, the Gender Identity Law.

Argentina, Uruguay and Mexico City are historical achievements in the recognition of gender identity in Latin America. Even though this recognition varies in the region, these countries set important bases for the development of progressive gender identity laws. Unlike many gender identity laws in European countries, which require trans people to resort to costly surgeries to change their gender, in Latin America the laws have used the Argentine precedent to allow trans people to change their identification documents and thus reflect their gender identity without the need of proving their gender in a physical, psychological or medical manner.

For instance, in 2015, by virtue of Decree 1227, Colombia started to allow trans people to change their registered name and gender without going through physical or psychological examinations. This is an administrative procedure that includes a formal request before a notary public, and changes must be resolved in five business days. Even with limitations, as trans people are identified as such in their identification documents,

Ecuador also passed a law in this regard in 2016: Organic Law for the Management of Identity and Civil Data.

In May 2016, Gender Identity Law No. 807 was passed in Bolivia, which allows transgender citizens to change their names and gender in their identity documents. However, this country backed down in the field of trans women's human rights because in November 2017 the Plurinational Constitutional Court of Bolivia declared the unconstitutionality of section 11, paragraph II, which limits the access to economic, social, cultural and political rights by Bolivian transgender population; there is no doubt that this measure implies a significant regression for the exercise of human rights by transgender population in Bolivia.

Finally, it is worth noting that in February 2017, the Inter-American Court of Human Rights issued a positive interpretation on the advisory opinion requested by the State of Costa Rica to enact a gender identity law in that Central American country. This enactment was a precedent for all countries in the region, as the Court stated that the Costa Rican State must recognize and guarantee all the rights arising from a family relationship between people of the same sex, pursuant to articles 11.2 and 17.1 of the American Convention and as set forth in paragraphs 200 to 218. Considering the precedent of the Inter-American Court of Human Rights, American states should be expected to make progress regarding the respect for the gender identity of trans women in the region.

3.1.2 Legislation against the rights of trans women

Except for Guyana, all Central American and South American countries have eliminated the laws against sodomy. The last country to abrogate these laws was Panama in 2008. However, there are still laws against sodomy in several Caribbean countries, such as Jamaica, Trinidad and Tobago, and Dominica. In this subregion, Belize has just eliminated this legislation.

In the region, there are several national laws that criminalize trans people either in a direct or an indirect manner. These codes include, for instance, laws against vagrancy or regarding moral values, which limit the freedom of trans women to move in public spaces and criminalize sex work directly or indirectly.

Although sex work is not banned in most of the Latin American region, the legislation on moral values and good customs allow the police to abuse their power and arrest trans women arbitrarily. Derogatory language and physical abuse are common in these arrests. However, arbitrary arrests are aimed not only at sex workers because, as prejudice leads to assimilating trans women to sex workers, trans women are arrested during their daily activities for the alleged commission of sex work. This occurs as part of a social cleaning context, where trans women are denied their right to access public places, intended for “decent people” (HRW 2009, 29). This way of discrimination by gender identity is also observed through the bullying suffered by LGBTI people in meeting places, as well as the persecution and arrest of leaders and activists of the trans community. Some examples of these criminal regulations include:

- Mexico: in 2002 the city of Tecate amended its Police Code to ban the presence of men dressed as women in public spaces, as it was an infringement against moral values. This law was defended based on the need to ban gender dissatisfaction, as transvestism was a threat to order, moral values, mutual respect and children (TLC 2016).

- Honduras: Social Coexistence Law allows “temporary arrests”, i.e. the arrest of people for up to 24 hours for vagrancy or moral values reasons, both of which are defined ambiguously (Arcoiris and CIPRODEH 2009).

- Argentina: Law No. 8431. Code of Misdemeanors of the Province of Córdoba (2003), Chapter One, section 42:

Those disturbing another person by affecting its personal decorum through gestures, words or pictures in the public street, public places or from a private place that is visible to third parties shall be punished with a fine of up to 5 (five) fine units or imprisoned for up to 10 (ten) days. The imprisonment shall be for 20 (twenty) days if the victim is under sixteen or if the event occurs at night, regardless of the age of the victim. (3)

- El Salvador: Ordinance for Citizen Coexistence of the Municipality of San Salvador. Section 32:

Offering sex services in public places or soliciting sex services in an evident manner or affecting public order and, even in private places, harming moral values and good customs, offending modesty through nakedness or obscene words, indecorous gestures, attitudes or exhibitions, indecent contact or impertinent harassment.

- Chile: Section 373 of the Criminal code:

Those offending modesty or good customs in any manner through seriously scandalous or significant actions not expressly listed in other sections of this Code shall be subject to ordinary imprisonment for minimum to medium terms.

3.2 Violations to the right to life and personal integrity

Throughout the region, even where there are no express laws punishing people with unregulated gender expressions and identities, the criminalization and persecution of trans people is naturalized in the society and collective thinking (REDLACTRANS 2014). This limits the capacity of trans women to lead a full life and legitimizes the abuse against them (REDLACTRANS 2014).

Notwithstanding the progress made in the legal sphere, as previously stated, stigma and discrimination are strongly rooted in society in general and lead to high violence rates against trans women. The following testimony was documented in Ecuador and refers to 2016. It discloses the **discriminatory acts** suffered by trans women on a daily basis.

*On July 27, 2016, I went with a male friend to a boutique. After seeing some products, the store head and owner showed me some rings. As I didn't purchase anything, the store owner returned to her employee the rings that she had shown to me, but the latter said that a few were missing. The owner became upset and called us "faggot thieves". I told her that I would call the police for such a terrible accusation, and she said that she had no problem. Two police officers arrived and the owner told them about the alleged theft and asked them to force us to get naked, which is completely inappropriate. The policeman addressed my friend, a teenager, and the policewoman addressed me. I begged because I didn't want to get naked and had not stolen anything. The policewoman told me to return the ring and that many people "have diseases" related to theft and find it hard to acknowledge those acts. I gave them my wallet and insisted that I had not committed such crime. Although they did not find anything, the policewoman questioned my nervousness and **ordered us to get completely naked, although I asked her not to humiliate us. When the policewoman noticed by biological sex, she made fun of me.** As no ring was found, the policewoman told me that I should defend myself because if I am ill-treated, I should do the same.*

After the check, when the policewoman stated that no ring had been found, the boutique owner said: "The faggots swallowed the ring". The police officers informed her that she could formalize a report, but she said that she wouldn't. I said that I felt affected and, therefore, had the intention to formalize a report.

I was taken to the police unit and waited for about one hour without receiving any answer. After a long wait, I reported the situation again, but the answer was: "Just go".

All social scenarios could turn into a hostile space for trans women. Stigma and discrimination are present at the different spheres of social life and become apparent in the daily practices of a significant portion of society. In this testimony, there is not only a verbal aggression (“faggot thieves”), but also the exposure of trans women to an extremely humiliating situation in which the police force, apart from being an accomplice, perpetuates and reproduces these degrading circumstances.

In stores, bars and restaurants, it is frequent to find discrimination against trans women through barriers to access these spaces freely, as any other person. The following cases show jokes, verbal aggressions and humiliating treatment suffered by trans women when entering **private establishments**.

E. was in a restaurant, where she was subject to jokes and humiliation from unknown people. Restaurant security asked her to leave, but as she refused, they forced her out. (Panama)

A guard prohibited a trans woman from entering a hairdresser's because the owner did not allow her access. (Uruguay)

Sometimes private establishments may also turn into crime scenes for trans women. This abstract was prepared after the murder of a trans woman in a bar in Guadalajara, Mexico.

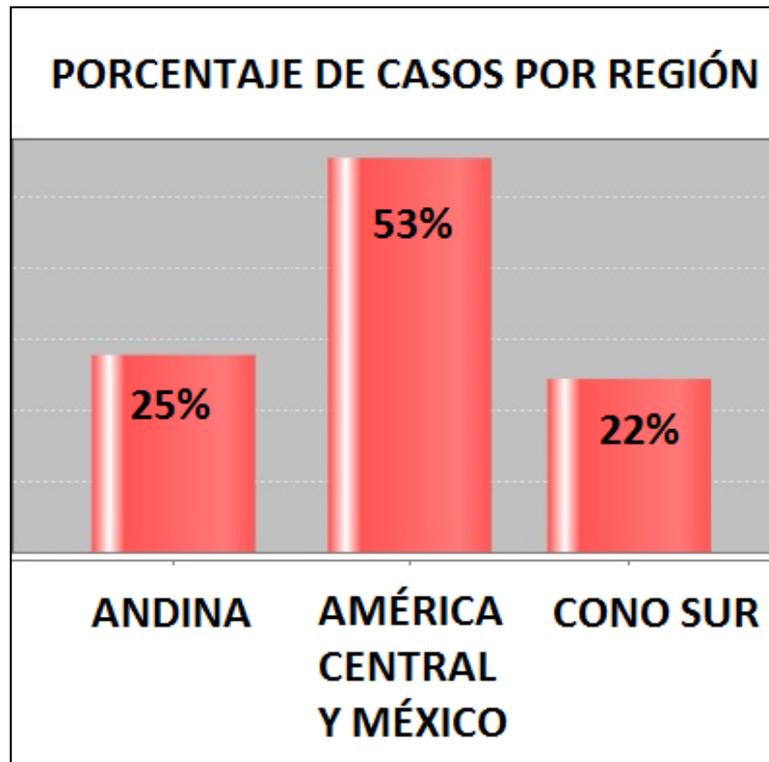
*The victim was a 23-year-old trans woman, **who was attacked in a bar in Guadalajara by a stranger**. The young woman was shot twice in her chest, which caused her death almost immediately. According to the expert's report, the attack occurred on January 18, 2017 inside the bar. After the attack, her body was dragged outside the establishment by the attacker, where it was abandoned until authorities arrived.*

Even homes may turn into a crime scene. This is the case of a Peruvian trans woman murdered in her own domicile by unknown persons.

A trans girl was brutally beaten and killed at her home at midnight by two persons, who tied her hands and mouth and cut her face with a knife, making her bleed to death.

When violation percentages at the CeDoSTALC are compared in the three subregions of Latin America for the period 2016-2017, Central America and Mexico show

the highest number of cases (53%), while the Andean region and the Southern Cone show around 25% and 22%, respectively. This outcome was pointed out in the report entitled *The night is another country* (REDLACTRANS, 2012), which states that “Central America is the region that shows more hostility towards trans women in Latin America” due to the lack of response from Central American countries in view of the escalation of violence against our population.

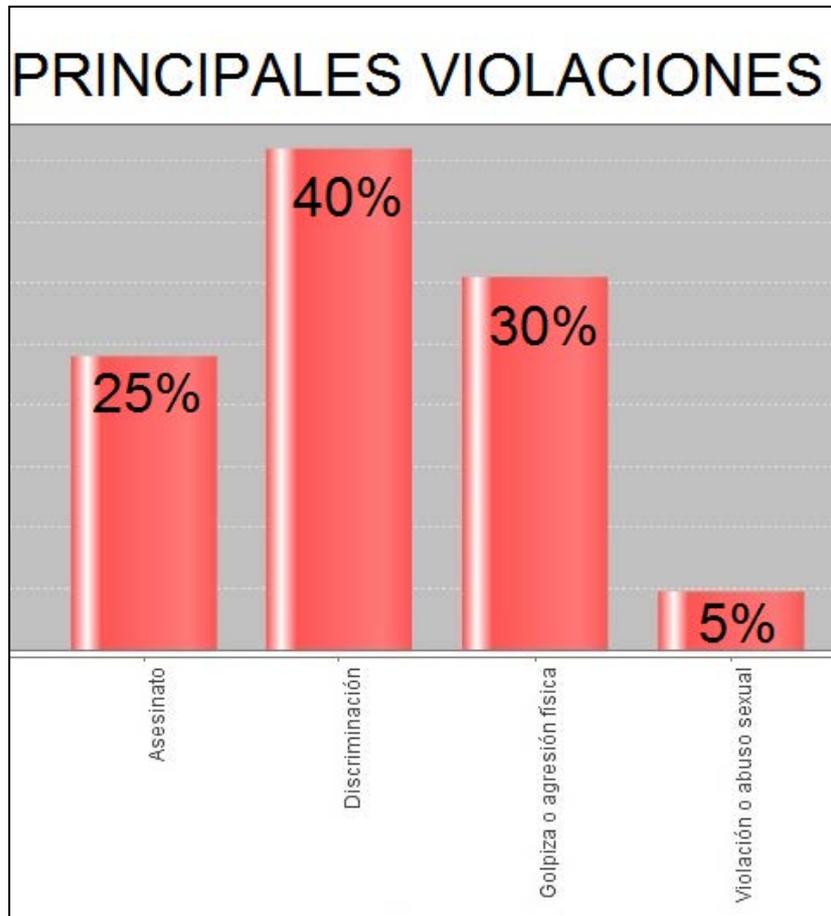


Source: CeDoSTALC

Percentage of cases by region
 Andean region - Central America and Mexico - Southern Cone

The violations of trans women’s rights in Central America are observed, particularly, in crimes and abuse manifested as physical, verbal, sexual and psychological aggression. Even though murders and aggression against trans population is deemed part of the generalized violence observed in the region, the abuse and aggression towards trans people has a systematic nature and its prevalence is too high to be considered only within the context of violence in these countries, without considering the sexual orientation and gender identity of the victims as aggravating circumstances for these crimes.

When human rights violations are divided into segments considering their nature, there are **events of discrimination in almost 40% of the cases recorded**. Murders reach one fourth of the situations surveyed, while physical assaults take up 30% and, finally, assaults with sexual abuse take up 5%.



Source: CeDoSTALC

Main violations

Murder – Discrimination – Battering or physical assault – Rape or sexual abuse

The Pan American Health Organization (PAHO) stated in its publication *Health for Transgender People* that one of the most immediate threats for trans people is the disproportionately high levels of physical violence. The gravest consequence of stigmatization and discrimination against trans women is hate crimes. Latin America leads the global lists of trans women’s deaths with 1,654 cases reported from 2008 through 2017 by TGEU. Some of the countries with the highest crime rates have protections for this population, such as Mexico, Brazil and Argentina (see table).

Table. Murder of trans women from 2008 through 2016 in the region according to TGEU.

Brazil	1,071
Mexico	337
Colombia	124
Venezuela	116
Honduras	91
Argentina	56
Guatemala	43
Dominican Republic	40
El Salvador	36
Ecuador	29
Peru	24
Bolivia	16
Uruguay	12
Chile	10
Paraguay	8
Costa Rica	6
Nicaragua	5
Panama	4
Belize	2

Source: TGEU

Trans people start being abused from an early age by their families. These abuses include from physical, verbal and sexual aggression to murders. In some cases, they are forced to receive therapies to “get cured”, which generates serious psychological consequences. Due to the family rejection since childhood, many trans women have low self-esteem and feel devalued, which puts them in a state of vulnerability before future attackers. Thus, the percentage of trans women and trans girls that leave or are thrown out of their homes is 44% and 70%; therefore, trans women form other types of families and support groups among themselves (Ulises Borgogno, 2009).

This is the testimony of a Bolivian trans woman that tells her own story of **family exclusion, stigma and discrimination**.

*I am a hairdresser and I have worked since I was very young. I lived with my family until my parents died. Some of my brothers accepted me, and my mother accepted me to a certain extent while she lived. I lived behind the house. They gave me a place to live. **I always received verbal aggressions. Each time they could they told me that I should change my life, that everybody talked about us, that my mom suffered and that if anything happened to my mom, I would be the one to blame.** On one occasion, I left the house for more than two years. I knew that my mother was looking for me and asking about me. That's why I came back. She died after a year. **My brothers always blame me; they told me that I will not receive anything from the house unless I become a man.** They made my life miserable. I decided to leave the country. Today I live in Spain. I work and go to Bolivia only for visiting, but have no relationship with them.*

The violation to the self-perceived gender identity leads in most cases to the removal from the family unit and gives rise to a “marginalization chain” in the other spheres of trans women’s social life, such as education, work and friends. According to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW): “Trans women suffer a ‘marginalization chain’ that begins in childhood, within the family, when they are removed from their homes due to their identity and gender expression”.

In other cases, violence within the family is expressed through physical assaults due to the female gender identity. This case was documented in Peru and shows the violence to which many trans women are subject in their families: *V. was assaulted by her brother in her home due to her gender identity. Her brother beat her on her back with a piece of wood.*

Apart from being the victims of family violence and exclusion, trans women suffer aggressions from the community as a way of social cleaning. Thus, **murders and extrajudicial executions** are the cause of more deaths in transgender population. Throughout their lives, trans women are subject to different cases of assault, rape, exclusion, stigma and discrimination and, in many cases, murder. The common element for all these murders is that they are the result of hatred, which is evidenced by the brutality of the assaults, unlike other affected groups. The following case, taken from the 2016-2017 two-year report from Argentina, shows this common element.

*The most appalling hate crimes surveyed in 2017 include the **murder of A. G., a 31-year-old trans woman who was found dead in the Lawn Tennis Club in Tucumán.** Club employees were hanging ads before a rugby match, when they found the body. A. G. was naked on the grass, under the stands, with signs of having been brutally beaten. Experts' reports, however, noted that asphyxia had been the cause of death. A few meters from the body, her clothes and underwear, which was torn, were scattered. Almost 50 meters from that place, police officers confiscated a used condom. They also found a pair of boots, a broken mirror and a bottle of perfume.*

When inquiring about the life of A.G., it is observed that this event, which ended up with her life, was not an isolated event in her life as a trans woman. Throughout their lives, trans women live different events of violence. The following abstract, taken from the Argentina report, shows the situation lived by A.G. in 2012.

*Her life was not an easy one, as in the case of almost all trans women. She had received many aggressions in her home province. On April 19, 2012, when returning from a disco in a minicab, she was detained by the police along with the driver. They were both taken to the second police station of San Miguel. A. G. reported that, while being detained in subhuman conditions, **a policeman raped her and another one forced her to give oral sex to him. She was also threatened: "Faggot, when I see you in the street, I'm gonna beat the shit out of you"** and, as if all this was not enough, she was asked for a bribe to let her go.*

Crimes against LGBTI population and trans women are characterized by the impunity of the response from the police force and the judicial system in particular (HIVOS 2012). This situation is worsened even more by the fact that many trans women are categorized as men who have sex with men (MSM) or simply homosexuals (REDLACTRANS 2012), which limits the count of crimes against them even more (REDLACTRANS 2014). In response to the murder of A.G, the National Police prepared a report in which the victim's self-perceived gender was not respected, as she was identified as a man.

***The police report did not respect her gender identity. The local press first spoke of a murdered "person" and then of a "transvestite", thus implying another violation, apart from the one that ended up with her life.** After a few hours and the identification of her mother, it became known that the victim was A. G., a trans woman from Ranchillos, a municipality 24 kilometers from San Miguel de Tucumán. She had returned to her province one year before to meet with her mother again, with whom she lived, after spending many years in Buenos Aires.*

Following this line, the media usually reproduce the male gender identity over the female gender expression and refer to the transgender identity in a pejorative manner, as they commonly refer to "men dressed as women", "men wearing wigs", etc. This

occurred in the C. case, documented in Chile, which was disseminated in media under this stigmatizing perspective.

Talca, June 11, 2016. While walking down the street, C. was run over, suffering serious injuries and ending hospitalized for six months. Area media covered the news stating that a trans had been run over, while others stated that a “man dressed as a woman” had been run over. Thus, her rights to gender identity, dignity and equal treatment were violated.

According to the publication *Olvidadas hasta en la muerte. Asesinatos a personas trans durante el período democrático en Paraguay (1989-2013)* (Forgotten even upon death. Murders of trans people during democracy in Paraguay (1989-2013)), issued by Asociación Panambi from Paraguay in 2014, the failure to recognize the trans people category prevents the generation of accurate statistics on the murder of trans women. Following the same line, it explains that discrimination, prejudice and stigma interfere upon performing impartial and independent investigations to identify the murderers. As a result, murderers are prosecuted for “traffic accidents” or “altercation in a public space”, which do not reflect the characteristics of the hate crime or transphobia.

However, in most Latin American countries, there is no legal category to define **hate crimes**, which are understood as violent behavior based on prejudice against a person belonging to a specific group; therefore, it is difficult to qualify and quantify the reports made (CEJIL 2013). Many times crimes against LGBTI population may be thought as hate crimes, but they are frequently defined as “passion killings”, emphasizing that their lifestyle is dangerous for the community, instead of pointing out the special vulnerability of the victims (Inter-American Commission on Human Rights, 2015; TLC 2016). The following abstracts refer to murders against trans women in Mexico due to hate ideologies.

*A 30-year-old trans woman athlete, who played as forward in the Gay Soccer Team of Tamaulipas, **was murdered in front of a bar in the early hours of Wednesday November 23. She was shot three times after participating in a fight in Senderito bar.** She was taken to Hospital General Victoria, where she died. It was reported that the attacker ran away from the place of the attack in a Ford Ranger pick-up truck. The reasons for the argument that led to the murder to the soccer player remain known.*

***A trans woman who was beauty queen in Nayarit in 2015 was brutally tortured and murdered.** Her charred body was found in Celaya, Guanajuato, almost two months after her disappearance had been reported.*

Following this line, the following testimony refers to the murder of a trans woman in Paraguay and explicitly reflects the **hate speech and ideologies** that give rise to these crimes.

*Ms. R., a 28-year-old trans woman and sex worker, **died on October 15, 2017 from the knife wounds received at her work place in the city of San Lorenzo.** The criminal, after being captured and identified, declared that: **“These beings cannot exist anymore”.** He was charged with manslaughter, pursuant to section 105 of the Criminal Code, and is currently subject to preventive detention at the National Prison.*

It should be noted that the violations against LGBTI group leaders and activists are strongly motivated by hate ideologies. For example, in Colombia in 2008 and 2009, there appeared threatening pamphlets against LGBT people, as well as natives, sex workers and indigent people. In addition, the bodies of some trans women appeared with signs making reference to the need for a social cleaning in the area (Colombia Diversa 2011). In some cases, the attacks to trans women who are publicly known for being human rights activists take the form of cold-blooded murders. This abstract refers to the murder of a trans activist in the city of Guerrero, Mexico, which shows the brutality to which the victims are subject, notwithstanding their role as human rights advocate.

*This is the case of a 23-year-old trans woman –an LGBT activist– murdered in Guerrero. In the early hours of May 19, 2017, the residents noticed that the **hairstylist and activist laid dead under her bed, face down, with her hands tied with a rope and a neck wound made with a sharp object, which made her bleed to death.** The murder may have taken place at around 4:00 a.m. The police officers acted as the first respondents. To date there are no suspects and the cause of the attack remains unknown.*

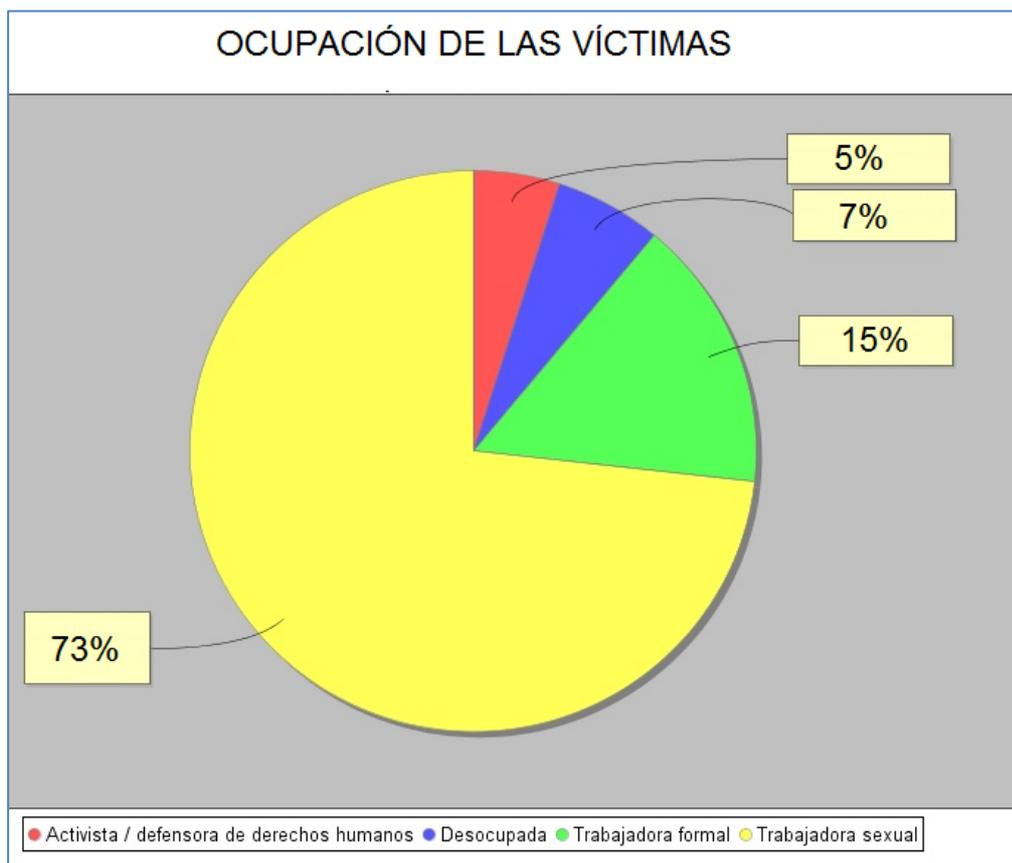
It is worth noting that hate speeches give rise to dehumanization and discrimination contexts that pave the way for the free commission of other types of crimes (Inter-American Commission on Human Rights, 2015). The use of hate speeches in the society arises from their use by public officials and authorities, which leads to the continuity of stereotypes concerning trans people, associating them with perversion and abnormality. This is a concern because victims are placed in relationships with higher vulnerability and inequality in relation to the State and other community sectors (Inter-American Commission on Human Rights, 2015).

The hate speech is common by public officials in the region. For instance, in 2013, the chairman of the Human Rights Commission of the Chamber of Representatives in Brazil said in public that LGBT people “want to impose a gay dictatorship in the country to expel God from Brazil” and that the “putrefaction of gay feelings leads to hatred, crime

and rejection”. Also in 2013, the councilor of La Candelaria, Bogotá, Colombia, stated that LGBT people:

[...] are involved with the judges and there are plenty of perverts [...] they go to bed with 5, 20 or 30 persons. They go to bed with children. They go to bed with girls [...] because the ones buying those children are national judges, senators and magistrates. And we have a big problem: that people offer themselves and they do not say whether they are or they are not [LGBT]. Homosexuals and bisexuals are elected, but if the people knew what kind of persons they are, they would not vote for them; they lie to the people.

In other aspects, when dividing documented cases by the “victim’s occupation” category, it is observed that 73% of trans women who have suffered a humans rights violation resort to sex work as their source of livelihood, while only 15% have a formal job.



Source: CeDoSTALC

Victims’ occupation
 Human rights activist/advocate – Unemployed – Formal worker – Sex worker

Vulnerability increases in the case of trans women who are **sex workers** due to their visibility, their attire and because their work place is open to the public. This is the case of a trans woman's murder. She was a sex worker from the state of Tamaulipas, Mexico, one of the districts with the highest crime and violence rates. In the last five years, 58,873 people have changed their places of residence, and the place is guarded by the armed forces of the State.

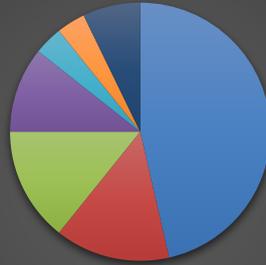
*This case refers to a 23-year-old transgender woman who was a sex worker in the city of Matamoros, Tamaulipas. **The last person that saw her was a work mate that remembers seeing her going on board the jeep of a man soliciting her services.** Two hours later she was found dead in a vacant lot. As her clothes were torn, her body was hurt and her face was deformed by the beating, she may also have been raped. The victim's family did not make any report for fear to retaliation".*

Other cases, as the one occurred in Talca, Chile, show the intrinsic brutality of aggressions against trans women while performing sex work.

*In the early hours of July 4, 2016, in Talca, **M. was performing sex work in the public street when a young man got out of a car with a bat and beat her brutally.** As a result of the attack, Marcela's face was disfigured; she lost some of her teeth and suffered many other body injuries.*

Trans women who are sex workers perform their activities in a context of vulnerability in relation to potential attackers. Frequently, the clients are the perpetrators of aggressions, rapes and murders. In some countries, like Argentina, clients form the group of main attackers, accounting for 15% of violations in 2017.

PRINCIPALES AGRESORES EN ARGENTINA

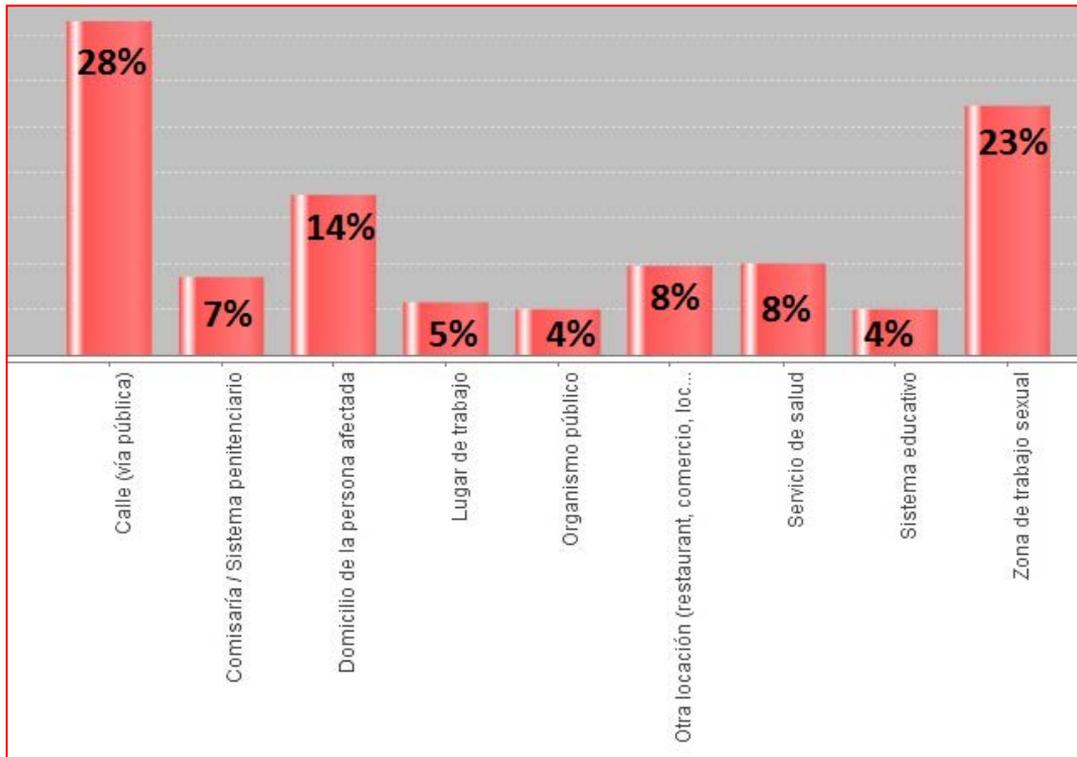


■ 45% - Fuerzas de seguridad	■ 15% - Pareja
■ 15% - Cliente de trabajo sexual	■ 12% - Trabajadores de la salud
■ 4% - Trabajadores/as de la educación	■ 4% - Familiar
■ 5% - Persona desconocida particular	

Source: 2016-2017 CeDoSTALC report, Argentina.

Main attackers in Argentina
45% Security forces - 15% Partner
15% Sex work client - 12% Health workers
4% Education workers - 4% Family
5% Unknown person

Sex work areas and the public street are the places with higher percentage of violations occurred in 2016 and 2017 in the region. This result evidences the lack of protection of trans women, even in public spaces shared with other people.



Source: CeDoStalc

- 28% Public street
- 7% Police station/prison
- 14% Domicile of the affected person
- 5% Work place
- 4% Public institution
- 8% Another location (restaurant, store, etc.)
- 8% Health service
- 4% Education system
- 23% Sex work area

Certain **aggressions in the public street** are committed by persons having no relationship with the victims; being motivated by hate ideologies, they commit terrible aggressions and, in order to avoid being convicted, they threaten or harass the victim to prevent her from making a report. The following testimony refers to a Mexican trans woman that was sexually abused in the public street:

On March 18, 2017, I was returning from work [...] It was around 9:00 p.m., so on the outskirts of my town there were few people and little light. [...] I continued to walk and a few meters ahead two guys came out from a vacant lot and began to insult me. They pushed me to a hidden place and in one of the vacant lots one of them abused me sexually [...]

Following this line, the case of J., documented in Belize, shows how the streets of an urban area become the scenario of physical and verbal violence:

While I was walking through Vernon Street, near a soccer field, a man that recognized her harassed and threw stones at the trans woman and yelled that she was a man. The other men who witnessed this event began to abuse her verbally.

As there is no legislation to protect them, the trans women engaged in sex work are exposed to all kinds of violence from their clients. In addition, as they have no access to other labor possibilities, in many cases sex work is not a choice, but a way of surviving. Even though sex work is not criminalized in most countries of the region, it is not regulated, which favors the acts of violence and abuse against trans women, both from civil and state agents (AI 2016). The following testimony refers to V., a Costa Rican trans woman that reported to have been assaulted by unknown persons at her sex work place in October 2017:

*On October 22, at about 00:30 a.m., V. was at the sex work area (Plaza González Viquez), when she heard the screams of two trans women. She came closer and saw that **the two trans girls had been robbed very violently and had been physically assaulted**. A few minutes later, the male attackers returned and attacked V., hitting her with a thick strap directly in her face. Then they kicked her and threw her to the floor, continuing to kick her until she was left much wounded.*

Following this line, this is the case of a trans woman from Nicaragua, who was assaulted by a client that refused to pay for her services:

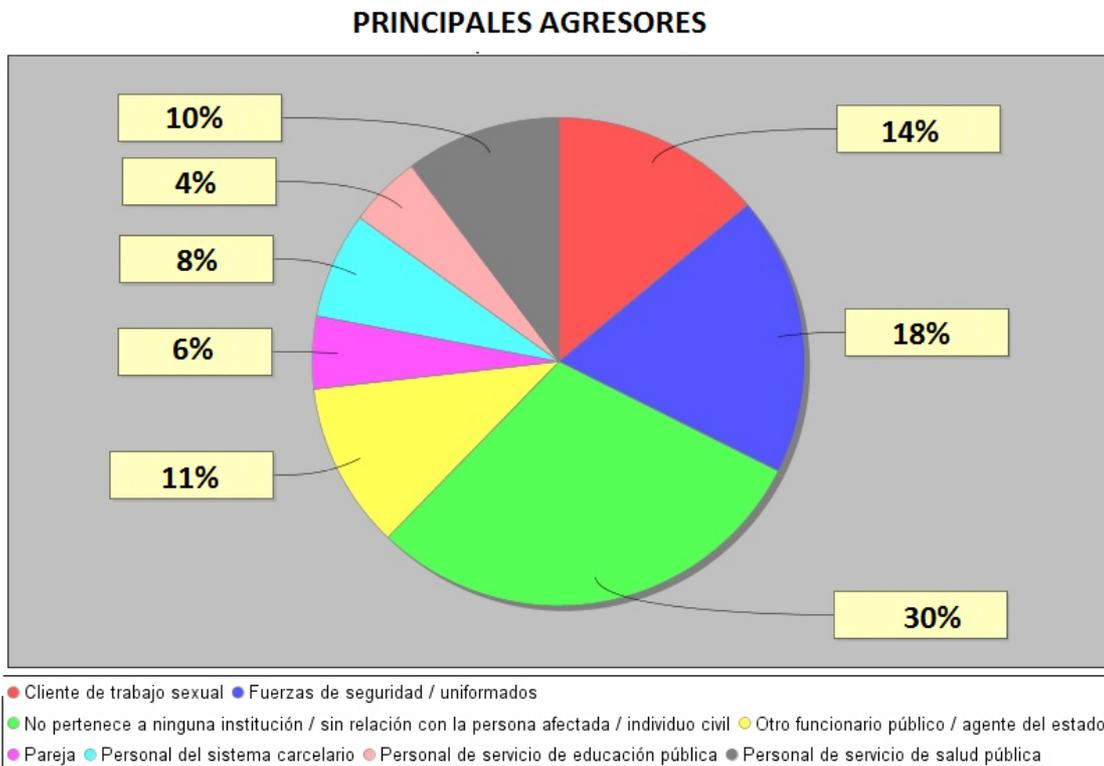
... a client invited her to come on board his car to receive her sexual services. After the service, he threatened her with a bottle, forced her out of the car and refused to pay her.

As previously stated, trans women are also assaulted by state agents in sex work areas. This is the case of F., from Costa Rica:

On September 12, at about 11:00 p.m., F. was in the area where she performs sex work (Parque Morazán), when patrol number 2032, with a policeman inside the car, passed by. From the patrol, the officer made mocking and offensive comments to her, telling her, for instance, “ugly mummy”.

When dividing into segments the cases reported in 2016-2017, it is observed that the main attackers include: individuals motivated by hate ideologies (30%), health service staff (presented in the section “Violations to the right to access health services”) and other state agents (21%), security forces (18%) and sex work clients (14%). In some

countries, like Panama, according to the 2016-2017 national report, the violations committed by police officers account for almost 70%.



Source: CeDoSTALC

Main attackers
 Sex work client – Security forces/Uniformed services
 Not belonging to any institution/not related to the affected person/civil person – Other public officers/state agents
 Partner – Prison system staff – Public education service staff – Public health service staff

Discrimination by **state agents** becomes explicit in the differential treatment received by trans women when performing a procedure at state agencies. They are frequently treated like men or, as stated in the following case documented in Ecuador, the gender appearing in official documents prevails over the self-perceived gender and its expression.

On March 1, 2016, V. went to the Civil Registry to change her name and genre. In sector 8, where information is collected and a photograph is taken, the public servant ordered her to tie her hair and to remove her make-up completely. So she had to wash her face.

For most trans women, make-up is fundamental because it helps express the self-perceived genre. In this case, the performance of the public servant contradicted article 83 of the Constitution of Ecuador, which refers to the obligation to respect and recognize ethnical, national, social, generation, genre, sexual orientation and identity differences.

With respect to **violations by police officers and other security forces**, we observe arbitrary arrests, verbal aggressions, treating victims by their male gender and, in certain cases, abuse and physical violence. With respect to this last violation, the case of A.G. (Argentina) shows the impunity of an officer of the security forces, who “raped her and forced her to give oral sex to him”.

*D. reported that she was in a clothing store, when **four police officers arrived, asked for her identification documents and, giving no explanation**, drove her in the patrol and arrested her from 10:00 p.m. to 4:00 a.m. (Panama)*

*At 10:00 p.m., I. was heading home. Two officers from the police force approached to search her for no reason whatsoever. They had a disrespectful attitude. They called her by her registered name, and she asked them to please use her “a.k.a.”. They answered that her name was xxxx and that they would only call her that way. Upon the search, she told them that she had to be searched by the policewoman. She did not want to be searched by a man. **The policewoman asked her: Do you have tits? I. answered that she didn’t. Then the policewoman answered that if she had “no tits or vagina” she was not a woman to her, so she would not search her.** The police officers left; they had no code in their vest, which is mandatory for public force officers. I. believes that they probably took the code off the uniform. (Costa Rica)*

In the sex work area, on October 11 at 9:20 p.m., A. was smoking with other trans women and a few officers approached on board two motorcycle patrols with registration numbers 3338 and 2212. They asked for their ID cards in a disrespectful manner and using masculine pronouns. They did not respect their “a.k.a.”, although they asked them to. They were also asked to take all the contents from their bags to see if they had anything incriminating. A. felt that the way in which they were approached was inappropriate, that the treatment given by the police officers was disrespectful and that they abused their authority. (Costa Rica)

Arbitrary arrests are a common modus operandi in different parts of the region. Trans women are arrested under false suspicion allegations or, in some cases, they are not given any explanation. These detentions are characterized by a pronounced inequality between trans women and security agents, who commit abuses and provide humiliating treatment. The following case, documented in Nicaragua, shows an abuse of power by police officers during these detentions:

That night I was performing sex work in the central park of Masaya. At around 11:00

p.m., the police suddenly raided the place and took some gangsters who were drinking and also arrested me. I asked them why they were doing it, but they gave me no explanation. They thought I was selling drugs. I was put violently inside the truck; they took me to the police station yard and made me get naked while they made fun of me. I had to do sit-ups naked; it was really very embarrassing. Then they made me sweep the whole police station and let me out the next morning. I felt very embarrassed and did not report it because I thought the same police officers would be in charge, would pay no attention and would make fun of me.

Another detention documented in the Dominican Republic evidences subhuman treatment in the public street.

I was going to a party at 6:00 p.m. and, when I was crossing a park, a police officer yelled at me from a motorbike: "You pig, stop right there" and told me to stay on one side of the park. He started to search me. First he took off my blouse and then the skirt, until I was in my underwear, which was really embarrassing because at that moment there were other people in the park laughing at me and taking pictures and videos. When I was finally naked, the policeman told me: "Now you can get dressed and go". I went home very nervous and did not even go to the birthday party.

In some cases, arbitrary detentions serve as punishment by security agents when the trans women offering sex do not give them money or are not willing to have sex with them. The following testimony, documented in the Dominican Republic, shows this daily practice by uniformed services:

[...] the trans woman was brutally assaulted by police officers after she refused to give them any money. The police demands money or sex in exchange for not arresting them.

In this sense, an analysis should be made with respect to the violations committed by security forces against trans women who are deprived of their freedom. In some cases, the escalation of violence does not decrease at all during their stay in prison. Once the security forces start the violence, it does not decrease since, in order to prevent the victim from making a report, the agents threat and harass them.

*February 11, 2017, Antofagasta. V. is serving a sentence in a prison; **she has been beaten and tortured by Prison Service officers**, as well as threatened not to make any report; that is why she was finally transferred to a penitentiary. (Chile)*

In many cases of violence, when the attacker is a police officer, reporting the attack to the police entails the threat of new aggressions. The role of the police in daily aggressions causes these crimes to be concealed even by the agencies that should help trans women. The fear of victimization may also affect witnesses, who fail to give

valuable information to streamline investigations (Inter-American Commission on Human Rights, 2015).

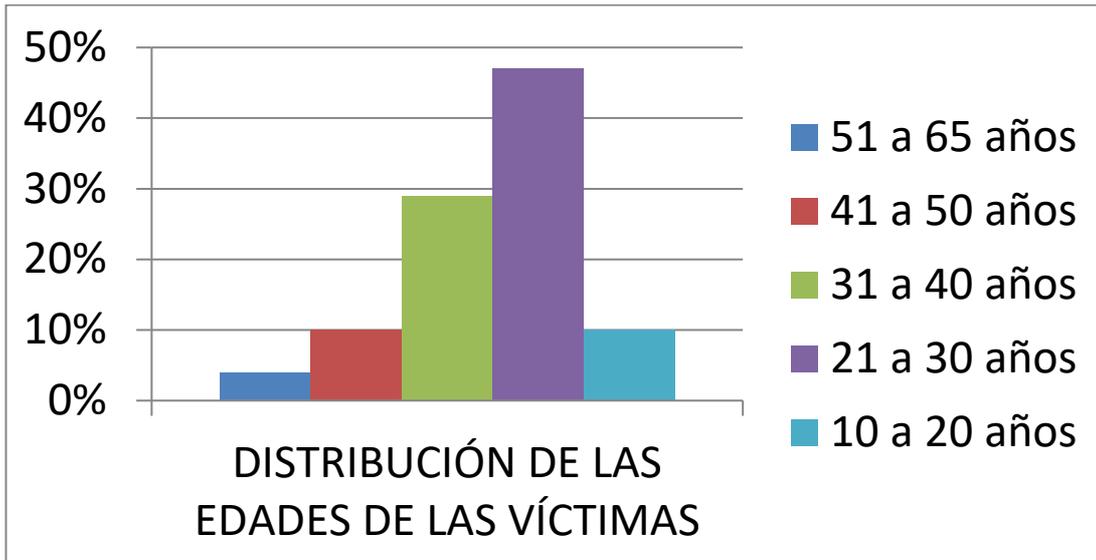
When deprived of their freedom, trans women are also vulnerable before other inmates. This situation becomes even more hostile if they are transferred to men's wards.

*Thursday October 12, 2017, Curicó. A. is serving a sentence in a prison. On that date, **while she was sleeping, she was stabbed by another inmate** with whom she had a relationship. Even though she was a trans woman, the Prison Service kept A. with men. In addition, the event was covered by media as a fight between two inmates, showing the lack of knowledge of media regarding the gender identity issue. (Chile)*

*The prosecutor sent me to the 7th court, from where (...) **I was sent directly to the men's prison** in San Antonio. The judge, without respecting the female identity I had constructed –silicones, long hair–, without respecting it at all, sent me to the men's prison, where I was **tortured and suffered violations. Every day, during the early hours, they asked me for one thousand dollars, which I did not have; they made me walk naked and blindfolded, put me inside a barrel full of water; they hit me with a stick in my silicones and made me walk around the prison, where all inmates spat me.** I do not wish what I suffered upon anybody. The prison head and the police officers did nothing; they only wanted me to deliver the one thousand dollars; if I gave them the money, they would not bother me anymore. (Bolivia)*

This last testimony shows the humiliating treatment of many trans women who are deprived of their freedom. In prisons, there are dehumanization circumstances that increase the vulnerability of victims and violate Yogyakarta Principle 9, whereas States shall: "ensure that placement in detention avoids further marginalising persons on the basis of sexual orientation or gender identity or subjecting them to risk of violence, ill-treatment or physical, mental or sexual abuse".

Summing up, this section showed through documented evidence the main violations to the right to life and personal integrity of trans women in the region. An analysis of the situation at a regional level shows a context of violence and stigmatization that is shared by all countries in the region, in which discriminatory acts, murders and physical assaults threaten the life of trans women in the region, while security forces, health workers and state agents, as well as the individuals motivated by hate ideologies, are the main attackers. In this sense, trans women aged 21 to 30 are the main victims of these violations.



Source: CeDoSTALC

Victims' age distribution

- 51 to 65 years old
- 41 to 50 years old
- 31 to 40 years old
- 21 to 30 years old
- 10 to 20 years old

This information is consistent with the contents of the document called *Violencia contra personas LGBTI*, published by the IACHR (2015):

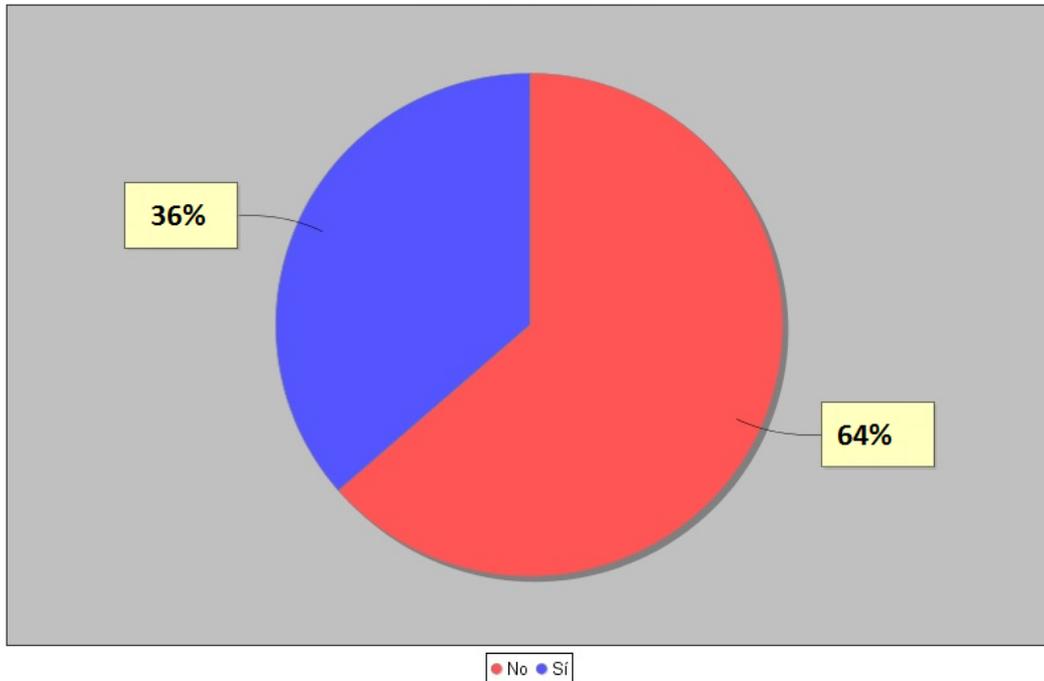
In the case of trans women, mainly young trans women are victims of violence. The IACHR showed its concern for the young age of trans women who are murdered or suffer other acts of violence. According to collected data, 80% of trans persons killed were 35 years of age or younger.

3.3 Violations to the right to access justice

The crimes against trans people by the police, as well as the society in general, are legitimized by the level of impunity with which these crimes are handled (TLC 2016). The impunity of crimes against trans women occurs within a context of deeper impunity in the region, especially regarding gender-related hate crimes. In Guatemala, out of all the reports made in 2009, only 7% was taken to trial and only 0.2% was sentenced (HRC 2012). In Costa Rica, an analysis of hate crimes related to sexual orientation and gender identity showed only eight cases, out of which only four were taken to trial (CEJIL 2013).

Upon analyzing the percentages of trans women who reported violations to their rights in prosecutors' offices, police stations or the ombudsman, it is observed that 64% did not make a formal report.

PORCENTAJE DE VÍCTIMAS QUE REALIZARON UNA DENUNCIA FORMAL



Source: CeDoSTALC

Percentage of victims who made a formal report
No – Yes

The insecurity that trans women suffer every day prevents them from reporting the crimes in justice, thus creating a culture of silence (AI 2001). In Mexico, it is estimated that 90% of the cases of violence and violations of rights are not reported (TLC 2016). According to national reports, in Guatemala only 11% made a formal report because the judicial system does not recognize gender identity, while in Ecuador almost half of the cases of trans people's rights violations were not reported due to the lack of trust in the judicial system, the bureaucracy of making a report and the lack of knowledge regarding proceedings and institutions to make those reports.

Different factors act as barriers for trans women to make the appropriate reports. First of all, the lack of constitutional guarantees causes victims to refrain from making a formal report and, thus, this causes the case to remain unpunished. This is articulated with the historical lack of action by the police and judicial systems, i.e. the fact that most

cases are not investigated creates a sense of helplessness in affected communities. This situation hinders the scarce reports of trans population and causes a lack of protection, which favors the repetition of abuses with no precedents. To evidence this component, we present the following case of a trans woman in Tizayuca, Mexico:

*Day after day, she tried to earn income for her own living. Working as a hairdresser and having her own business, she told us about everything she went through precisely because of the stressful environment arising from the discrimination prevailing in this municipality. [...] The trans woman told us that a group of offenders molested her continuously and attacked her verbally. They went to her hairdresser's, destroyed her equipment and hurt her face and body. They told her that if she did not leave her work place, they would come back, and next time would be worse, as they would kill her. **As her life was in danger, she decided to move to another state. No formal report was made because in this municipality, as in many others, authorities did absolutely nothing. On the contrary, in most cases, attackers are protected by authorities themselves.***

In some cases, the lack of knowledge regarding bureaucratic processes causes trans women to be in a state of inequality before servants in the judicial system. The acts of violence committed by the officers from fundamental institutions cause trans women not to make formal reports because they understand that they will not be taken as seriously as they should be; this is the case of R., which occurred in Costa Rica:

Three months ago, R. had made a formal report for robbery before the Judicial Investigation Agency. The public servant summoned her for the following week, at 8:00 a.m. She told him that she could not attend at that time because she is a sex worker at night and morning hours are difficult for her; so she asked him to please change the appointment for the afternoon. The public servant told her in a bad way that he could not do it.

He explained that, on the date of the appointment, the attacker's physical recognition procedure would take place. She said that, as it was in the morning, she was no longer interested in continuing with the report. The servant then said that she had to sign a document, but she did not understand very well what she had to sign and refused to sign it as she was afraid of the servant's unkind attitude. He said that she could not leave the office unless she signed. She grabbed her purse to leave, but the officer kept her identification document. At night she had to perform sex work without her identification document, thus running the risk of being detained by the police for having no identification document.

As observed, gender-related discrimination affects the judicial system, prosecutors' offices and other bodies in charge of investigating and punishing crimes. This lack of action in response to abused trans people legitimizes, even indirectly, the violence that this population suffers on a daily basis.

Secondly, the gender-related discrimination that affects all levels of justice causes trans women to be the victims of mocking and assault when they try to make a report (REDLACTRANS 2014). Many times state agents or police officers show no interest in the reports or question the credibility of trans women's testimonies (Inter-American Commission on Human Rights, 2015).

The case of A. from Nicaragua shows the discriminatory treatment that trans women suffer when they try to make a report in a police station:

On May 18, A. filed a report for robbery. At the beginning, she received a good treatment at the police station, but suddenly she began to be insulted and was called pejorative names, such as "pig". They started to harass her sexually and told her to suck the officers' penises. They laughed and paid no attention, so the report could not be made.

In third place, when a trans woman reports a violation, she becomes automatically subject to physical abuse and may be even murdered. Within this context of violence, plus the continuous threat against their lives, trans women are not only deprived of their right to security and life but also of their right to free expression, as any comment that they make may put their lives in danger (HRC 2012).

In the section "Violations to the right to life and personal integrity", we presented the testimony of a trans woman from Ixtlahuacán de los Membrillos, state of Jalisco, Mexico, who was sexually abused in the public street. Neither she nor her family made any report due to the fear of retaliation. As a result, the victim decided to move to Guadalajara to preserve her integrity:

After the event, they threatened to injure me or my family if I reported what had happened. I have no intention to report it due to obvious reasons, so I decided to come to live to Guadalajara.

This impunity is also present in judicial bodies, where trans women are deprived of their right to a fair trial. Even when the trial begins, many trans women continue to be in an unequal position, as witnesses are usually threatened or the necessary information is denied or delivered on an untimely basis, causing them to begin the trial in a disadvantaged position (REDLACTRANS 2012). The impunity evidenced in the

investigation and punishment of crimes committed against the trans population is a symptom of institutional discrimination suffered by them (Ignacio Borgogno, 2009).

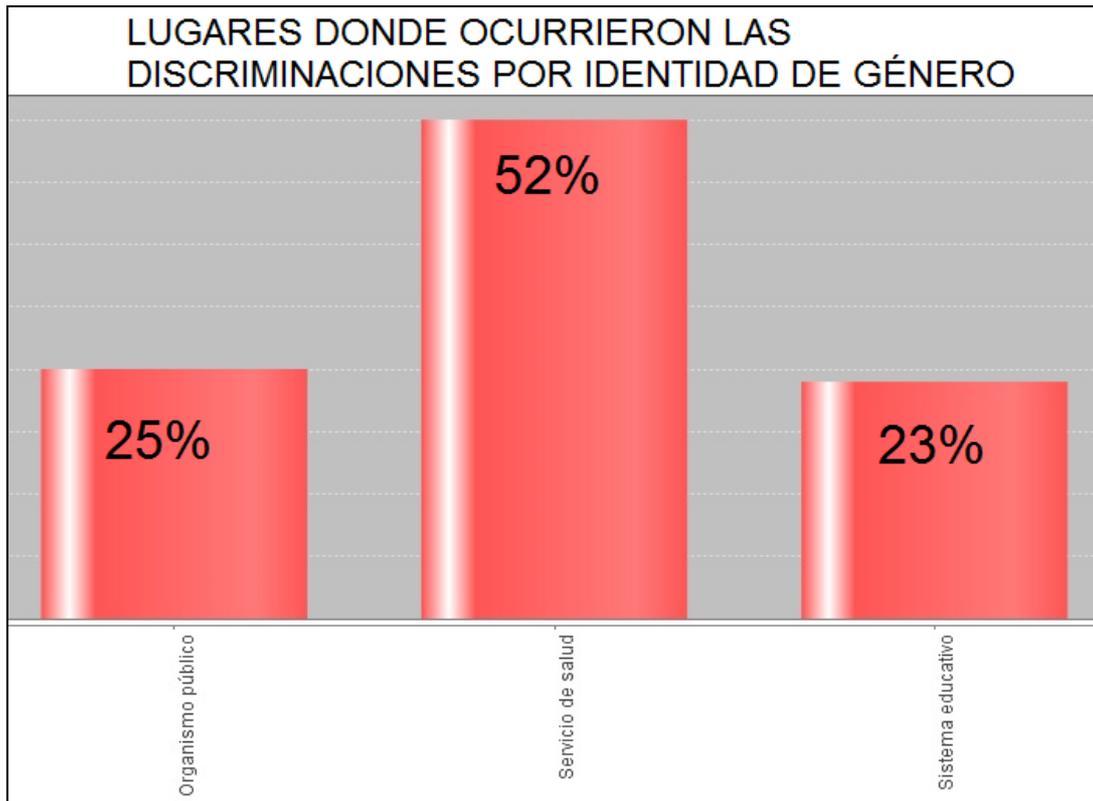
This scenario, characterized by impunity and the lack of response, backs down the judicial guarantees set forth by Article 8 of the American Convention on Human Rights:

Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

3.4 Violations to the right to access health services

Throughout our lives, trans women face health issues derived from stigmas, discrimination and the violence to which they are exposed, as well as a set of problems related to health care services and providers. As previously mentioned, health care providers are among the main perpetrators of human rights violations against trans women.

As trans women do not follow the binary definitions accepted by the different medical, psychiatric and psychological disciplines, trans women are legally unprotected and excluded from health care systems. In this sense, when the cases documented by “places where the cases of gender identity-related discrimination have occurred” are divided into segments, we observe that 52% of these violations have occurred in health care services, while 25% occurred in public agencies and the remaining 23%, within the education system (this will be analyzed in the following section).



Source: CeDoSTALC

Places where the cases of gender identity-related discrimination have occurred
Public agency – Health care service – Education system

Commonly, trans women have no access to public health care institutions. Service staff are not trained to deal with transgender population; therefore, in general trans women are **assaulted or ill-treated by health care providers**, apart from being forced to therapies to “get cured” or “treat” their sexual orientation (Inter-American Commission on Human Rights, 2015).

This ill treatment is evidenced not only upon medical consultation, but also upon entering a health care institution by administrative staff. This is a case documented in Costa Rica, which shows how a trans woman is called by her male name by an employee of the Ministry of Health:

*At 1:00 p.m., A. went to the Ministry of Health. Upon entering, she requested the security officer to be entered as A. M. **The officer refused to do so because her real name was xxxx and that was the only name that he would use.***

This testimony shows that intrinsic discriminatory practices in health systems should be analyzed in all spheres: state agencies, hospitals, primary care centers, etc., as well as all the persons involved in health care.

One of the main and repeated discriminatory practices is **not being identified by the female name**, according to the self-perceived genre. This creates a barrier upon accessing health care services. The following cases, documented in Uruguay, show this violation by different persons at the hospital.

A trans woman went to “Hospital Departamental de Rivera, ASSE” for a medical consultation. As her registry change has not been performed yet, she requested the person serving her to call her by her last name, which the servant refused, saying that she would call her as in the identification card. This is a discriminatory and mocking attitude in this situation and shows the lack of respect towards gender identity. Afterwards, when she entered the office, the physician did not even perform the stipulated procedures, i.e. he did not provide any assistance, which is a clear case of a violation to the access to health care.

*A trans woman affiliated to Asociación Española (a private medical service) went there to withdraw her medication. When she went to pay for it, instead of calling her by her last name, as usual, **she was called by her first name**, thus failing to respect her gender identity.*

These abuses are a violation to Yogyakarta Principle 2, which defines gender identity as follows:

[...] each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

Health care institutions and teams are liable for comprehensively addressing the medical needs of transgender people by understanding the importance of acknowledging gender identity through every aspect of life.

The following events occurred in Paraguay and evidence the violation of being called by the legal name and not the name associated with the self-perceived genre.

*[...] Ms. S. is a trans woman that, when called by her civil name by the nurse in Hospital Distrital of the city of San Lorenzo, **was made fun of by the patients** waiting at the place.*

*[...] Mrs. M. had gone to a public hospital. When she requested medical services, a nurse **did not accept her social name** and called her by her civil name, aloud and in a contemptuous manner.*

In other cases, abuse and ill treatment are observed in the fact that health workers **associate trans people with people living with HIV**, which is a strong stigmatization.

A patient went to a medical consultation related to a heart ultrasound. Ill treatment and discrimination began since admission. When presenting her card, identifying her as a chronic patient, she asked to be called by her gender identity name. However, she was called at all times by doctors and nurses by her male name, even though her appearance is that of a trans woman. After a long wait, she was called to be seen as “the one with the infectious contagious disease”. (Uruguay)

HIV prevalence in most Latin American countries is 0.5-1%; however, in the case of trans people, prevalence is about 35% (REDLACTRANS 2012). The deficiencies in the access to health care have great HIV/AIDS implications. As observed, discrimination in health care centers gets worse when people have the prejudice of associating sex-gender diversity with the lack of sexual health.

Apart from these statistics, as trans women refuse to be tested for HIV due to the lack of understanding and ill treatment from health care providers, a significant portion of population is unaware of their diagnosis, which is essential to reach the 90-90-90 goals by 2030. The following case, documented in El Salvador, show how stigma and discrimination prevent a trans woman from being tested.

A trans woman went to a health care institution in the municipality of Mejicanos, district of San Salvador, for an HIV test. Since she arrived, she was discriminated by her gender identity by the assistance center guard, who treated her as a man at all times, although she requested on many occasions to be treated as a woman. Under those circumstances, the trans woman felt that her integrity had been affected, as there were other people at the place; so she decided to leave the health care center.

Based on the previous comments, it should be noted that health care centers in the region do not provide comprehensive health care to trans population. The access to surgeries and hormonal treatments for gender reassignment are usually beyond the economic possibilities of trans people (Bockting and Keatley 2011). This leads to self-medication of hormones and silicone and vegetable oil injections in the breasts, which generates very serious consequences for health and life expectancy. The use of silicones is deemed necessary for sex work. In Lima, 36% of interviewed women had self-made

silicone implants (Instituto Runa 2007, 23). In Guatemala, 38.2% of interviewed trans women reported having injected mineral oil themselves to make their bodies more feminine (Guardado Escobar et al. 2015). The lack of response from the states in view of the self-medication of hormones and silicone and vegetable oil injections may give rise to serious injuries to the body.

In addition, in the countries where these treatments are forbidden, certain trans women resort to clandestine centers to have surgeries to adapt their bodies to their self-perceived gender. These surgeries are performed under unhygienic conditions by untrained staff, which puts their lives in danger. In other cases, trans women resort to surgeries at these places due to high costs and the lack of competent professionals in the health care system. This is the case of a trans woman in Ecuador who died of malpractice in a clandestine health care center:

*On November 1, 2017, in the city of Santo Domingo de los Tsáchilas, it became known that an 18-year-old trans woman died. **The cause of her death was the gluteal injection of silicone received in a clandestine clinic.** This happens because the Government of Ecuador does not guarantee the right of trans women to access quality and, especially, legal surgeries. Most of them resort to the injection of silicone and other biopolymers in clandestine clinics because they offer economic and attractive packages in order to change their male bodies and make them more feminine.*

3.5 Violations to the right to access education

Just as in the health care area, discrimination and human rights violations against trans women are also institutionalized in the exclusion from the education system. No solid mechanisms are observed in the region to monitor and report school violence events in general, and there is almost no mechanism to monitor gender-related school violence.

However, available information shows the barriers that trans people have to access education, which, in the medium and long term, cause them to be expelled from the education system and institutions. This is shown in the following chart that takes into account the education level reached by the victims that presented their cases to the CeDoSTALC. According to this information, **around only one fourth of trans women**

manage to end their high-school studies, while one fifth does not manage to conclude the initial level.



Source: CeDoSTALC

Education level reached by the victims

Never attended school – Complete primary studies – Incomplete primary studies – Complete high-school studies - Incomplete high-school studies – Complete post-high-school or university studies – Incomplete post-high-school or university studies

First of all, the removal from the education system arises from the **lack of understanding, stigma and discrimination** suffered by trans women due to their gender identity and sexual identity. Transphobic bullying comes from class mates, as well as professors, administrative staff and school authorities (Salazar and Cáceres 2013; OREALC 2015). The following case, documented in Bolivia, shows this lack of understanding from the educational institution’s director:

A transgender student abandoned her studies in a private education unit in Sucre after reporting alleged discrimination and harassment. The school director rejected that any teacher or herself may have performed any of these actions.

In some cases, trans people are expelled from the education system or obliged, through harassment and violence, to leave these establishments (Tarzwell 2006). These

discrimination and harassment levels in school spaces cause many trans women to drop their studies. As in the previous case, there is a case in Uruguay where a student is called by her male name.

The high-school teacher does not call the trans woman by her identification name, although she has a feminine gender identity.

In educational institutions, there are expected behavior patterns that are part of the socialization process among children. Hegemonic gender socialization is supported by educational institutions, which does not occur with sex-gender diversity. Thus, institutions state that they have implicit or explicit rules against the lack of gender normativity, including the rejection of “effeminacy” (Salazar y Cáceres 2013). This is evidenced in the following case documented in Costa Rica, where a high-school student that was beginning her transition was suspended by the director:

*A trans woman that is currently studying in high school was suspended indefinitely by the director of her school. **She is beginning with her transition process and, like the rest of her schoolmates, she started to use make-up.** In two occasions, she was reprimanded and sent to the school director’s office, who used masculine pronouns to refer to her and informed her that “**men do not use make-up**”. She explained that she is a trans woman and that she has the same rights as her schoolmates, but the director responded that she would never be a woman. The trans woman was very much offended, yelled at him and the director suspended her.*

The following case documented in the Dominican Republic shows the construction of behavior rules that reproduce gender normativity.

At the education center, the director discriminated her for her sexual orientation and assaulted her verbally. She was told that she was not accepted because of her attire, as she broke the rules established in the school premises as she was a man, not a woman, and had to be dressed as such. She was an aberration for being what she was and her way of dressing was disgusting. This happened at the director’s office. The director said that if she did not dress like a man, she would be expelled from school.

Implicit and explicit policies rejecting sex-gender diversity in educational institutions hinder the creation of dialogue and support the stigmatizing behavior of teachers and students, thus creating hostile places, insults and physical abuse against trans students (Salazar y Cáceres 2013). The inability to discuss sex-gender diversity matters in educational institutions propagates negative ideas regarding trans people, considering them dangerous people associated with certain diseases and a bad influence for other students. The negative perception in educational centers leads to isolation and

school bullying, even at the university (Salazar y Cáceres 2013). The following testimony recorded in Paraguay shows that mocking and defamatory remarks occur even at university level:

We became aware of the case of Ms. L., a trans woman that was taking a course to enter the School of Philosophy of the University of Asunción. Due to the mocking, discrimination and bullying suffered from schoolmates and teacher, she decided to drop her studies.

Different studies in the region have shown that being effeminate increases the risk of suffering violence and bullying in school spaces (Salazar y Cáceres 2013). As a result, a great percentage of trans people state that they have suffered discrimination in school. In Argentina, 60% of trans people stated that they suffered discrimination (INADI 2012, 15). In the 2009 study performed by REDLACTRANS, 100% of surveyed trans women reported to have been discriminated. A total 81% of trans women in El Salvador and 73% in Guatemala were unable to finish their high-school education (REDLACTRANS 2015).

Even for the trans women that are able to conclude their university studies, the way is not an easy one for professional performance purposes. In Paraguay there was a trans woman who finished her law career, but as her gender expression does not agree with her legal identity, she cannot obtain her registration:

We have the report of Mrs. K, a trans woman who finished her university studies and obtained the degree of lawyer. However, she cannot obtain her professional registration allowing her to exercise as a lawyer because the Supreme Court of Justice denied that right to her, as her photograph is not consistent with her civil name. For many years, she has been denied this right and to date she has not obtained a favorable resolution to her request.

Finally, note that an element that enables the removal of trans women is that school curricula does not include an overall analysis of trans women's reality. This becomes evident in sexual education spaces in which contents usually refer to heterosexual relationship exclusively (OREALC 2015). As a result, the persons with non-normative sexual orientation and gender identity are deprived of relevant information for their development as human beings; this causes them to look for information from sources that are not always reliable, thus limiting their capacity to make conscious decisions on sexual and reproductive health (HIVOS 2012).

3.6 Violations to the right to labor access

Discrimination, stigma and the lack of access to education and training prevent trans women from having labor opportunities. This is aggravated by the lack of identification documents showing their gender identity, which enables discrimination by employers (REDLACTRANS 2014). Notwithstanding the capacity of people, dismissals and sudden changes of opinion are common after they are hired. This generates chronic labor exclusion, putting trans women under the line of poverty.

As already mentioned, the lack of access to labor opportunities pushes many trans people to sex work; this option is a source of livelihood for a significant portion of trans women in the region. Only a minority is able to have formal jobs. Discrimination constitutes a scenario in which sex work is naturalized as an undisputed situation and is deemed inherent to trans women population, not a result of historical marginalization and stigma.

In some cases, trans women who enter formal labor spaces face discrimination from colleagues and bosses. Following this line, labor environments become exclusion scenarios due to the discriminatory practices that arise from daily interaction with work mates. The following cases, which occurred in Uruguay in 2017, expose the tension arising during labor hours, for instance, when trans women use the ladies' room.

*She works in a public hospital and is discriminated by her supervisor, who commits **workplace harassment: she tells her own colleagues that they should not have maté with her and insults her in different ways.** She also **has problems with the use of the bathroom.** The trans woman did not report anything to the Labor and Social Security Ministry for fear of losing her job.*

***At work, she is not allowed to enter the ladies' room.** Even though she can use the men's room, she prefers not to. She wears adult diapers or does not relieve herself at all, with the subsequent discomfort that this causes to her physical, psychic and emotional well-being. Most trans women have problems with the use of bathrooms, especially at the workplace and in education spaces.*

Frequently the use of bathrooms summarizes the daily dispute of trans women in demanding the recognition of their self-perceived genre and the correlate with daily practices. As observed in the previous testimony, stigma and discrimination are a barrier that prevent even the normal development of body functions since, from the heteronormative perspective, there would be no consistency between gender expression and culturally expected behavior.

This is the testimony of a trans woman from Dominican Republic that evidences this barrier upon applying for a job:

A trans woman went to a drugstore to apply for a job, as a female friend had advised them that they were looking for people. The head, after seeing her identification, realized that she was not a woman and told her that she met all requirements, but as she was a man, not a woman, the establishment could not give her the job.

In another case, a trans woman from Mexico that works in a public health institution spoke about the daily harassment from her work mates and the lack of response from her employers:

*A 25-year-old trans woman from Guanajuato worked in a health care agency. For eight years, **she suffered serious harassment due to her gender identity from one of her work mates and her boss.** The situation was so stressful that, on occasions, she called in sick to avoid mocking and uncomfortable looks. She tried to speak to those in charge of her boss, but was told that they would be told about this.*

This section shows the difficulties that trans women go through in order to access the labor market and keep a job. Abuse and harassment characterize the interpersonal dynamics at the workplace, causing trans women to “bear” dehumanizing labor circumstances or to leave the labor market. This is a violation to the *ILO Declaration on Fundamental Principles and Rights at Work*, which points out the elimination of discrimination regarding employment and occupation matters.

4. Summary and recommendations

This report allows summarizing the following results obtained from the analysis of the cases recorded in the CeDoSTALC in 2016 and 2017:

- A total 53% of the case occurred in Central America and Mexico, while 25% occurred in the Andean region and 22%, in the Southern Cone.
- Discrimination events cover about 40% of human rights violations against trans women in 2016 and 2017. In addition, murders reach one fourth of all cases, while abuse and physical assaults take up 30% and, finally, assaults with sexual abuse take up 5%.

- A total 73% of trans women who have suffered a human rights violation resort to sex work as their source of livelihood, while only 15% have a formal job.
- The main attackers include: individuals motivated by hate ideologies (30%), health service staff (presented in the section “Violations to the right to access health services”) and other state agents (21%), security forces (18%) and sex work clients (14%).
- Sex work areas and the public street are the places with higher percentage of violations occurred in 2016 and 2017 in the region.
- Trans women aged 21 to 30 are the main victims of human rights violations.
- A total 62% of trans women whose rights have been violated do not make any report.
- A total 52% of gender identity-related discrimination cases have occurred in health care services, while 25% occurred in public agencies and the remaining 23%, within the education system.
- Only one fourth of trans women manage to end their high-school studies, while one fifth does not manage to conclude the initial level.

Considering these items, the Latin American and Caribbean Network of Trans People issues the following recommendations for American states:

A) Legal reform in the region

- **We demand the enactment of a gender identity law in all countries of the region** to recognize and guarantee trans people’s right to freely exercise gender identity. The States must take the steps required to establish accessible, speedy, simple and legal mechanisms, preferably administrative mechanisms –taking as a model Argentine Law No. 26,743–, allowing trans people to modify their registration name and sex in their personal documentation, without the obligation to perform any previous requirements concerning medical, psychiatric or psychological diagnoses, sterilization or any other invasive procedure. Legal assistance shall not be an exclusive or mandatory requirement to make the request.
- **The States shall eradicate all transphobic regulations**, thus eliminating all provisions that may be construed as a criminalization of trans people’s sex work and to justify arbitrary detentions.
- **Setting communication, cooperation and coordination mechanisms with the community’s organizations defending trans people’s rights.** The process to create the gender identity law and all public policies involving trans populations should

involve the priority participation of national and regional organizations that have historically defended trans people. This will ensure that the same people who benefit from the policies designed and implemented are able to provide their opinion to achieve proper and effective measures to resolved existing problems.

- **Setting mechanisms for the cooperation with human rights international bodies on how to create a gender identity law.** The States must establish mechanisms to cooperate with human rights international bodies engaged in gender identity, such as the Inter-American Commission on Human Rights and the United Nations High Commissioner for Human Rights, so as to adapt their domestic legislation to human rights international standards.

B) Response to violations to the right to life, personal integrity and to access justice.

- All alleged human rights violations against trans women must be investigated, prosecuted and punished. **No murder of a trans woman must remain unpunished.**

- **The officers of security forces involved in arbitrary detentions, extortion and violence against trans people must be investigated seriously and punished, as applicable, and all the measures required to eliminate these practices should be taken.** The States must carry out court procedures to investigate the crimes committed by security force agents against trans people. They must comply with the due diligence standard, be thorough, serious and impartial, prosecute and punish those liable and granting due consideration to the potential reasons based on the victims' gender identity.

- **The States are urged to implement training and education on human rights and gender** in favor of security and judicial system officers at all levels. The States must monitor and punish all infringements by their officers against trans population.

- **Setting mechanisms to facilitate and ensure effective access to justice with no discrimination or risk of retaliation against the claimants.** The States are urged to develop specific and effective mechanisms to guarantee access to justice by all trans people, so as to protect and guarantee their human rights.

- **The States must provide free and independent legal assistance** in all the cases where trans women file claims for violence and discrimination.

- **The States must include trans women in their policies and programs** for gender violence elimination.

- The States must finance and manage **institutional public campaigns to fight the social discrimination** of trans women, with full participation of this population in designing them.

C) Response to violations against the right to health care.

1. **The unrestricted access of trans women to comprehensive health care must be guaranteed, as well as the respect of their gender identity in all health care centers.** For this purpose, it is recommended to implement programs to eliminate discrimination and improve comprehensive health care for trans population in health care systems. The States must include in the national health plan the overall management of population needs, especially those referring to hormonal treatments and adapting the body to the self-perceived gender.

2. **Implementing training programs on health, gender identity, human rights and assistance to trans women for all health care workers.** The States are urged to generate spaces for training in aspects that may help health professionals understand and treat trans population in a decent manner.

D) Response to violations against the right to education.

- The States shall support **trans women in reentering or staying at the educational system with their feminine image** through policies ensuring the respect for gender identity and expression.

- **Enacting a law against bullying at school**, expressly referring to gender identity-based harassment. The States shall take urgent measures to deal with school bullying based on the victims' gender identity and expression as a human rights problem, thus ensuring that education environments are free of violence and discrimination against trans students.

- **Training teachers, directors and further school staff and making them aware of school bullying and the rights of trans people.** It is fundamental for States to train all education staff regarding human rights and gender in order to promote the tools required to prevent and deal with cases of school bullying against trans people.

- **Including trans teenagers in childhood and adolescence protection policies and practices**, especially those aimed at victims of violence and family and educational system exclusion. The States must develop an overall and effective plan to protect trans girls, boys and teenagers and guarantee their rights to access education and have shelters to satisfy their needs if expelled from their homes.

E) Response to violations against the right to work.

- **Developing public policies to generate labor and social inclusion in favor of trans population according to their needs.** The States must lead the promotion of labor opportunities for trans population. These types of measures would prevent trans women from resorting to sex work as the only source of livelihood. It is required to design and implement programs ensuring access to labor opportunities, apart from promoting respect and non-discrimination at their work place.

5. Notes and bibliography

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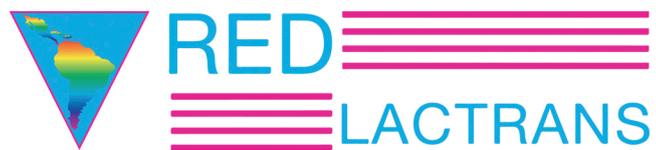
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