

**Declaration on behalf of civil society from Latin America and the Caribbean  
on Human Rights, Sexual Orientation and Gender Identity**

*delivered by Colin Robinson and Belissa Andia Pérez*

Brasilia, April 5<sup>th</sup>, 2013

1. **Good afternoon government authorities of the Republic of Brazil, and delegates from the countries of Latin America. We, as lesbian, gay, bisexual, transsexual, transgender and intersex (LGBTI) people and other identities based on sexual orientation and gender identity, coming from fifteen countries of different parts of the Americas, gathered from 2 to 3 April 2013 in Brazil's capital Brasilia, publicly express our voice in relation to the next resolution on human rights, sexual orientation and gender identity within the United Nations (UN), and we state the following:**
2. I am Colin Robinson, a Trinidadian and the manager of the Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (FLAGS), a regional coalition with offices in the Dominican Republic, Jamaica, St. Lucia and my own country, and partners in nine others. Belissa Andía, from Peru, Executive Director of the Runa Institute of Development and Gender Studies (Instituto Runa de Desarrollo y Estudios sobre Género) and I, will speak today on behalf of the civil society activists and organizations from Latin America and the Caribbean who participated in the meeting on sexual orientation and gender identity, where we talked about upcoming challenges and political needs, multilateral relationships among countries as well as emerging issues that have to find leadership at the regional and the international levels in advancing human rights in the Americas.
3. But our work is terribly incomplete. There remain whole parts of our region, within our own family, where laws, as well as attitudes sanctioned by state officials, enforce inequality and violence against citizens based on our sexual orientation and gender identity. Regional governments have gone before the United Nations Human Rights Council and justified inaction in protecting the human rights of sexual minorities by indicating the lack of a “political mandate” to do so, appealing in one instance for special human rights conditionalities for small states. Parliaments in my country have increased penalties for intimate sexual relations twice since national independence, which remains a criminal offence in 11 of the 33 states in Latin America, with life

imprisonment in two cases. As recently as the 1990s, Barbados passed a law criminalizing same-sex sexual relations previously unregulated in law, and prosecution still continues for private consensual activities. An antidiscrimination statute enacted in Trinidad and Tobago in 2000 explicitly excludes sexual orientation as a protected category. In 2003, a constitutional amendment that included protections against discrimination based on sexual orientation was vetoed by the Guyanese President. And finally, in 2011, a new bill of rights in the Jamaican Constitution exempted existing sexual offences laws from judicial review. In addition, in Belize and Trinidad and Tobago, some existing laws prohibit immigration of homosexuals. In Guyana, some laws make cross-dressing for an improper purpose illegal.

4. Laws are not the only problem. Jamaica and the Dominican Republic alone recorded over 25 murders of LGBT people in 2011 and 2012, and many more documented cases of bias-related violence. In Jamaica, police officials have dismissed bias-related murders of gay men as intimate partner violence, and in Trinidad and Tobago victims of opportunistic gay dating site crimes refuse to seek justice for fear of revictimization by police. Chronic homelessness among young LGBT people has become a well-documented impact of the confluence of homophobia in children's homes, families, schools, employment and by neighbours in Kingston, Jamaica, and activists have drawn attention to similar patterns in Castries, St. Lucia and Port of Spain, including targeted use of vagrancy laws by the police. International religious forces descended on Belize to defend its law against buggery, countering a domestic constitutional court challenge. Political leaders have learned to make carefully crafted, promising statements to appease international observers, but these have failed to lead to any meaningful impact in terms of policies protecting the dignity and the rights of persons with different sexual orientation and gender identity.
5. We remind States that we, as persons with diverse sexual orientations and gender identities, have the same rights as all persons, and in this context, traditional values often bring a collective harmony in our communities. However, it is important to recall that the same traditional values are also often utilized to justify human rights violations. This impedes the enjoyment of equal conditions and opportunities for a decent life, in a comprehensive context of full exercise of sexual and reproductive rights and of related economic, civil, political, cultural, environmental and other rights.

6. Thus, it is important that traditional values in our societies be complemented and strengthened in essential consistency with human rights, which are universal, interdependent, mutually reinforcing, indivisible and inviolable. For that reason, States must eradicate public policies, cultural practices, traditions, customs, domestic norms and regulations that distort and contravene the inalienable dignity to which each and every human being is entitled without discrimination on the basis of sexual orientation and gender identity.
7. We denounce acts of violence against persons with diverse sexual orientations and gender identities in the region, perpetrated by the States' action or acquiescence, which gravely restrict the exercise of their full citizenship and endanger democratic life itself. We consequently recall that today, 11 countries in the English-speaking Caribbean criminalize homosexuality, and that in Brazil, where such criminalization does not exist, over 300 persons were murdered for their sexual orientations or gender identities in 2012.
8. Such acts of violence – which are institutional, social, cultural, etc. – result in both physical as well as social death, bringing about exclusion from the educational system, unemployment, low self-esteem, depression, and forecloses a vision of possibilities for the future.
9. We draw the attention of governments to the increasing interference of conservative groups, religious, ideological and other fundamentalists, into political decisions on human rights, particularly into those related to sexual and reproductive rights. The attempts to impose a sole form of belief and ideology through laws and regulations are threatening religious diversity, democratic principles as well as the development of individual personality. They are threatening lives as they encourage violence and discrimination, via a discourse disguised as a defense of traditional values.
10. It is of vital importance that States restrict interference of religious institutions into public policies in order to guarantee the full exercise of the rights of all persons. We recall that all States have a responsibility to guarantee the right to universal access to high-quality education. Failure to comply with this obligation contributes to people being pushed out from the education system on the basis of their sexual orientation or gender identity, and in a further dramatic way in the case of trans and intersex persons, whose life trajectory is almost irreparably affected.
11. Accordingly, it is necessary to implement an integrated focus on sexual and gender diversity in education and to promote schools that are free from homophobia,

lesbophobia and transphobia, by reframing educational programs to include comprehensive education on sexuality and trainings for the educational community. This results in positive impacts on social harmony, and not, as it is often claimed, modification of people's sexual orientation and gender identity.

12. We condemn violence against trans persons based on their gender identity, which ranges from stigma to hate crimes. Violation of their rights has a direct impact on the situation of extreme vulnerability and marginalization they experience, so that their lives are structured by a disintegrating dynamic: expulsion from their families, from the labor market, from the education and health care systems.
13. States cannot threaten human life; transphobia cannot nor should not be tolerated. Equality of rights must be guaranteed to those persons who do not identify with the gender they were assigned at birth. States that do not adopt specific policies against such abuses enshrine and contribute to discriminatory and violent practices.
14. In February of this year, it was established that incarcerated trans persons live in an extremely violent environment. Trans women, who are incarcerated in men's jails, and trans men, who are incarcerated in women's jails, suffer continuous violation of their rights. We sadly learned of a trans woman, deprived of her liberty, who came to expect assaults from the environment in which she lived, would not leave her cell, staying there all day and night and with no sanitary facilities, in shameful conditions, having to relieve herself in bags and plastic bottles.
15. We condemn mutilating surgeries to which intersex children are subjected during their childhood and even adolescence, with the aim of adjusting their genitals to those stereotypes validated by medicine. These normalizing processing are endorsed by almost all health professionals, in violation of the corporal integrity and decisional autonomy of intersex persons.
16. In the light of the foregoing:
  - 17.1. We request that the United Nations Human Rights Council engage with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in order for it to produce, as its mandate allows, a report on the situation of the rights of persons with diverse sexual orientations and gender identities worldwide; that the said report be presented within a short period of time; and that various reported introduced by civil society be taken into account in the process of its elaboration,

as well as other documents and recommendations from Human Rights Committees and Resolutions of the OAS.

17.2. We recommend that the said report take specifically into account the issues exposed in the present declaration.

**Endorsing Organizations:**

ARC International (Canada)

Associação Brasileira de Homens Trans (Brasil)

Asociación Silueta X (Ecuador)

Associação Brasileira de Lésbicas, Gays, Bissexuais, Travestis e Transexuais–ABGLT, (Brasil)

CAISO- CARIFLAGS - Trinidad and Tobago

Campaña por una Convención Interamericana de Derechos Sexuales y Derechos Reproductivos (Paraguay)

CATTRACHAS (Honduras)

Colectivo Ovejas Negras (Uruguay)

Comunidad Homosexual Argentina (Argentina)

Council for Global Equality (Estados Unidos)

Diverlex Diversidad e Igualdad a través de la Ley (Venezuela)

Diversidad Dominicana (República Dominicana)

Frente Nacional por la Ley de Identidad de Género (Argentina)

Fundación Diversencia (Bolivia)

Fundación Iguales (Chile)

Fundación Reflejos de Venezuela (Venezuela)

Grupo Identidade (Brasil)

Instituto Edson Neris (Brasil)

Instituto Runa de Desarrollo y Estudios sobre Género-RUNA (Perú)

International Gay and Lesbian Human Rights Commission - IGLHRC (U.S.A)

International Lesbian, Gay, Bisexual, Trans and Intersex Association of Latin America and Caribbean - ILGA LAC

International Lesbian, Gay, Bisexual, Trans and Intersex Association- ILGA

J-FLAG-CARIFLAGS (Jamaica)

Movimiento Trans del Perú (Perú)

Mulabi (Costa Rica)

Organización de Transexuales por la Dignidad de la Diversidad – OTD (Chile)  
Red de Voluntarios de Amigos Siempre Amigos-REVASA (República Dominicana)  
Relatoria Nacional do Directo Humano á Saude Sexual e Reprodutiva – Plataforma  
DHESCA (Brasil)  
Trans Amigas Siempre Amigas-TRANSSA (República Dominicana)  
UNAIDS/Brasil  
United and Strong Inc. - CARIFLAGS (Santa Lucía)  
WomenSway-CARIFLAGS (Suriname)  
Youth Coalition for Sexual and Reproductive Rights (Brasil)