

LGBTTTI COALITION CELEBRATES YET ANOTHER SUCCESSFUL OAS GENERAL ASSEMBLY

Washington DC, June 14, 2018

The Coalition of Lesbians, Gays, Bisexuals, Transgender, Transsexuals, *Travestis* and Intersex (LGBTTTI) people of Latin America and the Caribbean working within the framework of the Organization of American States (OAS) **celebrates** the adoption of the Omnibus Resolution on Human Rights ([OEA/Ser.P/AG/CG/doc.5/18 rev.2](#)), which includes **section (xii) focusing on the “human rights and prevention of discrimination and violence against LGBTI persons,”** during its 48th Regular Session of the General Assembly, which took place in Washington DC, June 4 and 5, 2018.

C THE DIALOGUE WITH HEADS OF DELEGATION THE SECRETARY GENERAL, THE ASSISTANT SECRETARY GENERAL AND REPRESENTATIVES FROM CIVIL SOCIETY ORGANIZATIONS

During this Dialogue we saw an increasing number of allies integrate a message of equality for all and acceptance of sexual and gender diversity, including a newly established coalition entitled *Religions, Beliefs and Spiritualities in the Dialogue with Civil Society*. We continue to see anti-rights and conservative groups promote messages that violate human dignity and undermine the human rights of LGBTI people in the Americas. Some of these messages include a narrative that fails to recognize the legitimacy of the organs of the Inter-American Human Rights System, including the competence of the Inter-American Commission and Court of Human Rights to monitor States’ compliance with the most basic and undisputed international human rights obligations, such as the obligation to ensure the rights to equality and non-discrimination.

We highlight that despite notable progress in terms of policies, laws and judicial recognition in the Americas, there are many challenges that curtail the full enjoyment and exercise of our rights. We continue to see high levels of violence and discrimination at all levels against LGBTI people, or those perceived as such, in the Americas. This violence is exacerbated when we face multiple factors of discrimination, including because of our race, ethnicity, gender, migration status, age, deprivation of liberty, disability, among others. There are still laws, policies and state practices that criminalize our relationships, and our gender expression, and violate our human rights. Further, we express our concern due to the crimes based on prejudice committed on the basis of sexual orientation, gender identity and gender expression, without the States maintaining official records or disaggregated data on said crimes, which hinders their prevention and investigation.

While in Belize and Trinidad & Tobago progress has been made in decriminalizing same-sexual intimacy, countries in the Anglo-Phone Caribbean remain challenged to recognize that no CARICOM state has language in their constitution which are retrogressive in undermining our human rights.

Regarding autonomous sex work, even though it is not explicitly prohibited in the majority of countries in the Americas, there are legal provisions and laws criminalizing different acts surrounding sex work. This, coupled with the absence of clear regulations recognizing it a work, creates the conditions for institutional violence -including sexual and physical violence, extortion and illegal arrests- as well as obstacles to access basic health and justice services.

Further, we see with great concern the introduction of bills or passing of laws that seek to criminalize HIV transmission, non-disclosure and/or exposure, or the misuse of criminal law to criminalize people living with HIV.

Also, we believe that in those countries of the region, such as Venezuela, where the AIDS epidemic continues to affect gay and bisexual men and transgender women, efforts must be strengthened to provide comprehensive medical care and treatment access, as well as how the design and implementation of a prevention policy that considers the particularities of risk groups due to their sexual orientation, identity and gender expression, as these actions are fundamental tools to end the AIDS epidemic.

THE OAS GENERAL ASSEMBLY

The LGBTTTTI Coalition welcomes the reelection of judges to the Inter-American Court of Human Rights (I/A Court H.R.): Humberto Sierra Porto (Colombia) and Eduardo Ferrer Mac-Gregor (Mexico). Sierra Porto and Ferrer Mac-Gregor were sitting judge and vice-president of the I/A Court H.R., respectively, when the highest human rights tribunal in the Americas issued its Advisory Opinion 24/17 in November 2017. This important and binding Advisory Opinion recognizes that the human rights obligations of States vis-à-vis the principles of equality and non-discrimination on the basis of sexual orientation, gender identity and gender expression, include the obligation to recognize families composed of same-sex couples and the right of people to rectify their identification documents to match their gender identity, through non-pathologizing processes. This Advisory Opinion reinforces the urgent need of States in the region to adopt measures to ensure both formal and substantial equality of persons with non-normative or diverse sexual orientations, gender identities and expressions in the Americas (see full Advisory Opinion, [here](#). Access a short summary by the LGBTTTTI Coalition of this Advisory Opinion, [here](#)).

We also congratulate Ricardo Pérez Manrique from Uruguay, as the newly elected judge to the Inter-American Court, who has already publicly expressed his support for Advisory Opinion 24/17. We encourage the Inter-American Court to continue protecting the rights of everyone, without discrimination based on sexual orientation, gender identity, gender expression, and sex characteristics, there by supporting the adequate interpretation of the principles of equality and non-discrimination as enshrined in the inter-American human rights instruments.

THE RESOLUTION ON THE RIGHTS OF LGBTI PEOPLE

The Resolution has virtually the same content as in previous years: the OAS condemns acts of discrimination and violence based on sexual orientation, gender identity or expression, and urges Member States to prevent, investigate, and punish acts of violence and discrimination against LGBTI persons, and to ensure access to justice. There is also mention to the adoption of measures to eliminate barriers faced by LGBTI persons in access to political participation and to avoid interference with their private lives. Reference is made of the need to collect data on violence and discrimination, to protect human rights defenders and intersex people from medical interventions that violate human rights. The Resolution also considers the work of the LGBTI Rapporteurship and, for the first time this year, that of the Department of Social Inclusion of the OAS General Secretariat.

This Resolution is the result of the hard work the LGBTTTTI Coalition has been developing within the OAS since 2007. As in previous occasions, its presence and ongoing participation in different actions

and dialogues with OAS Member States during the General Assembly counteracted the bigot actions and hate speech of fundamentalist and anti-rights organizations who tried to stop the passing and adoption of the Resolution. Thanks to the diplomatic dialogues carried out by Member States -both part of the OAS LGBTI Core Group and allies- the Resolution passed successfully again this year, in spite of the opposition of countries such as Paraguay, St. Lucia and Jamaica, all of which are countries that precisely are noted by their lack of protection of the human rights of LGBTI people. A small minority of OAS Member States included footnotes to the resolution. This is a notable decrease from previous years, particularly 2013/2014, when a larger number of countries had included footnotes to the resolution.

We congratulate Belize, for being the first CARICOM country to co-sponsor this Resolution this year, and Costa Rica for also doing so. We encourage these two Member States and other allies to continue supporting the OAS LGBTI Core Group.

The LGTBTTTI Coalition acknowledges the engagement by the Member States of the OAS LGBTI Core Group, comprised of Argentina, Brazil, Canada, Chile, Colombia, El Salvador, Mexico, United States of America, and Uruguay. We congratulate El Salvador for being the first non-founding member to join the Core Group, and we encourage other OAS Member States to join the Core Group.

THE ANNUAL MEETING OF THE COALITION

More than 40 LGBT activists from across Latin America and the Caribbean gathered in Washington DC to attend our annual meeting prior and the General Assembly. We congratulate the incorporation to our Coalition of the [Red de Trabajadoras Sexuales de Latinoamérica y el Caribe \(RedTraSex\)](#) – a coalition of organizations of women working for the last 20 years for the recognition of independent sex work, and to give visibility to the egregious human rights violations faced by sex workers in the region. We also note the incorporation to our coalition of: [Eastern Caribbean Alliance for Diversity and Equality \(ECADE\)](#) from the Eastern Caribbean region, [Fundación Arcoíris A.C.](#) from Mexico, and, as Associate Member, the [Canadian HIV/AIDS Legal Network](#) from Canada.

ACKNOWLEDGEMENTS

We would like to thank Akahatá – *Equipo de trabajo en Sexualidades y Géneros*, the Arcus Foundation, American University Washington College of Law and Professor Macarena Saez, COC Netherlands, IPAS, the *Red Latinoamericana y del Caribe de Personas Trans (RedLacTrans)*, Mayer Brown LLP, Synergía – Initiatives for Human Rights, for their crucial support to ensure our participation in this OAS General Assembly and our annual meeting.

The LGTBTTTI Coalition remarks the commitment of both the Inter-American Commission and the Inter-American Court of Human Rights, as well as the leadership of the OAS Secretary General, Luis Almagro, and the Department of Social Inclusion, under the leadership of Mauricio Rands and Betilde Muñoz-Pegossian, in the protection and promotion of our human rights.

We call on all OAS Member States to continue ensuring the protection and promotion of the rights of LGBTI people, and to bring down laws that criminalize us or discriminate against us. We urge all OAS Member States to take measures to promote the legislative, administrative and judicial reforms necessary to bring their legal systems, interpretations and practices in line with the standards

established in Advisory Opinion No. 24, issued by the Inter-American Court in November 2017, and to respect the binding nature of this Opinion.

We strongly encourage OAS Member States to follow the leadership shown by Uruguay, which became the first country to ratify this past May 2018 the Inter-American Convention on all Forms of Discrimination and Intolerance.

The following people and organizations attended as part of the LGTBTTTI Coalition of Latin American and Caribbean Organizations working in the context of the OAS:

1. ACTION COMMUNAUTAIRE POUR L'INTEGRATION DES FEMMES VULNERABLES EN HAITI (ACIFVH) – Yaisah Val – Haiti,
2. AIREANA – Mirta Moragas & Judith Grenno – Paraguay,
3. AKAHATÁ, EQUIPO DE TRABAJO EN SEXUALIDADES Y GÉNEROS – María Luisa Peralta – Argentina,
4. ASOCIACIÓN ALFIL – Rashell Erazo – Ecuador,
5. ASOCIACIÓN ASPIDH ARCOIRIS – Ambar Alfaro – El Salvador,
6. ASOCIACIÓN ORGANIZANDO TRANS DIVERSIDADES (OTD-Chile) – Franco Fuica – Chile,
7. ASOCIACIÓN PANAMBI – Yren Rotela – Paraguay,
8. ASOCIACIÓN PAÑAMENA DE PERSONAS TRANS – Venus Tejada – Panama,
9. ATTTA – Marcela Romero – Argentina,
10. CENTRO DE PROMOCIÓN Y DEFENSA DE LOS DERECHOS SEXUALES Y REPRODUCTIVOS (PROMSEX) – Brenda Álvarez – Peru,
11. COLECTIVO OVEJAS NEGRAS – José Ramallo – Uruguay,
12. COLECTIVO UNIDAD COLOR ROSA – Gabriela Redondo – Honduras,
13. COLOMBIA DIVERSA – Lilibeth Cortés Mora – Colombia,
14. COTRAVEDT – Nairovi Castillo – Dominican Republic,
15. EASTERN CARIBBEAN ALLIANCE FOR DIVERSITY AND EQUALITY (ECADE) – Maria Fontenelle – Eastern Caribbean,
16. FUNDACIÓN ARCOÍRIS POR EL RESPETO A LA DIVERSIDAD SEXUAL A.C. – Roberto Baeza – Mexico,
17. J-FLAG/EQUALITY FOR ALL FOUNDATION JAMAICA LTD.– Renae Green & Suelle Alin– Jamaica,
18. LIGA BRASILEIRA DE LÉSBICAS – Mariana Meriqui Rodrigues – Brazil,
19. ORGANIZACIÓN TRANS REINAS DE LA NOCHE – Andrea González – Guatemala
20. RED DE TRABAJADORAS SEXUALES DE LATINOAMÉRICA Y EL CARIBE (RedTraSex) – Lucy Esquivel – Regional,
21. RED LATINOAMERICANA Y DEL CARIBE DE PERSONAS TRANS – Marcela Romero – Regional,
22. RED MEXICANA DE MUJERES TRANS – Paty Betancourt – Mexico,
23. RED TRANS DEL PERÚ – Miluska Luzquiños – Peru,
24. SINDICATO AMANDA JOFRÉ – Alejandra Soto Castillo – Chile,
25. SOCIETY AGAINST SEXUAL ORIENTATION DISCRIMINATION (SASOD) – Villini Leicht – Guyana,
26. TALLER DE COMUNICACIÓN MUJER – Cayetana Salao S. – Ecuador,
27. *THE CANADIAN HIV/AIDS LEGAL NETWORK – Maurice Tomlinson – Canada (*Associate Member)
28. TIA BELIZE – Zahnia Canul – Belize,
29. UNITED BELIZE ADVOCACY MOVEMENT (UNIBAM) – Caleb Orozco – Belize,
30. UNITED AND STRONG INC. – Jassica St. Rose – Saint Lucia,
31. VENEZUELA DIVERSA A.C. – Yonathan Matheus – Venezuela.



Also in attendance:

32. HONDUREÑOS CONTRA EL SIDA and SERO PROJECT – Alfredo González – United States,
33. LAS REINAS CHULAS CABARET Y DERECHOS HUMANOS A.C – Luz Aranda Arroyo – Mexico.

Also, participating the organization supporting the coordination of the LGTBTTTI Coalition: Synergía – Initiatives for Human Rights (Stefano Fabeni, Marcelo Ernesto Ferreyra and Fanny Catalina Gómez Lugo).