

Responding to Human Rights Abuses in Central America: Documentation proving a Mightier Sword

Following the murder of a Speaking Out training facilitator from Honduras in May of 2012, a strong need to better document and raise awareness about hate crimes and other human rights abuses lobbied at sexual minorities in Central America was noted. Training participants from El Salvador, Guatemala, Nicaragua, Panama, and Honduras identified stigma and discrimination, human rights violations, and access to healthcare and other services as key areas to pursue. Specifically, they identified the need to expand information on human rights documentation in the Speaking Out Toolkit.



Figure 1: Speaking Out Training, El Salvador, September 2014

Speaking Out Responds to Identified Human Rights Documentation Needs

In El Salvador, police violence against LGBT (lesbian, gay, bisexual, and transgender) persons is widespread, unemployment discrimination is common, and cases of LGBT being murdered based on their sexual orientation and gender identity often go uninvestigated – 15 known cases in 2014 alone. In Panama, access to healthcare services free of discrimination is nearly unheard of, hindering access to prevention, treatment, care, and support services. In neighboring Honduras, the 2009 coup d'état led to a visible increase in human rights violations against LGBT. Several gay politicians were murdered, and many LGBT activists threatened within that context. “Because we were vocal against the coup, we are persecuted, harassed, and incarcerated,” notes Javier Medina, Executive Director of Asociación Kukulcan (Honduras). These are just a few examples of the discouraging, and often overlooked, human rights situation LGBT communities are facing in Central America.

According to Paty Hernandez, former Executive Director of ASPIDH (El Salvador), “In the first Speaking Out training we learned that if we did not plan and document, our work was not meaningful. By the subsequent training we knew from our experience documenting that there



Figure 2: Speaking Out Central American Human Rights Documentation Training, April 2014

were just too many cases of violence against LGBT people, so we requested the MSMGF to provide a specific training just on human rights documentation.”

Responding to this request, the MSMGF added information, materials, and tools to their global Toolkit in the spring of 2013, expanding the section on human rights documentation. These were piloted and validated during a third regional training in June 2013, and then at a fourth training funded by HIVOS through Speaking Out

Honduran partner Kukulcan in April 2014, attended by 12 leading advocates from El Salvador, Guatemala, Nicaragua, and Honduras. Participants were given tools and skills strengthening opportunities around gathering and presenting information, provided resources and templates of intake forms and other materials to gather necessary initial information, and informed about methods of storing information securely, as well as ways to build better relationships with the media for less biased and more accurate and timely coverage. A representative from the Martus software company attended and presented via video-conference on their platform for documenting case information safely and securely. From Martus participants learned how to scan and store information remotely in the cloud and not on office computers or in office files that could be seized during a raid.

Advocates Improve Response Effectiveness Locally and Regionally

The results from the expanded Speaking Out trainings on human rights documentation were almost immediately perceptible in all countries.

Regionally, funding was provided by the European Union to the Centro America Diferente Consortium for a project called Centro America Diferente to watchdog projects on human rights. Kukulcan, as part of the Centro America Diferente Consortium, developed a protocol to document individual cases that, together with knowledge and tools learned from Speaking Out, has been shared with Nicaragua, Honduras, El Salvador, and Guatemala. Further, given the situation of impunity and the historical lack of case follow-through in Central America, the Inter-American Commission on Human Rights is now opening an office for LGBT.

At the country level, in Honduras, HIVOS agreed to fund activities following the June 2013 Speaking Out training. With this funding, Kukulcan set up a legal clinic with links to the High Commission on Human Rights. As of March 2015, they have 48 documented cases and are providing legal support for follow-up for victims. “We now have a protocol to follow when documenting human rights abuse cases. We also have a hotline dedicated to human rights issues. If someone calls, we make the best effort to go to the location where the incident happened and take that person to the police to make a formal complaint, and to a clinic for a physical exam. The government designated lawyers to take over the serious cases. Following a legal evaluation, cases are also referred to a social worker.”

In addition to facilitating the response and ensuring support for victims, the process of documenting and gathering evidence allows Kukulcan to produce shadow reports, make public statements, and issue press alerts about the situation of LGBT people. Documentation also provides them with information that is “useful to develop safety and security strategies for our community, and to show donors where funding should be going for human rights work. It has allowed us to question funding from the US to the armed forces and police in Honduras – the worst perpetrators of human rights abuses,” says Javier.

In El Salvador, the standard method of addressing stigma and discrimination in accessing healthcare and other services was to protest in front of the police station. “It was very ineffective. We had no strategy of who to reach out to, who to call and contact, and we did not write down what happened or what we did. Now we do not go and protest any more. We develop a strategy and identify decision-makers within the system we need to work with, and send them direct letters, identifying allies who support our advocacy work,” notes Paty. “Through Speaking Out, we learned about not only the need to document cases, but also about the Inter-American Commission on Human Rights, where we could bring cases to the attention of the International Court and pressure our government with recommendations to protect human rights.” The second time ASPIDH submitted documents to the Commission, in August 2014, the results themselves demonstrated the importance of improved documentation and presentation. “We had the forms from the Speaking Out training, and we were more careful and selective about the cases and the way we submitted them. Based on the cases, the Commission issued specific recommendations to the government.”

In Panama, Speaking Out participants chose to tackle one specific human rights issue: the right to access healthcare free of stigma and discrimination. They applied for funding from HIVOS for a Breakthrough Advocacy Initiative to work with community clinics to strengthen services for LGBT. “When we attended the Speaking Out training, we knew very little about advocacy procedures. In the process of learning knowledge and skills, we realized we could pursue much-needed political change. We decided we needed to implement policies to provide LGBT healthcare services that were friendly. We started in two clinics just looking at medical chart information, and adding information on sexual orientation and gender identity. Then we looked at extended services,” says Juan Alonso of Nuevos Horizontes.

As part of the needs identification and justification process, Nuevos Horizontes conducted a survey to collect information on LGBT experiences and needs, and presented findings to the Ministry of Health. Following the presentation, the Director of the National HIV Program authorized implementation of friendly LGBT services. These services utilize a newly

developed protocol, which was developed by beneficiaries (LGBT community members) and providers (clinic staff) to ensure it was well received, sensitive, and practical. “Our aim, and our hope, is to implement this protocol at all clinics in Panama,” says Juan.

Electoral Processes in Contexts of Impunity

According to Paty, “the trans movement in El Salvador has been able to



Figure 3: Speaking Out Training, El Salvador, September 2014

really take ownership of our experiences and those things we learned from Speaking Out, especially in terms of organizational growth, in the last two years.” She recalls that a year ago, many LGBT organizations and advocates told ASPIDH they were “crazy” for advocating for the trans right to vote. With the confidence that they were in the right, and tools to push forward, ASPIDH put pressure on the Tribunal Supremo Electoral who manage the elections. In this way, they were able to eventually ensure the inclusion and participation of transgender persons in the March 2014 elections. This was of incredible importance to transgender women because their identification for legal purposes has a male name and gender. As a result, transgender women were allowed to vote, and in the end, other LGBT organizations rallied behind ASPIDH, no longer believing them “crazy.”

In Honduras, similar difficulties were faced this year when Pastor Evelio Reyes of Vida Abundante Church made a public call to boycott voting for LGBT politicians during the primary election. He was filmed on camera pushing this agenda, which “broke the election law which says that no one can call for people not to vote or participate in an election,” notes Javier. In court, despite the judge refusing submission of the video evidence against the pastor, he was found in violation of Article 321 - antidiscrimination based on sexual orientation or gender identity. Unfortunately, he is the cousin of the current President of Honduras, and was let off free. Further, the judge apologizing to him on behalf of the community for the “slander” against his good name. “It is very important to draw attention to the context of impunity in Honduras,” concludes Javier, if further progress is to be made.

Lessons and Next Steps in the Documentation Process

In February 2015, the police came to raid ASPIDH's offices. With tools learned from Speaking Out, ASPIDH staff denied them entry. They documented the incident with a video camera, wrote down the ID numbers of the police officers present, and used this information in follow-up letters to the human rights office, other decision makers, and the police commissioner. “We invited them all to attend a meeting to address the issue, at which time the police agreed they would investigate the incident,” says Paty. This was starkly different from their approach three years previously to a similar incident. At that time, ASPIDH issued a press statement denouncing the harassment, which made the headline news. However, there was no follow-up, and after the press statement that identified them as a transgender organization, police, and other harassment escalated against them actually increased exponentially. “Even though police were stopping and bothering clients and people from coming into our office, we never thought to write letters to the police commissioner, never

went to the human rights office. We did not know that doing these things could help us.”

While improvements are noted, and cases are moving forward, much work remains. There is a strong need to continue to strengthen the documentation process and develop a strategy for regional, not just national, impact. As Javier and Paty both confirm, the problem of human rights abuses towards LGBT people is a regional one. Further,



Figure 4: Speaking Out Training, El Salvador, September 2014

there is a need to garner international pressure to ensure that nations actually respond to the recommendations of the Universal Periodic Review, and the Commission, In Honduras, there are eight current recommendations, none of which are implemented. “The current government is very conservative. There is lots of stigma and discrimination. For this reason, people often don’t want to report cases to the police. There are no legal protections when they do, and often no follow-up. As police are the main perpetrators, it is dangerous, difficult, and scary to even consider working with them. Because there are no persecutions, there are even more incidents. This is the impunity,” says Javier.