

Unlawful Killings of LGBTIQ+ persons in the Americas:

An Input to the United Nations Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions

Type of Stakeholder: Academic institution.

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Can we attribute responses to this questionnaire publicly? Yes.

Introduction

Lesbian, gay, bisexual, trans, queer, intersex, and other gender diverse persons (LGBTIQ+) face disproportionately high risks of violence and unlawful deaths due to their perceived or actual sexual orientation, gender identity, and sex characteristics.¹ Recognizing this urgent issue, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, Dr. Morris Tidball-Binz, has issued a call for inputs to inform his upcoming report, which will be presented at the 79th session of the General Assembly.²

The forthcoming report aims to build on the work of former Special Rapporteur Agnes Callamard, particularly her emphasis on a gender-sensitive approach to arbitrary killings as outlined in her report to the 35th session of the Human Rights Council.³ Dr. Tidball-Binz's report will specifically address the unlawful killings of LGBTIQ+ persons and the State responsibilities associated with these deaths.⁴

In preparation for the report, the Special Rapporteur invited States, experts, academics, civil society organizations, and other stakeholders and individuals to submit their written inputs about the unlawful killings of LGBTIQ+ persons; the legislation, institutions, policies, and practices that fail to protect the right to life of

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¹ Disclaimer: authors' views are exclusively on behalf of [Facts and Norms Institute](#).

² See, v.g., UNITED NATIONS. [Call for input: Killing of LGBTIQ+ persons](#). *UN OHCHR Calls For Input*, April 2024; INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015; UNITED NATIONS. *Discrimination and violence against individuals based on their sexual orientation and gender identity: Report of the Office of the United Nations High Commissioner for Human Rights*. UN Doc. A/HRC/29/23, 4 May 2015, paragraphs 26-30; UNITED NATIONS. *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns: Addendum: Mission to Mexico*. UN Doc. A/HRC/26/36/Add.1, 28 April 2014, paragraphs 85-87.

³ UNITED NATIONS. [Call for input: Killing of LGBTIQ+ persons](#). *UN OHCHR Calls For Input*, April 2024.

⁴ UNITED NATIONS. *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on a gender-sensitive approach to arbitrary killings*. UN Doc. A/HRC/35/23, 6 June 2017.

⁵ UNITED NATIONS. [Call for input: Killing of LGBTIQ+ persons](#). *UN OHCHR Calls For Input*, April 2024.

LGBTIQ+ persons; and recommendations about measures and practices that may result in the reduction of unlawful deaths of LGBTIQ+ persons.⁵

The following is the input from the Facts and Norms Institute, with systematized information following a comprehensive document analysis about killings of LGBTIQ+ persons in the Americas, as documented by the Inter-American Commission on Human Rights (IACHR).

A systematization of documents from the IACHR is relevant to the work of the UN Special Rapporteur for several reasons. Regional mechanisms such as the IACHR offer context-specific insights and recommendations that can complement the work of universal mechanisms such as the UN Special Rapporteur. Moreover, by leveraging the extensive documentation and analyses conducted by the IACHR, the Special Rapporteur can avoid duplication of efforts and make efficient use of available resources. Additionally, the dialogue between regional and universal human rights mechanisms opens the possibility of harmonizing findings and recommendations and strengthening the implementation of international human rights norms and standards. It is also worth mentioning that the UN resorted to information from the IACHR about the killings of LGBTIQ+ persons in the past.⁶

In terms of methodology, the document analysis focused on the cited 2015 thematic report, as well as IACHR's press releases, resolutions regarding precautionary measures, reports on the merits, and sentences of the Inter-American Court of Human Rights (IACtHR), as referenced by the IACHR in the website of the *IACHR Rapporteurship on the Rights of LGBTI Persons (Relatoría sobre los Derechos de las Personas LGBTI)*.⁷ The initial set of documents included other subjects about the human rights of LGBTI persons. One step of the research was therefore to exclude those that were not related to instances of lethal or potentially lethal violence. In addition to the filter of subject relevance, the document analysis also involved a filter of time to exclude documents prior to 2015, the year of the publication of the thematic report "Violence Against LGBTI Persons in the Americas" (a comprehensive document that consolidated the Commission's work on the subject since the establishment of a thematic unit dedicated to the rights of LGBTI persons in 2011, upgraded to Rapporteurship in 2014).

⁵ UNITED NATIONS. [Call for input: Killing of LGBTIQ+ persons](#). *UN OHCHR Calls For Input*, April 2024.

⁶ See, *v.g.*, UNITED NATIONS. Discrimination and violence against individuals based on their sexual orientation and gender identity: Report of the Office of the United Nations High Commissioner for Human Rights. UN Doc. A/HRC/29/23, 4 May 2015, paragraphs 23, 27.

⁷ See <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/r/DLGBTI/default.asp> (the website of the IACHR Rapporteurship on the Rights of LGBTI Persons in Spanish; last visited on 16 May 2024). The choice of examining these documents through the access of the website in Spanish follows a pragmatic reason: while English, Spanish, Portuguese, and French are equally official languages of the organization, the website tends to have more information in the language of most of the member States of the Organization of American States (OAS).

The Institute's work

The [Facts and Norms Institute](#) is an independent academic institution based in the Global South, with members present in all continents. The Institute's mission is straightforward: to promote a rational, human rights-based approach to social issues. Since its establishment, the Institute promoted educational activities ranging from the online training of researchers in human rights-based methods and techniques to onsite courses and events, such as the *Advanced Course on International Law and Human Rights* (in partnership with the *Ius Gentium Conimbrigae – Human Rights Centre of the University of Coimbra, Portugal*).

The Institute also conducted social and legal research in collaboration with the Inter-American Court of Human Rights in the form of written *Amici Curiae* Memorials. The Institute's record includes, *v.g.*, i) an *Amicus Curiae* Memorial in the proceedings of the case *Leite de Souza and Others vs. Brazil*, also known as the Massacre of Acari case, a comprehensive argument regarding the systemic violence perpetrated by State agents in Brazil, particularly focusing on police violence, the limits of transitional justice, and the dehumanization of poor and Afro-descendant populations; ii) and an *Amicus Curiae* Memorial in the proceedings of the Advisory Jurisdiction of the Court regarding Human Rights and the Climate Emergency.

Moreover, the Institute conducted research about varied human rights topics in collaboration with the United Nations, including human rights and infectious diseases; torture and torture prevention; the notion of short-term enforced disappearances; religious intolerance, violence, and racism; social participation; transitional justice and sustainable development; poverty, post-growth and SDGs; sustainable development and the human rights of persons with albinism; the role of non-State actors (particularly businesses) in transitional justice; memorialization and the Roma; the protection of lawyers; the human rights of indigenous and rural communities to water and sanitation; militarization of indigenous and quilombola land; human rights and internet shutdowns; mercury, artisanal and small-scale gold-mining and human rights; contemporary forms of slavery and the informal economy; technology and contemporary forms of slavery; human rights and voluntourism; sanctions and human rights; digital education and online protection of young people; adequate housing and climate change; the extractive sector, just transition, and human rights; violence against women and girls in sport; and the present submission concerning the unlawful killings of LGBTQI+ persons in the Americas.

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The 2015 report "Violence Against LGBTI Persons in the Americas"

In November 2015, the Inter-American Commission on Human Rights published a comprehensive thematic report entitled "Violence Against LGBTI Persons in the Americas."⁸ The report documents and discusses the high levels of violence against LGBTI persons across the Americas. The IACHR criticizes the insufficient state response in preventing, investigating, and addressing violence based on prejudice against non-normative sexual orientations, gender identities, and bodily diversity.⁹

The report identifies legislative issues where certain States maintain laws that criminalize same-sex intimacy and cross-dressing, exacerbating discrimination, stigmatization, and violence. It calls for the repeal of these laws and recommends a moratorium on their enforcement. It also addresses how vague laws regarding public morality and order are often exploited to discriminate and act against LGBTI individuals, especially trans persons.¹⁰ The report further addresses both lethal and non-lethal violence, highlighting that gay men and trans women are frequent targets. Instances of violence include police abuse, arbitrary detention, and torture. The IACHR also emphasizes the pervasive issues of corrective rape and involuntary medical interventions on intersex individuals, advocating for laws to prohibit non-consensual medical procedures.¹¹

Highlighting the intersectionality of violence, the report points out that LGBTI individuals often face compounded discrimination based on race, ethnicity, socioeconomic status, and more, leading to higher risks and less access to justice. The pervasive social stigmatization limits their access to essential services such as education and healthcare, and increases vulnerability to violence.¹²

The IACHR stresses the importance of comprehensive state measures, including legislative reforms and public education, to combat prejudice and ensure justice and reparations for victims. It underscores the role of media and public discourse in shaping attitudes and calls for an end to prejudiced legal practices that justify violence against LGBTI persons. The report advocates for the inclusion of civil society in developing effective strategies and policies to protect LGBTI rights and ensure their integration and safety in society.¹³

⁸ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015.

⁹ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 21-46.

¹⁰ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 49-68.

¹¹ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 71-147.

¹² INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 151-204.

¹³ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 207-283.

In the specific section of the report concerning violations of the right to life, the IACHR first addresses “extrajudicial executions”, i.e., unlawful killings perpetrated by State agents.¹⁴ While acknowledging the problems of underreporting and insufficient information regarding extrajudicial executions of LGBT persons by state officials, the IACHR expressed its alarm towards the reported cases, many of them involving police officers directly. In numerous reported killings of trans women by police officers, motives included retribution against those who reported police misconduct and disputes over sexual favors or money.¹⁵ The report refers to illustrative cases of reported extrajudicial executions.¹⁶ The table below systematizes the information from the IACHR about these cases:

DATE	REPORTED FACTS
August 1998	<i>Four military police officers in Salvador, Brazil, humiliated two trans sex workers and forced them to jump into the sea, resulting in one drowning.</i>
2006	<i>Paulina Méndez Cartagena, a trans woman in Guatemala, was allegedly killed by four police officers. She and another trans woman, Sulma Alegría Robles, were attacked by individuals in police uniforms. Robles survived and was granted precautionary measures by the IACHR but faced threats and moved to a secret location for her safety.</i>
16 December 2005	<i>Paulina and Sulma, both transgender persons, were approached in a central area of the capital by four persons riding motorbikes and wearing police uniforms. Without saying a word, the four opened fire. Paulina died in the hospital three hours later. Sulma survived, received police protection, but faced threats and moved to a secret location.</i>
December 2008	<i>Nohelia Flores Álvarez, a trans woman in Honduras, was brutally attacked by a police officer after refusing his sexual demands. She was stabbed seventeen times but survived. The officer was sentenced to ten years in prison in September 2009. The IACHR requested protective measures for Nohelia and three others threatened during the trial.</i>
January 2013	<i>Two police officers were arrested for their involvement in the kidnapping, torture, and execution of a young gay couple in Mexico City. The victims, aged 17 and 22, were expelled from a nightclub, apprehended by police, and found the next day with severe beatings, tied hands and feet, amputated ears, and multiple gunshot wounds.</i>
From January 2013 to March 2014	<i>During this period, the IACHR received reports of alleged state-perpetrated executions, including a 15-year-old boy in Patu, Brazil, a 40-year-old trans woman in Mexico City, and the aforementioned gay couple in Mexico City.</i>
3 March 2014	<i>Angelina Lucía Martínez Figueroa, a 19-year-old trans woman in Cartagena, Colombia, was allegedly killed by a stray bullet fired by a police officer attempting to disperse a street fight.</i>

The IACHR also referred to other unlawful killings following acts of violence against individuals based on their sexual orientation or gender identity. The Commission found that during a fifteen-month period from January 2013 to March 2014, at least 594 LGBT persons or those perceived as such were killed in the Americas due to their sexual orientation or gender identity. This included 283 killings of gay men or those perceived as such and 282 killings of trans women and

¹⁴ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 80.

¹⁵ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 80.

¹⁶ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 80-82.

trans persons identifying as female. Patterns observed indicate that gay men are more likely to be killed by bladed weapons in private spaces, such as their homes, whereas trans women are more likely to be killed by firearms in public spaces, often linked to sex work.¹⁷

The IACHR further addresses trends and specific country data. Regarding Mexico, the IACHR found that there has been an increase in killings, with the Mexican Executive Commission for Attention to Victims expressing concern about rising numbers and increasing violence in crimes against LGBT persons. The Letra S Report documented 1,218 killings motivated by prejudice against LGBT persons, noting that over 80% of victims experienced multiple attacks before being killed. Specifically, at least 164 killings of trans women were recorded between 2007 and 2012, with a steady increase over these years.¹⁸ In Guatemala, killings of LGBT persons were often not found in police records and typically ended in impunity. Victims, especially transgender persons, tended to be young, with an average age of 25, and live in constant fear. At least 30 trans persons were killed between 2009 and 2010. In Honduras, Red Lésbica Cattrachas registered at least 189 killings of LGBT persons between 2008 and 2014, with 10 killings in the first five months of 2015. In the Caribbean Region, Caribe Afirmativo documented 114 violent deaths of LGBT persons, 58 of which occurred in conflict zones, primarily affecting gay men and trans women.¹⁹

In Chile, there had been a reported rise in killings of LGBT persons, totaling 24 since 2002. In Peru, at least 38 LGBT persons were killed between 2001 and 2013, and 13 were killed between April 2014 and March 2015. In Venezuela, at least 46 killings were documented between 2009 and 2013. In Argentina, there were 25 reported killings of LGBT persons between 2011 and 2013. In 2014, seven LGBT persons were killed compared to five in the previous year. While there were fewer killings of gay men, killings of trans persons more than doubled. In Uruguay, five trans women were killed in 2012, four within a span of three months. In Colombia, the State reported at least 219 killings of LGBT persons registered nationwide between 2011 and 2013. A civil society report documented at least 280 LGBT persons killed between 2010 and 2011, with an increase in reported killings in 2013 compared to 2012.²⁰

In Brazil, reported figures surpassed those in any other OAS Member State, likely due to robust reporting mechanisms and Brazil's large population. In quantitative terms, there were 278 killings in 2011, 310 reported cases in 2012 (an 11.5% year-over-year increase), and at least 312 killings in 2013, with gay men (59%) and trans women (35%) being the majority of victims. Notable incidents

¹⁷ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 82-83

¹⁸ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 83.

¹⁹ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 83-85.

²⁰ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 83-85.

included the vicious murder, disembowelment, and mutilation of a bisexual woman in April 2014, the brutal beating and rape leading to the death of a 40-year-old gay man in January 2014, and the running over and killing of a 22-year-old gay man in May 2013 after being verbally attacked with homophobic slurs.²¹

The IACHR further reported about how entertainment and socialization spaces for gay persons, and their vicinities, were also common locations where killings took place. Bars and dance clubs were reported to be frequent locations where perpetrators target their victims, a modus operandi colloquially referred to as “pick-up crime.” In 2006, a serial killer targeted gay men in Mexico City by seducing them at gay bars, kidnapping them, and demanding ransom from their families. At least four gay men were killed, and the killer tormented his victims in captivity. Other examples include the well-known case of Matthew Shepard in the United States and a similar case reported in Chile. Online dating sites and location-based phone dating applications had also been used by perpetrators to find their victims in the United States in 2013 and 2014. In November 2014 in Colombia, a criminal gang lured gay men through social media to rob, attack, or kill them. In January 2013, a group of men in a car passed in front of a gay bar in Mexico City, screamed slurs at two patrons, and shot one of them dead when confronted.²²

Precautionary Measures

Precautionary measures by the IACHR protect individuals or groups in grave and urgent situations from irreparable harm. These measures can be requested by any person or organization on behalf of at-risk individuals, with their consent or reasonable justification for its absence. Outlined in Article 25 of the IACHR's Rules of Procedure, these measures can be initiated by the Commission or upon request, regardless of their connection to a specific petition or case. The granting of these measures does not imply a judgment on potential rights violations. Since August 1, 2013, decisions regarding precautionary measures are issued through reasoned resolutions.²³

The following table systematizes essential information about the precautionary measures granted by the IACHR in the period between 2015 and 2024 regarding LGBTQI+ persons:

²¹ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 85-86.

²² INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. [Violence Against LGBTI Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, p. 87.

²³ IACHR. [About Precautionary Measures](#). May 2024.

PROCESS	BENEFICIARIES	COUNTRY	SUMMARY
Resolution 34/22, MC 408-22	Benny Briolly Rosa da Silva Santos and team members	Brazil	<i>On July 11, 2022, the IACHR granted precautionary measures to Benny Briolly Rosa da Silva Santos and members of her team. The request alleged that she, a councilwoman in Niterói, Brazil, was receiving death threats due to her identification as a Black transvesti woman and her work as a human rights defender. The Commission found that the beneficiaries were in a situation of seriousness and urgency, at risk of irreparable harm. The Commission requested Brazil to adopt measures to protect their rights to life and personal integrity, considering ethnic-racial and gender approaches, and to investigate the threats to prevent their recurrence.</i>
Resolution 106/21, MC 306-21	N.V.E.	Colombia	<i>On December 24, 2021, the IACHR granted precautionary measures to N.V.E., an intersex adolescent in Colombia diagnosed with "classic salt-wasting congenital adrenal hyperplasia," a rare and incurable disease. The request alleged delays in providing prescribed vital medications and obstacles in scheduling surgeries to modify sexual characteristics. The IACHR requested Colombia to adopt measures to protect N.V.E.'s rights to life, personal integrity, and health, ensuring access to timely medical and psychological treatment based on competent medical assessments and international standards, and with the beneficiary's prior, informed, and free consent.</i>
Resolution 100/21, MC 705-21, 992-21	Héctor Luis Valdés Cocho and "X"	Cuba	<i>On December 1, 2021, the IACHR granted precautionary measures to journalist Héctor Luis Valdés Cocho and his partner "X," a human rights defender in Cuba. The Commission found them in a situation of seriousness and urgency, at risk of irreparable harm. The IACHR requested Cuba to adopt measures to protect their rights to life and personal integrity, ensure they can carry out their activities as journalist and human rights defender without violence or intimidation, and to investigate the threats to prevent their recurrence.</i>
Resolution 26/21, MC 552-20	María de los Ángeles Matienzo Puerto and Kirenia Yalit Núñez Pérez	Cuba	<i>On March 14, 2021, the IACHR granted precautionary measures to María de los Ángeles Matienzo Puerto and Kirenia Yalit Núñez Pérez in Cuba. The request alleged threats, surveillance, intimidation, and aggression due to their work as a human rights defender and independent journalist. The IACHR requested Cuba to adopt measures to protect their rights to life and personal integrity, ensure they can carry out their activities without violence or intimidation, and to investigate the threats to prevent their recurrence.</i>
Resolution 16/21, MC 907-20	Kevin Adrián Monzón Mora and family	Nicaragua	<i>On February 22, 2021, the IACHR granted precautionary measures to Kevin Adrián Monzón Mora and his family in Nicaragua. The Commission identified threats, harassment, intimidation, and violence against him, including while in state custody, following his publications on TikTok. The IACHR requested Nicaragua to adopt measures to protect their rights to life and personal integrity, ensure they can exercise freedom of expression without threats, and to investigate the threats to prevent their recurrence.</i>

<p>Resolution 85/18, MC 1262-18</p>	<p>Jean Wyllys de Matos Santos and Family</p>	<p>Brazil</p>	<p><i>On November 20, 2018, the IACHR granted precautionary measures to Jean Wyllys de Matos Santos and his family in Brazil. The request alleged death threats due to his sexual orientation and advocacy for the LGBTI community. The IACHR requested Brazil to adopt measures to protect their rights to life and personal integrity, ensure their protection, and to investigate the threats to prevent their recurrence.</i></p>
<p>Resolution 57/18, MC 767-18</p>	<p>Mônica Tereza Azeredo Benício</p>	<p>Brazil</p>	<p><i>On August 1, 2018, the IACHR granted precautionary measures to Mônica Tereza Azeredo Benício in Brazil. The request alleged that she was at risk after denouncing the murder of human rights defender Marielle Franco, her partner. The IACHR requested Brazil to adopt measures to protect her rights to life and personal integrity, ensure she can continue her work without threats, and to investigate the threats to prevent their recurrence.</i></p>
<p>Resolution 37/16, MC 236-16</p>	<p>Juana Mora Cedeño and Mario José Delgado González</p>	<p>Cuba</p>	<p><i>On July 3, 2016, the IACHR granted precautionary measures to Juana Mora Cedeño and Mario José Delgado González, human rights defenders in Cuba. The request alleged threats and harassment due to their work defending LGBTIQ rights. The IACHR requested Cuba to adopt measures to protect their rights to life and personal integrity, ensure they can carry out their activities without violence or intimidation, and to investigate the threats to prevent their recurrence.</i></p>

Reports on the Merits

The system of petitions and cases allows individuals who believe their human rights have been violated to submit a petition to the IACHR. This system is legally based on the American Convention on Human Rights, particularly Articles 44 to 51, which outline the process and criteria for handling petitions. It involves a process where the IACHR verifies the facts and, if appropriate, makes recommendations to the responsible state to prevent similar violations in the future and ensure investigation and reparation for the occurrences. A report on the merits is issued when the IACHR concludes its analysis of a case. This report can either determine the responsibility of a state for human rights violations, including recommendations for remedial actions, or find the state non-responsible, thereby concluding that no human rights violations occurred.²⁴

The IACHR Rapporteurship on the Rights of LGBTI Persons reported three reports on the merits concerning the period of 2015-2024. One of them was excluded due to the filter of subject relevance.²⁵ The other two are summarized below:

²⁴ COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS. [Folleto Informativo: Sistema de Peticiones y Casos](#). Washington DC, 2022.

²⁵ The excluded case, Marta Lucía Álvarez Giraldo vs. Colombia, involves allegations of discrimination based on sexual orientation within the Colombian prison system. Marta Álvarez, a lesbian inmate,

REPORT	DESCRIPTION
<p>IACHR. Report 400/20. Case 13.637. Merits. Gareth Henry and Simone Carline Edwards. Jamaica. 31 December 2020.</p>	<p><i>In the case of Gareth Henry and Simone Carline Edwards v. Jamaica, the petitioners allege that Jamaica is responsible for violating their human rights due to the laws criminalizing consensual same-sex relations between adults. Gareth Henry, a gay man, and Simone Carline Edwards, a lesbian woman, both experienced severe violence, harassment, and discrimination because of their sexual orientation. Henry faced frequent police harassment and physical attacks, including a brutal assault on Christmas Day in 2003 and another in February 2007. These incidents forced him to seek asylum in Canada in 2008. Similarly, Edwards survived a near-fatal homophobic attack in August 2008, which led her to seek asylum in the Netherlands in 2009. The IACHR concluded, inter alia, that the criminalization of same-sex relations perpetuates violence and discrimination against LGBTI individuals, thereby violating their human rights. The Commission recommended that Jamaica repeal the relevant laws, adopt measures to prevent discrimination based on sexual orientation, and ensure effective protection and redress for the victims.</i></p>
<p>IACHR. Report 401/20. Case 13.095. Merits. T. B. and S. H. Jamaica. 31 December 2020.</p>	<p><i>In the case of T.B. and S.H. v. Jamaica, the petitioners alleged that Jamaica was responsible for violating their human rights due to laws criminalizing consensual same-sex relations between adults. T.B., a transgender woman, and S.H., a gay man, faced severe violence, harassment, and discrimination due to their sexual orientation and gender identity. T.B. experienced multiple attacks, including a mob assault in March 2011, and was forced to flee her home after threats to her life. S.H. also endured repeated harassment and violence, including physical attacks and threats of death, which led him to seek safety outside Jamaica. The IACHR concluded, inter alia, that the criminalization of same-sex relations perpetuates violence and discrimination against LGBTI individuals. The Commission recommended that Jamaica repeal the relevant laws, adopt measures to prevent discrimination based on sexual orientation and gender identity, and ensure effective protection and redress for the victims.</i></p>

Decisions of the Inter-American Court

The IACtHR is the autonomous judicial body of the OAS. Its objective is to interpret and apply the American Convention on Human Rights and other Inter-American human rights treaties by issuing judgments on cases and providing advisory opinions. Only the States Parties and the IACHR can submit a case to the Inter-American Court. Individuals cannot go directly to the Court; they must first file their petitions with the Commission and complete the procedural stages there. The Commission may refer cases to the Inter-American Court for States that have ratified the American Convention and recognized the Court's jurisdiction, unless a State expressly accepts jurisdiction for a specific case.²⁶

petitioned for the right to intimate visits with her partner, which was initially denied by prison authorities citing moral and cultural reasons. This denial was challenged through the Colombian judicial system, leading to a decision by the Constitutional Court in 2003 that recognized her right to such visits under the principles of equality and non-discrimination (see IACHR. Report 122/18. Case 11.656. Merits. Marta Lucía Álvarez Giraldo. Colombia. 5 October 2018).

²⁶ See IACHR. [Frequently asked questions: Inter-American Human Rights System](#). May 2024.

The IACHR Rapporteurship on the Rights of LGBTI Persons reported six decisions of the Inter-American Court concerning the period of 2015-2024. Four of them were excluded due to the filter of subject relevance.²⁷ The other two are summarized below:

DECISION	DESCRIPTION
<p>IACtHR. Case of Vicky Hernández and others vs. Honduras. Sentence of 26 March 2021.</p>	<p><i>The IACtHR declared the State of Honduras responsible for violating the right to life and personal integrity of Vicky Hernández, a transgender woman, sex worker, and defender of trans women's rights. The State's responsibility was established due to several indications of state agents' involvement in her death on June 28, 2009, in San Pedro Sula. The Court found that the violence against Vicky Hernández was based on her gender expression or identity, concluding that the State violated her rights to legal recognition, personal liberty, privacy, freedom of expression, and name. Additionally, her death was not investigated with due diligence, resulting in violations of the rights to due process and judicial protection, to the detriment of Vicky Hernández's family. The Court also declared that the right to personal integrity of Vicky Hernández's family members was violated due to the impact of her death and the ongoing lack of clarity about the circumstances.</i></p>
<p>IACtHR. Case of Azul Rojas Marín and other vs. Peru. Sentence of 12 March 2020.</p>	<p><i>The IACtHR declared Peru internationally responsible for violating the rights to personal liberty, personal integrity, private life, freedom from torture, judicial guarantees, and judicial protection of Azul Rojas Marín, in relation to the obligations to respect and ensure these rights without discrimination and to adopt domestic legal measures. The Court also found the State responsible for violating the personal integrity of Azul Rojas Marín's mother, Juan Rosa Tanta Marín. The Court established that Peru's societal prejudice against the LGBTI population led to violent acts, including those committed by state agents, as evidenced by the case of Azul Rojas Marín, who was illegally detained, beaten, and subjected to sexual torture on February 25, 2008, by police officers.</i></p> <p><i>The Court determined that the State violated multiple articles of the American Convention on Human Rights, including the rights to personal liberty, personal integrity, private life, and freedom from torture, and the obligation to prevent and punish torture. It also found that the investigation into Rojas Marín's abuse was insufficient and marred by discriminatory stereotypes, failing to meet judicial guarantees and protection. The Court ordered Peru to conduct further investigations, provide medical and psychological treatment to Rojas Marín, implement training programs on LGBTI violence, and pay reparations..</i></p>

²⁷ IACtHR. Case of Olivera Fuentes vs. Peru. Summary of the Sentence of 4 February 2023 (concerning State omission regarding acts of discrimination based on sexual orientation in a supermarket cafeteria); IACtHR. Case of Pavez Pavez vs. Chile. Summary of the Sentence of 4 February 2022 (regarding the discriminatory revocation of a Catholic religion teacher's certificate based on sexual orientation); IACtHR. Case of Flor Freire vs. Ecuador. Summary of the Sentence of 31 August 2016 (involving discriminatory military disciplinary actions against a member of the Armed Forces for alleged homosexual acts); IACtHR. Case of Duque vs. Colombia. Summary of the Sentence of 26 February 2016 (pertaining to the denial of a survivor's pension to a same-sex partner under Colombian law).



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