



Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Topic: Freedom of religion or belief and freedom from violence and discrimination based on sexual orientation and gender identity

Input made by Amicus, DH

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Introduction and context

Amicus, DH is a civil society organization based in Guanajuato, Mexico aimed to change society through human rights. After experiencing the lack of data to raise awareness and evidence of the human rights violations of LGBTI people in the country, we develop Visible: the first online platform to report acts of violence and discrimination against these populations in Mexico. These reports can be made both by victims and witnesses answering a confidential questionnaire. This platform generates an open database from these reports intended to influence the decision-making processes in public, social and private organizations. From October 2018 until December 2022, we have received 1,743 reports referring to different types of aggressions, in which cases involving a tension between freedom of religion or belief and freedom from violence and discrimination based on SOGI are involved. Besides the generation of this information, Visible is also a way of empowering victims offering them a safe space to express and report acts of violence and discrimination, as well as a way to link them with other social and public organizations with which we have alliances in 22 out 32 states in the country.

To answer some specific questions for this input, we have filtered cases that involved a minister of religion, that happened in a religious place, or that included keywords like religion or belief (and derivatives). Subsequently, all the cases were



read to discard those that were not related to the theme of this report. In this document, we summarize the main findings from these 45 cases.

Answers to specific questions

1. What are the actual or perceived points of tension (if any) between the right to manifest one's freedom of religion or belief, and freedom from violence and discrimination based on sexual orientation and gender identity? Are there any areas in which they are mutually exclusive?

Answer to question 1:

Most of the cases received in Visible that imply a tension between freedom of religion or belief and freedom from violence and discrimination based on SOGI involve a minister of religion/priests. In general, these are pronouncements in which they express their opposition to the advancement of rights (such as the approbation of same-sex marriage or gender identity recognition, or the prohibition of SOGI change efforts). These pronouncements can be both in churches during religious ceremonies or in press releases. These expressions occur in the context of legislative voting, although the call to vote for candidates who support their ideas at election times has also been documented (even when this practice is illegal in Mexico for ministers of religion).

Another common type of cases received in Visible that involve this tension are those that occur in educational contexts. In Mexico, religiously inspired schools are frequent. Although legislation and jurisprudence have prohibited certain practices, we have received cases of discrimination that are justified by school regulations. For example, when a pair of same-sex students are dating at school, they are asked to break up or they will be expelled from the school. Similar threats have happened to students who are transitioning and change their gender expression during the school year or who express their request to be called by other pronouns. These actions are justified by arguing that the school is religious and this goes against its postulates. The context of discrimination and violence not only happens against students, but also against teachers, for whom the threat implies the loss of their job or the reduction of classes.



Similarly to the above, we have received cases of discrimination in labor contexts. Although it is less explicit than in the educational context, some workers have been threatened with firing them if they make public their SOGI since employers are religious people.

We have also documented cases of violence and discrimination against LGBTI people in family contexts. One of the cross-cutting factors in the cases is that the victims (or the witnesses) state that these actions were motivated because their family is very religious. This rejection of a family member's SOGI translates into expulsion from the house, keeping them away from certain activities, or constant comments telling them that this is not natural or they should change it.

In a couple of cases, there was tension among the freedoms in medical contexts as a doctor refused to provide his services for religious reasons, while in another there was an exorcism “to remove a person's homosexuality”. Another case of exorcism, but carried out by a priest, is also documented in Visible. Finally, we received a case where a person could not continue to go to a church after the community knew about their SOGI.

It is important to mention that these cases are not exclusive to one religion. Although most of the cases occur in Catholic contexts, Mexico is a mainly Catholic country and some of the cases also refer to Christian churches, particularly evangelicals and Jehovah's Witnesses.

4. What are the key trends or significant instances of discriminatory or abusive practices by individual providers of goods or services in the public sphere against LGBT+ and gender-diverse persons that rely on religious narratives?

Answer to question 4:

As of the beginning of December 2022, we have received 45 reports of cases of violence and discrimination that involve a tension between freedom of religion or belief and freedom from violence and discrimination based on SOGI. These reports have been made by the victims themselves (in 42.2% of the cases), as well as by witnesses (57.8%). Among the latter, NGOs stand out with 46.7% of the reports, followed by friends (4.4%), and solidary persons (4.4%).



In terms of the characteristics of the victims, these have been mainly young people: 16 victims from 18 to 25 years old (35.6%), 3 from 26 to 30 years old (6.7%), and 3 from 36 to 40 years old (6.7%). In 18 cases, there is no specific victim because they were acts against the entire community or one of its populations. We have received reports of victims with 6 different sexual orientations, although the most frequent have been gay (40.0%), bisexual (4.4%), and demisexual (2.2%) people. There have been reports about victims with 7 different gender identities, highlighting those that have been about cisgender men (24.4%), trans women (8.9%), and non-binary people (6.7%).

Although we have received reports from half of the 32 states in the country, from which we have received the most are the State of Mexico (17.8%), Jalisco (11.1%), Mexico City (8.9%), Guanajuato (8.9%), and Yucatán (6.7%). However, the fact that a state presents more reports in Visible does not mean that it is a more violent place for LGBTI populations, since this platform is not representative of the situation in the country. Some states have a greater media impact—which is why their cases are made visible in the media or social networks—and in others we collaborate directly with local civil society organizations or government agencies that disseminate the platform or even carry out the reports of people who approach them.

A similar interpretation can be made to the municipalities with the largest number of reports, which are Guadalajara (Jalisco) with 4 cases, Toluca (State of Mexico) with 4, Mérida (Yucatán) with 3, León (Guanajuato) with 2, and Mexicali (Baja California) with 2.

Another characteristic of interest about the place where the report took place is related to its essence, which could be a public space that is managed by some authority (15.6% of the reports have happened here), a private physical space (64.4%), or social networks and media (20.0%).

Our reporting questionnaire also asks about the person who committed the aggression, as well as the type of it. Regarding the former, the most frequent category is that of cases carried out by a minister of religion or staff of a religious institution (60.0%), followed by a family member or cohabitant (11.1%), and a private employer or source of income (11.1%). Although in a case of violence or discrimination there may be more than one type of aggression, the most frequent were verbal (42.2%), psychological (22.2%), and exclusion (8.9%).



Finally, an aspect of great interest is that the information contained in Visible does not exist in a systematic way anywhere else. Of the total reports made by the victims themselves (42.2% of the total), only 31.6% had been previously reported. Among the reasons for not reporting are the following categories stated by the victims: “I did not know where to report it or what I could do” (55.6%) and “I think there will be no consequences” (22.2%).

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