



Report on Violence against Lesbian, Gay, Trans, Bisexual and Intersex Persons in the Americas

QUESTIONNAIRE

I. BACKGROUND

The Inter-American Commission on Human Rights has a specialized Plan of Action focusing on the rights of lesbian, gay, trans, bisexual, and intersex persons. In November 2012, in the context of its 146th Period of Sessions, the Commission underscored the importance of the work of its dedicated Unit and indicated that it “continues to reflect on the possible creation of a Rapporteurship for this area.”¹

Since 2008, the General Assembly of the Organization of American States (OAS) has adopted six resolutions on human rights, sexual orientation and gender identity.² These resolutions began by focusing exclusively on condemning acts of violence against lesbian, gay, trans, bisexual and intersex persons in the Americas, and then subsequently covering other issues, such as discrimination in various spheres.

II. OBJECTIVE

The purpose of this questionnaire is to gather information for a regional report focusing on the situation of violence against lesbian, gay, trans, bisexual and intersex persons in the Americas. The questionnaire is aimed at obtaining information from Member States of the OAS, civil society organizations, inter-governmental organizations, as well as any person who is interested in sending information on the questions presented.

¹ IACHR, Press Release No. 134/12, “IACHR Concludes its 146th Session and Expresses Appreciation for the Confidence Shown by All Stakeholders in the Human Rights System”, November 16, 2012, available at: http://www.oas.org/en/iachr/media_center/PReleases/2012/134.asp.

² OAS AG/RES. 2435 (XXXVIII-O/08), “Human Rights, Sexual Orientation and Gender Identity”, adopted at the fourth plenary session, June 3, 2008; OAS AG/RES. 2504 (XXXIX-O/09), “Human Rights, Sexual Orientation and Gender Identity”, adopted at the fourth plenary session, June 4, 2009; OAS AG/RES. 2600 (XL-O/10), “Human Rights, Sexual Orientation and Gender Identity”, adopted at the fourth plenary session, June 8, 2010; OAS AG/RES. 2653 (XLI-O/11), “Human Rights, Sexual Orientation and Gender Identity”, adopted at the fourth plenary session, held on June 7, 2011; OAS AG/RES. 2721 (XLII-O/12), “Human Rights, Sexual Orientation and Gender Identity”, adopted at the second plenary session, June 4, 2012; and OAS AG/RES. 2807 (XLIII-O/13), “Human Rights, Sexual Orientation, Gender Identity and Expression”, adopted at the fourth plenary session held June 6, 2013.

III. INSTRUCTIONS

1. The questionnaire may be answered partially or in its totality, depending on the information available.
2. The 17 questions may be answered with respect to the situation of lesbian, gay, trans, bisexual and/or intersex persons, depending on the information available or the focus of the work of the organization or sending party.
3. Please send the questionnaire before **December 20, 2013**, via email to: cidh_lgtbi@oas.org. **Please indicate "Questionnaire on Violence" in the subject of the email.** Please do not submit duplicates.

In case electronic mail is not possible, you may also submit the questionnaire via fax at +1-202-458-3992 or by mail to:

Unit on the Rights of Lesbian, Gay, Trans, Bisexual and Intersex Persons
Inter-American Commission on Human Rights
Organization of American States
1889 F Street, NW
Washington, D.C. 20006

IV. QUESTIONS

General questions

1. Present available information or research on factors that incite or cause violence against lesbian, gay, trans, bisexual and/or intersex persons, or those perceived as such.
2. Provide available information on the specific types of violence exerted against: lesbian, gay, trans, bisexual, and intersex persons, or those perceived as such.
3. Provide statistics available on acts of violence against lesbian, gay and trans, bisexual and/or intersex persons, or those perceived as such, in the last three years, along with any available information on cases that may have involved instances of abuse by State agents. Describe the methods for the collection of the statistics presented.
4. Indicate criteria used to determine which acts would presumably have been committed based on the sexual orientation and/or gender identity/expression of the person affected, and whether information systems at the State level use criteria related to sexual orientation, gender identity and/or gender expression for the analysis of crimes.

Legislative framework

5. Identify constitutional provisions and any legislation or other laws making express reference to sexual orientation and/or gender identity/expression, if any, as well as any general or specific

legislation against discrimination on related grounds. Identify proposed legislation or considerations for constitutional amendments in this regard.

6. Regarding legislation or other laws making reference to gender identity, identify the impact of such legislation (or the absence thereof) on the violations of human rights of trans persons. Also, identify proposed legislation in this regard, if applicable.
7. Identify any legislation or other laws (criminal or otherwise) considered to restrict or limit the rights of lesbian, gay, trans, bisexual and/or intersex persons. Please provide any available information on the impact of the described legislation. Also, identify proposed legislation or challenges to related legislation or laws in this regard, if applicable.
8. Identify legislation, if any, which sanctions acts of violence deriving from a person's sexual orientation and/or gender identity/expression. Please provide any available information on the impact of the described legislation. Also, identify proposed legislation in this regard, if applicable.

Public policies and practices

9. Identify State policies and practices, if any, to prevent violence against lesbian, gay, trans, bisexual and/or intersex persons, including measures to protect their safety and security (such as shelters), training of State officials (such as the police or state security forces, prosecutors, judges, public defenders), public awareness-raising campaigns or other initiatives to address the underlying discrimination fueling violence. Please describe the results achieved. Include information as to how the effectiveness of the policies and practices is monitored and evaluated.
10. Indicate the role of the national human rights institution, if any, in the prevention and investigation of acts of violence against lesbian, gay, trans, bisexual and/or intersex persons, or those perceived as such.

Access to Justice and the Judicial System

11. Identify judicial decisions on violence against lesbian, gay, trans, bisexual and/or intersex persons, or those perceived as such. Include reference to judicial decisions in the different spheres indicated in question 16.
12. Identify advances in law, policy and practice to investigate and prosecute acts of violence against lesbian, gay, trans, bisexual and/or intersex persons, or those perceived as such.
13. Identify continuing challenges and barriers that may limit or hinder the filing of complaints of violence against lesbian, gay, trans, bisexual and/or intersex persons, or those perceived as such.
14. Provide specific information on the number of complaints of acts of violence against lesbian, gay, trans, bisexual and/or intersex persons, or those perceived as such. If information is available, please specify how many have reached the stage of prosecution, and how many have reached the stage of a final judicial decision.

15. Provide information on reparations or redress available to victims of violence against lesbian, gay, trans, bisexual and/or intersex persons (for example, compensation, rehabilitation, measures of non-repetition, satisfaction).

Manifestations of violence in different sectors

16. Provide information (including statistics, when available) on violence against lesbian, gay, trans, bisexual and/or intersex persons, and those perceived as such, as well as its impact on access to related services and/or the enjoyment of rights, in the following sectors: (1) in health care institutions or medical settings (whether private or public) by health care providers; (2) in educational institutions (whether public or private) or in the context of education, whether at the hands of teachers, school authorities, employees, or other learners; (3) in the context of employment relations, whether committed by supervisors, peers or potential employers; (4) in the exercise of political rights, including the right to vote, to be elected and to have access, under general conditions of equality, to public service; (5) in the context of family and other interpersonal relationships; and (6) in the context of access to justice and the judicial system.

Intersectionality of violence

17. Provide any information available on specific manifestations of violence against lesbian, gay, trans, bisexual and/or intersex persons when they belong to the following sectors of the population: (1) women; (2) children and adolescents; (3) indigenous peoples; (4) afro-descendants; (5) human rights defenders; (6) persons deprived of liberty (under State custody, whether in penitentiary systems or other centers of deprivation of liberty); (7) migrants, internally-displaced persons, refugees, trafficking victims, and asylum seekers; (8) persons living with HIV; (9) persons with disabilities; and (10) the elderly.