

NO SAFE PLACE

SALVADORANS, GUATEMALANS

AND HONDURANS

SEEKING ASYLUM IN MEXICO

BASED ON THEIR SEXUAL

ORIENTATION AND/OR

GENDER IDENTITY

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South border. Suchiate River
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RÍO SUCHIATE



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INTRODUCTION

Tenosique downtown
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The countries of the Northern Triangle of Central America (El Salvador, Guatemala and Honduras) are among the most violent in the world. In addition to alarming levels of general insecurity¹, their respective murder rates are well above what the World Health Organization considers to be epidemic levels², and more than 75 percent of these are classified as deaths by firearm³.

This situation of violence, added to the institutional weakness in these countries, has resulted in increasing numbers of people fleeing their countries of origin in fear of their life. The investigation entitled “Home Sweet Home?” conducted by Amnesty International in 2016 concluded that violence has become a key push factor for migration, particularly in El Salvador and Honduras where high levels of violence and increasing territorial control on the part of gangs or “maras”⁴ is seriously affecting people’s ability to exercise their human rights⁵.

Despite the difficulty in obtaining accurate figures from the countries’ governments, there is evidence that Lesbian, Gay⁶, Bisexual, Transgender⁷ and Intersex people (LGBTI) are particularly exposed to violence in the Northern Triangle countries, and that this is related intrinsically to the multiple forms of discrimination that LGBTI people face in the different spheres of their family and working life, as part of society more widely and institutionally, on the basis of their gender identity⁸ and/or sexual orientation⁹.

¹ See Office of the UN High Commissioner for Human Rights (OHCHR), annual report on the activities of his office in Guatemala 2016, available at: ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/3/Add.1; annual report on the activities of his office in Honduras 2016, para. 4, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/3/Add.2, United Nations, press release “El Salvador: UN expert urges swift action on “hidden tragedy” of people fleeing gang violence” August 2017, available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21985&LangID=E

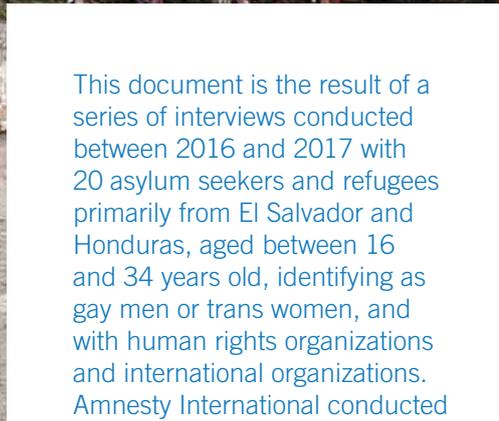
² The World Health Organization (WHO) considers a murder rate of more than 10 per 100,000 inhabitants to be an epidemic level. However, in 2016, the murder rate in El Salvador was recorded as 81.2 per 100,000 inhabitants (National Civil Police), in Honduras 58.9 per 100,000 (SEPOL) and in Guatemala 27.3 per 100,000 (National Civil Police).

³ Instituto Igarapé. Homicide Monitor, 2016, available at homicide.igarape.br

⁴ Terms used to indicate certain groups characterized by certain violent criminal activities and generally associated with territorial control throughout the Northern Triangle of Central America, particularly El Salvador and Honduras.

⁵ Amnesty International, Home Sweet Home? Honduras, Guatemala and El Salvador’s role in a deepening refugee crisis, AMR 01/4865/2016, 2016. Available at www.amnesty.org/es/documents/amr01/4865/2016/en/

⁶ The capacity of each person to feel a deep emotional, affective and sexual attraction to people of the same gender and the capacity to maintain intimate and sexual relations with these people. The term lesbian is generally used to refer to female homosexuality and gay to male homosexuality.



This document is the result of a series of interviews conducted between 2016 and 2017 with 20 asylum seekers and refugees primarily from El Salvador and Honduras, aged between 16 and 34 years old, identifying as gay men or trans women, and with human rights organizations and international organizations. Amnesty International conducted in-depth interviews with people in the given cases and, as far as possible, cross-referenced this information with other available sources, including official documentation; however, it was sometimes impossible to obtain such documentation given the transitory nature of the lives of those seeking asylum, and the lack of complaints made to the authorities for fear of reprisals.

Amnesty International has documented how, given the lack of options for protecting their lives and physical integrity in their own countries, gay men and trans women choose to flee and seek protection in other countries such as Mexico or the United States. For many of them, however, this path is paved with new acts of violence and discrimination at the hands of criminal gangs and the authorities in the transit and/or destination countries. When detained, they also find themselves in a highly vulnerable situation and may even be deported back to their countries of origin; i.e. to the hell from which they have escaped, and where they will again be attacked. In other words, gay men and trans women are exposed to gender-based violence at every point on their journey in search of protection.

The stories of Carlos, Camila, Marbella and Cristel, whose names have been changed to protect their safety, are representative of the primary human rights abuses and violations that gay men and trans women suffer due to their sexual orientation and/or gender identity, both in their countries of origin and when they seek international protection in other countries such as Mexico. When using pseudonyms to ensure the anonymity and safety of these people, some details of their personal life and geographical or temporal references have also purposely been omitted from their stories. These measures demonstrate the fear they live in for their lives.

Amnesty International would like to thank those who shared their stories, as well as the activists and human rights defenders who provided the information with which to produce this document.

⁷ Transgender is a term used to describe different variants of gender identity, the common denominator being a lack of conformity between a person's biological sex and the gender identity traditionally assigned thereto. A trans person may construct their gender identity regardless of surgical interventions or medical treatment.

⁸ Gender identity is the deep, internal and individual way in which gender is experienced by a person, and it may or may not correspond to the sex ascribed to them at the time of their birth.

⁹ Sexual orientation refers to the capacity each person has to feel a deep emotion, affective and sexual attraction to people of a different gender, to people of the same gender or to more than one gender, as well as the capacity to maintain intimate and sexual relations with those people.



Migrant in Tapachula
© Amnesty International/Sergio Ortiz

AT RISK IN
THEIR COUNTRIES

WIDESPREAD GENDER-BASED VIOLENCE

Carlos, Marbella, Cristel and Camila suffered acts of discrimination, exclusion and physical violence from an early age in their respective countries of the Northern Triangle due to the simple fact that their sexual orientation and/or gender identity was different from the traditionally accepted heterosexual and patriarchal social norms.

Carlos, a young Honduran of 25 years of age recalls that, on various occasions during his childhood and adolescence, he experienced humiliation, rejection as well as beatings from family members “for being gay”. Members of the gang that controlled his neighbourhood also attacked and threatened him for the same reason, and so he was forced to flee his country. For her part, Cristel, a 25-year-old Salvadoran trans woman, also saw leaving her country as a way of avoiding the threats and attacks she received from gang members in her neighbourhood “for not being a biological woman”.

In the case of Camila, another trans woman from El Salvador aged 34, it was the police from her neighbourhood who persecuted her and issued death threats “for being trans” on numerous occasions, until she had no other option but to leave the country. Marbella, a 20-year-old Guatemalan trans woman, was the victim of a trafficking ring that recruited LGBTI people, and was subjected to further threats and intimidation following her rescue.

“They hit me, they tried to kill me, they were looking for me, for the same reason, just because I was gay, and there was nowhere to hide”

Carlos (Honduran)
interviewed in 2017.

Neighbourhood in El Salvador
© Pablo Allison for Amnesty International



According to the UN High Commissioner for Refugees (UNHCR), LGBTI people are one of the “risk profiles” for asylum seekers from El Salvador and Honduras,¹⁰ and it is therefore acknowledged that these people may need international protection in accordance with the 1951 Refugee Convention and its 1967 Protocol.¹¹

Although it is difficult to obtain official and accurate figures on attacks against LGBTI people in El Salvador, Guatemala and Honduras, different non-governmental organizations (NGOs) and international organizations have documented that they are particularly affected by the widespread climate of violence and insecurity in the Northern Triangle of Central America. LGBTI people are frequently the target of different forms of violence due to their real or perceived sexual orientation and/or gender identity, such as, for example, intimidation, threats, physical aggression, sexual violence¹² and even murder.

Amnesty International received a number of statements from gay men and trans women testifying to having been raped in their countries. According to UNHCR, 88 percent of LGBTI asylum seekers and refugees from the Northern Triangle interviewed in the context of a study reported having suffered sexual and gender-based violence in their countries of origin.¹³



¹⁰ UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador, 15 March 2016, available at: www.refworld.org/docid/56e706e94.html, and Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Honduras, 27 July 2016, available at: www.refworld.org/docid/579767434.html

¹¹ The 1951 Refugee Convention is the fundamental binding international treaty that serves as the basis of international law on refugees. The 1967 Protocol to the Refugee Convention picks up all the content of the 1951 Convention and simply adds an extension of its application to all refugees, not only those fleeing their country due to specific time-constrained conflicts during the 1940s and 50s. Mexico has ratified both the Convention and the Protocol, while the United States has ratified the Protocol, thus acquiring identical obligations.

¹² Inter-American Commission on Human Rights (IACHR) Report on the Situation of Human Rights in Honduras, December 2015, paras. 130-136 available at: www.oas.org/en/iachr/reports/pdfs/Honduras-en-2015.pdf Report on the Situation of Human Rights in Guatemala, paras. 340-344, available at www.oas.org/en/iachr/reports/pdfs/guatemala2016-en.pdf; Press Release 37/17 IACHR Condemns Alarming Numbers of LGBT Killings in the Region So Far this Year, 23 March 2017. Available at: www.oas.org/en/iachr/media_center/PReleases/2017/037.asp; OHCHR, Annual report on the activities of his office in Guatemala 2016, para. 61; Human Rights Ombudsman and OHCHR, “Preocupan graves hechos de violencia contra mujeres trans” (Concerns at serious violations of trans women’s rights), 8 December 2016. Available at: www.ohchr.org/gd/documentos/comunicados/20161208_PDH_OACNUDH_Graves_hechos_contra_mujeres_trans.pdf [in Spanish only]

¹³ UNHCR, Población LGBTI en México y Centroamérica (LGBTI Population in Mexico and Central America), 2017. Available at: <http://www.acnur.org/donde-trabaja/america/mexico/poblacion-lgbti-en-mexico-y-centroamerica/> [in Spanish only].



In terms of murders of LGBTI people, NGOs that are gathering and systematizing information on the situation have reported high numbers of murders in recent years (see table).

A study conducted in 2016 indicates that the Northern Triangle region is one of the most dangerous regions for trans women.¹⁴ These same NGOs warn that the real figures could be higher given that not all cases are systematically denounced or adequately reported.

Violence towards LGBTI people is rooted in the environment of discrimination and stigma that is prevalent in society generally towards these people, who differ from the traditionally established patriarchal social norms and gender roles.¹⁵ This situation is reflected in the testimonies received by Amnesty International, which bear witness to multiple acts of verbal and physical violence and exclusion in different arenas of daily life; from within their own family, community and society more generally, including at school and, later, in the workplace. Nor are the “maras” or gangs in the Northern Triangle of Central America, characterized by their violent criminal behaviour and generally associated with territorial control, excluded from this reality. It has been documented that they are governed by highly sexist codes of conduct,¹⁶ and they often attack LGBTI people for real or perceived their gender identity or sexual orientation, subjecting them to acts of physical and sexual violence, as well as blackmail.¹⁷

“I was forced to leave my country, I didn't ask to, just because I was transsexual, just because I was not a biological woman”

Cristel (Salvadoran)
interviewed in 2016.



¹⁴ Transrespect versus Transphobia, Vol. 15: TMM Annual Report 2016. Available at: transrespect.org/wp-content/uploads/2016/11/TvT-PS-Vol15-2016.pdf [in Spanish only].

¹⁵ See for example, IACHR, Report on the Situation of Human Rights in Honduras, December 2015, and Cattrachas, Lenguaje no protegido por la libertad de expresión (Language not protected by freedom of expression), 2016, available at: www.cattrachas.org/gestionciu.php [in Spanish only]; OHCHR, Annual report on the activities of his office in Guatemala 2016, para. 61; and Human Rights First, Bias-Motivated Violence against LGBT People in El Salvador, 2017. Available at: www.humanrightsfirst.org/resource/bias-motivated-violence-against-lgbt-people-el-salvador

¹⁶ Interpeace, Violentas y violentadas: Relaciones de género en las maras Salvatrucha y Barrio 18 del triángulo norte de Centroamérica, (Violent and Violated: Gender relations in the Salvatrucha and Barrio 18 gangs of the Northern Triangle of Central America), 14 May 2013, www.interpeace.org/latinoamerica/wp-content/uploads/sites/7/2015/08/2013_05_14_Central_Am_Violentas_y_Violentadas_es.pdf [in Spanish only] See also Kids in Need of Defense (KIND) Neither Security Nor Justice, May 2017. Available at: <https://supportkind.org/resources/ neither-security-justice/>

¹⁷ KIND, Neither Security Nor Justice, May 2017, p. 8.



ATTACKS ON LGBTI PEOPLE IN THE NORTHERN TRIANGLE OF CENTRAL AMERICA

HONDURAS

According to the NGO Cattrachas Lesbian Network—which monitors violent deaths of LGBTI people on the basis of information appearing in the media—264 murders of LGBTI people were reported in Honduras between 2009 and July 2017, of which 152 (or 58 percent) were gay men and 86 (or 32.5 percent) were trans people. Among these were a number of activists and defenders of LGBTI rights, such as René Martínez Izaguirre, President of the Sampedrana Gay Community, who was disappeared and killed in June 2016.

EL SALVADOR

The Association for Communicating and Training Trans Women in El Salvador (COMCAVIS TRANS) reported a total of 28 serious attacks, most of them murders, perpetrated against LGBTI people between January and September 2017. During February 2017, three trans women were brutally murdered within a 72-hour period. A fourth was brutally attacked just days later.

GUATEMALA

The serious violence and discrimination suffered by LGBTI people has been highlighted on a number of occasions by international human rights bodies.¹⁸ For example, at the end of 2016, five trans women were reported murdered within a six-week period. For its part, the NGO Transgender Europe indicated that 40 trans people were murdered in Guatemala during 2016.¹⁹

Crime scene in Honduras
© Amnesty International/Encarni Pindado



¹⁸ IACHR Preliminary Observations of the IACHR's On-Site Visit to Guatemala. 4 August 2017. Available at: www.oas.org/en/iachr/media_center/PReleases/2017/114A.asp; and OHCHR. Annual Report on the activities of his office in Guatemala 2016.

¹⁹ Transgender Europe, Trans Murder Monitoring Project. Disponible en transrespect.org/wp-content/uploads/2017/03/TvT_TMM_TDoV2017_Tables_EN.pdf

MARBELLA

In 2016, when she was 19 years old, Marbella, a Guatemalan trans woman, replied to an invitation to participate in a beauty contest in Guatemala City, which turned out to be a recruitment front for a trafficking ring. Marbella states that she was held in a house for several months during which time she was subjected to sexual exploitation along with other trans women from Central America, until she was rescued by a police operation. A number of those responsible were subsequently arrested and a criminal investigation opened.

On her release, Marbella wanted to return home and resume her life and studies. She relates, however, that shortly after her return, she began to receive warnings that those responsible for her previous ordeal were looking for her and she was even threatened. Terrified, Marbella stopped going to school, no longer went out and shut herself in the house for fear that the threats would be carried out.

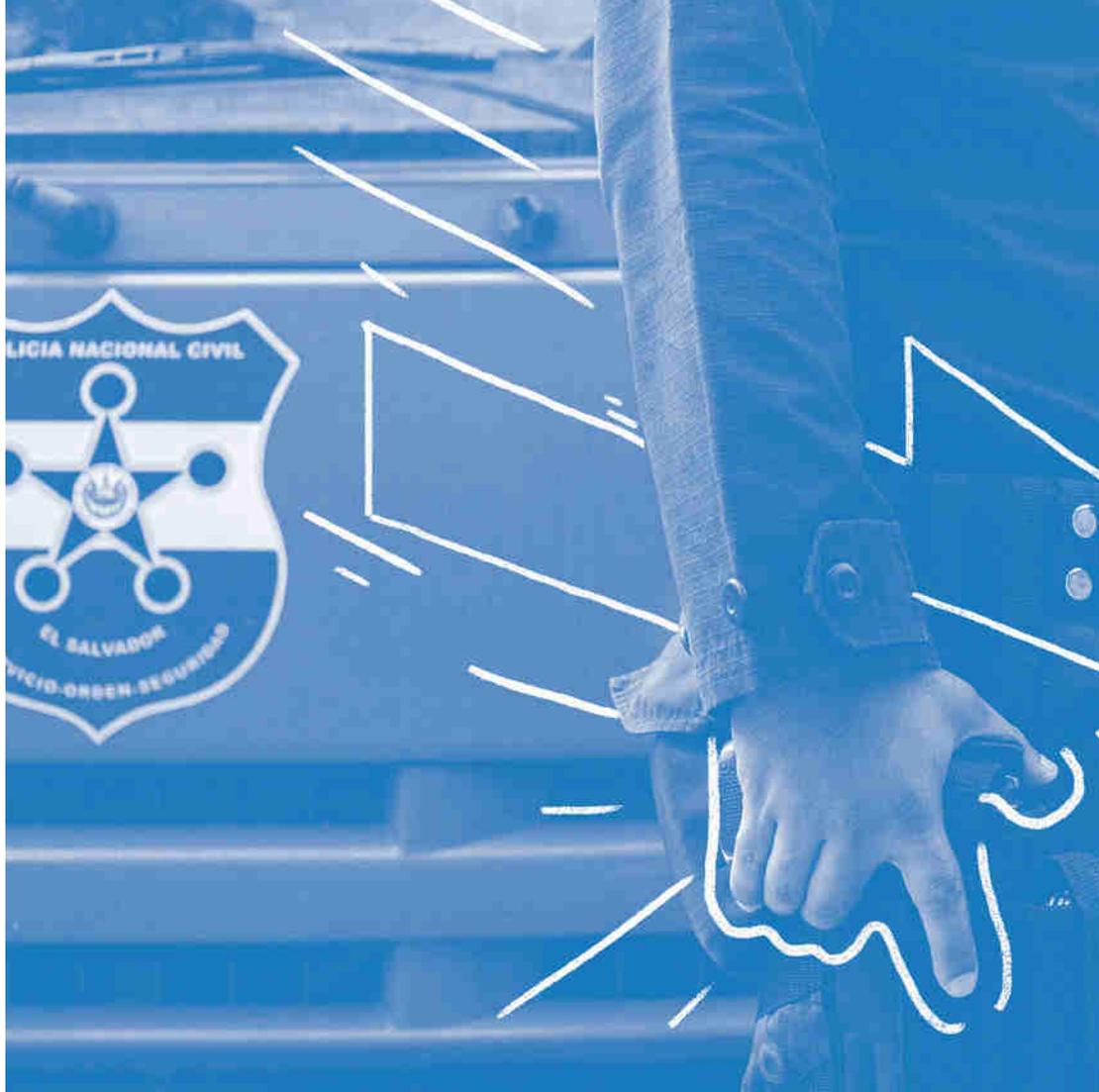
The threats did not stop, and she felt unprotected in her own country and so, at the end of 2016, she decided to leave for Mexico to protect her life and integrity.

When Amnesty International interviewed her in a border town in southern Mexico at the end of March 2016, she did not know what stage the legal proceedings in Guatemala had reached. She stated that she was, however, afraid of being so close to the situation from which she was escaping. Some weeks later, the Mexican state granted her international protection.





NO PROTECTION FROM THE AUTHORITIES



Salvadoran police
© Pablo Allison for Amnesty International

Carlos decided not to report the attacks and threats he received in Honduras, having seen how many of his friends, also gay, were attacked and persecuted specifically for having made complaints.

Like Carlos, most of the trans women and gay men commented in their interviews with Amnesty International that to go to the Police or Prosecution Service would mean or has meant an additional and direct risk to their safety, their life or their integrity; rarely was such an act perceived as synonymous with obtaining protection from the violence they faced.

For fear of suffering reprisals at the hands of their attackers, and given the lack of trust in the authorities responsible for law enforcement, who are regarded as being involved in corruption, complicity and cover-ups with organized criminal gangs, many people prefer not to report the attacks they suffer.

"I never tried to make a complaint because of what happened previously to some friends. My friend (...) went to report a crime and he hadn't even finished making the complaint when they were already at his front door, which is why he went to Mexico; another friend went to make a complaint and was killed on the way home, after doing so"

Carlos (Honduran)
interviewed in 2017.



More serious still, in Camila's case, from El Salvador, the insults, death threats and persecution she experienced came from a police officer, who even turned up at her house with a firearm. Camila's story is unfortunately not a one-off but part of a backdrop of reported attacks on LGBTI people, perpetrated directly by members of the security forces²⁰ and fostered by the context of discrimination and stigma prevalent in society.

For her part, Cristel related how she was subjected to unjustified controls in the street and searches of her belongings by members of the Salvadoran police, apparently due to her gender identity and expression. Local activists indicated in this regard that trans women are particularly exposed to harassment, unjustified searches and arbitrary detentions from the police because of the stigma they bear.

FEAR OF REPORTING

A STUDY CONDUCTED IN EL SALVADOR IN 2015 CONCLUDED THAT 72 PERCENT OF TRANS WOMEN WHO HAD BEEN ATTACKED HAD CHOSEN NOT TO REPORT THE INCIDENT.

THE REASONS GIVEN WERE: "FIRSTLY FOR FEAR OF REPRISALS FROM THE ATTACKERS AND, SECONDLY, DUE TO A LACK OF CREDIBILITY IN THE JUSTICE SYSTEM, AS THEY FELT THEY WOULD BE IGNORED DISCRIMINATED AGAINST AND MOCKED BY THE CIVIL NATIONAL POLICE"²¹

²⁰ UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Honduras, 27 July 2016; Human Rights Ombudsman in El Salvador and UNDP, Informe sobre la situación de los derechos humanos de las mujeres trans en El Salvador (Report on the human rights situation of trans women in El Salvador) [in Spanish only, available at www.sv.undp.org/content/el_salvador/es/home/library/otras-publicaciones/informe-sobre-la-situacion-de-derechos-humanos-de-mujeres-trans-.html] Office of the High Commissioner for Human Rights, 2015; and KIND. Neither Security Nor Justice, May 2017, p.8.

²¹ Human Rights Ombudsman of El Salvador and UNDP, Informe sobre la situación de los derechos humanos de las mujeres trans en El Salvador (Report on the Human Rights Situation of Trans Women in El Salvador), 2015, para. 38. [in Spanish only]

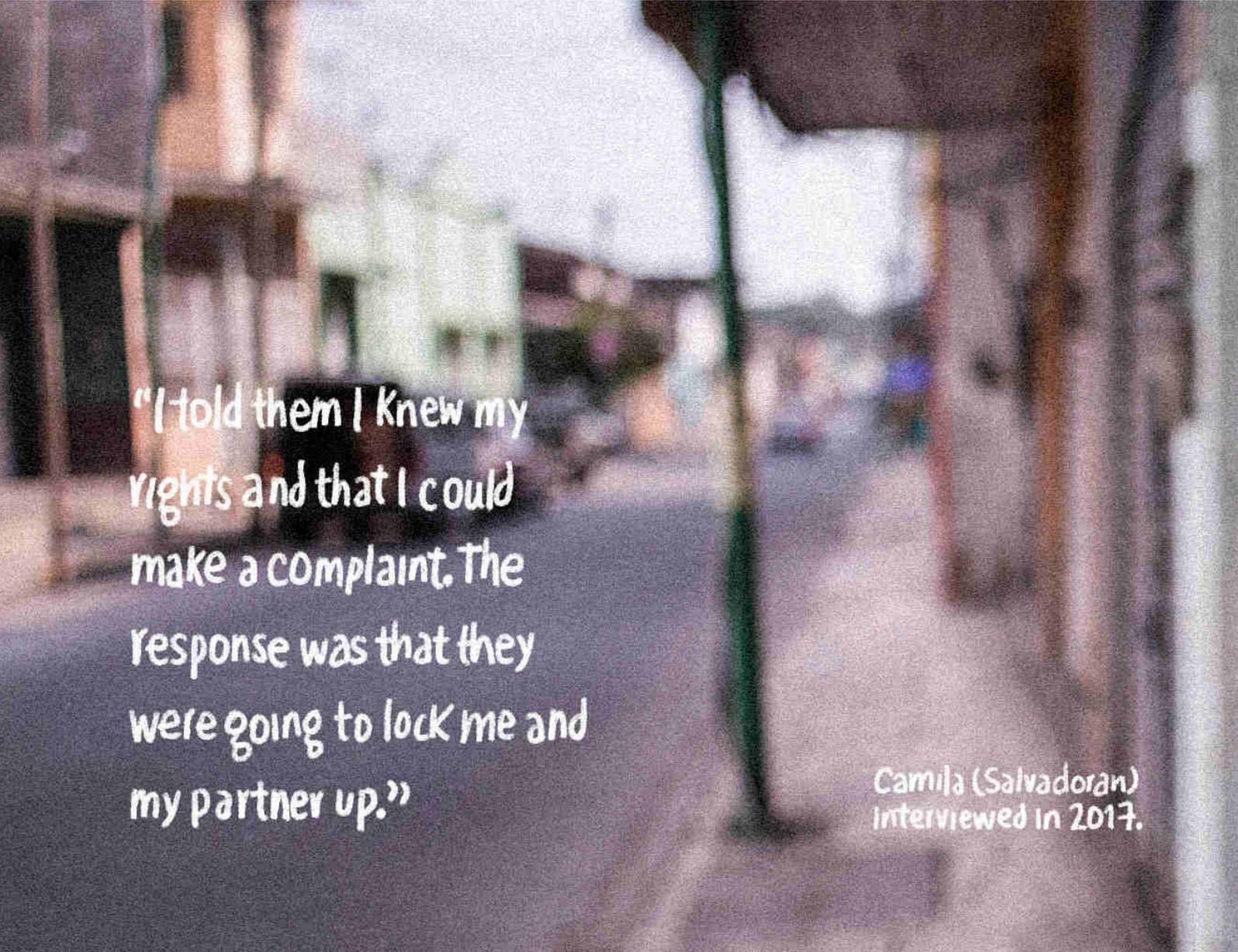
RE-VICTIMIZATION AND STIGMA



When Camila went to the police in El Salvador to report the attacks she had suffered, rather than taking her complaint seriously and offering her protection, the officers mocked her gender identity.

Camila insisted on exercising her rights like any other person but, but the officers threatened to lock her up so, in the end, she gave up and went away.

Migrant in the streets of Tenosique
© Amnesty International/Sergio Ortiz



"I told them I knew my rights and that I could make a complaint. The response was that they were going to lock me and my partner up."

Camila (Salvadoran)
interviewed in 2017.

A study conducted in 2014 in this regard revealed the extent of prejudice due to sexual orientation and/or gender identity within the Salvadoran National Police. It concluded that 66.8 percent of the 413 police officers interviewed believed that, in accordance with national law, LGBTI people did not have the same rights as others.²²

Despite some progress within certain institutions responsible for law enforcement, the testimonies gathered bear witness to the fact that a lack of sensitivity continues to form a barrier to protecting the rights of LGBTI people.

The few people who dare go to the authorities to report a crime are frequently re-victimized or treated with disdain, indifference and discrimination due to their gender identity and/or expression, and so they rarely follow their case up and even, sometimes, withdraw it. The above is in violation of the right of all people to enjoy equal protection before the law without discrimination.

²² ESMULES and CIPAC. Actitudes hacia las personas LGBTI por parte de las fuerzas policiales. (Police Attitudes Towards LGBTI People). El Salvador, September 2014. Available at: www.cipacdh.org/pdf/Informe_El_Salvador_FINAL.pdf [in Spanish only]







CAMILA

Camila is a 34-year-old Salvadoran trans woman. She recounts that, at the start of 2016, a police officer who lived in the same neighbourhood as her began to harass her for being trans; he hounded her and insulted her whenever their paths crossed, even in front of her partner or family.

To begin with, Camila ignored her neighbour's violent and transphobic behaviour but his aggressive attitude increased as the months went by. The officer even threatened Camila and her partner with death on a number of occasions while carrying a firearm, and even in her own home. For fear that these threats would come to pass, Camila left her home and went to live with relatives. She also went to the Civil National Police (PNC) with the aim of reporting the matter.

As a trans woman, however, she was mocked and insulted by some of the officers present. When she insisted on making a complaint, knowing that she had every right to do so, the police officers threatened to lock her up, following which she gave up and left.

Camila recounts that she continued receiving telephone death threats over the ensuing weeks, even in her new home, from the same individual, who told her he knew she had gone to the police. Fearing for her life, and faced with this level of persecution and surveillance, Camila saw no other option but to flee to Mexico with her partner.

After crossing the Mexican border, Camila and her partner caught a minibus for their journey onward but were forced to get off shortly before entering Tapachula²³ due to an impending migration control. Camila says that a short distance after having got off the minibus, she and her partner were stopped by uniformed individuals who she says insulted their gender identity, threatened them and took their money. Camila made a complaint to the Special Prosecution Service for Crimes against Immigrants. When she was interviewed two months later, she was unaware of what stage the investigation was at.

Camila was recognized as a refugee at the end of April 2017. She subsequently went to live in another town in Mexico.

²³ Tapachula is a town in Chiapas State, on the south-eastern border with Mexico, adjoining Guatemala.

RIGHT TO ENJOY EQUAL PROTECTION BEFORE THE LAW WITHOUT DISCRIMINATION

In accordance with international human rights law, any discrimination based on the sexual orientation and/or gender identity of a person is prohibited:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
(Article 26 of the International Covenant on Civil and Political Rights)

It follows from the above that although the political constitutions of countries of the Northern Triangle do not expressly include this prohibition nor make explicit reference to LGBTI people, these countries do have a duty to ensure that all people enjoy equal protection before the law without discrimination.

NO EFFECTIVE ACCESS TO JUSTICE

In the countries of the Northern Triangle, where high levels of impunity are common,²⁴ LGBTI people very rarely obtain justice when they report the serious attacks they have suffered.²⁵

In a study conducted into impunity for such attacks, the NGO Cattrachas noted that, of the 225 violent deaths of LGBTI people recorded during the period 2008 to 2015, only 13 had resulted in a conviction.²⁶

In these countries, discriminatory prejudice, as well as a lack of awareness and training among justice operators as regards these kinds of attack, have been cited by local activists as factors that contribute to the lack of investigation of cases of violence.

This lack of effective access to justice only perpetuates the circle of violence to which LGBTI people are subjected and increases their lack of protection. Silence and escape are therefore often the only alternatives they have to protect their lives and physical integrity.

²⁴ IACHR press release, IACHR Wraps Up On-Site Visit to Guatemala, 4 August 2017, available at: www.oas.org/en/iachr/media_center/PReleases/2017/114.asp; El Faro, La Fiscalía sólo ha podido llevar a tribunales uno de cada 10 homicidios cometidos en 2015 (The Prosecution Service was only able to bring charges in one in 10 murders committed in 2015), 28 March 2016. Available at: elfaro.net/es/201603/el_salvador/18189/La-Fiscal%C3%ADa-solo-ha-podido-llevar-a-tribunales-uno-de-cada-10-homicidios-cometidos-en-2015.htm [in Spanish only]; and UN. Human Rights Committee, Concluding Observations on the second periodic review of Honduras CCPR/C/HND/CO/2, 22 August 2017, para. 18.

²⁵ Human Rights First, Bias-Motivated Violence against LGBT People in El Salvador, 2017. Available at: www.humanrightsfirst.org/resource/bias-motivated-violence-against-lgbt-people-el-salvador; IACHR. Report on the Situation of Human Rights in Honduras, December 2015, p. 65, and Preliminary Observations of the IACHR's On-Site Visit to Guatemala, 4 August 2017. Available at: www.oas.org/en/iachr/media_center/PReleases/2017/114A.asp

²⁶ Cattrachas Lesbian Network, Informe sobre muertes violentas de la comunidad LGBTI. Énfasis en impunidad (Report into violent deaths in the LGBTI Community. Emphasis on Impunity), 2016. Available at: www.cattrachas.org/gestionciu.php [in Spanish only]



Graffiti in El Salvador
© Pablo Allison for Amnesty International

INVISIBILITY

We do not know the exact number of trans women and gay men who, like Camila, Carlos, Marbella and Cristel, flee the violence of the Northern Triangle of Central America each year. This is because the attacks that LGBTI people suffer in their countries of origin are rarely reported to the national authorities or classified as such, for the reasons described above, and because many of the destination countries do not compile statistical information by sexual orientation and/or gender identity for the asylum seekers and refugees they take in.

For example, it was only in 2015 that US Immigration and Customs Enforcement, known as the ICE, stated that it would gather information on the gender identity of those detained.²⁷ This lack of accurate data not only contributes to the dissimulation of a real phenomenon but hinders the design and implementation of adequate measures to guarantee the rights of LGBTI people.

Most of the information available in this regard comes from monitoring conducted by a number of NGOs and from information gathered by UNHCR and its partners in the context of their activities with LGBTI people.

For example, the NGO Immigration Equality which provides guidance to LGBTI asylum seekers in the United States indicated that of all the requests they have received over the last years, Guatemala, Honduras, and El Salvador are among the 10 countries with the highest numbers of requests. In March 2017, the Salvadoran NGO COMCAVIS Trans indicated that at least 136 LGBTI people²⁸ had left the country since 2012. In practice, however, the figures are likely to be higher.

²⁷ Immigration and Customs Enforcement(ICE), Transgender Care Memorandum, June 2015. Available at: www.ice.gov/news/releases/ice-issues-new-guidance-care-transgender-individuals-custody

²⁸ UNHCR informed us that, during 2016 in Mexico, 159 LGBTI people were provided with humanitarian assistance by UNHCR and its partners. Again, however, it is possible that the figures are higher given that not all people register with UNHCR or its partners.

◆ THE PATH: VIOLENCE ◆◆ INSTEAD OF ◆◆ PROTECTION◆



The testimonies gathered by Amnesty International demonstrate that, faced with the urgent need to protect their life and integrity, trans women and gay men generally flee without knowing where they are going, that they have a right to request asylum or what risks await them on the journey. These risks are particularly serious given their sexual orientation and/or gender identity, and often mean they face the same abuses and violations of their rights that they are trying to escape from at home.

For example, Camila remembers that after getting off the minibus that had taken her and her partner to Tapachula in southern Mexico, she was threatened and had her money stolen by uniformed individuals, who also insulted her due to her gender identity. For her part, Cristel, a Salvadoran trans woman, recounts how she was kidnapped by a supposed taxi driver on her arrival in Mexico and subjected to several days of rape and sexual exploitation by different people who also stigmatized her and insulted her because of her gender identity.

In the south of Mexico, Amnesty International also interviewed a Honduran trans woman asylum seeker who stated the reasons that had forced her to flee her country firstly to Guatemala, and then recounted the abuses she had suffered on reaching Guatemala City, where she was captured by a trafficking and prostitution ring.

MEXICO: A DANGEROUS PATH

LGBTI people who are forced to flee are particularly vulnerable to violations of their human rights.²⁹ In addition to the serious situation they experience in their own countries, they suffer further acts of violence on the journey and/or in their destination countries.

In Mexico, high levels of crime and human rights violations are reported against migrants generally, including attacks, robberies and kidnappings perpetrated by organized criminal gangs, sometimes in collusion with different government authorities, as well as different kinds of abuse of authority by the security forces and other Mexican migration services,³⁰ which go unpunished in 99 percent of the cases reported.³¹ Faced not only with these kinds of attack, LGBTI people also find themselves exposed to acts of violence due to their real or perceived gender identity and/or sexual orientation.

According to UNHCR, two-thirds of LGBTI asylum seekers and refugees coming from the Northern Triangle and interviewed in 2016 as part of a study reported suffering sexual and gender-based violence in Mexico after crossing the border at blind spots.³²

²⁹ IACHR, Violence against LGBTI Persons in the Americas, 12 November 2015, para. 285, available at www.oas.org/en/iachr/reports/pdfs/violencegbtipersons.pdf and UNHCR, Protecting Persons with Diverse Sexual Orientations and Gender Identities, 2015, p. 7. Available at: www.refworld.org/docid/566140454.html

³⁰ Hogar Refugio La 72. En los límites de la frontera, quebrando los límites (On the limits of the border, breaking the limits), April 2017, pp. 19-20. Available at: www.la72.org/?p=1719, [only in Spanish] and WOLA et al., El acceso a la justicia para personas migrantes en México: un derecho que solo existe en papel, (Access to Justice for Migrants in Mexico: a right that exists only on paper), July 2017. Available at: www.wola.org/wp-content/uploads/2017/07/Accessoalajusticia_Versionweb_Julio20172.pdf [only in Spanish].

³¹ WOLA et al., El acceso a la justicia para personas migrantes en México: un derecho que sólo existe en papel (Access to justice for migrants in Mexico: a right that exists only on paper), July 2017.. See also Hogar Refugio La 72. En los límites de la frontera, quebrando los límites (On the limits of the border, breaking the limits), April 2017, p. 21. Available at www.la72.org/?p=1719 [only in Spanish]

³² Cited in UNHCR, Población LGBTI en México y Centroamérica (LGBTI Population in Mexico and Central America), 2017. Available at: www.acnur.org/donde-trabaja/america/mexico/poblacion-lgbti-en-mexico-y-centroamerica/ [only in Spanish].

In addition, the testimonies received by Amnesty International highlight the fact that, the whole way along their escape route, they are subjected to stigma and discrimination from the authorities, and also sometimes in the shelters that receive them, due to the injurious prejudice surrounding their sexual orientation and/or gender identity that is also prevalent in this country.

It is important to note, in this regard, the high numbers of Mexican LGBTI victims of violence each year and the fact that many of them, including transgender people, in turn seek protection in other countries.³³

LGBTI people also suffer violence, both verbal and physical, from other migrants. This can be seen, for example, in insults or contemptuous words that refer to their sexual orientation and/or gender identity, or in more serious aggression.

When we interviewed Carlos for the first time in the shelter where he was staying in the South of Mexico, he told us that he was afraid to go outside, and tried to avoid doing so.

Despite this, Carlos commented that, a short while ago, while walking along a path, he was brutally attacked by other migrants. His aggressors knew he was gay and so they insulted him for his sexual orientation. He states that he was also raped.

Finally, the information gathered by Amnesty International—in its interviews with asylum seekers in various border towns in southern Mexico, and with workers from shelters and other organizations—bears witness to the presence of gang or “mara” members in these areas. For asylum seekers, the presence of individuals linked to the same gangs that were persecuting them, threatening them and/or attacking them in their home countries increases their perception of insecurity and can even form a real and imminent risk. Cristel recounted, for example, that on returning from sorting out some paperwork with the Mexican migration office one day, she recognized an individual in the street linked to the same gang that had blackmailed and threatened her in El Salvador. Because of this she stopped going out of the house unless absolutely necessary, for fear of being attacked or located.

Street in Tapachula
© Amnesty International/Sergio Ortiz



“They took my money, my clothes (...), they gave me nothing to eat, no water, they mistreated me, they told me, ‘Ignorant asshole, why were you born this way? Fucking asshole.’

Cristel (Salvadoran) interviewed in 2016.



³³ See for example UN, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Mexico, A/HRC/28/68/Add.3, 29 December 2014; Animal Político, La Ciudad de México, la entidad número uno en agresiones a personas trans (Mexico City: number one for trans aggression), 2016, available at: www.animalpolitico.com/2016/11/trans-asesinatos-violencia-mexico/ [in Spanish only]; Sin Fronteras, Diagnóstico Interseccional sobre la situación y necesidades de mujeres, niñas y niños y adolescentes; y personas LGBTTTI migrantes y sujetas de protección internacional en la Ciudad de México (No Borders, Intersectional Assessment of the situation and needs of women, children and adolescents; and LGBTI migrants and subjects of international protection in Mexico City), February 2017, available at: sinfronteras.org.mx/wp-content/uploads/2017/06/Diagnostico-sin-marcas.pdf [in Spanish only].

DETENTIONS

Migration detention is another situation in which LGBTI asylum seekers are particularly exposed to abuses and violations of their human rights, including lack of effective access to their right to seek asylum and acts of gender-based violence and discrimination on the part of other detainees and the guards.

UNHCR has acknowledged that LGBTI people are often at risk during the time they spend in migration detention centres.³⁴ This risk is greater for transgender women when they are held in cells reserved for men because there are no adequate policies or measures that take their individual and gender identity needs into account.

To this must be added the impact of the detention itself on asylum seekers, which only exacerbates their symptoms of depression, anxiety and the effects of post-traumatic stress.³⁵ These symptoms are present in LGBTI asylum seekers due to the serious acts of violence they have suffered.

In Mexico, there are documented migrant detention centres that fail to meet the specific protection needs of LGBTI people; trans women in particular are mixed with others, or crowded into provisional cells that are temporarily allocated to them.³⁶ In a report published in July 2017, the Citizens' Council of the National Migration Institute (INM) of Mexico highlighted the fact that the different LGBTI people met and interviewed in the different centres "stated that they had suffered discrimination, sexual harassment and even aggression from other detainees or the centre staff".³⁷

**"Did you know you could claim asylum?"
'No,' I said. 'What's that?'"**

Carlos (hondureño), entrevistado en 2017.

³⁴ UNHCR. *Protecting Persons with Diverse Sexual Orientations and Gender Identities*, 2015. p. 28.

³⁵ Allen S. Keller et al., "Mental health of detained asylum seekers," *The Lancet*, vol. 362, November 22, 2003, Cited in Human Rights Watch, *Do you See How Much I'm Suffering Here?*, p. 11 and *The New York Times*, *Transgender Women Fear Abuses in Immigration Detention*, 10 January 2017. Available at: www.nytimes.com/2017/01/10/us/transgender-women-fear-abuse-in-immigration-detention.html

³⁶ Citizens' Council of the National Migration Institute. Report: *Personas en detención migratoria en México, Resumen ejecutivo (People in migration detention in Mexico, Executive Summary)*, July 2017, p.22; and *Observatorio de Migración, Derribando Muros (Breaking down Walls)*, Boletín No. 7, April 2017, p. 2., available at: nsyde.org.mx/wp-content/uploads/07-Derribando-Muros-15-04-2016.pdf [in Spanish only]

³⁷ Citizens' Council of the National Migration Institute. Report: *Personas en detención migratoria en México, Resumen ejecutivo (People in migration detention in Mexico, Executive Summary)*, July 2017, p.22. See also *Observatorio de Migración, Derribando Muros (Breaking down Walls)*, Boletín no. 7, April 2017, p. 2., available at: nsyde.org.mx/wp-content/uploads/07-Derribando-Muros-15-04-2016.pdf [in Spanish only]

This report indicates that detainees are generally subjected to pressure and intimidation to accept so-called “voluntary return”, which denies them effective access to the right to seek asylum.³⁸

Amnesty International finds this situation concerning in that it may contribute to the increased vulnerability of LGBTI people detained for migration reasons, who are often unaware of their right to seek asylum. By subjecting them to pressure during their detention, in a context in which their rights as LGBTI people are not systematically guaranteed, they are exposed to deportation to their countries without the possibility of receiving the international protection they deserve,³⁹ and despite the fact that gender persecution is one of the causes established in Mexican legislation for recognizing refugee status.⁴⁰

Carlos indicates that he only found out about his right to seek asylum after being detained and taken to a holding centre in the south of Mexico. Once he became aware of this possibility, he said he wanted to begin the process as soon as possible, as it would enable him to escape the violence he had experienced in Honduras; however, in an attempt to demotivate him, the person dealing with his case warned him that it would mean remaining in detention for around three months. Two days later, Carlos was finally able to begin the process.

After several weeks, however, he became severely depressed and felt he would be unable to bear such difficult detention conditions. He was released after around a month’s detention due to being offered alternative methods to migration detention and so he was moved to a shelter.

³⁸ Ibid. See also Animal Político, *Hoy no comes, así amenazan a migrantes en México para que acepten la deportación voluntaria* (No food today: how migrants in Mexico are threatened to accept voluntary deportation), 3 August 2017. Available at: www.animalpolitico.com/2017/08/amenazas-migrantes-mexico/?utm_source=Hoy+en+Animal&utm_campaign=cd495dd10-ga&utm_medium=email&utm_term=0_ae638a5d34-cdf495dd10-392971985 [in Spanish only]

³⁹ Observatorio de Migración, *Derribando Muros* (Breaking down Walls), Boletín no. 7 April 2017, pg. 2. [in Spanish only].

⁴⁰ Article 13 of the Law on Refugees, Additional Protection and Political Asylum.

Person detained in El Salvador
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CARLOS

Carlos is a 25-year-old gay man. Until March 2016 he was working in the patterns and prints department of a clothing manufacturer in his home country. Carlos had by this time already experienced humiliation, insults and rejection by his family for being gay from an early age.

He sometimes also received death threats from the gangs in the area in which he lived. But in March 2016 it was different. He was beaten by a group of gang members who insulted him and repeated their threats: if you don't leave town immediately, you'll end up dead. For fear of reprisals, Carlos decided not to report this attack but left his community and fled to San Pedro Sula —the second largest city in Honduras and one of the most dangerous places in the world.⁴¹

Nonetheless, within a few weeks, the gangs had located him through their networks of informants. Carlos says they attacked him as he was leaving the job he had found in this new city. His fear was such that he initially decided simply not to leave the house; he even gave up work. But the gangs found out where he lived and went there to threaten him further.

Without a safe place to stay, Carlos had no option but to flee once more. This time he decided to leave the country. On 13 September 2016, without really knowing the route, he took several buses through Guatemala to the Mexican border.

"It is very difficult when your sister says she is ashamed of you, that you disgust her, when your dad chases you out of the house telling you he doesn't want you because you're gay (...), my family beat me, they rejected me."

Carlos (Honduran)
interviewed in 2017.

Carlos recounts how he was detained by the INM in Mexico a few hours after crossing the border. He was taken to a holding centre where he was locked up day and night with others in a very small cell. He was only let out to collect his food, and then immediately returned to the cell to eat it. This same space included toilets and washing space, clothes had to be washed and hung out there, and they had to sleep on mats on the floor. In his words, "It was a truly horrible place."

Carlos found out about his right to seek asylum for the first time while in detention, when he stated his reasons for not wanting to be deported back to Honduras. He wanted to begin asylum proceedings immediately but the person dealing with his case told him, in an attempt to put him off, that he would be held in these detention conditions for at least three months if he requested asylum. Determined, Carlos repeated his desire to start the process as soon as possible but says he was only allowed to do so two days later.

He states that after two weeks he felt desperate at the conditions in which he was being held, spending almost the whole day locked up and sleeping on a mat. However, he was informed that he could benefit from alternative measures to detention, implemented by the Mexican government with the support of UNHCR, and so he was finally able to leave and was moved to a migrant shelter.

⁴¹ Citizens' Council for Public Security and Criminal Justice, Metodología del ranking (2016) de las 50 ciudades más violentas del mundo (Ranking (2016) of the 50 most violent cities in the world), April 2017. Available at seguridadjusticiaypaz.org.mx/biblioteca/prensa/send/6-prensa/239-las-50-ciudades-mas-violentas-del-mundo-2016-metodologia [in Spanish only]

Carlos says he tried to avoid leaving the shelter for fear of meeting gang members and other groups in the border town in which he was living. However, one day as he was walking along a path he was attacked by migrants who were aware of his sexual orientation. On this occasion, Carlos was also raped.

Carlos is still waiting for his asylum claim to be considered. The process has taken several months because the first decision he received - which refused him asylum - was declared null and void due to a number of irregularities.

"If there were more information about what an LGBTI community is, what it is to be gay, lesbian, what we suffer, if there were campaigns, more information for people, I believe there would be less ignorance towards us"

Carlos (Honduran), interviewed in 2017.



For her part, Cristel recounts her painful experience in a US migration detention centre. Feeling unsafe in Mexico after the abuse she had suffered, Cristel decided to travel to the United States, where she hoped to live according to her gender identity and without fear. She says that, on arriving at the US border, she was detained and subsequently taken to a detention centre where she was held for around three months.

She was detained all this time alongside men given that, in her words, the authorities did not take her gender identity into account, nor the vulnerability that this situation created for her. Cristel says she could not bear these terrible conditions and ended up accepting so-called “voluntary return” to El Salvador.

The situation described by Cristel concurs with the results of a report published in March 2016⁴² by Human Rights Watch, which documents the multiple abuses and violations of human rights, including sexual aggression and harassment, suffered by trans women when detained in male units of US detention centres. Although the US ICE had issued guidelines intended to improve the detention conditions of trans women some months previously,⁴³ these are reportedly suffering from implementation problems.⁴⁴

Trans women’s vulnerability is now being intensified by the prolonged periods asylum seekers are forced to spend in detention following the drastic reduction in alternative methods, exacerbated by the migration policies implemented by President Donald Trump.⁴⁵

“I was held in a US cell and it was horrible, so tense; you are discriminated against as well, they discriminate against you, they marginalize you (...) they put me in with all men, three and a half months, they never took account of my sexuality or that I was trans.”

Cristel (Salvadoran) interviewed in 2017.

ALTERNATIVES TO MIGRATION DETENTION

All people, including asylum seekers and migrants, have the right to freedom, to move freely and to be protected from arbitrary detention regardless of their legal status. Amnesty International is therefore opposed to the routine use of detention as an instrument for exercising migration control, given the negative impact it has on the rights of those detained and the fact that states often use detention as a way of dissuading or punishing illegal migration instead of tackling its real causes.

According to current international standards, migration detention is an exceptional measure to be used as a last resort when it is not possible to use other less restrictive means.⁴⁶ States must therefore ensure that alternative measures to detention are effectively available for all migrants, without discrimination.⁴⁷ When envisaging the use of these alternative measures, states must conduct individual assessments that take into account the specific circumstances and vulnerability of each case, such as for example, pregnant women, trafficking victims, LGBTI people, the elderly or those with a serious medical or psychological condition.⁴⁸

DEPORTATION: SENT BACK TO HELL

For those unaware of their right to request asylum, or who are deprived of effective access to it, detention by the migration authorities is the start of a deportation process that will culminate in their return to their country of origin, directly back to the serious risks they were trying to escape.⁴⁹

The evidence gathered by Amnesty International in this regard shows that Mexico and the United States are returning people who are fleeing violence to their countries of origin without being able to request asylum,⁵⁰ which is in violation of the principle of non-refoulement (non-return)⁵¹ and places people in serious danger.

Amnesty International has furthermore documented that, despite the above, thousands of people are being deported to the countries of the Northern Triangle each year,⁵² where there are no comprehensive mechanisms that would enable those at risk to be identified or provided with the protection and care they need, and nor from an adequate gender perspective in the case of LGBTI people.⁵³

Given the multiple dangers facing them on their return to their country, many people have no option but to flee for their life yet again, seeking safety either elsewhere within the country or going abroad once more. Some of the people interviewed by Amnesty International who had been deported to their country or had accepted so-called voluntary return indicated that their fear was so great on arriving back in their country of origin that, the very same day of their deportation, they had again taken a bus to cross the border.

Other people stayed several weeks or months in a different area or city of the country, seeking their own ways of surviving, until they were faced with further danger and fled once again, as was the case of Cristel. Because of the networks of informants gang members have around the country, they quickly found out that Cristel had returned and so she once more became the target of blackmail and threats, until she was forced to flee El Salvador again in search of protection.

⁴² Human Rights Watch, *Do you See How Much I'm Suffering Here?* March 2016. Available at: www.hrw.org/sites/default/files/report_pdf/us0316_web.pdf

⁴³ ICE, *Transgender Care Memorandum*, June 2015.

⁴⁴ Human Rights Watch, *Do you See How Much I'm Suffering Here?*, p. 11 and The New York Times, *Transgender Women Fear Abuses in Immigration Detention*, 10 January 2017. Available at: www.nytimes.com/2017/01/10/us/transgender-women-fear-abuse-in-immigration-detention.html

⁴⁵ Amnesty International, *Facing Walls, USA and Mexico's violation of the rights of asylum seekers AMR 01/6426/2017*, 2017. Available at: www.amnesty.org/es/documents/amr01/6426/2017/es/

⁴⁶ UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 1999, Guideline 3. Available at: www.unhcr.org/uk/publications/legal/505b10ee9/unhcr-detention-guidelines.html. See also UN Special Rapporteur on the human rights of migrants, UN Doc. A/HRC/7/12, 2007 para. 50; Working Group on Arbitrary Detentions, *Mission to Angola (A/HRC/7/4/Add.4)*, 29 February 2008, para. 97; and Addendum: Report on the visit of the Working Group to the United Kingdom on the issue of immigrants and asylum seekers, E/CN.4/1999/63/Add.3, para. 26 and recommendation 33)

⁴⁷ UN Special Rapporteur on the human rights of migrants, E/CN.4/2003/85, paras 74-75, 30 December 2002.

⁴⁸ UN Special Rapporteur on the human rights of migrants, UN Doc. E/CN.4/2003/85, para. 433.

⁴⁹ Amnesty International, *Home Sweet Home? Honduras, Guatemala and El Salvador's role in a deepening refugee crisis*, AMR 01/4865/2016, 2016.

⁵⁰ Amnesty International, *Facing Walls*, AMR 01/6426/2017, 2017.

⁵¹ People at risk in their own country have the right to receive international protection in another. The principle of non-refoulement (no return) enshrined in international law prevents a person from being sent back or returned to a country where they may run a real danger of suffering serious abuses or violations of their human rights.

⁵² UNHCR, *Situación del triángulo Norte de Centroamérica (Situation of the Northern Triangle of Central America)*, 2017 Available at: www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/BDL/2017/11040&_sm_a_u_=-iVWnVWtstFOLqM [in Spanish only]

⁵³ Amnesty International, *Home Sweet Home? Honduras, Guatemala and El Salvador's role in a deepening refugee crisis*, AMR 01/4865/2016, 2016.

CRISTEL



Cristel is 25 years old. This Salvadoran trans woman describes how her life changed in just a few hours one day in August 2014 when she received death threats from a gang in the area where she lived with her mother in El Salvador. She had been identified as trans, and they gave her 24 hours to get out, or they would kill her.

Cristel had suffered stigma and discrimination in her country for her gender identity in the past. She had also been blackmailed by gangs, but at no time had there been actual attacks on her life. Faced with this new threat, Cristel feared for her life and so grabbed two changes of clothing and took “the road North”, knowing nothing about the journey that awaited her. Cristel travelled by bus to the Mexican border and, like so many other undocumented migrants, crossed the Suchiate River in a raft.

Once across the border, Cristel recounts that she got a taxi to take her into Tapachula where she could rest before continuing her journey on to Mexico City. However, instead of taking her there, the supposed taxi driver took her to an unknown house where her belongings were taken from her and she was raped on several occasions by different people, and sexually exploited. Cristel recalls that she remained in captivity for several days in this house, along with K, another trans woman from El Salvador, until one night they managed to escape while their abductors were distracted.

The two women walked and walked until a car driver offered to help them and took them to the Specialist Prosecution Service for Crimes against Immigrants in Tapachula, where they were able to make a complaint. They were taken to a shelter for migrants, where Cristel was able to commence her recovery. Some weeks later, the INM granted her a humanitarian visa because she had been the victim of a serious crime in Mexico. Cristel indicated that she had not been informed of the progress made in the investigation that was opened after she reported the crime in Mexico.

The humanitarian visa she received allowed her to remain in Mexico for one year. She says she felt very unsafe in the country, however, and so she travelled to the United States with K. At the border, the two women handed themselves over to the US authorities and were taken to a migration detention centre. Cristel recounts that she was detained in the US for more than three months, in the men’s unit. She says that at no time did the authorities take her gender identity into account. This prolonged detention was extremely difficult for Cristel, who had been greatly affected by the abuse suffered in Mexico, and so she finally withdrew her asylum request and agreed to her “voluntary return” to El Salvador. Her friend K now lives in the United States.

On her return to El Salvador, Cristel set up home in a different area of the country. However, she had no option but to live in a neighbourhood that was also controlled by gangs. Through their information networks, the gang member that had threatened her previously became aware of her presence and began to blackmail her: she had to pay a tax plus so-called “rent” or they would kill her. Cristel says she was only able to pay the sums demanded for a few weeks, after which her family tried to obtain a loan to help her and avoid the threats being carried out.



Cristel's hand
© Amnesty International/Sergio Ortiz

But she again received death threats by phone and, at the start of 2017, was assaulted in the street by the same gang member. Cristel went to the Civil National Police to report the incident. Shortly afterwards, however, she says she saw police officers chatting with the gang member. More threats came over the following days: Cristel was given two weeks to quit the neighbourhood and not return to any area controlled by this gang. She says her boyfriend also received death threats and was murdered several weeks later as he was going to visit his family in an area controlled by a rival gang.

Cristel had no option but to flee to Mexico once more. Around the same time that Cristel travelled to Mexico, three trans women were murdered in El Salvador within a one-week period.⁵⁴

Cristel requested international protection in a border town in southern Mexico, living in constant fear of being attacked or abused once more, and restricting her movements to the strictly essential. Cristel recounts that, one day, on returning home, she recognized someone in the street linked to the gang that had blackmailed and threatened her in El Salvador, and this only resulted in yet further terror and anxiety on her part.

⁵⁴ IACHR, "IACHR Condemns Alarming Numbers of LGBT Killings in the Region So Far this Year. Press release 37/17 of 23 March 2017.

RECOMMENDATIONS

The stories of Camila, Carlos, Marbella and Cristel, along with other testimonies gathered by Amnesty International, bear witness to the multiple and repeated abuses and violations of human rights experienced by trans women and gay men both in their countries of origin and in their transit and/or destination countries, often motivated by their real or perceived sexual orientation and/or gender identity.

When forced to flee to another country to escape the violence, instead of obtaining the immediate protection they require, LGBTI people often again experience abuses and violations of their rights similar to those suffered in their home countries. In other words, their vulnerability as migrant persons and asylum seeker is exacerbated by their Sexual orientation and/or gender identity.

This circle of constant violence and lack of protection is the result of the deep discrimination and stigma LGBTI people experience at different levels of society in these countries, linked to a lack of adequate and effective measures to guarantee their rights and a lack of knowledge of their particular protection needs.

States need to act to fully guarantee the rights of LGBTI people from the Northern Triangle of Central America. Amnesty International therefore recommends:

EL SALVADOR, GUATEMALA Y HONDURAS

THAT THE COUNTRIES OF THE NORTHERN TRIANGLE OF CENTRAL AMERICA:

1. Adopt and implement prevention and awareness-raising policies aimed at promoting respect for the rights of LGBTI people and preventing all forms of violence against them, both in the domestic sphere and within public institutions.
2. Conduct exhaustive investigations into all crimes and human rights violations committed against LGBTI people with the aim of identifying, prosecuting and punishing those responsible. The different possible lines of investigation should include those aimed at determining whether the crimes were committed on the basis of the victim's sexual orientation and/or gender identity.
3. Provide adequate medical and psychological care for LGBTI victims of violence.

THAT MEXICO:

4. Ensure that the official records of the different institutions responsible for providing care to LGBTI victims of violence have data collection systems that enable the gender identity and/or sexual orientation of individuals to be taken into consideration in order to quantify and analyse the violence to which they are subjected.
5. Improve coordination between consular services abroad and the reception centres in the countries to identify people with protection needs and guarantee that all reception, reintegration and protection programmes for deported migrants take into account the rights and specific needs of LGBTI people.
6. Assess the risk of deported or returning LGBTI people so that, in the face of high risk, a fast-track system can be activated in third countries to support asylum requests from those LGBTI people involved, as a protection measure.

1. Ensure that people receive information on their right to claim asylum and that they have effective access to this process, and refrain from deporting people at risk back to their country of origin.
2. Collect, systematize and produce data and records on violence against LGBTI asylum seekers or refugees persecuted on the basis of their real or perceived sexual orientation and/or gender identity.
3. Conduct exhaustive investigations with all due diligence for crimes and human rights violations committed against LGBTI people considering, among the possible lines of investigation, those aimed at determining whether the crimes were committed on the basis of the sexual orientation and/or gender identity of the victims.
4. Adopt or, where appropriate, continue to develop good practices related to the use of alternatives to migration detention for LGBTI people, based on an individualized assessment of the specific protection needs of each person that takes into account their sexual orientation and/or gender identity.
5. Put special mechanisms in place for vulnerable asylum seekers who may need to be urgently moved from border areas to other parts of the country while they await the results of their asylum procedure, with special emphasis on LGBTI communities.

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WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.

NO SAFE PLACE

Salvadorans, Guatemalans and Hondurans seeking
asylum in Mexico based on their sexual orientation
and/or gender identity.

Cover Photo: Ciudad Hidalgo, south border with Guatemala
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