

# The LGBTTTI Coalition Celebrates the Culmination of Another Successful OAS General Assembly in spite of the Attempt of the Host Government to Close Spaces to the Civil Society

Medellin, Colombia  
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## SUMMARY

The Coalition of Lesbians, Gays, Bisexuals, Trans, Transsexuals, *Travestis* and Intersex (LGBTTTI) of Latin America and the Caribbean that work within the framework of the Organization of American States (OAS) was present at the 49th regular session of the General Assembly, which took place in Medellín, Colombia, on June 27-28, 2019. As in previous years, we also participated in the Dialogue with Heads of Delegation and the OAS Secretary General, among other actors, through two coalitions, one coalition of LGBTI people and another - established for the first time this year - of sex workers.

As a Coalition, we welcome the important advances in the field of human rights, sexual orientation, gender identity, gender expression and sex characteristics in this General Assembly, including the adoption of the 11<sup>th</sup> resolution on the human rights of LGBTI people - with a more inclusive language than in previous years-, the re-election of Commissioners Arosemena and Macaulay and the election of Julissa Mantilla, despite the attempts of anti-rights groups to delegitimize their candidacies. Likewise, we reject the attempt to close spaces to civil society, led by the Colombian government in the context of the OAS General Assembly and call on the OAS to avoid these situations in the future.

## PROGRESS AND CHALLENGES IN THE REGION

We emphasize that, despite considerable progress in terms of policies, laws and judicial recognition in most countries of the Americas, there are many challenges that restrict the full enjoyment and exercise of our rights. We continue to see high levels of violence and discrimination against LGBTI people, or those perceived as such, in the Americas. In this regard, we express our concern about crimes based on prejudice because of sexual orientation, gender identity and expression, without the State maintaining official records on such crimes, which makes prevention and investigation difficult. In particular, the Coalition categorically condemns the wave of murders and violence directed at LGBT people in recent weeks in Honduras, and encourages the authorities to take all effective measures to respect and guarantee the life and personal security of LGBT people and their human rights defenders.

Likewise, there are still state laws, policies and practices that directly criminalize us, violating our human rights. However, in 2016 and 2018 we noticed considerable progress in terms of discrimination based on the law in the English-speaking Caribbean. In addition to the recent decriminalization of consensual sexual relations between adults of the same sex in Belize and Trinidad and Tobago, the Caribbean Court of Justice issued a ruling at the end of 2018 in *McEwan and others*, ruling that the criminal provision prohibiting the use of garments associated with another gender in Guyana was unconstitutional. Likewise, there have been important advances in Latin American countries, among which we highlight the following: the adoption of the Integral Gender Identity Law (*Ley Integral Trans*) in Uruguay; the Gender Identity Law in Chile; the

implementation of the trans labor quota in several Argentinean cities; the approval of same-sex marriage, as well as the judicial recognition of co-maternity in the Satya case and the recognition of the right to identity of a trans girl in Ecuador; and the adoption of the LGBT National Public Policy and the inclusion of a gender perspective in the Peace Agreement in Colombia, among others.

Regarding autonomous sex work, although it is not explicitly prohibited in most countries in the Americas, there are regulations and laws that criminalize the different acts related to sex work. This, coupled with the absence of clear regulations that recognize sex work as work, creates the conditions that foster institutional violence -including sexual and physical violence, extortion and illegal detentions- and reinforce obstacles that prevent sex workers access to basic health and justice services. We note with concern that, although the IACHR held a first hearing on human rights violations of female sex workers in March 2017, the Commission has not granted further hearings on this subject, despite numerous requests in this regard.

We also see with great concern the emergence of bills or laws that seek to criminalize transmission, non-disclosure and exposure to HIV, or the misuse of criminal law to criminalize people living with HIV. We commend the Constitutional Court of Colombia for its June 5, 2019 judgement which declared unconstitutional the criminal provision that imposed imprisonment to a person living with HIV or Hepatitis B who engaged in activities that could infect another person.

### **THE DIALOGUE WITH HEADS OF STATE, THE SECRETARY GENERAL, THE DEPUTY SECRETARY GENERAL, AND CIVIL SOCIETY REPRESENTATIVES**

During the Dialogue we saw a growing number of allies who incorporated in their declarations a message of equality for all people and of acceptance towards sexual and gender diversity, including a recently established Coalition of Sex Workers. This Coalition is made up of organizations associated with the Network of Sex Workers of Latin America and the Caribbean (*Red de Trabajadoras Sexuales de América Latina y el Caribe - RedTraSex*), which are members of our LGBTTTI Coalition since 2018.

We continue to see that conservative and anti-rights groups promote messages that violate human dignity and attempt to undermine the human rights of LGBTI people in the Americas. Many of these messages include a narrative that ignores the legitimacy of the organs of the Inter-American Human Rights System to monitor the compliance of States with the most basic international human rights obligations, which are not up for debate, such as the obligation to guarantee rights, equality and non-discrimination.

This year, in the context of the Dialogue we noticed how some of the anti-rights coalitions misrepresented concepts such as corruption to openly attack members of the Inter-American Commission on Human Rights (IACHR), using precepts such as “gender ideology.” In this regard, we emphasize that experts and international human rights organizations have criticized the use of this term, void of real content, which only seeks to attack any progress in favor of equality and non-discrimination, particularly in relation to gender, sexual orientation, gender identity and expression and sex characteristics.

Finally, the Coalition emphasizes that space of civil society is increasingly being restricted. With the high number of coalitions this year (33), each coalition had only three minutes to make its statement. In this regard, we urge the OAS to extend the time allotted for the Dialogue, so that each Coalition has a minimum of five minutes to make its statement, regardless of the number of coalitions.

## **THE OAS GENERAL ASSEMBLY AND THE ATTEMPT TO CLOSE SPACES TO ALL CIVIL SOCIETY ORGANIZATIONS**

The OAS General Assembly was held at the Medellín Convention Center. Although the Dialogue with Heads of State and the Secretary General was held in one of its largest rooms, the day before the General Assembly; the actual General Assembly took place in a smaller section of the Convention Center where there was reduced capacity. This led to limiting the number of participants that could enter the room, affecting all civil society organizations, both anti-rights groups and groups that defend the human rights of all people, without discrimination. Thus, only one representative from each of the civil society Coalitions was allowed access to the room where the General Commission was held and no substitutions were accepted.

Further, the first day of the General Assembly, the entry of civil society members to the Plenary was severely restricted, although it was evident that there was enough space in the room to place more chairs and allow access to all attendees. Due to this, at the end of the first day, some civil society organizations directly complained to the Colombian Minister of Foreign Affairs, the Secretary General and Deputy Secretary General, but the situation worsened when the General Secretariat sent a statement that night indicating that only three representatives of each Coalition could have access to the premises of the General Assembly, which meant that only 99 people would be allowed access. There was also a tacit agreement that the first 300 people who arrived at the Convention Center would enter. This meant that on the second day, civil society representatives waited, standing in line, outside the Convention Center from 6 am to 10:30 am, when the doors finally opened, after the attendees started complaining. Also, on the second day, the General Commission was held without the presence of civil society organizations. Regarding the Plenary room, it was not only civil organizations complained that more chairs were added, and we finally gained access to the room.

We reiterate our deep rejection of the attempt to close spaces to civil society, led by the Colombian government in the context of the OAS General Assembly and call on the OAS to ensure that similar situations are not repeated.

The Coalition notes the re-election of the Commissioners to the Inter-American Commission on Human Rights (IACHR): Esmeralda Arosemena de Troitiño (Panama) and Margarete May Macaulay (Jamaica) and the election of Julissa Mantilla (Peru) and Edgar Stuardo Ralón (Guatemala). In relation to the reelection of Commissioners Arosemena and Macaulay, the Coalition wishes to highlight their great commitment to respect and guarantee the human rights of all people, without discrimination based on gender, sexual orientation, gender identity and expression, and sex characteristics.

In this regard, we encourage the Inter-American Commission to continue protecting the rights of all persons, without discrimination based on sexual orientation, gender identity, gender expression and sex characteristics, thus supporting the proper interpretation of the principles of equality and non-discrimination enshrined in inter-American human rights instruments.

## **THE RESOLUTIONS OF THE GENERAL ASSEMBLY AND THE HUMAN RIGHTS OF LGBTI PEOPLE**

This year the paragraphs entitled "human rights and prevention of discrimination and violence against LGBTI people" of the Omnibus Resolution "Promotion and Protection of Human Rights", was presented by thirteen OAS countries: Argentina, Belize, Brazil, Bolivia, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, the United States, Mexico and Uruguay.

The resolution adds for the first time the category “sex characteristics,” together with the categories “sexual orientation, gender identity and expression.” Thus, this year, the OAS General Assembly passed a strengthened resolution that has the same content as the previous resolutions but includes greater protection for intersex people.

This resolution is the result of the hard work that the LGBTTTI Coalition has carried since 2007 at the OAS. Like previous occasions, the presence and continuous participation of our Coalition in different actions and dialogues with OAS Member States during the General Assembly counteracted the intolerant actions and hate speech of anti-rights organizations that tried to stop its approval.

This resolution was successful again this year, despite the initial opposition of certain countries such as Paraguay, Saint Lucia and Jamaica; which stand out for their lack of protection of the human rights of LGBTI people domestically. A small minority of OAS Member States added footnotes to the resolution. This year the resolution has the lowest number of footnotes that have ever been included so far, since this practice began with the 2013 resolution. Only seven countries placed footnotes or announced that they would insert them at a later stage (Barbados, Guatemala, Jamaica, Trinidad and Tobago, Paraguay, Saint Vincent and the Grenadines, and Saint Lucia), compared to twelve countries in 2013.

Likewise, we congratulate the OAS General Assembly for including a diversity perspective regarding sexual orientation and gender identity in the resolution adopting the Hemispheric Plan of Action to guide the Development of Public Policies for the Prevention and Reduction of Intentional Homicide.

## **THE ANNUAL MEETING OF THE COALITION**

More than 70 activists - including human rights defenders of LGBTI people and sex workers from Latin America and the Caribbean, representatives of Coalition and non-Coalition members, met in Medellín to attend our annual meeting and the OAS General Assembly. During the three days of our annual meeting, which, like every year, is open to any LGBT or human rights organization that wants to participate, we discussed important issues related to regional advocacy. Likewise, the Coalition decided to accept the request to join the Coalition by the following organizations: *Caribe Afirmativo* (Colombia), *Asociación Ciudadana ACCEDER* (Costa Rica), *Las Reinas Chulas, Cabaret y Derechos Humanos A.C.* (Mexico) and *Diversidad Dominicana* (Dominican Republic).

## **ACKNOWLEDGEMENTS**

We would like to thank Akahatá - Equipo de trabajo en Sexualidades y Géneros, the Arcus Foundation, COC - Netherlands, IPAS, Red Latinoamericana y del Caribe de Personas Trans (RedLacTrans), Red Latinoamericana y del Caribe de Trabajadoras Sexuales (RedTraSex) and Synergía - Initiatives for Human Rights, as well as the numerous financial efforts made by the different organizations within our Coalition, to guarantee our participation in this OAS General Assembly and our annual meeting.

The LGBTTTI Coalition highlights the commitment of Catherine Pognat and the entire OAS Department of Social Inclusion to achieve a successful General Assembly where there was significant progress in terms of dialogue, including a space entitled “improbable dialogues”, which sought to encourage the exchange of ideas between groups with radically opposite positions regarding the recognition of human rights.

We ask all OAS Member States to continue guaranteeing the protection and promotion of the rights of LGBTI people, and to repeal laws or modify state practices that criminalize or discriminate against us. We urge all OAS Member States to take measures to promote the legislative, administrative and judicial reforms necessary to adapt their legal systems, interpretations and practices to the standards established in Advisory Opinion No. 24/17, issued by the Inter-American Court in November 2017 and to respect its binding nature.

We encourage OAS Member States to follow the leadership shown by Uruguay, which in May 2018 became the first country to ratify the Inter-American Convention on all forms of Discrimination and Intolerance.

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The following people sign as part of the LGBTTTI Coalition of organizations from Latin America and the Caribbean that work within the framework of the OAS:

1. ACTION COMMUNAUTAIRE POUR L'INTEGRATION DES FEMMES VULNERABLES EN HAITI (ACIFVH) – Yaisah Val – Haiti,
2. AIREANA – GRUPO POR LOS DERECHOS DE LAS LESBIANAS – Mirta Moragas & Judith Grenno – Paraguay,
3. AKAHATÁ, EQUIPO DE TRABAJO EN SEXUALIDADES Y GÉNEROS – María Luisa Peralta – Argentina,
4. ASOCIACIÓN ALFIL – Rashell Erazo – Ecuador,
5. ASOCIACIÓN ASPIDH ARCOIRIS – Ambar Alfaro – El Salvador,
6. ASOCIACIÓN CIUDADANA ACCEDER – Larissa Arroyo Navarrete – Costa Rica,
7. ASOCIACIÓN DE TRAVESTIS, TRANSEXUALES, TRANSGÉNEROS DE ARGENTINA (ATTTA) – Iván Puhlman – Argentina,
8. ASOCIACIÓN LÍDERES EN ACCIÓN – German Rincón Perfetti – Colombia,
9. ASOCIACIÓN ORGANIZANDO TRANS DIVERSIDADES (OTD-Chile) – Franco Fuica – Chile,
10. ASOCIACIÓN PANAMBÍ – Vicky Acosta & Marie García – Paraguay,
11. ASOCIACIÓN PAÑAMENA DE PERSONAS TRANS – Venus Tejada – Panama,
12. ASOCIACIÓN PARA UNA VIDA MEJOR DE PERSONAS INFECTADAS/AFFECTADAS POR EL VIH-SIDA – José Antonio Zambrano – Honduras,
13. ASOCIACIÓN TRANS DEL URUGUAY (ATRU) - Karina Pankievich – Uruguay,
14. CARIBE AFIRMATIVO – Vivian Cuello Santana – Colombia,
15. CENTRO DE PROMOCIÓN Y DEFENSA DE LOS DERECHOS SEXUALES Y REPRODUCTIVOS – (PROMSEX) – George Hale – Peru,
16. COLECTIVO OVEJAS NEGRAS – José Ramallo – Uruguay,
17. COLECTIVO UNIDAD COLOR ROSA – Gabriela Redondo – Honduras,
18. COLOMBIA DIVERSA – Juan Felipe Rivera Osorio – Colombia,
19. DIVERLEX – DIVERSIDAD E IGUALDAD A TRAVÉS DE LA LEY – Tamara Adrián – Venezuela,
20. D'MARCO ORGANIZATION – Alexis D'Marco – The Bahamas,
21. EASTERN CARIBBEAN ALLIANCE FOR DIVERSITY AND EQUALITY (ECADE) – Maria Fontenelle – Eastern Caribbean region,
22. FUNDACIÓN ARCOÍRIS POR EL RESPETO A LA DIVERSIDAD SEXUAL A.C. – Roberto Baeza – Mexico,
23. FUNDACIÓN DIVERSENCIA – Ronald Céspedes – Bolivia,
24. J-FLAG/EQUALITY FOR ALL FOUNDATION JAMAICA LTD.– Jaevion Nelson– Jamaica,
25. LAS REINAS CHULAS, CABARET Y DERECHOS HUMANOS A.C. – Luz Aranda Arroyo – Mexico,
26. LETRA S, SIDA, CULTURA Y VIDA COTIDIANA, A.C. – Laura Hernández – Mexico,
27. LIGA BRASILEIRA DE LÉSBICAS – Mariana Meriqui Rodrigues – Brazil,
28. ORGANIZACIÓN TRANS REINAS DE LA NOCHE – Andrea González & Stacy Velásquez – Guatemala,

29. RED DE TRABAJADORAS SEXUALES DE LATINOAMÉRICA Y EL CARIBE (RedTraSex) – Elena Reynaga, Herminda Gonzalez, Maria Lucila Esquivel, Azucena del Corzo, Fidelia Suarez, Irina Cevallos, Nubia Ordoñez, Maria Elena Dávila, Regina Barahona, María Consuelo Raymundo, Samantha Carrillo, Anahí López, Miriam Gonzalez, Santuzza – Regional,
30. RED LATINOAMERICANA Y DEL CARIBE DE PERSONAS TRANS – Marcela Romero – Regional,
31. RED MEXICANA DE MUJERES TRANS – Paty Betancourt – Mexico,
32. RED TRÉBOL – Rayza Torriani – Bolivia,
33. SINDICATO AMANDA JOFRÉ – Alejandra Soto Castillo – Chile,
34. SOCIETY AGAINST SEXUAL ORIENTATION DISCRIMINATION (SASOD) – Joel Simpson – Guyana,
35. TALLER DE COMUNICACIÓN MUJER – Cayetana Salao S. – Ecuador,
36. \*THE CANADIAN HIV/AIDS LEGAL NETWORK – Maurice Tomlinson – Canadá (\*Associate Member),
37. TRANSVIDA – Kerlyn Obando Quiros – Costa Rica,
38. TRANS ORGANIZACIÓN FEMINISTA POR LOS DERECHOS HUMANOS DE LAS PERSONAS TRANS – Miluska Luzquiños – Peru,
39. WOMEN’S WAY FOUNDATION – Suzanna Bridgewater – Suriname.

Also in assistance:

40. HONDUREÑOS CONTRA EL SIDA – Alfredo González – The United States,
41. REDE TRANS DE BRASIL - Tathiane Araujo – Brazil.

In addition, Synergía - Initiatives for Human Rights (Stefano Fabeni, Marcelo Ernesto Ferreyra and Fanny Catalina Gómez Lugo) participated as the organization that supports the coordination of the LGBTTTI Coalition.