

# REPORT FROM THE INSTITUTE

for lesbian  
and bisexual activists  
from central america and  
the spanish-speaking  
caribbean



SAN JOSÉ  
COSTA RICA  
MAY 6 - 19  
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## INTRODUCTION

# What is IGLHRC and What Does it Do?

## What is the Latin America and Caribbean program at IGLHRC and what does it do?

The International Gay and Lesbian Human Rights Commission (IGLHRC) is a non governmental organization that was founded in 1990 in San Francisco, California. Its central headquarters is currently located in New York, New York, and its Latin America and Caribbean program is based in Buenos Aires, Argentina.

IGLHRC's Latin America and Caribbean program does not attempt to act as a substitute for local, national, regional or international initiatives. Even if we wanted to do this, it would be impossible to accomplish because we do not have sufficient resources. But most importantly, we do not want to do this. We believe that if groups in a specific city, country or region want to work together, it is up to them to join forces, draft agendas and implement them. We may eventually provide information or share what our network does, exchange ideas or collaborate as a network, and that seems more appropriate to us. Or we may not participate at all, if the project is incompatible with our priorities, and/or the organizations that make up the network believe that our participation cannot add anything significant to the outcome. We have examples representing all these scenarios, and we believe this is the best way to work.

Since its inception, the Latin America and Caribbean program at IGLHRC has learned a few things. A fundamental lesson is that we are not the only or even the main tool for LGBTI movements in the region. We are a group of three people



who are interested in working on sexual rights within the framework of human rights with an emphasis on issues that affect LGBT people – but not exclusively. We cannot focus on all the issues involved in sexual rights, nor on all the issues that affect LGBT people. We choose to address some issues, some countries, some projects. This does not mean that the issues, countries or projects that we do not work on are not interesting, urgent or valid. These choices are a result of our limited materials and human resources and our choice to prioritize a few projects and do them well, rather than taking on too much and doing the work poorly. We also know that what we do not do, someone else will – especially if it is important. Luckily there are many organizations in the region currently working on these issues, including general international human rights organizations (such as Amnesty International), which ten years ago weren't interested in even hearing about LGBTI cases and today are important allies to LGBTI movements in most countries.

**So, what do we do?**

.....

a) We believe our program can assist movements by disseminating information. We create materials that we hope are good quality and distribute them totally free of charge to any organization and any individual who requests them. We have no restrictions on distributing information: we have sent books to people we do not know, and in response to emails with pseudonyms. And

we will continue to do this because we know how difficult it is for many LGBT people to live their lives out of the closet, and we believe that these people are the ones who need information the most. This area of work also includes disseminating information about international events that are of interest to LGBTI movements.

- b) We also disseminate original documents on human rights and sexual orientation/gender identity issues that are produced in the region. We distribute these materials free of charge and without restriction (we send materials by regular mail to many people who do not have Internet access). We believe it is important to share the analyses of different groups to begin to construct a theoretical discourse by the activists doing this work in our region. We are happy to receive any type of material, from individuals or organizations, as part of this project.
- c) We send Action Alerts about human rights violations, however we are conscious of our limits:
  - 1) We do not hear about every violation that occurs.
  - 2) We cannot focus on every violation that occurs.
  - 3) Our action alerts are not deciding factors in these cases, but merely one way to exert pressure. Local groups are always the ones who report the violation, interview the authorities, organize marches, etc., and who have the greatest likelihood of exerting effective pressure. We provide assistance in the best way we can.

Sometimes letters from different countries impress the authorities and influence a case; sometimes they use them for scrap paper.

- d) We work on “special projects” on specific issues with particular colleagues. The criteria we use to choose the issues and colleagues for these projects are varied, but some of the basic ones include:
- Our interest in the issue.
  - Our belief that addressing the issue will serve, in a general sense, to increase recognition of sexual rights internationally, especially in relation to LGBT people.
  - We have specific opportunities to work on the issue.
  - We know organizations and people with whom we can collaborate on the project.

Our institutes come under the scope of this work as well.

- e) We also work in regional or global coalitions with organizations, networks and campaigns on various projects such as the Campaign for an Inter-American Convention on Sexual and Reproductive Rights, the World Social Forum and its various regional incarnations, and to make LGBT issues visible within the United Nations human rights system and at the Inter-American Commission.

**PART 1**

# The Institute

## A LITTLE HISTORY

The idea of holding institutes arose from the need to provide spaces for sharing and learning with time to stop and get to know each other, live and let thoughts percolate, time to communicate and build a community. To create a place to “make visible, strengthen and disseminate Latin American and Caribbean activists’ many experiences related to sexuality”.

IGLHRC’s Latin American and Caribbean program’s first institute was held in La Falda (Córdoba, Argentina) in October 2005, after the Latin American team expanded in order to intensify work on trans and intersex issues and hold institutes for activists. The institute for Trans and Intersex Activists was an experience that changed our minds and hearts, a gift in our lives. We invite you to read the “Report on the Institute for Trans and Intersex Activists” on our web page [www.iglhrc.org](http://www.iglhrc.org).

Follow-up to the trans institute continues, including support and orientation (on organizing, creating projects and sources of financing), sharing information, exchanging experiences, international networking, and “reinforcing the knowledge that you are not alone”.<sup>1</sup>

Why hold an institute for lesbians from Central America and the Caribbean?<sup>2</sup>

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1 Andrés Ignacio Rivera Duarte, trans activist from Chile, participant in the Institute for trans and intersex activists, 2005.

2 This section is based on an article by Alejandra Sardá, Rosa Posa and Verónica Villalba, “Lesbianas en América Latina: de la inexistencia a la visibilidad” (Lesbians in America: From Inexistence to Visibility), in *Orientaciones*, no. 9. Fundación Triángulo, Madrid (Spain) 2005.

We believe that holding an institute for lesbians from Central America and the Caribbean is important for various reasons: because it is necessary to help strengthen the movement in that region; because of the ongoing violations of human rights in most of the countries in the region, growing violence against LGTBI people, and the unique position of lesbians in the movement; and because we think that by choosing a region we can reach more activists, support existing networks and collaborate with groups on their work.

Being a lesbian in Latin America has many meanings; the foremost is political. The construction of a lesbian identity implies consciousness of the history of discrimination against lesbians. Because this word has negative connotations in society, most women who love other women and have sexual-affective relationships with them do not want to use this word to identify themselves.

The social and economic situation of Central American and Spanish-speaking Caribbean countries is decidedly unfavorable in all ways.

In this section we want to analyze discrimination against lesbians in the private and public spheres to create an analytic description of types of discrimination and provide some examples.

The discourse stating that lesbians confront double discrimination—because they are women and because they are lesbians—is well known. But in many cases the concept of double discrimination is not well understood.

In addition, when speaking about women as a “sector” that experiences discrimination, heterosexual women are thought to represent women “in general.” Lesbians are the exception or an afterthought, both when speaking of women and when speaking of homosexuals (generally gay men are the focus in this instance). Gay men have, in fact, been the targets of most major persecutions in different Latin American countries. This situation may have made lesbians “comfortable” because they have been safe from police persecution, but silence and concealment make it difficult to understand specifically lesbian problems because lesbians are compared to homosexual men or heterosexual women.

We will look at four areas to see how gender discrimination in Central America manifests itself: the economy, politics, education and violence, and we will briefly look at the situation of women and lesbians with respect to these issues.

The United Nations Development Program (UNDP) created the Human Development Index as a broader measurement of the situation in countries than the Gross Domestic Product (GDP) per capita. This index is comprised of three variables: life expectancy, education and GDP per capita. Since this measurement did not assess inequalities between women and men, the Gender-Adjusted Human Development Index was created, which measures the three variables mentioned above but differentiated for men and women. The disparity of income it shows is considerable. Looking at some countries in Central America and the Caribbean as an example (in US dollars by person and year): in El Salvador, estimated mean annual

income for women is \$2,602, while for men it is \$7,269; in Nicaragua it is \$1,520 per year for women and \$3,436 for men; in Guatemala it is \$2,007 per woman and \$6,092 per man; and in the Dominican Republic it is \$3,491 per woman and \$9,694 per man (UNDP: 2004, 217-220). In other words, in Central America (and in all of Latin America) men earn more than double the income of women. Additionally the Human Development Index in general is lower in El Salvador, Honduras, Nicaragua and Guatemala than in most countries in Latin America (with the exception of Bolivia, Ecuador and Paraguay).

As far as political participation is concerned, we can look at the percentage of women who hold parliamentary seats and see a distinct pattern (again using data from UNDP): in El Salvador, 10.7%, in Nicaragua, 20.7%, in Guatemala, 8.2%, in Honduras, 5.5% (idem).

The situation related to education for girls is a little different; in most countries the net rate of matriculation for girls is more than 90% in primary school (for instance, in the Dominican Republic, Panama, Cuba and Costa Rica) and in others countries, such as Guatemala, Nicaragua and El Salvador, the rate is more than 80%. But then the percentages drop all the way through tertiary education to the following rates: Costa Rica, 22%, El Salvador, 18%, Honduras, 16%, and Panama, 42% (UNDP: 2004, 225-228).

We would like to look at one more area, violence against women, particularly focusing on victims of sexual assault. The UNDP reports only on the female population in this

section.<sup>3</sup> And we encounter horrifying figures: 1.7% of victims out of the total population in San José, Costa Rica... This represents many women and incalculable suffering. According to estimates by UNDP, between 25 and 50% of women in Latin America have been the victim of some type of domestic violence<sup>4</sup>. This situation has serious consequences for society.

By looking at these different areas, we can get an idea of the situation of women in Central America; although we are not yet able to disaggregate data by sexual orientation, we can state that lesbians are a part of this disadvantaged half of the population.

As we just stated, lesbians are not the exception; on the contrary, they suffer from additional discrimination because of their sexual orientation (we must also look beyond these categories and think about discrimination due to ethnicity and race, disability, or language, which many lesbians in the Americas and the Caribbean also experience). Let us look now at discrimination against lesbians while keeping in mind the inequalities detailed above.

In the workforce, discrimination against lesbians manifests itself as unexpected dismissals when an employer “finds out” about an employee’s sexual orientation; as marginalization; as pressure until a woman resigns; as invasion of privacy;

<sup>3</sup> The note, referring to the wording in Spanish, which literally refers to the “feminine population,” states: we should refer to women, since men fit perfectly within the feminine population, because women are not the owners of femininity, nor are men the owners of masculinity.

<sup>4</sup> See <http://www.undp.org/rblac/gender/campaign-spanish/itsourright.htm>.



and as sexual harassment, which, in addition to reflecting the abuse of power, often rests on the belief that a woman is a lesbian “because she’s never known a real man.” The harasser tries to “convert” the woman into someone who cannot imagine life without a man. As a result of workplace discrimination, lesbians in most cases must hide their sexual orientation to keep their jobs, which, in addition to condemning them to constant fear of discovery, makes it very difficult for many to openly fight for their rights.

The lack of recognition of lesbian couples’ rights has economic consequences, affecting the right to social security, medical attention and family benefits. As we saw in the data provided earlier, Latin American women earn lower salaries than men, and as a result, “due to the fact that they are made up of women, lesbian families are more vulnerable to poverty than families that include men (both heterosexual and gay men)” (Hinojosa: 2003, 2).

In the realm of political participation, last year there were LGBT candidates in elections in Brazil, Mexico and Colombia but not in Central America. None of the LGBT candidates were elected (IGLHRC: 2004).

In the realm of education, adolescents and youth who begin to develop feelings for other women are vulnerable because of discrimination by their classmates, the attitudes of schools and universities, and the lack of understanding and openness of their families. Additionally, fear that their sexual orientation will be revealed condemns them to silence; few cases are reported or publicized. However, three recent cases—the

expulsion of a female student in 2002 from Juan Francisco Vergara High School in Viña del Mar, Valparaíso, Chile; the reports by female students at Colegio Carmela Carvajal in Santiago de Chile who revealed to the press in 2003 that they were being harassed by their teachers because they were lesbians (private guards were hired to spy on them); and the forced departure of a female student from Liceo Cristiano in El Salvador in 2003 – illustrate an outlook that is all too common in Latin America and the Caribbean.<sup>5</sup>

Domestic violence among heterosexual couples is a difficult issue that governments in Latin America have responded to due to the efforts of the women’s movement. However, reports of domestic violence continue to increase, and protection for women remains insufficient. In the case of lesbian couples, the difficulty of reporting domestic violence and leaving the abuse are aggravated by a lack of staff training at institutions that work on the issue and by social pressure due to discrimination against lesbians. There are some interesting initiatives that are tackling this issue; for example the “Desalambrando” (Cutting the Wire) project in Argentina, which is exclusively concerned with the issue of domestic violence among lesbians.<sup>6</sup> But overall, it is a little-known or poorly addressed issue in the lesbian movement.

<sup>5</sup> All of these cases were described in: IGLHRC International Gay and Lesbian Human Rights Commission, Report on the Situation of Lesbians and Bisexual Women in Latin America, 2000-2003. Ninth regional conference on women in Latin America and the Caribbean. June 4, 2004.

<sup>6</sup> There are similar initiatives, as far as we know, in Mexico, Brazil and Puerto Rico. More information on <http://www.desalambrando.com/>.

## THE INSTITUTE

The Institute for Lesbian and Bisexual Activists from Central America and the Spanish-speaking Caribbean was held in San José, Costa Rica on May 6 to 19, 2007.

### General Objective

Contribute to strengthening the lesbian movement in Central America through the training of lesbian activists.

### Specific Goals

- Facilitate contributions to a solid body of theoretical/ political work by activists.
- Share tools for organizational development that strengthen lesbian activist groups in Central America.
- Strengthen knowledge of human rights and tools to use human rights systems.
- Begin establishing networks for action.

### Participants

1. Erika Rojas Calderón, San José, Costa Rica from Colectiva por el Derecho a Decidir and Plataforma social LGTB.
2. Karen Méndez Araya, San José, Costa Rica from Tertulia entre Mujeres at the Centro de Investigación y Promoción para América Central en Derechos Humanos (CIPAC).
3. Paulina Torres Mora, San José, Costa Rica, from espacio lésbico at CIPAC and the lesbian group, Tertulia entre Mujeres.
4. Antonia María Grullón Morel, from Santiago de los Caballeros, Dominican Republic, from the lesbian literary/cultural group, “Divagaciones bajo la Luna”.
5. Brenda Eugenia León Ramírez from Guatemala, Colectivo de lesbianas Liberadas “Lesbiradas”.
6. Zuly Polanco, from Guatemala Colectivo de lesbianas liberadas “Lesbiradas”.
7. Larizza Munguia Baquedano, San Pedro Sula, Honduras, from the group MUJER SIN LÍMITE.
8. Lezdeny Elizabeth Almendarez Castillo, from Tegucigalpa, Honduras, from the organization LITOS Asociación arcoiris LGTB.
9. Helen Gabriela Flores Rodríguez, Tegucigalpa, Honduras, Red de Respuesta Lésbica Cattrachas.
10. Delmy Elizabeth González, San Salvador, El Salvador, Colectivo Lésbico Salvadoreño/ FUNDASIDA.
11. Laura Cecilia Valladares from San Salvador, El Salvador, Colectivo Lésbico Salvadoreño/ FUNDASIDA.
12. Clara Ivania Castellón Ramírez from Managua, Nicaragua, Grupo SAFO.

13. Martha Lorena Villanueva Villanueva from Managua, Nicaragua, from the group Lésbico Safo.
14. Rosa Argentina Salgado Ñurinda from the group SAFO, Managua, Nicaragua.
15. Bertha M. Raffo Día, San Juan, Puerto Rico.
16. Marianela Barrantes Castro, Zalsero, Costa Rica, Grupo lésbico de Zalsero.
17. Margarita Salas Guzmán, Cartago, Costa Rica, from the Sexual Diversity Program at Amnesty International, Colectiva por el Derecho a Decidir, Agrupación El Reguero.

Isel Calzadilla Acosta from Santiago de Cuba, the coordinator of the lesbian project “SANTIAGO” in the “Women and AIDS” section, was unable to attend. In spite of our best efforts, the many obstacles raised by the Costa Rican immigration system prevented her from joining us.

### Trainers

Rose Mary Madden Arias, Costa Rica  
 Blanca Dole, Honduras  
 Emma Chacón, Costa Rica  
 Natasha Jiménez, Costa Rica  
 Joseph Thompson, Costa Rica  
 Marcelo Ferreyra, IGLHRC  
 Lydia Alpizar, Mexico

Ximena Andion, Guatemala  
 Ana Criquillón, Nicaragua  
 Edda Quirós, Costa Rica

### Organization

Rosa M Posa Guinea  
 Marcelo Ferreyra  
 Natasha Jiménez

### Acknowledgements

To Alejandra Sardá, who had the idea and did everything possible to make it a reality. To Mauro Cabral from whom we learned so much at the institute for trans and intersex activists in 2005; many of his ideas were used in this institute.

The institute was possible thanks to support from the Global Fund for Women in the US; Dreilinden GMBH, private capital for common causes, IBM, HIVOS and the Central American Fund for Women.

## Institute Structure and Content

The Institute for Lesbian Activists from Central America and the Spanish-speaking Caribbean was structured around three basic areas:

### Theoretical/political content:

- Analysis of the situation in Central America and the Caribbean
- Feminism and genders
- Fundamentalisms and how to deal with them
- History of women's resistance in the region
- History of the LGTB movement in Central America and the Caribbean
- Transgender identities

### Human Rights:

- Historical-conceptual framework Human Rights concepts
- Bodies and mechanisms for intervention (Inter-American and International Systems)
- Instruments and strategies for advocating for lesbians' human rights of (Emphasis on Belem do Pará, CEDAW, Beijing, etc.)
- Documentation of human rights violations
- The right to a life free from violence New models of love.

### Organizational Development :

- Access to financing
- Creating projects
- Lesbian groups and HIV financing.

PART 2

# Thematic Content

On the first day of the institute there was a presentation about the International Gay and Lesbian Human Rights Commission (IGLHRC) its history and objectives, the content of the institute, instructors, and schedules. The participants introduced themselves two at a time.

We began by addressing expectations with an exercise using index cards. Each person wrote on one or more cards what they expected from the institute.

Their responses fell into three areas: an alliance or network for Central America and the Caribbean, acquiring new knowledge and tools, and exchanging experiences and strategies.

## Theoretical/political content

### Analysis of the situation in Central America and The Caribbean

On Monday, May 7, 2007, we worked in groups creating a map of categories and conditions in communities and movements with the goal of analyzing the situation in Central America and the Caribbean.



In response to the question, “What is the best thing about my country and what is the worst?” the participants analyzed the situations of lesbian groups in different countries.

The following table shows the groups’ responses to this question:



FOR LESBIANS		
THE BEST		THE WORST
<p>Having a space specifically for lesbians. There are groups of women who claim a political position as lesbians.</p>	GUATEMALA	<p>This space for lesbians is not used enough. No one is interested in sexual diversity.</p>
<p>The creative response of organizations. There are lesbian spaces. There is no physical violence against homosexuals or lesbians. Because they are invisible (this is under the worst). Homosexuality is not criminalized. People are changing, although there is still discrimination. There is a bill against discrimination based on sexual orientation. There is space to become politically visible. There is an HIV law. Strong institutionalization helps. Lesbians have freedom of expression. There is free education and health.</p>	COSTA RICA	<p>The double morality. There is no interest in appropriating these spaces, no one is creating an environment where people will appropriate them. There is no openness to building leadership. The church involves itself in policies on sex. Work is focused on HIV/AIDS (which is basically for men who have sex with men (MSM)). Costa Rica is a Catholic and denominational country. Lesbians are satanized. The media is not favorable. Feminists do not support us sufficiently. There is competition and divisions between groups that work on sexual and reproductive rights. There is misogyny and divisions within gay groups. We don't have our own funding. We don't know how to get funding. Violations of the human rights of lesbians are not a priority for international aid agencies. We have few exclusive spaces. Leaders have not stood up for us publicly. Lack of coordination with other lesbian organizations in Central America. Discrimination because we are women and because we are lesbians. There is a double discourse. Lack of social mobilization to support laws favorable to lesbian, gay and trans rights.</p>

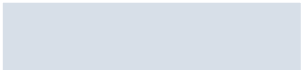


FOR LESBIANS		
THE BEST		THE WORST
<p>There's a certain amount of freedom of expression. However bad they are, education and health care are free.</p> <p>There are organizations that support our cause.</p> <p>There are different human rights and sexual diversity organizations.</p>	NICARAGUA	<p>There are laws that promote lesbophobia and crimes, and there is social, familial, and other types of discrimination. Lesbians and especially older lesbians do not have access to employment.</p> <p>As lesbians we don't fight for our rights.</p> <p>Our rights are violated by the government and our own reputation.</p> <p>Reforms to the penal code that the church has played a decisive role in shaping.</p> <p>Fundamentalists influence the government's decisions.</p>
<p>Advances by LGTBI organizations; more organizations becoming interested in diversity within our organizations (people of color, HIV, youth, older people); the process of reporting human rights; there are more and more people interested in learning about their rights (youth and adolescents); existing public policies.</p> <p>The development of new lesbian groups; people trained in educating and organizing people.</p> <p>Specific physical spaces for lesbians; being part of the network of support.</p> <p>Monetary support from some agencies.</p> <p>The interest of lesbians and bisexuals in learning day-by-day.</p> <p>Growing lesbian population. Interest in getting trained, in learning.</p> <p>Having human resources.</p> <p>Having physical spaces.</p> <p>Being part of a network of support – lesbian groups.</p>	HONDURAS	<p>Human rights violations.</p> <p>Governments' high level of ignorance and lack of interest.</p> <p>People have been tricked because of ignorance about human rights.</p> <p>The government's lack of concern about femicides.</p> <p>Lack of education about human rights.</p> <p>Aid agencies' lack of interest in lesbians.</p> <p>The invisibility of lesbians, and their subsequent difficulties in influencing government.</p> <p>Human rights violations, especially by the police, which cause psychological and physical harm.</p> <p>Few jobs for lesbians because of the way we dress.</p> <p>Few spaces for lesbians.</p> <p>People's lack of education about human rights.</p>
<p>Visibility of the struggle for human rights, and visibility of the population. The commitment of some activists and some organizations to the struggle.</p>	PUERTO RICO	<p>Rights are not recognized.</p> <p>Supposedly there is a separation of church and state, but fundamentalists influence the government's decisions. Lack of training among professionals. No one is raising awareness, there's no integrated curriculum that addresses diversity.</p> <p>Organizations' need to be the leader and their partiality.</p>



FOR LESBIANS		
THE BEST		THE WORST
<p>Certain recognition.</p> <p>The ability to get people together.</p> <p>We are in an organization, where there is diversity and support (but this can also be bad). We contribute, we have recognition, some interviews, a presence in the media. Our colleagues have more demands: TO HAVE A SPACE they can go to. There is a recent initiative to draft a law that would help sexual diversity. There are sources of work for women who can pass, but for the others there aren't. Difference by social clas.</p> <p>There are more GLBT organizations.</p> <p>Work on a new law against discrimination.</p> <p>A lot of people are at the marches.</p> <ul style="list-style-type: none"> <li>- Recognition, ability, institutional support, value within the whole of a mixed organization.</li> <li>- Presence in the media.</li> <li>- More demand from colleagues in the services that are provided.</li> </ul> <p>Organizations' leadership.</p>	<p>EL SALVADOR</p>	<p>There are feminists who publicly support us, but most don't.</p> <p>The lesbian community is hidden.</p> <p>The church.</p> <p>We don't have our own funding.</p> <p>Lack of knowledge about management.</p> <p>Lack of support for lesbians.</p> <p>Few exclusive spaces (only one space for lesbians).</p> <p>Our leaders haven't stood up for us, there have been many deaths, high levels of violence.</p> <p>Lack of communication with other lesbian organizations in other countries.</p> <p>Discrimination, society's lack of interest.</p> <p>Lack of economic resources.</p> <p>Individualism characterizes the personalization of some leaders, interferes with political organization.</p> <p>Being in a mixed organization.</p> <p>Lack of employment for lesbians who can't pass.</p> <p>Deference for social class means there is no unity.</p> <p>The feminist movement in El Salvador does not support the lesbian struggle.</p> <p>The lesbian community is hidden.</p> <p>The opposition of the church.</p>





**What positive trends do you see in the region?**  
.....

One positive trend is the increasing numbers of lesbian organizations in Latin America, which provide points of reference for organizations in Central America and the Caribbean that were previously difficult to find. At the same time, organizations in Central America are a part of this range of opportunities in the region and are a point of reference for others.

Another point is the financial support from the HIV Global Fund, which, in spite of its limitations, may provide a forum to demand our rights and address diversity.

Little by little, legal systems are changing things. Laws against discrimination are now possible (although in some places, such as in Nicaragua, there are regressive legal changes) with bills in different countries in Central America. The HIV law in Costa Rica is a good one.

Another trend is having our own spaces, which we didn't before. There are still only a few, but we hope the numbers will keep growing. This is due to the greater autonomy of lesbians in general, which has allowed us to create services and has opened the door to working from the perspective of women's human rights.

Negative trends include the advance of religious fundamentalism throughout the region, which could lead to setbacks to women's human rights and obstacles to any freedoms related to sexuality.

Patriarchal discrimination is becoming more sophisticated with the use of subtler mechanisms (without discarding the cruder ones).

According to the participants' criticisms, another negative trend is the lack of resources, as international aid organizations continue to narrow their priorities, which do not include lesbians.

One thing that keeps reoccurring is that even when there are laws that are favorable to human rights, they are not enforced and deaths in Central America continue.

Another negative trend, although this was the subject of disagreement, is the lack of alliances and coordination between groups in the region.

**Allies and Non-Allies (Avoiding the Word Enemies)**  
.....

Organizations dedicated to gay and trans rights; organizations that have provided economic support, such as the Central American Women's Fund; and people and groups who have provided logistical support to lesbian organizations, which is very difficult to obtain without commitment, were mentioned most often as allies. Some women's and feminist organizations were considered allies (others were directly placed in the "non-allies" category, depending on the organization and country) because of their legal support and training, and because they had incorporated some advocacy and lobbying actions or



activities. Some lesbian organizations are part of the feminist movement.

It is the same paradox lesbian groups face with gay (or supposedly LGBT) groups: in some cases they have welcomed lesbian groups and in others they have boycotted them. It is also important to note that in almost all cases, groups coordinate for the annual LGBTI rights march, in spite of misogyny, which is identified as a constant aspect of life as an activist.

To summarize, all those organizations that work on the issue and provide spaces, alternative media that speak out and that provide assistance, are allies to lesbian groups. This is the case whether they are non-governmental or government organizations, including churches, because in every country there is a small corner that does not agree with the hegemony, just as there are corners of discrimination, even among the most well-known national and regional NGOs.

The Catholic Church, evangelicals, Opus Dei, which, far from playing a passive role, speak out and incite people to hate and discriminate against lesbians, gay men and trans people, were unanimously classified as non-allies. Supposedly secular governments, some media that sensationalize news of lesbians, “sister” organizations that block progress, and political parties that use our discourses for electoral purposes were also put in this category.

Different institutions and organizations were identified as non-allies because they consider lesbians to be outside social norms

or religious principles, or because of prevailing misogyny (societal and internalized), lesbophobia, double morality or discrimination. All in all, because they are interested in making people’s rights invisible.

There are organizations identified as “non-allies” because they excluded trans people.

The world of alliances and non-alliances is very complex in this area; it is not the same in different political “theaters” and everything can change very rapidly. International agencies should keep in mind the subtle structure of opportunities and obstacles in each country when trying to impose artificial networks since not all work in collaboration is possible. Sometimes there is a risk of splitting groups which otherwise could have been strengthened and advocated for people’s rights.

## Feminism and Genders

Coordinated by Rose Mary Madden Arias

With the goal of “constructing” epochs of feminism, the participants worked in groups reading and commenting on different texts, identifying how the texts define or characterize a specific type of feminism. The participants, positioning themselves as lesbian feminists in the present, were asked to find pros and cons and still-pertinent concepts that we could use in our arguments. All feminisms are in constant movement and constant change.

We looked at *Los feminismos a través de la historia* (Feminisms Through History), by Ana de Miguel<sup>7</sup> and *Feminismo de la igualdad y feminismo de la diferencia* (Equality Feminists and Difference Feminists), by Celia Amorós.<sup>8</sup>

We studied four epochs of feminism:

- Pre-modern feminism
- Modern feminism
- Contemporary feminism since the 60s
- Difference feminism and recent trends.

The goals of this discussion were to locate ourselves in history, understand feminism as an “always-present” revolution and fill the gaps in women’s subjectivity.<sup>9</sup>

Some women were surprised to discover the history of feminism: that demands for equality were being made much earlier than they had expected; that a woman named Christine de Pisan wrote *The Book of the City of Ladies* in 1405 attacking the discourse asserting women’s inferiority; that the history of humanity is full of women’s rebellions and that we know more about the patriarchy’s reactions to these rebellions

7 Published in *Creatividad Feminista*, <http://www.nodo50.org/mujeresred/feminismo.htm>.

8 Bibliography info missing.

9 “Ser mujer sin historia ligada al género produce un vacío en la subjetividad” (To Be a Woman without History Linked to Gender Creates a Gap in Subjectivity) Lagarde, Marcela (2000), in *Claves feministas para la autoestima de las mujeres* (Feminist Keys for Women’s Self-Esteem). Editorial Horas y horas, p. 182.

than the rebellions themselves. Today prejudices against feminism are more prevalent than feminism itself is.

We studied the French revolution, learning about Olympe de Gouges, who was guillotined for declaring women’s rights and citizenship, and Poulain de la Barre’s 1673 text on the equality of the sexes. We studied the 19th Century, when feminism became an international movement, the suffragist movement, socialist feminism (of course we stopped to discuss Flora Tristán), Marxist-socialism, and the anarchist movement. We looked at the 60s and Simone de Beauvoir. We thought about liberal feminism, radical feminism, and the alliance between feminism and socialism, types of feminism that are somewhat palpable in our current memberships.

We discussed the ideas of difference feminism and the latest trends in order to address organizational feminism vis-à-vis autonomous feminism (in Latin America). In this way we looked at how feminism has transformed and revolutionized our understanding of reality throughout history.

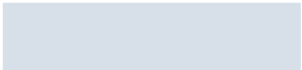
## Feminism and Genders

### Part 2

#### Are you a Feminist?

.....

In a session coordinated by Rosa Posa, the group was asked if they did or did not consider themselves feminists. With almost mathematical exactness half said yes and the other half said no. The feminists and those not identifying as feminists were



divided so each participant could explain her choice to her group. These are the responses:

**I am not a feminist because:**

- of fanaticism
- feminists are defensive
- they want gender equality with men
- they repeat patriarchy
- they are elitists
- if you don't think like them they won't let you in
- they jockey for leadership
- banned training spaces
- they don't take into consideration people with lower education levels
- they don't make space for youth
- I don't have a clear view on abortion

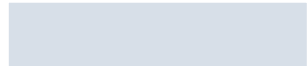
**I am a feminist because:**

- I believe in feminist theory
- advocating for causes that will benefit women is an ongoing learning process
- it's a way of looking at and living life
- feminism understands the world from the viewpoint of women's lives
- feminism is the critical conscience of the system
- it accepts and respects the diversity of women

- I advocate for women's human rights
- it promotes women's self-care
- it doesn't accept oppression and works against it
- it believes in women's capacity for change
- fixed position
- I live my life as a struggle against discrimination and violence
- it fights for the eradication of patriarchy
- to support women's issues: abortion, sexual rights and reproductive rights, violence
- it speaks out against all types of violence
- it advocates for sexual rights and reproductive rights
- I am against violence against women
- it critiques the capitalist system
- it promotes balance with the environment
- I believe in its political goals, not because I am in a movement

The debate that followed the groups' responses was very interesting and brought up a lot of ideas and feelings.

Negative perceptions were, for the most part, the result of bad experiences with feminists. *"I'm not saying I don't want to be a feminist, I'm saying I don't want to be like her,"* said one of the participants. They were not arguing against feminism as a political position, but against the attitudes of specific peoples.



Power relations are everywhere, between women and men, between men, between women; believing in feminist thought does not exempt anyone from being a part of power relations.

On the other hand, without taking away from its value as a life experience, it is difficult to generalize specific negative experiences without erring.

Feminism comes from outrage, before studying or political affiliation. It comes from the transformation of fear into power.

Feminism questions heterosexuality, heteropatriarchy. Politically, is it possible to be a lesbian from “heterosexuality”? not from feminism.

From the moment a woman recognizes inequality and oppression and seeks equality (equality is not attempting to be like men, but rather to be recognized and valued equally, for a woman to have the same access to positions of power that men do). Equality of rights.

Patriarchy has many triumphs in our lives. Patriarchy divides women, is against feminism and everything that attempts to question its supremacy.

Feminism has many issues to address, such as recognizing leadership and looking at the body as a source of pleasure and not violence, which has been the party line for a long time.

At the end of the debate, many participants said they needed more training on feminism as a struggle for equal rights.

**Why Be an Activist?**

.....

After the debate on identifying as a feminist, we talked about the reasons behind our activism.

**Why I am an activist**

The attendees wrote their reasons for being an activist on index cards. We kept the exact phrases, some are very beautiful:

- We are activists because we are outraged about injustice
- Because of the inequality in our countries
- To make us visible and to respect each other
- To learn, promote respect and share experiences
- We believe in making a better world
- [I am an] activist out of compassion, out of outrage about injustice. Compassion is the word used in spiritual places
- To de-construct patriarchal culture
- We want to improve the quality of life
- We believe social transformation is possible
- Because our own bodies have experienced violence
- Because we were looking for a social response and that led to difficult situations
- We know many women who have been raped, not just us
- We are women acting to transform the world
- Silence makes us feel bad
- We found a warm and safe place that made us feel good and made it possible to be activists



- We wanted to start making women aware of what happens to women
- We are active and transgressive women
- We started to see that it was important and necessary to provide information to mitigate erroneous information that creates pain in personal processes
- Learning patterns can be broken
- We got tired of social and religious censure
- We wanted to be creators and founders of change
- Because I'm a non-conformist
- To strengthen joint action, to have more influence
- When I decided I didn't want what them to tell me what to do
- Identifying common interests
- To learn our historical memory and do something different
- As a result of a conflict I began a process of recognizing rights and then from this recognition to use it.

### **Fundamentalisms. How to Challenge Them**

Blanca Dole

Blanca Dole, from the feminist collective “Mujeres Universitarias” in Honduras, presented some ideas on fundamentalisms to start the debate. These are the ideas she discussed:

### **Religious Fundamentalisms**

- Fundamentalisms are religious renewal movements.
- They are the most strident and visible manifestation of what has come to be called the return of religions.
- The movements are opposed to the principle of secular states.
- Fundamentalisms propose reinstating religion in the public sphere and in politics.
- Fundamentalism was originally an evangelical term for a phenomenon in the United States at the beginning of the 20th Century.
- Fundamentalism re-emerged at the end of the 70s, developing from the modernization of Christianity to the Christianity of modernity.
- It developed during the papacy of John Paul II.
- Program of the new evangelization of Cardinal Ratzinger.
- There are similarities among fundamentalisms: they are anti-modern, anti-secular, and blame modernity for the evils of the world.
- They desire that religious law be the law of the nation.

### **Characteristics**

- Desire to impose control over women.
- Desire to return women to a subordinated state and deny them higher education, paid employment etc.



- A requirement that clothing completely hides women's bodies and that women should not go out without the supervision of a male relative.
- Hostility and fear of women's sexuality.
- They restrict free sexuality.
- The only valid sexual relationships are with a husband.
- They believe man is superior, intelligent, rational and aggressive. Woman is inferior, intuitive, passive and dependent.
- They reject women's sexual and reproductive rights. Women should have all the children that God and their husbands desire.
- They reject decision-making by women.

With this information, the participants worked in groups to discuss the following: Where is fundamentalism active and what do fundamentalists do in different countries? Afterwards we collected the following responses. Fundamentalists.

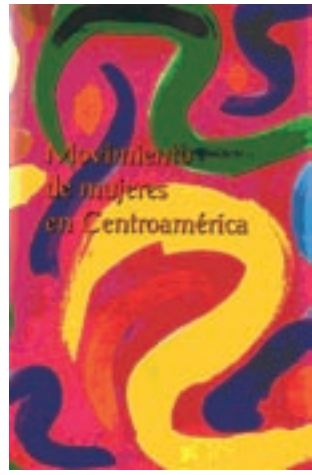
- Invade work and educational spaces. They have legitimacy (because of years of habit).
- Appropriate the word "life."

- Focus on sexuality as a way to control people, especially women. Their obsessions are abortion, homosexuality and sex education for children and adolescents.
- Force our movement to be reactive.
- Manipulate feelings (daddy don't go, etc.)
- Have a media presence, their own channels, newspapers, etc.
- Try to change gay men, lesbians and trans people.
- Use "our issues": they grab onto issues they always tried to make invisible, and which the feminist movement has brought into the open and present a different perspective, for example, on domestic violence.
- Are in positions of power and governments. Although states say they are secular, the Catholic Church and other churches wield a lot of power in governmental decisions.

We also discussed the numerous actions the lesbian, LGBTI or feminist movements have taken to challenge fundamentalism: from marches, sit-ins, work with the media, legislative fights (for example, filing for unconstitutionality in Nicaragua), to "alternative" education, attempts to empower people, and providing alternative images of sexual diversity to compare with the images churches use.

## History of Women's Resistance in the Region

Blanca Dole



Using the book *Movimiento de Mujeres en Centroamérica* (The Women's Movement in Central America), by the Programa Regional La Corriente, Nicaragua 1997, the groups read about the formation of collective identity and the process of autonomy.

The groups then played the game "Femitrivia: Mujeres que hicieron y hacen historia" (Femitrivia: Women Who Made and Are Making History)<sup>10</sup>,



created by the Centro Feminista Francisca Carrasco Jiménez. It's a trivia game with questions about women in history in all the countries in Latin America.

Participants were asked by country if they had heard of the women in the game.

<sup>10</sup> The game is similar to Trivial Pursuit with questions about women in all the countries in Latin America.





Afterwards, they discussed the things they learned during the game: Nobel prizes, women leaders, the dates women won the vote, etc.



Blanca asked what they felt learning these things and they responded that it was like seeing a road. History roots us and so it is important to reclaim history and consolidate our identity. Women who dared to do things that at their time were prohibited. Women who have been recognized and women who haven't.

## History of the LGBTI Movement in Central America and the Caribbean

Emma Chacón Alvarado

### Exercise

Everyone stood in a circle and held hands. We tangled the circle and then untangled it.

Together we then analyzed what each woman had felt: difficulty, chaos, confidence, lack of control, leadership .... It's like in social movements.

Emma asked that each woman remember an event in her country that mobilized people: in the history of the Dominican Republic this was the murder of the Mirabal sisters; in Nicaragua, the Somoza dictatorship and now the criminalization of therapeutic abortion were key; in Puerto Rico, this was the return of Vieques; femicides stood out in Honduras; in Costa Rica, several events were noteworthy: the educators strike in 1995, the attempt to privatize the Electricity and Telecommunications Utility, and the fight against the Free Trade Agreement (FTA) with the US.

The largest strike in Honduras was the banana strike of 1954; more recently the mobilization of women's groups throughout the country to join political parties; and the LGBTI movement, for the legal status of organizations in 2004 and the marches in the Sampedrana gay community. Last year, the mobilization on May 1 and the march for medicines for people living with HIV.



In all of the countries there have been events that have mobilized people. Social movements are groups working together to demand something or question a political or social issue. Social movements attempt to change the social structure. They result from crises in parties or unions. They pressure governments for their rights or for the creation of alternatives. Social organizations are very varied; they are everything that is not the government. Social organizations are different from a “social movement,” which is much broader. Social organizations may have things in common: they have some type of organizational structure different from that of families, groups or movements; they are private (not governmental), nonprofits, with their own governance and organizational structure; they establish their own goals; and they are voluntary organizations (no one is obligated to be a member).

In Central America and the Caribbean we have similar histories – for instance, social struggles arise out of the exploitation of banana or sugar cane.

Other important social mobilizations include the struggles for women’s suffrage during the 20th Century, and the development of the feminist movement, which shattered preconceptions, put the idea that society is patriarchal on the table and continues to question society.

### **Regarding the lesbian, gay and trans movement**

The events that flung the struggle for LGBTI rights into international consciousness were the Stonewall riots in 1969

in New York. Tired of police harassment, lesbians, gay men and trans people in a bar named Stonewall responded to police repression in a struggle that was violent and lasted three nights. Trans people are the ones who started the struggle. During this time in our countries in Central America, we were fighting other struggles: the left, civil wars, etc.

Democratization processes began in the 1980s. Highlights included the triumph of the Nicaragua revolution, the peace processes in Central America, and greater recognition of human rights in general and women’s rights in particular.

On the other side of the world our struggles advanced even more. For example, in Europe in the 90s, the European parliament approved a measure inviting states to create non-discrimination laws on the basis of sexual orientation.

In South Africa, at the end of the apartheid era in 1996, the constitution included non-discrimination for sexual orientation.

In Latin America, some countries began to legalize civil unions: Argentina (2003), Mexico (2007) and Chile decriminalized homosexuality.

But homosexuality is still penalized by death in certain countries<sup>11</sup>.

<sup>11</sup> See the report by ILGA, which was given to the participants. Ottosson Daniel *Homofobia De Estado Un estudio mundial de las leyes que prohíben la actividad sexual con consentimiento entre personas adultas* (Homophobia and the State: A World Study of Laws that Prohibit Consensual Sex Between Adults). © 2007 ILGA, *Asociación Internacional de lesbianas y gays* [www.ilga.org](http://www.ilga.org)



In 1991 in Nicaragua under Violeta Chamorro, Cardinal Obando got an anti-sodomy clause included in the penal code: Law 204.

Our people: lesbians, gay men and trans people are not in the official history.

**Group Work:**  
**Creating Country Timelines**

In groups defined by country, the participants created a timeline for a period of twenty years starting in the 80s and using the following criteria:

- Identify organizations
- Describe what they did
- Note their greatest achievement
- Say if they still exist or not (and when and why they ceased to function, if that is relevant)
- Describe what I know about other countries (even if it's outside of the period for the timeline)

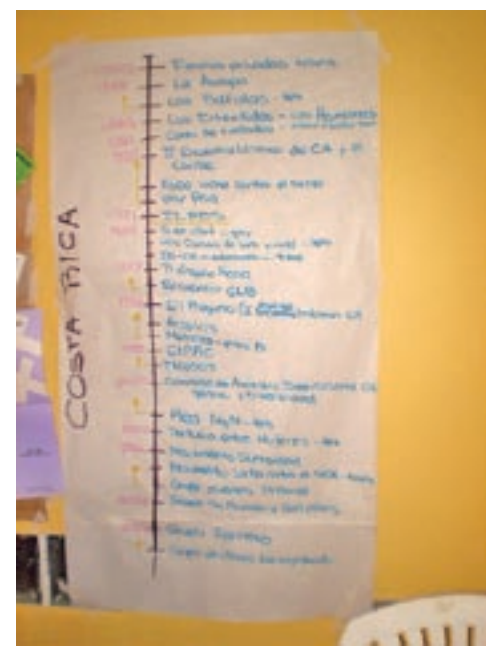
**Country Timelines**

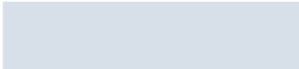
The history of the LGBTI movement in **Costa Rica** has involved women's groups for a long time; for example, since 1979 "Las Búfalas" have given the gift of their existence to Costa Rican society. Then came "the experts." One of the most noteworthy chapters was the Latin American lesbian meeting in Costa Rica in 1990.

In **Guatemala**, there was "Pandoras Box" in 1980, a secret nightclub. By 1989, there were already groups such as "Oasis" and from 1991 to 1997, "Mujeres somos." The *Grupo de Lesbianas liberadas "Lesbiradas"* started in 1998. In 2005, the Citizen's Coordinator for Sexual Diversity was established.

Coordination between groups is characteristic of this time period.

**Nicaragua** tried to create a gay and lesbian organization between 1985 and 1990, but it was only recently, in the 1990s, that most organizations, whether for gay men or mixed, got their start. SAFO started in 2000. Note that Nicaragua has had a law criminalizing homosexuality since 1990.





the LGBTI community is very visible.

In **El Salvador**, as in most of the countries, the movement became more visible in the 1990s. The first march was held at the end of that decade. After 2005, lesbian groups began appearing.

Because **Puerto Rico (Borikén)** is an associated state, the United States has a more direct influence. The first groups and publications, such as the magazine “Pa’fuera” for example, existed during the 1970s. In 1988, the group “Nosotras” got its start and focused mainly on mutual support, discussion, non-violence, and coming out of the closet. The Colectivo Lésbico Feminista began in 1989. Activism grew during the following decade. In 2005 there were bills against discrimination. Currently,



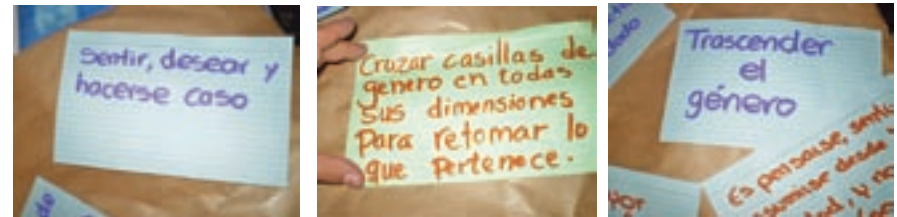


In **Honduras**, activism typically took place in two cities, Tegucigalpa and San Pedro Sula. The murder of activists shook the movement.

## Understanding the Transgender Experience: “Feeling, Desiring and Taking Notice”

Natasha Jiménez

The subtitle for this section reflects the response of one of the institute participants to the question, “What is transgender?” Other responses to this question included:



- Transformation, change, transgression
- Believing, feeling and seeing yourself as different
- Social transgression of patriarchy
- Non-conformity to the gender assigned to your sex
- Transgression of the gender system
- Identifying yourself with a gender different from those established by society according to sex
- To me, it's feeling like a man in a woman's body or vice versa and adopting thoughts, attitudes and emotions in my body of the opposite sex When a person feels like their body is not their own
- Internal conflict
- Feeling, desiring and taking notice
- Change of physical identity



- A man who lives 24 hours a day as a woman. A woman who lives 24 hours a day as a man
- A change because the spirit feels different from the physical appearance of the skin (identity) Feeling like a prisoner in a body that is a stranger to what the spirit (mind) feels
- Crossing gender categories in all of its facets to reclaim what is yours
- It is a complete category. Transexuality. Transvestism. Transformism.
- When a person of a specific sex identifies him or herself, transforms him or herself and changes to another gender
- Transform from the collective and personal imagination the given gender
- The greatest social transgression of the patriarchy
- It is an identity that is denied in a dichotomous version of reality
- It's thinking, feeling and assuming from identity and not from the body (sex)
- Transcending gender.

**Issues that were discussed**

.....

All social groups whose members share experiences and life values (cultural, sexual, political, etc.) that are opposed to dominant values are called “minorities”.

“Sexual minorities” can generally be divided in two groups:

- a. Minorities because of sexual orientation. This group is made up of gay men, lesbians and bisexuals.
- b. Minorities because of gender identity. This group is made up of transvestites, transsexuals, drag queens and intersexed people.

To understand this classification, we must differentiate between sex, sexual orientation and gender identity: by “sex” we understand the sexual distinction between men and women; “sexual orientation” refers to the emotional, sexual and reproductive affective attraction to people of the same sex or opposite sex. And when we say “gender identity” we are referring not only to the collection of behavior, values and masculine and feminine stereotypes, but also how these interact in each individual.

**Who does the term transgender include?**

.....

- Transvestites
- Transsexuals
- Drag queens
- Intersexed people

**Our Rights**

.....

When we speak about our rights, transgender people are not asking for special or additional rights, but for the same rights that everyone else should be guaranteed.

## Rights that are violated

- Basic civil, political, social and economic rights, whether established by law or custom, are denied to transgender people.
- The option of legally assuming a chosen identity is denied.
- The right to be free from arbitrary detention is also frequently denied.
- Often the right to a just process is affected by judges' prejudices.
- In general, trans people are restricted from religious observance, especially when the church is against transgendered people, compromising their freedom of religion.
- Among economic rights, the right to work is the most affected. Many trans people are fired because of their sexual orientation or gender identity, and are affected by discriminatory employment policies and practices.
- The right to safety, social safety nets and quality of life are affected when we reveal our gender identity.
- Discriminatory policies and practices conflict with the right to physical and mental health. These include the general assumption that all patients are heterosexual; the





transphobia of some doctors; and the lack of appropriate training on sexual orientation and gender identity for health personnel.

- Transgender people cannot fully enjoy the right to education because in most cases they encounter unsafe environments, threats and violence from classmates and educators in places of learning.
- The government denies our right to create a family because it does not recognize the families of same sex couples. And the rights that heterosexual couples have are denied to us, even those that are not law (commonwealth marriages or cohabitation).

The participants read Mauro Cabral in groups (the texts are included in the appendix).

After an exercise where participants drew the profiles of a man and a woman and added characteristics they associated with each gender, we discussed common stereotypes that are held by groups in power, society, as well as our parents, the government, our families, the educational system, the church, the media... they tell us to be dichotomized and polarized, submissive and feminine women who obey men, passive, reproductive, servants, the property of men, good wives, focused on others, and that men should be strong and macho. In other words, they tell us we have to be a stereotypical version of “perfection” established by a patriarchal system, when, in reality, we should be free, ourselves, original and responsible, happy, and the way we feel best.

Understanding the transgender experience is a way of better understanding the world and its many labyrinths of oppression. Understanding involves taking steps to free ourselves.

## A CONCEPTUAL AND HISTORICAL FRAMEWORK OF HUMAN RIGHTS

### Human Rights Concepts

Rose Mary Madden

The first human rights model is from the French revolution. These human rights belong only to men, and only to a specific type of man.

#### What was included in this first declaration?

- Principles of equality, liberty, security, property
- Resistance to oppression
- Right to sovereignty
- My freedom ends where another’s begins
- What is not established in law is not prohibited
- Right to dignity
- The right to freedom of movement
- There can be no punishment if the law was not in effect (not retroactive)



- Principle of innocence
- Freedom of expression
- Freedom of thought
- Right to security
- Right to private property
- Obligation to pay taxes
- Obligation of public employees to facilitate information
- Separation of powers, constitution

If we jump forward in history past the First World War to the end of the Second World War, we arrive at the birth of the United Nations, a mechanism that aspired to end the barbarity of war. From then on, a series of international instruments were created. Although there have been advances toward the principle of equality, human rights have not been achieved; in reality what has been achieved is the expectation of rights.

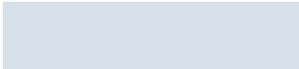
**What is the difference between declarations and conventions?**

.....

Declarations are merely statements that are not binding. In contrast, conventions are international treaties: global or regional, applied to a continent. The United Nations issues global conventions. For example, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was issued in the 1970s and has the most beautiful principle of non-discrimination possible.

CEDAW protects us as women, although the rights of lesbians are not specifically mentioned. It urges the elimination of stereotypes, the right to vote and to be elected, the obligation of states to create reports, the right to nationality, non-sexist education, the right to work, to choose a profession, to maternal leave, the right to health care free from discrimination, etc... We looked at CEDAW, article by article; if this international instrument were conscientiously adhered to, the world would be a different place.

We also looked at other instruments, such as the convention against racial discrimination, the convention to eliminate torture, and inter-American instruments such as Belem do Pará. Each time we changed the word “human being” or “man” to “lesbian” to have a better grasp of whether these international treaties are a reality for us.



## American System of Human Rights

Joseph Thompson

It is important to understand the history of the Inter-American System of Human Rights. In order to use the Inter-American System, it is necessary to contextualize it. We studied its uses, its range and its limitations during the event.

There has been little work in the Inter-American System on sexual identity but the system opens possibilities.

Human rights emerged after citizens demanded that authorities recognize their rights, but it was centuries before an international legal instrument for the protection of human rights was developed.

### I. The Human Rights System

.....

- Human rights: from philosophical theory to legal instrument.
- Human rights: from legal instrument to internationalization.

### II. Historical Evolution

.....

- The 1948 Organization of American States-OAS Letter (Carta de la OEA 1948)
- American Declaration of Human Rights and Obligations 1948
- Inter-American Commission on Human Rights (ICHR) 1959

- From promotion to indirect protection: country reports
- Individual cases: 1965
- American Convention on Human Rights (ACHR) 1969
- Inter-American Court of Human Rights (IHRCourt) 1978
- System transitions.

### III. The Basis of the System

.....

- An essential instrument (the Convention) and a related value statement (the Declaration)
- Two organizations, the HRIC and the IHRCourt
- Special procedures for: a) consultations and interpretations; b) individual cases
- Recommendations and rulings
- A dual system? (because there are 2 main instruments, 2 organizations, 2 procedures, and 2 types of solution).

### IV. Protected rights

.....

- The list of rights
- The priority given to civil and political rights in the Convention
- The Protocol of San Salvador
- Limitations (regarding gay and trans people).



**V. The system’s operational process**

.....

- Before submitting a case to the system, it is necessary to:
  - Exhaust domestic remedies
  - Verify the status of both the state and the responsible authority
  - Fit it into the list of rights specified in the instruments
  - Ensure that it has not expired (6 months from the occurrence of the final facts).
- For the initial approach, it is necessary to consider:
  - Legitimization (Any entity can bring a case, including an NGO, even if it has no legal status, because it constitutes a group of people. It does not need to be the victim or the victim’s family)
  - Identification of the facts/authorities
  - Identification of the rights violated
  - Establishment of precedent for the future

**Expounding the case before the ICHR (Washington)**

Procedure before the ICHR:

- Hearings, evidence, possible site visit
- Proposal for amicable settlement
- Recommendations, report
- Submit to the IHRCourt.

The Commission provides reports and recommendations; it does not make rulings because it is not a court. It sends the recommendations to the state. If the state acknowledges them and proceeds to make changes, then the Commission does not send them to the court, but monitors for compliance. Previously, the Commission deliberated considerably before submitting a case to the court; now the Commission almost always sends cases.

Possible effects of the process before the ICHR:

- Restitution
- Compensation
- Changing law and policy
- Limitations

Process before the IHRCourt (San Jose):

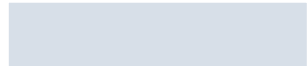
- Restricted Legitimization
- Formal process. Preliminary Exceptions
- Resolution (making a ruling)

**VI. Pros and Cons of the System**

.....

**Advantages:**

- The system opens up new possibilities (official application)
- Resolutions can repair miscarriages of justice
- Hearings/international judges (eliminating internal factors)



- Possibility of reparations
- Reparations can transcend individual cases and positively affect society.

**Disadvantages:**

- Slow and unclear process
- Access to the ICHR requires having convincing reasons
- Although it is not required, it is preferable to get professional advice
- Reparations require supervision.

**What is it realistic to expect from the Inter-American System?**

- Consideration in light of the Humanistic Doctrine
- Possible international impact
- The possibility that the reparations transcend a specific case
- At minimum, a record of cases that involve sexual orientation and the defense of sexual identity
- The system’s potential as an instrument for change. Comparison with other topics.

**Some important ideas:**

- Even though the mechanisms work only some of the time, it is important to use them and to know what to expect of them
- At present, no court can openly express or condone discrimination on the basis of sexual orientation

- Human rights change from a philosophical approach to an actualizable approach when there is a list of rights and a method of implementation
- The Inter-American System developed slowly, over more than 20 years
- When using an international instrument, it is not enough to complain about a situation; it is also necessary to point out the violated right. For instance, the obligation to respect the human rights without discrimination, that is why the article being violated must be pointed out
- An international court can reverse an international legal decision
- The Convention (American Convention of Human Rights, Pact of San Jose) offers the most extensive protection for freedom of expression in the world. It protects how people dress as well as their expression of affection
- Arbitrary detentions like those in San Pedro de Sula, and opportunity criteria (figures legally as penal history in Honduras) are cases to be submitted as violation of the human rights, not only freedom of expression
- Insults do not relate to what is true or false, but to the intention to offend. For instance, to call someone who works openly as a prostitute a whore could be considered an insult
- Problems are becoming more global; what happens in Guinea can affect in El Salvador



- Human rights may not be taken away under the justification of moral integrity or maintaining public order, but they can be limited. For example, two lesbians may not be able to kiss in a playground, but that does not mean they may not kiss at all. It is not possible to eliminate rights but it is possible to restrict them
- Human rights can not be eliminated for public health reasons; public health can not prevail over human rights
- The tendency is to use constraints to eliminate rights
- Immunity is not impunity with regards to members of parliament
- Procedure: exhaustion of domestic resources (3 exceptions: I) if there are no remedies; II) when there is an unjustified delay of more than 2 months, because a human rights case should be resolved in weeks – and III) if they are impossible to use
- The case of private institutions. Don't sue a bar, for instance. But sue the authorities for discriminatory conduct and when authorities say no, sue the state
- Limiting the right to admission is not that simple. The reasons for not letting people enter an establishment may not be discriminatory. Malls that do not let people with tattoos enter (on the grounds that gangs use tattoos, for instance). A boy won a case on these grounds by appealing to freedom of expression
- You cannot sue a private person, but you can sue a public official
- A sentence can be a human rights violation

- This raises the question of Nicaragua's Article 204, which penalizes homosexual relationships. The rule of expiration does not apply because the violations are permanent
- Neither individuals nor NGOs can independently present their cases to the court. Only the Commission can present cases to the court
- States report to the court that domestic remedies have not been exhausted. This is not true. When they say exhaustion of domestic remedies, they mean resources that are relevant for the violated right, not ALL remedies (Writ of Amparo, habeas corpus). If a state says that all domestic remedies have been exhausted, it must be proven. In other words, it has now become more difficult for states to use such excuses.

**Group work on the cases**  
.....

**CASE 1**  
.....

A group of friends were worried about the lack of space for information and communication about the lesbian community in the state of Ficaya, so they opened a weekly newspaper called "La voz de Lesbos" (The voice of Lesbos). They obtained the advertising necessary to keep the issues running with great difficulty. Homosexuality is not illegal in Ficaya, but the authorities often use excuses such as "public order," "public morals," and "protection of children" to justify police

inspection of places frequented by LGTBI people, like bars, restaurants, hotels or disco clubs. They terrorize people and threaten to arrest them implying charges of “drug possession and other illegal conduct.”

Issue #3 of *La Voz de Lesbos* had just been published, when the Censors Office of the Ministry of Internal Affairs issued an order to prohibit the printing and circulation of the weekly, arguing against the promotion of acts against public morals and health.” The promoters of the weekly protested the decision, showing that the publication only included articles and literary texts of interest to lesbians, as well as articles about how to prevent sexually transmitted diseases.

The Office of Censorship not only kept the order in place, but also asked the police to enter *La Voz de Lesbos*’s office, to inspect it and confiscate “any immoral or indecorous material, found at the site.” You are the legal authority at the Arco Iris NGO, which, as part of its mandate offers legal help to members of the LGTBI community, and you must help the publishers of *La Voz de Lesbos* to present their case. Consider that Ficaya is a member of the Organisation of American States, a party to the American Convention for Human Rights, and has accepted the jurisdiction of the Inter-American Court for Human Rights.

Questions asked	Answers from the participants
1. Who to go to? And How?	Solicit a Writ of Amparo from the Constitutional Chamber.
2. The publishers are afraid and do not want to sign the petition nor any document for fear that the Ficayan authorities might retaliate How can the case be presented?	The case can be presented as coming from an organization. If the organization does not have legal standing, it can be presented as coming from a group of individuals.
3. You know all domestic remedies must be exhausted in order to present a case to the Inter-American System. What is included in this mandatory step? Or is it possible to submit this case immediately?	All domestic remedies must be exhausted. Go to the Constitutional Chamber.
4. Help to identify:	
a. Violated Rights	Pact of San José. Art. 1. Obligation to respect rights. Art. 5. Right to personal integrity. Art. 7 Right to personal freedom. Art. 8 Legal guarantees. Art. 10. Right to compensation. Art. 11 Protection of honor and dignity. Art. 12. Freedom of conscience. Art. 13. Freedom of expression. Art. 15. Right to assembly. Art. 16 Freedom of association. Art. 21 Right to private property. Art. 24. Equality before the law.
b. Evidence	Raids on bars, closure of the newspaper.

Questions asked	Answers from the participants
c. Possible complaints or requests	Compensation, public apology, issuance of non-discrimination regulations, restitution and re-opening the newspaper.
d. Strategic approach	Denounce the state for legitimizing discrimination against LGBTBI people (use also CEDAW and Belem do Parà - Inter-American convention on the prevention, punishment and eradication of violence against women).
5. The publishers want to anticipate the state's defense strategy. What do you think? How might they advance their arguments?	Morality, public order, rights of the child Art. 29. Rules of interpretation. Art. 30. Scope of restriction.
6. What are the predictable steps in the procedure? If an amicable settlement is offered, under what circumstances would it be worth accepting?	Submission to the Commission. Notice to the parties. Evidence Friendly arrangement, NOT Inter-American Court Allegations Resolution.

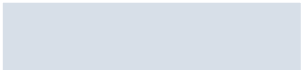
### What can we emphasize about the resolution of this case?

This turned into a very complex case, tending to reinforce, in court, the generation of an environment favoring non-discrimination. Because this is not an isolated case, it is essential to note victims, facts, dates, places (who, what, when, where). It is not possible to make a general accusation. Precision is important.

There are several items identified and it is better to infer indirect violations (honor, personal freedom) because if one violation is thrown out then the perpetrator can still be caught on something.

While there are no rights that are worth more than others, there are approaches that are stronger than others, for instance, due process or freedom of expression.





**CASE 2**

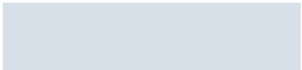
Marta is a qualified professor at the National Public University (Universidad Publica Nacional) of Friso, in a state that is party to the American Convention on Human Rights, the Protocol of San Salvador, and has recognised the contentious jurisdiction of the Inter-American Court of Human Rights. Following a discussion sponsored by the Social Science Faculty (Facultad de Ciencias Sociales), in which Marta defended homosexuality in general and explained that she was a lesbian, the authorities initiated an investigation against her, saying that she might teach her students “incorrectly” and “possibly” try to seduce her female students,” due to the promiscuous characteristics of the homosexual community.

Marta went to the legal office of the teacher’s union, which informed her that nothing could be done until the university fired her. In anger, she goes to the “Por tus Derechos” (For your Rights) popular advice office, where a friend of her works. The office produces an appeal against the decision by the university’s human resources office but this is rejected immediately for being procedurally incorrect. Then Marta presents a Writ of Amparo to the Constitutional Court, which is declared “out of order” after two weeks because “no Constitutional Rights are affected.” The Constitutional Court also argues that the university’s actions are justified ”for the protection of the family,” constitutionally defined as “the union

between a man and a woman with the objective of common support and procreation.”

Is this a case for the Inter-American System? What should the approach be? You and the advisors must ask yourselves:

Questions asked	Answers from participants
1. What line of argument should you use to determine the rights that have been violated? Is more than one strategy possible?	Pact of San José: Art. 1 Obligation to respect rights without discrimination. Art. 13. Freedom of thought and expression. She is being tried for exercising her freedom of expression and her sexual orientation. Her right to integrity has also been violated (Art. 5). Art. 11 Protection of honour and dignity. After stating she was a lesbian, she was accused of unproven conduct. Art. 25. Right to legal protection.
2. What would you ask to be resolved?	To be resolved: recovering her dignity, admitting that there has been false testimony after slander without proof. Protection of honour and dignity.
3. Analyze the evidence. What would you present?	Work record. Witnesses who participated in the discussion. Ruling of the Constitutional Court. That homosexuality is not criminalized in the state.



Questions asked	Answers from participants
<p>4. Consider possible state allegations and how to invalidate them. Review the procedure.</p>	<p>Review the procedures for protection of the family. Consider the relevance of the definition stating that marriage is “the union between a man and a woman with the objective of common support and procreation,” and its affect on the state’s allegations about “dishonourable and immoral acts.”</p> <p>It is invalidated by Art. 17 Paragraph 2 of the Pact of San Jose (which recognizes the right of a man and a woman to marry and start a family so long as they are legally adults and fulfil all the requirements of domestic law, to the extent that their actions do not affect the discrimination principles in the Convention), because the article is supra-constitutional and the Constitution of Friso violates Art. 1 of the Convention (to respect rights without discrimination).</p>

Questions asked	Answers from participants
<p>5. The advisory office lacks funds for international cases and it is preferable to take the case directly to the IHRCourt, which is located in Central America. What would you advise?</p>	<p>The case will not be directly presented to the court, but to the ICHR.</p>
<p>6. If the university fired Marta during the proceedings, would that change anything?</p>	<p>If she is terminated, her right to work will have been violated, as evidenced by the additional protocol of the American Convention (Protocol of San Salvador). It would be wise to solicit compensation but it is not necessary to wait for dismissal before acting.</p>
<p>7. If the university is private, not public, how would this affect the approach to the case?</p>	<p>If it is private, one has to take the case to the Constitutional Court, because the university is violating articles 1, 5, 11 and 13 of the Pact.</p>

## International System of Human Rights

Marcelo Ferreyra

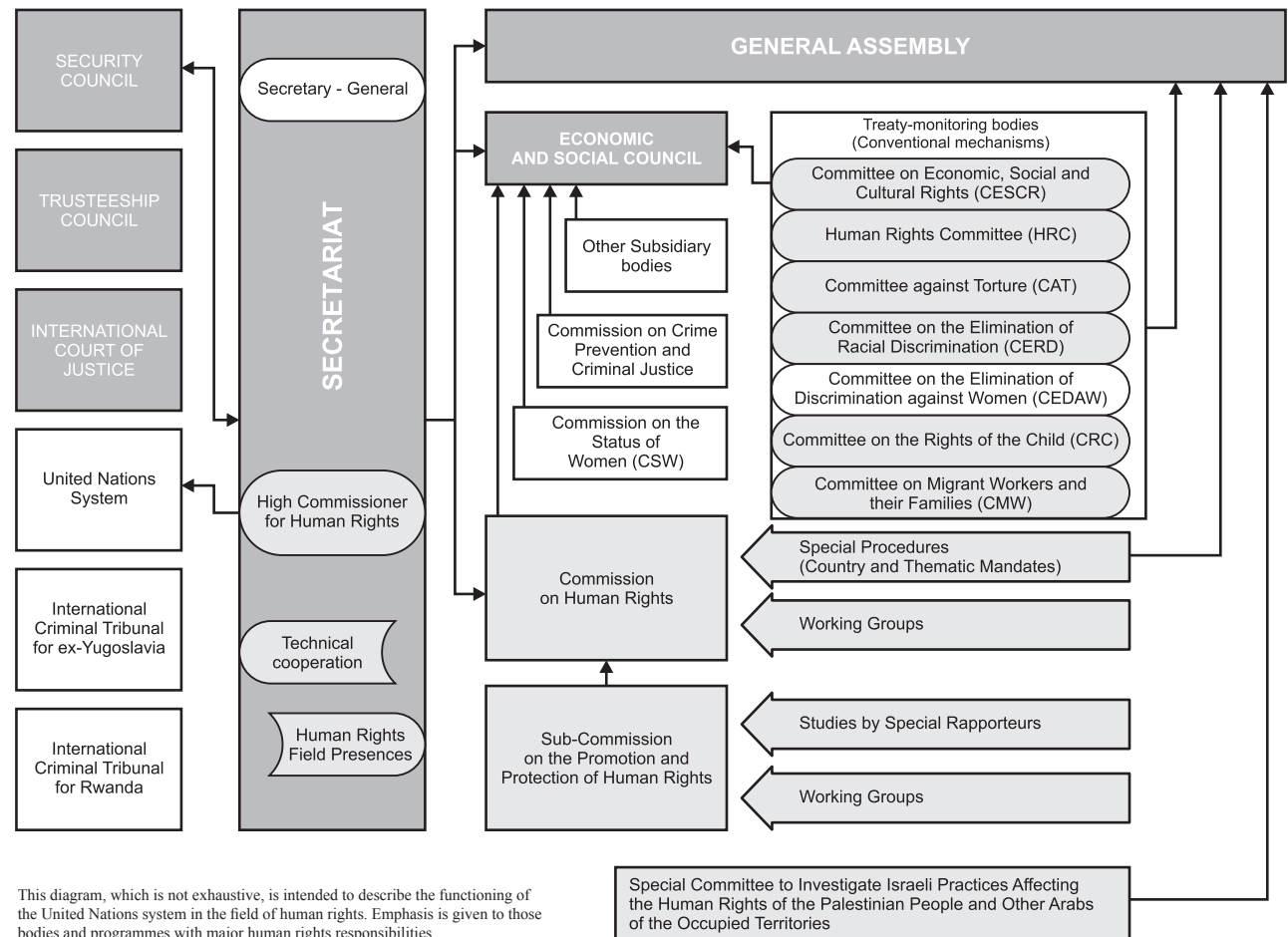
We were examining, discussing and studying the labyrinthine United Nations System, in order to understand that the consecration of rights is a very difficult process, but not an impossible one.

In its 89th term, the Human Rights Committee of the United Nations (which monitors the International Covenant on Civil and Political Rights), reviewed the reports of the member states under Article 40 of the Convention. We emphasize the most important aspects from the concluding observations about Chile (March, 2007), which include amongst their main concerns and recommendations, “the discrimination to which certain people are subject because of their sexual orientation . . . in accessing healthcare and the courts (Art. 2 and 26 of the Pact), while recognizing the decriminalization of homosexual relations between responsible adults. The Committee recommends guaranteeing that equal rights apply to all people, regardless of sexual orientation, as established in the Covenant. These include equality before the law and access to health

services. Awareness programs should also be implemented to combat social prejudices”.

These recommendations are very important for states and have the capacity to influence other countries. Hence the strategy of working with organizations to draft shadow reports.

**Structure of the United Nations Human Rights Bodies and Mechanisms**



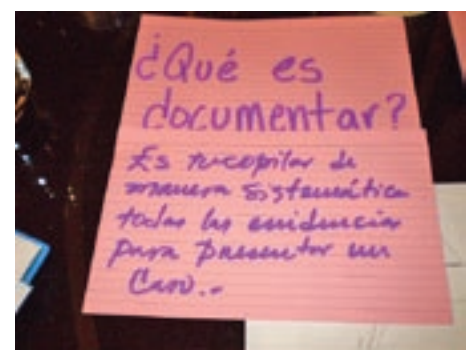
### Human Rights Documents: Instruments and strategies to defend lesbian rights

Ximena Andino

#### Human Rights Documents

It is important for our organizations to be able to document cases of human rights violations; outrage and pain are insufficient. It is also important to use the tools of the system; documenting, prioritizing, determining the time, place and actors involved in a case. We have been learning this.

#### What is documentation?



A collection of information including all the facts related to a case or situation where human rights are being violated.

Documentation is not an end in itself. It is a means to specific goals.

Documentation comprises of various stages, including:

- a. determining what information is required and identifying the means to obtain it;
- b. recording the information that has been collected,

- c. filing it in an appropriate context (documents) or collecting existing documents that contain the necessary information.

#### Why document? Its significance

Documentation is essential to initiate cases on behalf of the victims and act in ways that will most likely have a positive effect on the human rights situation, such as by campaigning, lobbying, etc. For example:

- Constructing a record
- Determining the truth
- Obtaining justice (national and international judicial documents)
- Obtaining compensation (national and international judicial documents)
- Restoring the victim's dignity (part of the compensation)
- Ensuring that there is not any repetition (prevention)
- Raising awareness
- Viewing a situation in which the human rights of lesbians are violated
- Publicizing paradigmatic situations of violations of human rights based on concrete cases
- Sensitizing public opinion



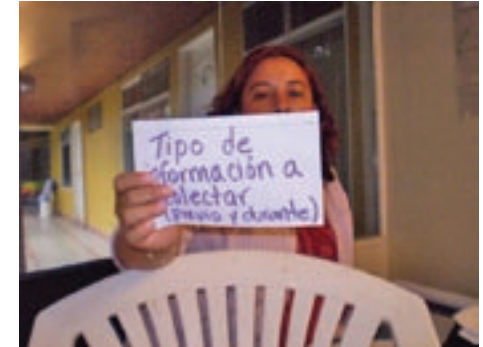
- Documenting is one way to discover what victims want
- Transforming women from victims to survivors
- Identifying trends and patterns related to human rights violations.

### How to document?

1. Define the object (location, individual case) and the strategy for documentation (campaign, report, individual legal dispute)
2. Identify informational needs (what we have and what will be necessary)
3. Identify sources of information
4. Collect, organize and analyze information.
  - a. standard format including attributes such as
    - i. victim's name, age, gender, marital status, ethnic origin, occupation and sexual orientation.
    - ii. the event's date, time, place, reason, the number of people affected.
    - iii. the perpetrator's name, age, gender, rank, affiliation, etc.
  - b. Create categories for classifying the facts (by right and by violation).

### Necessary information to collect

- Who are the victims?
- What are the facts? (Not all actions are violations)
- What are the circumstances surrounding the human rights violation? What was the time and place of the violation?
- Who are the perpetrators?  
Provide information determining if they are public employees and, if so, from which governmental agency
- Information on national and international laws and regulations
- A country report (main socio-economic indicators, major human rights violations, the state's organization, the situation of women and lesbians in that country, pre-existing violence or conflict, the presence of non-state agents - for example, paramilitaries - the presence of organizations in civil society, international community).





### Conditions for documentation

- Safety: The documentation should neither endanger the victims nor the organizations documented
- Consider the country’s context (in an armed conflict, such as in certain areas of Colombia, the conditions for documentation might not exist)
- Networks of organizations
- Legal, medical and psychosocial support for victims
- Victim’s consent to document the case and use for subsequent action
- Not to re-victimise.



### Obstacles to obtaining documentation

- Victim’s fear of giving testimony
- Distrust of the mechanisms of the judicial system
- The need to protect the family
- Embarrassment about what happened (especially in cases of sexual violence)
- Cultural, social and language differences
- Ethical issues (privacy, confidentiality, respect for the victim’s dignity).

### Sources of documentation

Primary: those obtained directly from the victims.

Secondary: those obtained indirectly, describing what happened.

- Direct investigation at the scene (visual inspection, observation, photos and records)
- Testimony of the victim, the community, state agents and other relevant actors
- Information from the media (newspaper, radio, TV, documentaries)
- Reports from national and international organizations in civil society
- Reports from international and regional mechanisms for the protection of human rights (United Nations agencies, conventional and extra-conventional mechanisms, commissions, humanitarian agencies)
- Reports from state institutions (for example, ombudsman, attorneys, ministries)
- Past Cases
- Precedents from national and international jurisprudence
- Reports from morgues, hospitals, prisons, etc.



## Interviews

Some basic criteria must be taken into account when interviewing. There are different ways to interview, and criteria can be different, but there are some basic conditions that must be met, such as:

- Having a format to collect information (which does not have to be followed to the letter, but is a reminder of what issues should be addressed)
- Having prior information about the place, the context
- Listening carefully
- Choosing a comfortable place, where the victim feels relaxed and safe
- Taking precise notes. The interviewee must agree to the use of a recording device before it is used
- Two interviewers are preferred (better notes, better quality of interview)
- Carefully explain the purpose of the documentation, its significance, its limitations and its possibilities to the interviewee. Explain how the information will be used (if it will be confidential or not, if it can be used in a report or any other kind of public paperwork). Be careful not to raise the expectations of the victim.
- The language during the interview must be clear and simple

- Help the interviewee feel confident and not like they are being interrogated
- Do not question the veracity of the victim's comments, or express value judgments about what the victim says
- Let the narrative flow
- Pay attention to the victim's body language and not just to what the victim says
- It is essential not to coerce a victim to answer a question they do not want to; we must respect their privacy and their pain
- Pause when the victim needs it, following the person's rhythm
- Finish the interview on a positive note, to provide hope.

### **What to do if the person experiences an emotional crisis during the interview?**

- Stop the interview
- Try to make the person breath deeply and ask them to look in your eyes, trying to bring them into the present, leaving the painful memories behind
- Offer the person a glass of water and ask them if they want to stop the interview. Remind them that they do not have to answer any question that is too difficult for them.



### Strategy (Pyramid)

Example of a missing person

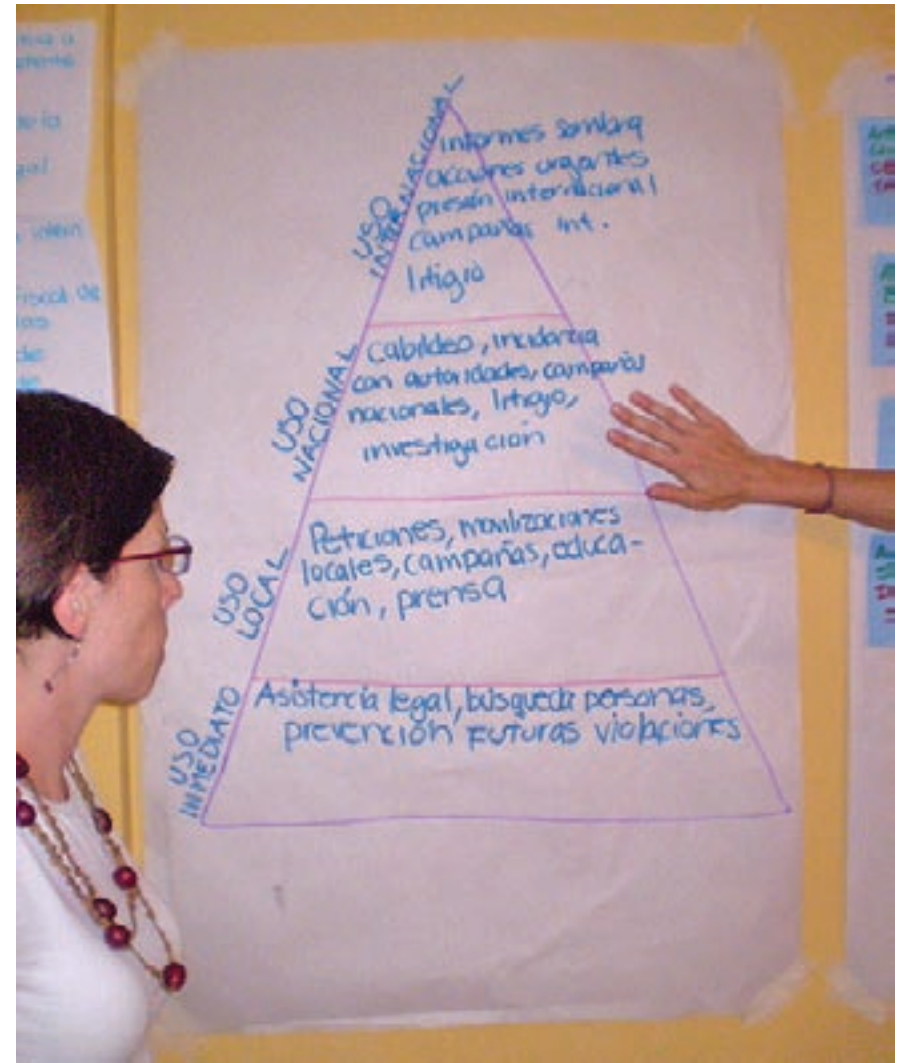
- For immediate use: Legal advice, a search for missing people, preventing future violations
- For local use: petitions, local demonstrations, campaigns, education sessions, media
- For national use: lobbying, meetings with authorities, national campaigns, investigations, litigation, education
- For international use: country reports, urgent actions, preventive measures, international pressure, alternative or shadow reports, international campaigns.

Information moves in circles, it is not linear.

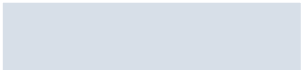
### What instruments can we use?

- American Convention on Human Rights: Obligation to respect human rights (Art. 1)
- Belem do Para Convention: The right to a life free of violence (Art. 6)
- Protocol of San Salvador: The right to health
- Inter-American Commission of the human rights of women – ICHRW
- Yogyakarta Principles: Principles on the application of international human rights law related to sexual orientation and gender identity.

It is necessary to exhaust all domestic resources to defend human rights in a country.







**Group work on study cases**

**Case 1**

Juana Perez was sentenced to 5 years in prison on charges of drug possession and distribution on November 5th. She had a lawyer who was only present at the time her sentence was pronounced. As a justification for her sentence, the judge said that “all women like her were mixed up in shady deals and they were on the wrong path.”

Juana has been in prison for two years. Her girlfriend, Matilda, has repeatedly sought authorization from the prison, for an intimate visit with Juana. The prison director has repeatedly denied her requests, arguing that the rules of the penitentiary only allow intimate visits to heterosexual couples who are legally able to certify their civil marriage.

Matilda hired a lawyer to file an appeal, arguing that the law makes no mention of this restriction and that the prison’s rules violate her rights. The judges deny her appeal, stating that the constitution defines family as an entity consisting of a man and a woman and that same-sex marriage is neither recognized in law nor in international human rights treaties.

- 1. Identify which of Juana’s and Matilda’s rights you think are being violated

- 2. Define a strategy to protect their rights (at the national and international levels).

**1. Juana’s and Matilda’s violated rights:**

- The right to a legitimate defense
- Dignity
- Autonomy
- Freedom of expression
- The right to have a family
- Equality
- Privacy

**2. Strategies:**

**Strategy 1:** bringing a lawsuit against the state for violating the right to a legitimate defense

**Strategy 2:** bringing a lawsuit against the state for violating human rights

**Strategy 3:** sending information about the case to the Special Rapporteur for women’s human rights.

**Evidence**

- Legal file
- Sentence (verdict)



**Women’s right to non-discrimination CEDAW Universal System (CEDAW)**

**Strategies:**

**Strategy 1:** Take the case to CEDAW and the Human Rights Commission/Committee

**Strategy 2:** Present the case to the Special Rapporteur on violence against woman, bringing a lawsuit against the state for an institutional regulation discriminating against lesbians, using the example of Juana’s and Matilda’s case.

**Evidence**

- Arguments of the prison and the Constitutional Chamber
- Previous case: Alvarez versus Colombia

**Case 2**

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The Republic of Bonoba is democratic and social by law (social de derecho), a member of the OAS and a signatory to all international and regional human rights treaties. The president of Bonoba has indicated to the international community that during his administration, security organizations have been improved to ensure respect for the human rights of citizens.

The local organisations that defend LGBT people’s rights have sent several action alerts denouncing violence against lesbians in Bonobá.

In the last action alert, it was reported that a group of lesbians were subjected to various acts of violence during a raid on a bar. According to many eyewitnesses, police officers – and presumably also soldiers – entered the establishment and separated the men from the women. When they realised that some women were hugging and holding hands, they arrested them on the pretext of upsetting the public order. The women were taken to the police station where they were forced to undress and then they were sexually violated by several police officers.

Subsequently, the women were put into a cell with men, where they were victims of harassment. The women remained in the police station for three days, with no contact with the outside world, seeing neither a lawyer nor a judge.

Several international NGOs have complained that police violence against lesbians is a common occurrence in the country.

1. Identify the rights that you think are being violated
2. Define a strategy to protect their rights (at the national and international levels).



## “Bonoba Western America”

### 1. Rights Violated

- Protection of honour and dignity. Art. 11
- Freedom of thought and expression. Art. 13
- Obligation to respect human rights. Art. 1
- Personal integrity. Art. 5
- Right to freedom. Art. 7
- Right to meet. Art. 15
- Freedom to associate. Art. 16
- Equality before the law. Art. 24
- CEDAW
- Belem do Para Convention

### 2. Strategies

- File a lawsuit with the appropriate institution
- Go to NGOs/office of women; search for legal representation
- Inform the domestic NGOs of the situation
- Request information from the public prosecutor’s office about the arrested women and the police officers on duty
- Organize a protest in front of the police station
- Look for alliances between NGOs – bars.

### Results of group work About the Confidential Information Form regarding violence against women

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The forms are a memory aid for information; presenting a case to a Rapporteur can be done in a more informal way. A Rapporteur can be told orally about the situation and the cases; it is not necessary to present the form. Brevity is important.

The groups worked based on this form, and then results were discussed in the group session, during which real cases of human rights violations were narrated in as systematic a way as possible, both as an exercise and to share knowledge about the situations in various countries.

These cases were related to the mandatory psychological treatment of a 17 year old lesbian girl, on the pretext of “protecting of a minor;” the consequences of the non-acceptance of same-sex couples, including violations of the right to health, to property, and to have a family; access to justice, the situation of elderly same-sex couples with no rights; the violation of the rights of a girl forced to be evaluated psychologically because her mother is lesbian; rape by police officers; instances of invasion of privacy and denial of residency in a foreign country.



### Right to a life free of violence

Edda Quirós

It is important to locate the right to a life free of violence within a political process of learning.

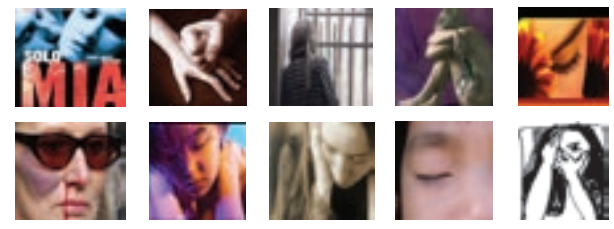
Slogans for the day were established.

- a. Interest
- b. Confidentiality
- c. Right to cry
- d. To approach what I feel
- e. Not to be afraid of other people's feelings
- f. Solidarity
- g. Voice
- h. Looking and listening from the soul

We must place ourselves on the side of right, not on the side of pain, even though we talk about pain.

### Activity

In this activity, we projected images of violence and worked on two questions: what people were feeling and what is happening in the photos. Four stories were written.



### Adriana

Adriana had a five-year relationship with Gabriel. She started to feel overwhelmed, desperate and above all alone, when Gabriel started to...

Subject her to physical, psychological and sexual abuse.

- I can't stand it anymore.

Adriana could not stay with Gabriel anymore.

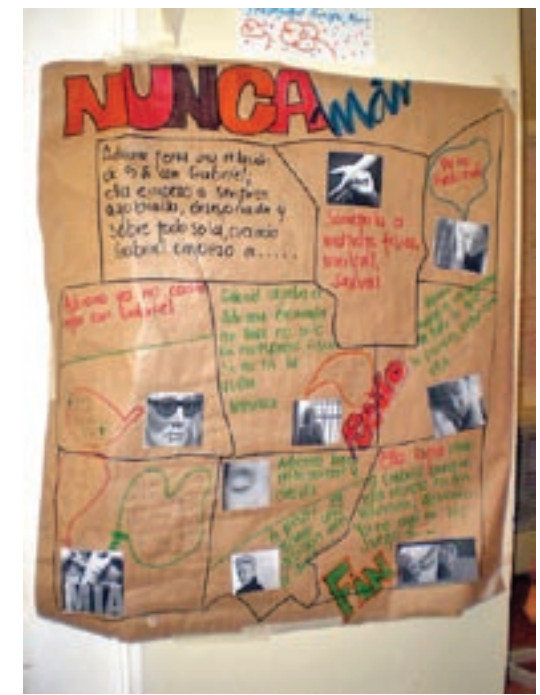
Gabriel left Adriana feeling trapped, not just in her physical space but also in her life.

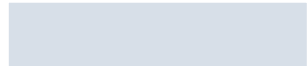
Adriana started to think about everything that had happened to her, so she...

She could think and decide. And even though she made a decision it still hurts her.

Adriana managed to leave Gabriel even when he insisted that they get back together, Adriana wouldn't fall for his games anymore.

The End.





### The history of the daily treatment of women

I don't want anymore violence in my life, my body and my feelings.

I don't want to belong to anyone. How do I make them understand a NO.

My body can't take anymore.

I will be responsible for this situation

You do not decide; I belong to me.

I feel alone...

I feel trapped, internally and externally. Your manipulation is killing me...

### I was happy

I was happy

I looked so good, sweet, soft and educated.

I never saw who was coming.

How can say what I see without losing her?

How can I tell her that I want to see her alone?

HELP

Somebody help me.

Why me?

I FEEL SO ALONE.



Do I deserve so much pain and mistreatment? Why me?

I don't want anymore physical, psychological, social and economic abuse.

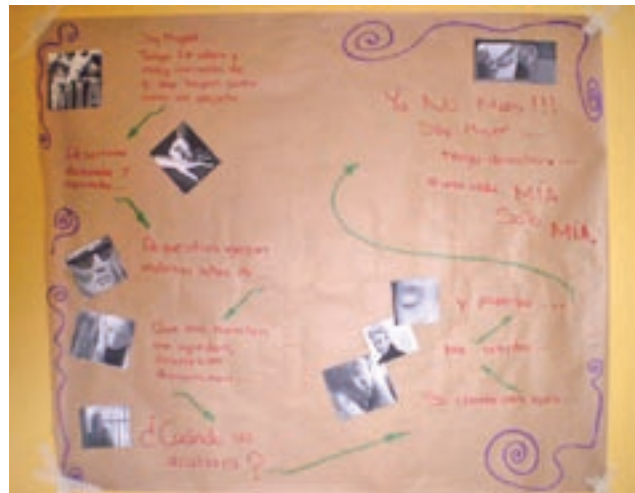
I don't want any more marks of your love on my body.





**I am a woman**

I am a woman, I am 27 years old and I am tired of being treated like an object.  
Of feeling dominated and oppressed.  
Of others being violent towards me.  
Of being humiliated, insulted, despised and discriminated against.  
When will it end?  
And I think...  
I feel...  
If I close my eyes...  
No more.  
I am a woman...  
I have rights...  
A life of my own, just mine.



Human rights seek to guarantee well-being, a dignified life for everyone, as an individual, social, material and spiritual being, without discrimination based on ethnicity, religion, nationality, economical condition, age, sex, education, sexual orientation and health. Their ultimate goal is to assure human beings freedom, equality and justice.

What does it mean to have rights? What is violence in a relationship?

Actions or omissions that deprive abused people of their rights and freedoms and interfere with their development and freedom of choice.

How to realise the right to well-being while living with violence?

How can I make myself feel that I have the right to live a certain quality of life, without having the benefit of a safe, loving and respectful environment?

Is it possible to build welfare from silence, fear, captivity, rejection?

What impact can it have on the creation of a happy life when our right to live free of violence is violated?

Abuse demands a lot from those who suffer from it; it uses up a great deal of personal energy to be able to confront it:

- The continuous state of fear that they are exposed to
- Frustration and impotence because of the lack of support
- Hyper-alertness and constant vigilance in case of imminent danger, both for them and their children.



Violence changes the representation of what happens, “what I believe;” it wears down the capacity for rebellion and control; it minimizes the trust that people have in their own abilities. It erodes their motivation to try to make changes because after many efforts there are no answers.

Just imagine what would have become of each of us here, survivors of different kinds of violence, if we hadn’t had to use all of our strength, all of our vital energy for our defense, to understand why it happened, to forgive, to survive...

Where would we be... how many other dreams could we be building...?

To coexist with others in a relationship based on fairness, equality, respect, responsibility, personal development, tenderness and solidarity, as well as counting on the conditions to live it, is one of the rights that few talk about, and it is in fact one of the most fundamental rights to bring about the well-being, joy and happiness that we crave so much” (text by Edda Quiros)

Many murals were created by the groups based on the image we projected of the right to a life free of violence.

### The circle of love

A Big Circle: trust, a confiding friendship. Solidarity, strength, energy.

Human equality, different rights.

Small Circle: Justice, Fairness

Intimacy.





### The power

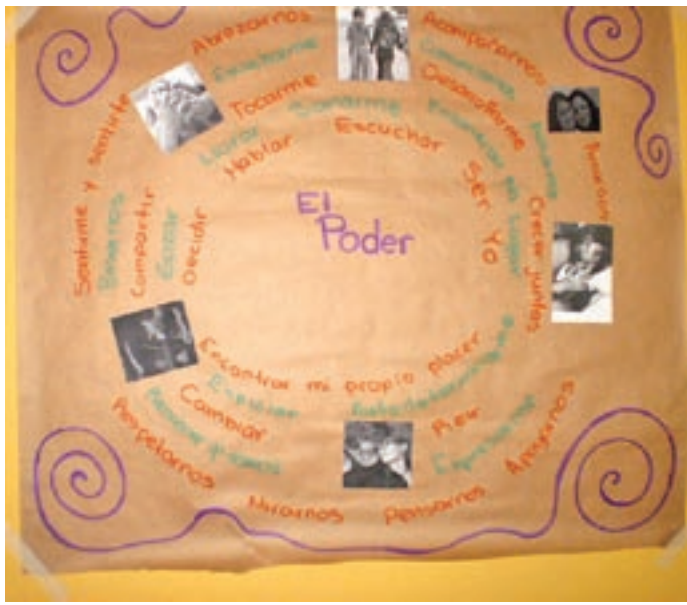
Largest circle: i feel myself and you feel yourself – we hug ourselves – we accompany each other – we love each other – we support each other – we think about each other – we look at each other – we respect each other.

2nd Circle: listen to me – we communicate – love me – express myself – we recognise what we are – we kiss.

3rd Circle: touch me – I develop myself –we grow together – laugh – change – share

4th Circle: cry – heal myself – find my place – self-determination – explore – enjoy

5th Circle: talk – listen – be myself – find my own pleasure – decide.



### We put a limit on the violence

- We limit the violence that we endure in our family
- We find solidarity and friendly hands
- We give our lives a new direction
- We find a support network (new friends)
- We find a partner with whom we share caresses, hugs, understanding
- I learn to live my sexuality
- I learn to receive and give caresses.







The new models of love were reflections on the myths of love. Through the words of traditional boleros and other songs, the group pointed out the transmission of ideas like possession, ownership of the other person, the necessity for suffering, and jealousy as irrefutable proof of love, etc.

The new lover's pacts recognize that our wishes and interests are just as legitimate as others. We have the right to defend our wishes and personal interests, to lose the fear to say "no," and be ready to receive it. The act of thinking differently, differentiating ourselves and creating limits scares us.

**Tips for the "new lovers pacts"**  
.....

- The relationship is not eternal because it is voluntary
- Frequently check in and confirm that the terms of the relationship are clear
- Know that love is conditional. I love you as long as... you respect me, we support each other...

- Assume respect for a partner's limits and privacy
- Recognize and assume a partner's right to have secrets. Resist a system of confessionals
- Agree on the right of both sides to communicate, as well as the right to not invade silence with words
- Trust and support
- Mutual respect
- Honesty
- Shared responsibility
- Non-threatening behaviour
- Distribution of economic benefits
- Fair negotiations.

It is fundamental to recognize that love is built through renewable and revocable pacts.

## ORGANIZATION DEVELOPMENT

### **Access to funding sources: Mobilization of resources for lesbian human rights: Contributing to the sustainability of the lesbian movement in Central America.**

Lydia Alpizar

The issue of resources is always a headache for organisations and especially for lesbian ones. During the training, we studied the economics of women's organizations, from a presentation of the research done by AWID; their website is [www.awid.org](http://www.awid.org).

Most of the organizations have limited resources and do a great deal of work. Latin America is the continent with the greatest number of low budget organizations. Aid is provided when there is a natural disaster, but it is never aimed at any woman's organization.

Women's organizations have very limited budgets. Women ask for little money, even though there is an impressive amount of resources to be had.

Historically, the Danish or Swedish governments or large foundations, such as the MacArthur Foundation and the Ford Foundation, have financed women's organizations. Also, other organizations like: Oxfam, Action Aid, etc. Similarly, women's organizations have been funded by the Global fund for Women or the Central American Fund for Women, and corporate philanthropy. National and local governments have improved in this area, too.

Organizational funds are also derived from the sale of services, publications, etc.

The amount of funding for women's organizations is US\$ 77,561,683. Amnesty International budget is US\$ 250,000,000 and the majority of individual donors are women. Funds that were previously dedicated to women's organizations, are today are today aimed at mainstreaming a gender perspective into mixed organizations. While there is an increase in co-operation in general, there is a reduction of funds dedicated to women.

The Mexican organisation Semillas and the Central American Fund for Women are trying to get individual women to donate money specifically for women. The challenge in this sector is enormous.

There are opportunities: Semillas, Mama Cash, corporate philanthropy; Levi Strauss has financed campaigns against violence against women, as well as lesbian issues.

### **The Mentality of Scarcity**

The results of research about funding for LGTBI organisations show that 60% of the resources come from Europe. 280 groups, with a total of US\$ 12.6 million, were the subject of this survey.

Intermediaries made 60% of decisions about the donations. The main donors are: SIDA (Sweden), HIVOS, Anonymous, Oxfam International, OSI Soros Fund, Atlantic Philanthropies,

Sigrid Rausing Trust (England), Oak Philanthropies, Ford Foundation, Cordaid (Catholic).

**Framework of reference:**

- LGTBI people as subjects with rights
- LGTBI people as victims
- With or without an analysis of gender, race, or class
- With an emphasis on HIV
- With and without transgender people and lesbians
- Building the LGBTI movement or mainstreaming LGBTI rights

**Access:**

- Twenty organisations have 70% of the funds, 2 are HIV related
- The median income for LGTBI organisations is US\$ 8,500
- The majority of the money stays in Europe
- There is no multi-year financing, everything is for less than one year
- There is more money for work on a global level than for work on a national level
- HIV financing is increasing.

Each country has analysed the donor organizations available for lesbian issues, their tendencies, and the challenges they face in obtaining funds. The funders supporting feminists,

gays, lesbians and HIV positive groups, in nearly all countries, are HIVOS, Oxfam, Astrea, Global Fund for Women, Central American Fund for Women, Mama Cash, etc., in addition to private organizations within each country. Challenges involve raising economic resources exclusively for the lesbian community, institutionalizing the experience of working with lesbians, the need to meet with donor organizations, implementing projects and sensitizing the lesbian population.

Anyway, something of deeper significance was pointed out during this event—the relationship that women have with money. We asked ourselves, as an exercise, about our first relationship with money, and most of us realised that it was a tense relationship, of scarcity. Some of us had sold candy or bread at school, which made extra money, but in general this was not a pleasant experience, it was difficult, tentative and complicated. Patriarchy has marked much of our relationship with money. Our analysis of ideas and feelings about money shows that they are usually connected with frustration, oppression and stress. Upon deeper analysis, we realised that, specifically, the relationship between lesbian organizations and funding is one of failure, of combating obstacles, of scarcity, of stretching things to “make them last,” and some of us even described it as “a declaration of frustrated love.” Most participants work in areas unrelated to lesbian activism, with plenty of other things to do in their lives. Even though sometimes they have the enthusiasm to look for funding, they felt it was difficult to acquire it.



In addressing strategies for the future, it is clear that our position, when confronting funders, must be one of equals. We must present proposals that complement the funders’ goals, as they also need to fulfil their objectives. We must keep that in mind:

- It is not advisable to apply only to the human rights portfolio. For instance, the Ford Foundation has a wide range of programs on economic, social and cultural rights. We have to apply to all of them. The ideal result is to obtain multi-year funding, and general operating funds
- Have growth projections, think in terms of long-term strategies, and ask for larger amounts of money. Diversifying sources of funding gives more autonomy
- Invest in property and infrastructure
- Funds that come from books sold, services or membership payments can be used as non-restricted reserves for example, for purchasing
- It is important to share key information about funders to help strengthen the movement, build collective power and develop alliances
- For example, what would we do if we found Bill Gates in an elevator, and we had to convince him to invest in our cause? From 1 to 10
- It is important to know how to explain why the activities that we undertake, will create change; the organization must have a strategic plan and create its own mechanism for assessing the impact of its activities.

Social change is actually very complex and happens as a result of multiple factors. An organization cannot claim to be the singular cause of a legislative change, but it can claim a role in contributing to that change. For instance, the decriminalization of abortion in Mexico is the result of 20 years of organizational work.

**Project Development**

.....  
Ana Criquillón  
Central-American Fund for Women

We believe that project preparation is a “necessary evil.”

A project is the instrument through which we can give expression to the goals we want to achieve in one or more years. It is not “what you have to write” in order to get support from funders, but a way to give shape to our ideas.

Let’s take a look at the basic structure of a project.

**What is a project?**

It derives from an identified need and seeks to provide a logical structure to facilitate the accomplishment of specific goals in the most efficient way possible. A project is an instrument that drives, orders and guides the development process.

**The life cycle of a project:**

- An initial phase of identification
- A phase of design and project development



- A phase of implementation or execution
- Results, evaluation, end of the project .

**The initial phase of identification**

- Corresponds to the diagnostic phase, which allows us to identify factors, needs, variables, etc. related to the overall context of our project
- This phase will use a specific and coherent methodology consistent with the proposal
- It will help us establish objectives and it is important for decision-making.

**The stage of project preparation**

- The project will be defined in terms of the problems, needs and demands we found in our diagnosis
- The structure or format of the project will help logically organize and guide the relevant actions, enabling them to be based on complete and concise information.

**a. The title of the project**

- Must be concise and express accurately what is it that we want, or need to be done
- Must be valid for the entire life cycle of the project.

**b. The definition of objectives**

General objective:

- Define a single overall objective that has a direct relationship to the title of the project and the results of the diagnosis
- This should be a global objective, one we wish to accomplish with the realization of the project.

Specific objectives

- These relate to a number of goals we need to accomplish to meet our general objective
- Show results for a final product
- Show continuity of actions
- They must be precise, measurable and achievable in the project period.

So:

- They have to be chronologically organised.
- Every activity of the project must be related to some specific objective.

**c. Justification**

- This refers to WHY it is necessary to implement this project rather than another one, and especially to why



this alternative is the optimal one given the situation we confront

- It explains the strategic character of the project as related to a more global view of local development
- The initial diagnosis will be of great help when writing the justification for the project.

Important facts to be included in the justification

- Statistical data, previous diagnoses, documents, a small synthesis of all information gathered
- Results of our diagnosis
- Perceptible shortcomings or needs
- Strengths and opportunities of the organization and the beneficiaries
- Strategic vision: that is, the accomplishment of the project results in increased material, technical, and human capacity, enabling the process to continue
- Participation of the organization’s staff and beneficiaries.

**d. Project Description**

- It is a statement of the steps we will continue to take during the implementation phase
- It follows the logical ordering that directs specific objectives
- It is the most detailed and explicit possible description of actions in chronological order

- It is convenient to divide the project into phases of work, including an initial stage for generating the required conditions.

**e. The matrix of activities or schedule**

It is a double entry matrix, where both the activities and their chronology are identified, allowing us to have a visual representation of the activities to occur.

**f. The budget**

Budgeting involves detailing the cost of the resources we will need to undertake our planned activities.

There are four types of resources:

- Human
- Financial
- Material
- Technological

Steps involved in preparing a budget

- Make a list of resources needed to undertake the planned activities. Include the cost of management and infrastructure
- Calculate the cost per unit and the total cost of the resources
- List possible sources of income and also the organization’s likely contribution (the activities or needs

that the group can take on or the money that it could raise from sales of meals, parties, charity fairs, sport events).

### **The implementation or execution phase**

This phase involves carrying out the actions we have previously planned. Executing projects involves managing resources and processes. In other words, it entails good internal organization and mechanisms for decision-making and accountability.

### **Project Evaluation**

- Evaluation allows us to measure or estimate the degree to which the objectives we propose for the project are being achieved or not
- It is a mechanism that allows us to see problems or difficulties and correct the process immediately.

### **Evaluation criteria**

- Population Served: This refers to the number of people who have directly or indirectly participated in/or benefited from the project
- Effectiveness: This refers to the extent to which objectives have been accomplished
- Efficiency: This refers to the optimal use of assigned resources

- Quality: This involves an assessment of the intermediate or final results with reference to goods, products or services rendered
- Sustainability: This relates to the impact of the results once the immediate project is over, and the likelihood that this impact will continue to be experienced in the future.

There are three types of evaluation:

#### **Process-oriented**

These evaluations are made during the development of the project. Their purpose is to discover problems that were originally unforeseen, as well as those that have emerged and could potentially affect the accomplishment of project activities as well as the achievement of goals. Process-oriented evaluations help guide necessary changes.

#### **Results-oriented**

These evaluations are done when the project is finished; they assess the results of activities as measured against the original objectives. They also explain unexpected results.

They indicate whether it is worth continuing with the project, and identify changes that should be implemented.

#### **Impact-oriented**

These evaluations indicate whether we have achieved long-term changes in our environment and the group as a result of the project, related to:

- Knowledge and information about the problem
- Attitudes and individual and group behaviour
- Organization and mobilization within the community
- International, national and local politics.

The evaluation can be understood as a measurement. With regard to every measurement, we can distinguish:

1. What is going to be measured: that is, processes or outcomes
2. The methodology for the evaluation
3. The instrument that will be used as a measurement tool, which consists of qualitative and quantitative indicators.

### **Group work related to project titles, general objective, specific objectives and activities**

#### **Plenary discussion**

There was a broad discussion about conceptualizing projects

The plenary addressed three projects. There was significant participation, great interest and a dynamic discussion.

Working in groups on the budget, the goal was to imagine that participants had US\$ 3 million for 3 years—that is, US \$1 million a year. In 5 minutes, they had to say what they would do with that money. Many dreams were articulated: to buy a







house, to hire professionals (lawyers, psychologists, etc.), to buy equipment, to create a micro-credit system, to launch a cyber café, and to develop a method to generate sustainable actions over time.

The three projects that were created during the plenary are the following.

**Project #1: More education, less violence**

.....

**General Objective:** To help reduce police violence against the lesbian and bisexual communities in San Pedro Sula, Honduras.

**Specific Objectives**

- To increase the safety of lesbians and bisexuals in San Pedro Sula
- To defend the human rights of lesbians and bisexuals being violated by police in San Pedro Sula, Honduras
- To build the capacity of lesbians and bisexuals in the area to respond to police violations of their human rights.

**Justification**

- Monitoring violence in Honduras
- Statistical data about femicides in San Pedro Sula
- Lack of organizations responding to the needs and security of the LGTBI population

- Specific cases of violence aimed at the LGBTI community, and at lesbians in particular.

**Activities: one year**

1. Record and document at least 10 complaints
2. At least 10 individual cases with legal advice
3. A security plan
4. Coordinate with the necessary authorities and build alliances
5. Five workshops, comprising of three sessions on human rights and human rights mechanisms.

**Project #2: Lesbians in power**

.....

**General Objective:** To expose or make visible lesbians from Central America and the Caribbean who are in positions of power and have decision-making authority in their countries.

**Specific Objectives**

- To discover if there are any women in Central America and the Caribbean who are openly lesbian and at a decision-making level within the state, in political parties, or in civil society. If there are any “out” lesbians in such positions, to discover where, find out how they reached their positions, their achievements and what problems they have faced.



- To share all the information collected with lesbian groups in Central America and the Caribbean
- To reveal the contributions of lesbians to Central American and Caribbean society.

**Justification**

- There has recently been an increase in the number of women holding key positions in Central American and Caribbean countries, but the existence of lesbians in decision-making positions, their contributions, their achievements and the problems they have faced, remain invisible
- Having this information will help the lesbian movement to establish friendly relations between groups, enabling them to make the contributions of lesbians visible and establish alliances in order to have impact in their countries
- Having this information will also allow lesbian groups to publicize the work done by these women and to use this experience to empower other lesbians aspiring to similar positions.

**Activities**

1. Develop a tool or instrument to collect information
2. Use this tool or instrument to collect information
3. Process the information

4. Analyze the information
5. Prepare a diagnosis
6. Share this diagnosis with the lesbian movement
7. Share this diagnosis with Central American and Caribbean society.

**Project #3: Lesbiradas**

.....

An approach to care, prevention and eradication of violence in relationships between lesbians and bisexual women in Guatemala.

**General Objective:** To contribute to the elimination of physical, psychological, sexual and patrimonial violence between lesbian and bisexual couples (past and present) in Guatemala.

**Justification**

- It is a social problem affecting all women
- It is a public health problem (putting health and life at risk)
- There is no state intervention.

**Specific Objectives and Activities**

1. 1. To provide emotional and legal support, and to promote the empowerment of lesbians and bisexual women, who



are victims of violence by an intimate partner both past and present in Guatemala.

- To provide individual emotional support services
- To provide group emotional support services
- To provide legal support services.

2.1. To raise awareness among lesbians and bisexual women in Guatemala about violence in their relationships.

2.2. Sensitizing public opinion

- Public expression
- Publication materials for distribution (populations): 2
- Creation of a training module for the prevention and treatment of violence in the relationships of lesbian and bisexual women
- Identify and train women leaders for the training module (diverse communities).

3. To influence the content of the draft law for the Sexual Diversity Community in Guatemala to include violence between same-sex couples.

- Influence the content of the draft
- Create alliances with uncommitted groups
- Strengthen alliances with similar groups and organizations
- Lobby oppositional sectors
- Lobby members of congress.

### **Lesbian groups versus HIV funding**

We considered it critical to address this topic during the institute, not just because of what HIV/AIDS means to health and sexuality issues, but also because of the effects that financing these projects has on LGTBI groups in the Latin American and Caribbean region.

#### **The session was developed around these questions:**

What is interesting about the issues of HIV/AIDS for lesbians?

What is most important about this issue?

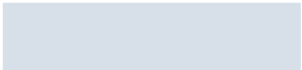
What work is usually carried out by lesbians with regard to HIV/AIDS?

From what vision does work on this issue usually derive?

What proposals do we have from our group?.

The purpose of the session was to discuss the positioning of lesbian organizations on this issue.

With regard to interest in this issue, it was noted that there was a lack of information in general, and particularly about ways of transmission (real, not like subchapters derived from heterosexual experience). It was found that there was a need to look seriously at ways of preventing infection, ways of having erotic safe sex, and to learn about how to treat women who have no information. We also raised the issue of awareness, of the exercise of sexuality for HIV positive lesbians, and the need to access research linking the issue of HIV with lesbians.



For the participants, the most important thing about the issue of HIV/AIDS was to have complete information about HIV as it affects lesbians and bisexual women, to know and communicate methods of transmission and prevention among lesbians, linking the issue with discrimination while being aware that HIV is a reality.

The tasks carried out by participants either as part of their projects or as organizational staff, include: counselling on HIV prevention and education, advocacy, working with women living with HIV, or giving care and support to people living with HIV/AIDS in general, group training, etc.

The vision usually motivating work on HIV/AIDS involves: blame, a genital focus, a reluctance to address pleasure, monogamy, a heterocentric, heterosexist, androcentric vision where lesbians have no place ... Should we contribute to strengthening issues that make us invisible? Should we address HIV in conjunction with eroticism, masturbation, the skin, sexual games and the eroticization of methods to prevent HIV in lesbians?

**These were the proposals:**

- Research on knowledge, attitudes and practices about: HIV awareness, prevention methods and attitudes versus methods and social representations
- Preparation of a work module on eroticization, inserting alternative sexual games, and methods of intergenerational work
- Education program. What does pleasure mean to me? Erogenous zones, self-care, HIV
- Generate research on HIV/AIDS by the lesbian movement. Empower the lesbian movement with information
- Develop a process to influence politics and demand methods of prevention for lesbians and bisexual women
- Establishing partnerships around the pandemic at the national, Central American, and Latin American and the Caribbean levels.



## CONCLUSION

Can we say that the Institute accomplished its goal of contributing to the strengthening of the lesbian movement in Central America and Caribbean?

It may be too early to say. Strengthening activists is one way to strengthen the movement, but what these activists do in the future will be the result of many factors, not just the Institute. Several months after the Institute for Trans and Intersex people was over, we observed that participants had accomplished goals, were participating in networks, had joined working groups, and reported rights violations using more tools and with more support.

So far, we are pleased with the participants' perceptions of the Institute as a great experience that has provided them with the knowledge and tools to improve their work together, as well as new ways to confront reality.

The Institute has created the energy to continue activist work, and has strengthened leadership. It has been described as, “intense, tiring, fun and very rewarding.”

The shared experiences will contribute to the implementation of support networks, the management of real disputes and the capacity to confront explicitly discriminatory legislation, such as in Nicaragua.

The Institute has also been perceived as “a space for intellectual growth”. Above all, it has helped to familiarize participants with the international instruments and mechanisms used for defending the human rights of the LGTBI population. This space has enabled an exchange of experiences about the struggles of lesbians and an exchange of ideas about the best way to manage resources and integrate transgender issues into our framework.

Acquiring the knowledge and tools for activism, and sharing experiences in a way that leads us to create networks, are the fundamental elements of this Institute.



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