Joint civil society report for the Commission against the Elimination of All Forms of Discrimination against Women –CEDAW– on the situation of violence and access to justice for lesbian, bisexual and trans –LBT– women in Guatemala

The Colectivo de Hombres Trans Trans-formacion de Guatemala is a civil society organization part of the Network of American Collectives of Trans+ Men that seeks to promote the human rights of the LGBT population, particularly trans men and people of diverse gender and sexual orientation. assigned female at birth. His work focuses on political advocacy and promotion of comprehensive and differentiated health services for the previously specified population. Visibles is an NGO that focuses on promoting diversity as a value within Guatemalan society through communication, advocacy, research, and training on sexual orientation, gender identity and expression, and sex characteristics.

This coalition was created in 2020 to make a submission on the mid-term report of the third cycle of the Universal Periodic Review of Guatemala and since then has made various contributions to the International Human Rights System. Its focus is the report on issues pertinent to human rights regarding sexual orientation, gender identity and expression, and sexual characteristics of people.

ILGA World - the International Lesbian, Gay, Bisexual, Trans and Intersex Association - is a global federation of more than 1,700 organizations from over 160 countries and territories campaigning for the human rights of lesbian, gay, bisexual, trans and intersex. ILGA works to achieve and maintain the recognition and protection of the human rights of people with various SOGIESC by the United Nations and other world institutions.

# Executive summary

The following report for the Commission against the elimination of all forms of discrimination against women –CEDAW– focuses on the rights of lesbian, bisexual and trans women in Guatemala and their right to access justice. It is structured based on the recommendations made by the Commission on the combined eighth and ninth periodic reports of Guatemala (CEDAW/C/GTM/CO/8-9), highlighting some pertinent data, progress and setbacks on the recommendations.

The first part of the report (pp. 2-4) focuses on the legal frameworks that affect equality and non-discrimination for LBT women, specifically addressing the issue of legal gender recognition for trans people and the classification of crimes motivated by prejudice towards sexual orientation and gender identity.

The second part (pp. 5-6) addresses the recommendations related to comprehensive sexuality education and the fight against gender stereotypes by analyzing a law contrary to the interests of children and adolescents, specifically those who are trans. The third part (pp. 6-8) addresses the absence of protocols that are sensitive to the gender identity and sexual orientation of LBT women and how this affects access to justice and reparation measures for victims of violence.

The last two parts address violence against LBT women human rights defenders and the context of criminalization and setbacks to freedom of expression and association (pp. 9-10). And then (pp. 10-14) data is offered to delve into the issue of discrimination and crimes motivated by prejudice against LBT women.

General context of legislation regarding LBT women in Guatemala

The Political Constitution of the Republic of Guatemala is the referential framework, both theoretical and political, for the formulation of ordinary legislation in the country, as well as the creation of specialized units for adequate attention to the specific demands of the LGBTI population and it is the legal framework on which the human rights of the entire population are guaranteed. Although Guatemalan legislation is based on human rights, these regulations are not applied with a broad and progressive approach towards sectors such as the LGBTI population. The institution of the Human Rights Ombudsman has mentioned in its *LGBTI Baseline* (2018) that there is no law or public policy that guarantees compliance with LGBTI rights in Guatemala. This has not changed since 2018 as the LGBTI political agenda related to the recognition of gender identity and the law that recognizes the crimes by SOGIESC prejudice have not been approved.

| Concluding observations on the combined eighth and ninth periodic reports of Guatemala |
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| CEDAW/C/GTM/CO/8-9 | 11. (a) Incorporate into its legislation the **broad definition of discrimination against women and girls contained in article 1 of the Convention** and prohibit all forms of discrimination against women in accordance with article 2b), and **ensure that such legislation covers all prohibited grounds of discrimination,** including protection against discrimination for indigenous women, Garifuna women, women with disabilities, **lesbian, bisexual, and transgender women, and intersex persons in public and private spheres**, and encompass concomitant forms of discrimination; |

In Guatemala, the political and legislative agenda for equality and non-discrimination of the LGBTI community and women has made no progress in recent years. Specifically, the *Gender Identity Law Initiative* (5395) and the *Crimes by Prejudice Law initiative* (5278) that seek to include sexual orientation and gender identity among the aggravating factors for a crime, have an unfavorable opinion in the Congress of the Republic.

The initiative of the *Law of Prejudice Crimes* —initiative that seeks to modify Article 202 bis of the Penal Code to include sexual orientation and gender identity as aggravating factors of crimes— has an unfavorable opinion based on the fact that it is unnecessary to add the categories “identity of gender and sexual orientation” among the aggravating factors of crimes since these are already included in the phrase “other reasons or circumstances” and therefore the judges already have criteria to aggravate the sanctions and penalties.[[1]](#footnote-0)

However, despite the fact that from 2020 to February 2022 there have been 57 violent deaths of LGBTI people[[2]](#footnote-1), gender orientation and identity are not counted as aggravating factors for most of these crimes. The only exception to this is the ruling of the Constitutional Court found in file 635-2013, which uses Article 202 bis to recognize that there is discrimination based on sexual orientation and gender identity in the Penitentiary System when trans imprisoned women are forced to cut their hair and dress contrary to their gender expression.[[3]](#footnote-2)

On the other hand, the *Gender Identity Law Initiative* has an unfavorable opinion under the following arguments:

It is not justifying or instigating that trans or transgender people should be subjected to mistreatment, harassment or discrimination. But they cannot be considered in the same way as the family and social model recognized in the Political Constitution of the Republic of Guatemala.[[4]](#footnote-3)

[The rectification of the birth certificate for trans people] complicates matters related to the organization, regulation, and way of life of the family. The model of marriage in Guatemala (recognized in the Constitution and particular laws) would be completely broken, without mentioning that the person, regardless of their birth sex, would be allowed to have the same faculties as the gender to which they decide to belong.[[5]](#footnote-4)

The above argument is based on a discriminatory understanding of sexual and gender diversity and is based on grounds that understand trans people as contrary to “family forms”. However, as stated in OC 24/17, the recognition of trans gender identity is a fundamental human right and, although the law does not address issues of same-sex marriage, the Advisory Opinion also calls for respecting the principle of non-discrimination when guaranteeing same-sex marriage[[6]](#footnote-5) so the marriage argument is not legitimate to reject the legal recognition of the trans gender.

In Guatemala, although trans people can change their name and rectify the photograph in the Personal Identification Document —DPI—, the gender marker cannot be changed. Additionally, the name change in Guatemala does not comply with any of the principles enshrined in Advisory Opinion 24/17 of the Inter-American Commission on Human Rights, as explained extensively in the report of the Organization of American States —OEA—, *Legal recognition of gender identity in the Americas*.[[7]](#footnote-6)

The same arguments about the Gender Identity Law have been used for the discussion of Law Initiative 5272, which would become Decree 18-22 before being vetoed by the President of the Republic. This decree was promulgated for a brief period on March 8, 2022[[8]](#footnote-7) and has attempted to criminalize people who resort to abortion by increasing the prison sentences already established in the Penal Code —Decree 17-73 of the Congress of the Republic—; and it also seeks to prevent comprehensive sexuality education from being taught in schools, emphasizing the rejection of "gender ideology." In addition, it intends to establish the express prohibition of same-sex marriage, and any manifestation that is "contrary to heterosexuality" and the "natural family".

Recommendations

1. Stop the regressive agenda that violates the human rights of the Guatemalan population and translates into anti-democratic laws, stop the discussion of Law 5940 and others that affect the population under the pretext of stopping "gender ideology" and the institutional setbacks that They prevent public entities from working to guarantee the human rights of women.
2. To the Congress of the Republic, approve a gender identity law based on the principles of OC 24/17 regarding the human right to gender identity of trans people and that this same recognition of trans gender identity be homologated to all state data capture systems. Guarantee that the discussion of the law takes place without hate speech and situations that further violate trans people.

| CEDAW/C/GTM/CO/8-9 | 33. (f) Incorporate age-appropriate curricula on comprehensive sexuality education for girls and boys at all levels of education, **including sexual and reproductive health and rights, responsible sexual behavior, and gender equality**. prevention of early pregnancy and sexually transmitted infections, and train teachers to use these curricula; |
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| 19. The Committee reiterates its recommendation that the State party implement comprehensive measures to modify and transform discriminatory stereotypes about the roles and responsibilities of women and men in the family and at all levels of society, and eliminate gender stereotypes. discriminatory gender (see CEDAW/C/GUA/CO/7, para. 20) Recommends that the State party, as part of an overall strategy, train public officials from all sectors on accelerating de facto equality among women and men and the elimination of concomitant forms of discrimination against women and girls. In this regard, **the Committee recommends that the State party remove discriminatory gender stereotypes from textbooks and school curricula.** |

On July 27 of this year, the so-called Initiative that provides for the approval of the *Law to guarantee the comprehensive protection of children and adolescents against gender identity disorders* (5940) appeared on the legislative agenda.[[9]](#footnote-8) This initiative uses pathologizing language towards trans people in its name and internal definitions, since according to the World Health Organization, at the 72nd World Health Assembly to review the International Classification of Diseases —ICD-11—, trans identities are not a disorder of any kind.[[10]](#footnote-9)

Additionally, Law Initiative 5940 violates freedom of expression and the principle of non-discrimination by pretending that public debates and discussions about trans or non-binary gender identities cannot be held on the radio and other media.[[11]](#footnote-10) It also restricts sex education by trying to regulate that sex education programs “are not aimed at promoting gender non-conformity, gender reassignment.”[[12]](#footnote-11) However, they do not offer a definition of “gender nonconformity” and it can be interpreted as contrary to non-normative gender identities or even the questioning of gender roles. This measure would hinder progress in combating gender stereotypes in school plans and studies as it would foster the misconception that trans people have a disorder and would contribute to a culture of silence around these issues.

The initiative supports an erroneous idea of trans identity, totally making trans childhoods and adolescents invisible —as if trans people were born of legal age—; generates the figure "natural sexual identity"; and argues that the mere knowledge about trans gender identity represents a "threat" to the well-being of children and adolescents: "the right of children and adolescents to a comprehensive education that guarantees them not to be exposed to content that may promote or show variations in the sexual identity at birth, gender reassignment or situations to which, if exposed, they could condition their sexual development and cause variations in the sexual identity at birth of the minor, which would result in trauma […].”[[13]](#footnote-12)

Law 5940, therefore, would contribute to an environment of prejudice and discrimination against transgender identities, especially trans childhoods and adolescents; it would restrict freedom of expression by censoring the media from addressing non-normative gender identity issues; and it would restrict the right to sex education by prohibiting addressing trans gender identities or any identity, role, or action that promotes “gender nonconformity.”

Recommendations

1. To the Congress of the Republic, not to approve bill 5940, which would generate an environment of discrimination against trans people, specifically minors and adolescents; it would restrict the right to freedom of expression by prohibiting the discussion of gender identity issues; and would limit the right to comprehensive education for children and adolescents.

| CEDAW/C/GTM/CO/8-9 | 13. Recalling its general recommendation no. 33 (2015) on women's access to justice, the Committee recommends that the State party:(a) Ensure women's access to justice, in particular by allocating additional resources, improving women's access to free legal aid and interpretation services, and adopting and **implementing service delivery protocols that take into account the specific needs of women.** indigenous women and Afro-descendant Garifuna and non-Garifuna women in order to improve access to justice;b) Provide, on a mandatory basis, training to judges,lawyers, law enforcement officers and other relevant professionals on women's right to access justice and the remedies available to women who wish to access justice;c) Continue efforts to strengthen the independence and effectiveness of the justice system, **investigate, prosecute and punish perpetrators of crimes against women and ensure that officials who fail to respect international and national human rights legal frameworks** with regard to the prosecution of perpetrators are appropriately sanctioned. |
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The situation of access to justice for lesbian, bisexual and trans women presents great challenges. According to the Visibles Data Center, within the institutions of the justice sector —Public Ministry, Victim Institute and National Civil Police— there are no institutional policies, internal regulations or investigation guidelines with a LBT approach.[[14]](#footnote-13) For trans women, this has the result of continuing to be registered and approached as men, which generates underreporting of cases of violence against them and that they themselves do not want to approach the institutions.[[15]](#footnote-14) Due to the above, there is also a lack of legal recognition of the gender of trans people that provides a general framework for trans women who are victims of violence.

For lesbian and bisexual women, this lack of protocols causes them to face criminal proceedings and investigations with prejudices based on sexual orientation. An investigation by the Organization of Sexual Diversity for Culture, Education and the Arts —ODISCEA— comments that “when [lesbian and bisexual women] have to face criminal proceedings, they face prejudiced courts, a system that he looks at them with prejudices and stereotypes that should not have any bearing on criminal proceedings. In sentencing and treatment, the approach is eminently discriminatory.”[[16]](#footnote-15) In the same way, this same investigation also records that in 2015 and 2016, 42% of the complaints of LGBTI people do not record the data of sexual orientation, although the means already exist in the data capture system of the Public Ministry.[[17]](#footnote-16)

For its part, the Institute of Public Criminal Defense —IDPP— has a protocol for attention to the LGBTI+ community and for the actions of public defenders who are part of the IDPP. And the Penitentiary System has a document called "Standards and minimum guidelines for adequate attention to lesbian, gay, transsexual, trans and intersexual persons in situations of deprivation of liberty in Guatemala" prepared in conjunction with civil society.[[18]](#footnote-17) However, civil society organizations have registered that lesbian and bisexual women "from the moment they enter the prison, discriminatory biases are produced towards them, due to gestures they make to them, the 'compliments' they say, due to the laughter of the guards and comments such as 'be careful, licentiate', they suffer daily”.[[19]](#footnote-18)

For trans women, the Penitentiary System can be particularly hostile. A journalistic investigation published in 2021[[20]](#footnote-19) narrates the testimonies of three trans women who have suffered sexual violence, extortion, forced haircuts, beatings, differential treatment, degrading punishments and tasks, criminalization and threats of forced disappearance by other inmates and with the complicity or direct participation of prison system personnel. The article also compiles an interview with a director of the police station who states that they have never trained their staff on issues of sexual orientation and gender identity.[[21]](#footnote-20)

Finally, in relation to the monitoring of acts of violence against the LBT population, the Department of Coordination of Attention to the Victim of the General Attorney stated that it does not have information that establishes what is the attention protocol in these cases.[[22]](#footnote-21)A study carried out by Visibles in 2020 shows that lesbian women are the group that has the least confidence in justice institutions. When asked where they would report aggression or violence, 65.71% of lesbian women answered that they would report it to civil society organizations. The above is the highest figure of all the subgroups interviewed, for gay men, for example, the percentage of those who responded that they would go to civil society before anywhere else is 46.84%.

The non-existence of protocols for access to justice for LBT women generates a culture of impunity, underreporting and fear of reporting. This, coupled with the lack of criminal investigation protocols, constitutes one of the greatest barriers to access to justice for LBT women.

Recommendations

1. Implement victim care protocols so that LBT women can access justice regardless of their sexual and gender orientation.
2. Train prosecutors, judges, police officers and all relevant personnel for the proper care of LBT women, incorporate training on sexual orientation, gender identity and expression, and sexual characteristics in the curricula of these institutions and make it mandatory.

# Datos y casos sobre violencia y acceso a la justicia de las mujeres LBT

| CEDAW/C/GTM/CO/8-9 | 28. The Committee takes note of the information provided by the State party on the ongoing process of developing a public policy for the protection of human rights defenders. However, the Committee notes with concern that women human rights defenders in the State party, in particular indigenous women who defend rights to land and environmental resources, **women who advocate protection against gender-based violence and Women defenders of the human rights of lesbian, bisexual and trans women and intersex people are increasingly the target of attacks, sexual violence, intimidation, stigmatization, criminalization of their activities, illegal arrests and defamation campaigns.** It is also concerned that social protest is suppressed through the use of gender-based violence against women activists, including sexual violence. It notes with concern the general impunity of perpetrators of gender-based violence and other violations of the rights of women human rights defenders, as well as alleged cases of collusion between law enforcement officials and perpetrators. |
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In the case of defenders of the rights of lesbian, bisexual and trans women, the murder of activist Andrea González, legal representative of the trans women organization ‘Otrans’, stands out.[[23]](#footnote-22) This murder occurs in a climate of repression, persecution and criminalization of activists and human rights defenders. A paradigmatic example is the case of Nanci Sinto and Dulce Archila,[[24]](#footnote-23) a young indigenous woman and another student who demonstrated on November 21 against the budget and the mishandling of the COVID-19 pandemic.[[25]](#footnote-24) This citizen demonstration was brutally suppressed with tear gas and two demonstrators lost their eyes.[[26]](#footnote-25)

The climate of repression and persecution has also affected freedom of association, since decree 4-2020 called the “NGO Law” has been proclaimed since 2020, which “gives the government the power to remove the registration of an NGO without the need for go through a court or that there is a defense mechanism, and also gives control over the funds from international cooperation. Civil society organizations have questioned the constitutionality of the legislation, calling on the government to repeal it and to defend freedom of expression and association, among others.”[[27]](#footnote-26) The concerns that arise from this decree have to do with the fact that it could be used as an instrument to attack and penalize groups that criticize the Government.

Recommendations

1. To the Government of Guatemala, specifically the General Attorney, stop the persecution against human rights activists and defenders and guarantee that the crimes committed against them are investigated, even when they come from the police forces or other public officials.
2. Repeal Decree 4-2020 or reform it in such a way that it cannot be used to persecute groups opposed to the Government and, therefore, violate the freedom of association of the Guatemalan population.

| CEDAW/C/GTM/CO/8-9 | 20. a) The persistence of gender-based violence against women and girls in the State party, in particular the alarming and increasing rates of femicide, **hate crimes against lesbian, bisexual and trans women, and intersex persons**, domestic violence and rape and incest causing forced pregnancy, and theausencia de datos desglosados fiables y de estrategias eficaces de prevención; |
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As mentioned above, Guatemala does not have laws or public policies that promote the recognition and fulfillment of the human rights of LGBTI persons. Similarly, there are no data and statistics representative of this population, the largest and most systematic data collection efforts come from civil society.

The LAMBDA Association in Guatemala records in its Observatory of Violent Deaths the murders committed against LGBTI people.[[28]](#footnote-27) Until September 7, 2022, the violent death of 20 LGBTI people has been recorded[[29]](#footnote-28), of which three are lesbian women, 1 of a trans man. Regarding the murder of trans men and transmasculine people, it is important to highlight that there are no protocols with relevance to gender and according to their sex assigned at birth and, by not identifying as women, they inhabit a legal vacuum that is also present in the international human rights system. Trans men often experience similar situations of violence as lesbian women.

Regarding this type of extreme violation of the human rights of the LGBTIQ population, the IACHR has highlighted the murder of Hans Acevedo, a trans man who is a member of the Trans-formacion Transmen Collective.[[30]](#footnote-29) The Collective has followed up on the case and points out the urgency of protocols that allow the gender identity of the victims to be considered when carrying out investigations of the crimes. Additionally, it highlights the serious violations of their human rights suffered by Hans Acevedo's partner, who has been victimized by prosecutors for not believing him about their relationship, all accompanied by violence against his property rights by the banking and financial system.

On the other hand, the Trans-formation Collective highlights the case of a Honduran trans man in a situation of mobility and forced displacement during 2020. This trans man suffered a miscarriage, which was caused by a pregnancy resulting from the sexual violence he suffered in his community and during his transit to Guatemala. The Collective followed up on the case and points out that in public hospitals in Guatemala they denied him medical care because he was a migrant and because he was trans.[[31]](#footnote-30) This case of extreme violence demonstrates how the system leaves out trans men and gender-diverse people who were assigned female at birth simply because they do not identify as women.

During 2020, 19 murders due to prejudice were recorded and 6 of them were against trans women.[[32]](#footnote-31) During the year 2021, of the 33 deaths that were registered, 3 were to lesbian women.[[33]](#footnote-32) Between 2020 and 2021, a total of 52 prejudice murders were registered in which 6 of the victims were registered as trans people and 3 as lesbian women. These numbers are part of a generalized reality of gender based violence: in 2018 the most reported crime in Guatemala was violence against women with more than 40 thousand complaints, the impunity rate for them was above 90% – 54% in the case of femicide.[[34]](#footnote-33)

The nature of these killings usually includes extreme violence, sexual violence, and exemplary and corrective violence. This has been recorded in 2019 in a paradigmatic case of the murder of two women whose bodies were handcuffed with lesbophobic slogans[[35]](#footnote-34). Corrective sexual violence aimed at “changing” people's sexual orientation or gender identity has also been recorded. This constitutes an extreme form of violence motivated by prejudice based on sexual orientation, gender identity and expression.[[36]](#footnote-35)

Other sources of information such as the report by the Center for Documentation and Trans Situation in Latin America and the Caribbean —CEDOSTALC—, *Stop trans genocide* (2018) documents that 13% of human rights violations committed against trans women directly attack the right to life. Most murder victims are under 30 years of age. This last piece of data coincides with the fact that 59% of the documented attacks on trans women in that study were against women between 18 and 30 years of age. According to IACHR records, the majority of victims of serious violence and murders are cisgender gay men and trans women.[[37]](#footnote-36)

And it is that the murders and crimes motivated by prejudice towards LGBTI people happen in a broader environment that has to do with public institutions but with a generalized environment of discrimination. A study carried out by the NGO Visibles during 2020 on 304 LGBTQ people establishes that one in three people from this population has suffered some type of discrimination in the last year. This figure increases to two out of three when talking about trans people.[[38]](#footnote-37) These data echo the CEDOSTALC report as it establishes that 37% of trans women have suffered discrimination by institutions and 20% of them by society. Additionally, the aforementioned report highlights the various intersections such as irregular migration, sex work, impoverishment and ethnic-linguistic belonging as aggravating factors for the violence suffered by women.[[39]](#footnote-38)

Data on research and criminal pursuit

Although ex officio public information does not present disaggregated data on access to justice for LGBT people, the effort to collect public information carried out by civil society organizations such as Visibles has managed to obtain the following data:

* The Immediate Search Mechanism for Disappeared Women, better known as Isabel-Claudina Alert, coordinated by the Public Ministry, indicates that from 2018 to April 2022 only 1 alert was registered for 1 trans woman and 13 for lesbian women.
* The Penitentiary System for April 2022, registered that within the population deprived of liberty in the different detention centers there were 140 people who identify themselves as lesbians; 193 as bisexual and 1 as queer/intersex.
* The Public Ministry reported that from January 2015 to June 2022, in relation to complaints for the crime of trafficking, it reported 1 of a trans person.
* According to MP data, between January 2015 and June 2022, it received 17 complaints of sexual assault against members of the LGBTI+ community, of which 9 are acts where the victim is an LBT person. Of these cases, 5 were dismissed, in the period reported by the MP.
* For the crime of injuries, the MP reported that it received 124 complaints from people of sexual diversity for having suffered acts constituting the crime of injuries, of these 32 correspond to LBT people. In addition, for this period, 67 complaints were dismissed (54% of the total received) and 7 were archived.
* The MP reported that for the period from January 2015 to June 2022, it received a total of 140 complaints for acts of discrimination against the LGBTI+ population, of which 29 were made against the LBT population. However, it reports that 77% (108) of the complaints are dismissed in order to carry out an investigation and bring it to justice.
* For the crime of rape, the MP reported having received 36 complaints of rape against members of the LGBTI+ community, of which 13 correspond to LBT persons. Of these 9 were archived, 3 dismissed, 1 dismissed and 2 sentenced.
* For its part, the Judicial Body cannot establish whether, in its function of administering justice, it cannot establish whether there are dismissals, other procedural solutions or sentences for LBT persons who have reported any of the aforementioned crimes.

The different institutions that make up the Guatemalan justice sector do not handle disaggregated data on the LGBTI population as public information ex officio, but rather at the request of citizens. According to the analysis of the organizations that present this information, it is important to highlight that these data may not be fully representative of the entire reality experienced by LBT women in terms of justice. For example, the aforementioned civil society investigations have provided data on the low culture of reporting due to fear of discrimination by public officials. In addition, the absence of protocols and legal structures such as the *Hate Crimes Law* and *the Gender Identity Law*, generate structural gaps for the classification and recognition of LBT people.

Recommendations

1. To the Government of Guatemala, support the work of the PDH and strengthen the Ombudsman for Sexual Diversity, having an adequate allocation of resources and personnel to carry out its work more effectively.
2. To the Public Ministry and the PNC, carry out expeditious and independent investigations based on the human rights of LGBTIQ people to criminalize crimes motivated by prejudice and formulate public policies. Seek coordination between the two entities and a data system that efficiently and informedly captures the identity characteristics of the LGBTIQ population.
3. To the Ministry of the Interior, guarantee that within the prison system and the National Civil Police there are no situations of torture or inhuman, cruel and degrading treatment towards LBTI women, especially trans women. Seek to avoid at all costs the violence and corruption exercised against trans women by these entities.

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# Overall recommendations

1. Stop the regressive agenda that violates the human rights of the Guatemalan population and translates into anti-democratic laws, stop the discussion of Law 5940 and others that affect the population under the pretext of stopping "gender ideology" and the institutional setbacks that They prevent public entities from working to guarantee the human rights of women.
2. To the Congress of the Republic, approve a gender identity law based on the principles of OC 24/17 regarding the human right to gender identity of trans people and that this same recognition of trans gender identity be homologated to all state data capture systems. Guarantee that the discussion of the law takes place without hate speech and situations that further violate trans people.
3. To the Congress of the Republic, not to approve bill 5940, which would generate an environment of discrimination against trans people, specifically minors and adolescents; it would restrict the right to freedom of expression by prohibiting the discussion of gender identity issues; and would limit the right to comprehensive education for children and adolescents.
4. Implement victim care protocols so that LBT women can access justice regardless of their sexual and gender orientation.
5. Train prosecutors, judges, police officers and all relevant personnel for the proper care of LBT women, incorporate training on sexual orientation, gender identity and expression, and sexual characteristics in the curricula of these institutions and make it mandatory.
6. To the Government of Guatemala, specifically the General Attorney, stop the persecution against human rights activists and defenders and guarantee that the crimes committed against them are investigated, even when they come from the police forces or other public officials.
7. Repeal Decree 4-2020 or reform it in such a way that it cannot be used to persecute groups opposed to the Government and, therefore, violate the freedom of association of the Guatemalan population.
8. To the Government of Guatemala, support the work of the PDH and strengthen the Ombudsman for Sexual Diversity, having an adequate allocation of resources and personnel to carry out its work more effectively.
9. To the Public Ministry and the PNC, carry out expeditious and independent investigations based on the human rights of LGBTIQ people to criminalize crimes motivated by prejudice and formulate public policies. Seek coordination between the two entities and a data system that efficiently and informedly captures the identity characteristics of the LGBTIQ population.
10. To the Ministry of the Interior, guarantee that within the prison system and the National Civil Police there are no situations of torture or inhuman, cruel and degrading treatment towards LBTI women, especially trans women. Seek to avoid at all costs the violence and corruption exercised against trans women by these entities.
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