Migration and Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) People

Module for Awareness-Raising and Training of Public Institutions, Social Organizations, and LGBTI Collectives and Activists in the Mesoamerican Region
Migration and Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) People

Module for Awareness-Raising and Training of Public Institutions, Social Organizations, and LGBTI Collectives and Activists in the Mesoamerican Region
Participants in the Module Validation Workshop held in Costa Rica: LGBTI Organizations and Collectives: MANU Association; Center for Human Rights Research and Promotion for Central America (CIPAC); Irreversibles Collective; From Red to Purple; Equal Rights Front; Generation Zero; Diversity Movement; Persons, Sexualities, and Genders (PSG); TransVida Association. Public Institutions: Costa Rican Social Security Fund (CCSS); General Directorate of Migration and Foreigners (DGME); General Directorate of Police and Transit (DGPT); Office of the Citizen’s Advocate (DHR); Joint Social Welfare Institute (IMAS); National Women’s Institute (INAMU); Institute for Alcoholism and Drug Dependency (IAFA); Supreme Electoral Tribunal (TSE); Ministry of Governance; Ministry of Health; Ministry of Labor and Pensions; Municipality of Goicochea; National Children’s Welfare Agency (PANI); Judicial Branch. International Organizations: United Nations High Commissioner for Refugees (UNHCR); Inter-American Institute of Human Rights (IIHR); International Organization for Migration (IOM).

Organizations that contributed with interviews for preparation of this Module: Cattrachas (Lesbian Network); Center for Human Rights Research and Promotion for Central America (CIPAC); Center for Human Rights Research and Promotion (CIPRODEH); Latin American Forum for Sexualities and Rights (MULABI); TransVida Association; Inter-American Institute of Human Rights (IIHR); United Nations High Commissioner for Refugees (UNHCR).

LGBTI organizations and collectives from the region that participated in the LGBTI People and Migration Meeting: Guatemala: OASOS; Night Queen Trans Organization (OTRANSRN). El Salvador: Lesbian Women’s Forum for Diversity (ESMULES); Solidarity Association for Promoting Human Development (ASPIDH Rainbow). Honduras: Cattrachas (Lesbian Network); LGTB Rainbow; Center for Human Rights Research and Promotion (CIPRODEH); Kukulcán Association. Nicaragua: Safo Group; Trans-Network; Center for AIDS Education and Prevention (CEPRESI). Costa Rica: Center for Human Rights Research and Promotion for Central America (CIPAC); Irreversibles Collective; Latin American Forum for Sexualities and Rights (MULABI); Persons, Sexualities, and Genders (PSG); ULACIT Gender and Diversity Group. The UNHCR, IIHR, IOM, and the Costa Rican Office of the Citizen’s Advocate also participated.

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The IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an inter-governmental organization, the IOM works with its partners in the international community to assist in meeting the growing operational challenges of migration, advance understanding of migration issues, promote social and economic development through migration, and defend the human dignity and well-being of migrants.

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<th>Description</th>
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<tbody>
<tr>
<td>CAJP</td>
<td>Committee on Juridical and Political Affairs (OAS Permanent Council)</td>
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<td>Lesbian Network</td>
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<td>CEJIL</td>
<td>Center for Justice and International Law</td>
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<td>CIPAC</td>
<td>Center for Human Rights Research and Promotion for Central America</td>
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<td>CIPRODEH</td>
<td>Center for Human Rights Research and Promotion</td>
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<td>Association for Communicating and Training Trans Women with HIV in El Salvador</td>
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<td>HIV</td>
<td>Human Immuno-Deficiency Virus</td>
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<td>Inter-American Commission on Human Rights</td>
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<td>International Organization for Migration</td>
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<tr>
<td>LGBTI</td>
<td>Lesbians, Gays, Bisexuals, Trans and Intersex People</td>
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Presentation

Since 2010, the International Organization for Migration (IOM), through the Mesoamerica Regional Program has worked to build state and civil society capacity to protect migrants’ rights and provide direct assistance to the most vulnerable.

Specific migrant vulnerabilities exist as a result of discrimination based on sexual orientation and identity and/or expression, as well as violence specifically targeted at lesbian, gay, bisexual, trans,1 and intersex (LGBTI)2 people. The IOM, in alliance with the Inter-American Institute of Human Rights (IIHR), has carried out various initiatives to reduce these risks.

In recent years, fora have been held in order to encourage dialogue and reflection on the migratory experience of said communities, characterize the specificity of their mobility, and to identify their particular protection and assistance needs. These fora were held at the national level (in Panama, Costa Rica, Nicaragua, El Salvador, and Mexico) and the regional level, with the participation of government authorities, representatives of civil society organizations that work on migration-related issues, and representatives of LGBTI organizations. Other participants included representatives from the United Nations High Commissioner for Refugees (UNHCR) and other organizations and institutions from the region’s countries.

The training modules in this publication incorporate the results of those dialogues, and advance the framework of these regional efforts. The training modules have been prepared for State institutions, social organizations and collectives, and LGBTI activists in the Mesoamerica Region who seek to promote awareness and training processes focused on protecting the rights of these communities and in particular to reduce the risks associated with migration.

We believe that this is a useful tool for fostering a deeper understanding of the reality, problems, and specific protection needs of lesbian, gay, bisexual, trans, and intersex migrants, refugees, and asylum seekers, and will help to promote widespread recognition of their dignity and effective enjoyment of their human rights under equal conditions.

Roeland De Wilde
Chief of Mission
IOM Costa Rica

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1. The term ‘trans’ includes all those persons who identify as trans-gender or trans-sexual and, in some countries, as transvestites. Section III contains detailed descriptions of these basic concepts.

2. The acronym LGBTI shall be spelled out at the beginning of each section. When implementing the activities proposed in this Module, however, it is important that the Facilitators name all of the populations instead of using just the acronym.
1. Introduction
This Training Module is designed for State institutions, civil society organizations and collectives, and individuals interested in developing training, awareness-raising, and capacity-building processes focused on the reality of the lesbian, gay, bisexual, trans, and intersex (LGBTI) migrant, refugee, and asylum seeker populations in Mesoamerica.

To begin the awareness-raising and training process, a conceptual framework on sexual diversity and migration is presented, along with a characterization of the region’s migratory dynamics. In addition, some of the main risks and specific needs of LGBTI migrants, refugees, and asylum seekers are described. Information is also provided on the existing regional and international legal frameworks protecting these persons and guaranteeing the exercise of their human rights, in order to reduce their vulnerability and promote their protection and assistance during migratory processes.

This Module offers a methodological proposal that is differentiated for its two target audiences. With respect to LGBTI organizations, collectives, and activists, the text seeks to promote reflection on these actors’ own experiences of migratory processes, knowledge of protection and assistance tools, and an appraisal of strategies that their organizations can implement for defending and promoting rights and safe migratory processes. For governmental officials, shelter personnel, and civil society organizations that work with migrant populations in the region, emphasis is placed on raising awareness concerning LGBTI people and on the assistance response and protection of these populations’ human rights.

This Module has been developed based upon the following guiding principles:

- **Human Rights Focus**

  This focus recognizes human rights as being inherent to all human beings, positioning all persons, regardless of their diversity, as subject to rights. It also emphasizes the responsibility of States and society in general to guarantee the exercise and full enjoyment of human rights, placing persons and their needs at the center of all actions.

  This Module seeks to highlight LGBTI migrants as subject to rights, acknowledging their particular vulnerability due to the discrimination they face because of their sexual orientation and gender identity and/or expression, as well as their condition as migrants within a context characterized by high rates of inequality and violence, as is the case in the Mesoamerican Region.

- **Gender Focus**

  This focus recognizes gender as a social and cultural construction which flows from a particular power structure that places women and all things considered ‘feminine’ in subordination to men and all things considered ‘masculine’.

  Gender defines the emotional, affective, and intellectual characteristics and the behaviors that each society deems as inherent and ‘natural’ for men or for women.

  This focus recognizes that gender is a learned concept and responds to cultural determinants, and thus can be changed and transformed. It also acknowledges the various conditions of vulnerability associated with gender that people face as a result of their diversity.
- **Sexual Diversity Focus**

This focus recognizes that the diversity of sexual and gender expressions among humans constitutes a fluid spectrum of possibilities that are shaped by desire, gender identity, and various ways of relating erotically and sexually.

As ethical considerations, these focuses constitute the fundamental basis of this Module and should be applied within a framework of respect for human rights and diversity, acknowledging historical discrimination processes and the respective underlying power dynamics. At the same time, it is important to recognize that this is a sensitive and potentially personal issue, and should therefore be approached with tact and respect. Should a situation arise during a workshop in which a person becomes emotionally affected, a collective contention space should be guaranteed within the limits of a pedagogical, not therapeutic setting. If deemed necessary, the affected person should be referred to the proper professionals for support and follow-up.

The information proposed in this Module derives not only from documentary sources, but also from interviews held with regionally-based key informants from international bodies and civil society representatives with experience on issues related to sexual diversity, LGBTI rights, and migration. The contributions of these persons served to complement the information documented in the region regarding the reality of LGBTI migrants and the approaches proposed for group activities.

Through its participative approach, the Module seeks to offer input that does more than just inform, but that also produces an effective appropriation of knowledge and awareness on the topic. This is why it is proposed that the conceptual framework be complemented with methodological activities. As previously mentioned, this Module is aimed at organizations and institutions that work with LGBTI people and migrant populations, in order to create instruments and alliances that foster respectful and sensitive accompaniment to LGBTI migrants, with a human rights focus.
II. General Considerations
2.1. Objectives of the Module

**Specific:**

1. Understand the characteristics and dynamics of the migratory experience in Mesoamerica in its various phases and scenarios.

2. Define as an issue the topic of migration and its relationship with the reality of LGBTI people in Mesoamerica.

3. Define as an issue the main risks and vulnerabilities faced by the LGBTI migrant, refugee, and asylum seeker populations in the Mesoamerican Region in light of the phases and scenarios that comprise the migratory experience.

4. Build the capacities of social and public organizations to institutionalize community practices that guarantee human rights and help these parties to address the specific assistance and protection needs of LGBTI migrant, refugee, and asylum seeker populations in Mesoamerica.

5. Analyze the regional and international legal frameworks for protecting the human rights of the LGBTI migrant, refugee, and asylum seeker populations in Mesoamerica.

**General:**

Promote reflection on the part of State institutions, social organizations and/or collectives, and LGBTI activists in the Mesoamerican Region regarding the migratory processes of LGBTI people and the main strategies for their protection and assistance, as well as an appraisal of strategies for upholding and promoting their human rights and a safe migratory process.
2.2. General Aspects Concerning Implementation

Target Populations for this Module:

As previously indicated, this Module is aimed at two population groups, with a different methodological proposal for each.

Group 1. Persons from LGBTI organizations and collectives and LGBTI activists.

Grupo 2. Persons who work with migration and/or serve migrants, including:

- Social organizations that work on migration-related issues.
- Personnel from migrant shelters.
- Personnel from public institutions, both at central and local levels, who have contact with migrants, including persons who work at migration institutions, children’s and women’s welfare agencies, human rights institutes, police corps, border officials, personnel from agencies that review asylum petitions, and local government officials, among others.

Expected Learning

Upon conclusion of the formative process, participants are expected to be able to:

- Identify the principal prejudices and stereotypes that exist with respect to LGBTI migrants, and subsequently avoid discriminatory practices against them.
- Know the principal characteristics and dynamics of the migratory experience for LGBTI people in Mesoamerica.
- Know the structural factors that drive the migration of LGBTI people in Mesoamerica.
- Know the principal risks and vulnerabilities faced by LGBTI migrants in the Mesoamerican Region.
- Know, respect, and promote respect for the human rights of LGBTI migrant populations, including how to address their specific protection needs.
- Identify and apply institutional and/or community practices that promote respect for and vindication of the human rights of LGBTI migrant populations.
Profile for Facilitators

For application of this Module, persons who serve as Facilitators are recommended to be:

- Aware and knowledgeable of the topic of sexual diversity within the given context of Module implementation.

- Aware and knowledgeable of gender issues in order to understand the structural differences and dual discrimination faced by lesbian women and trans persons (due to being women and persons who identify with femininity in a patriarchal society).

- Knowledgeable of human rights and the application thereof.

- Knowledgeable and experienced in educating the general public and facilitating participative methodologies.

- Aware of the resistance that can arise when addressing topics related to LGBTI people with groups who have not been sensitized on such topics.

General Recommendations for the Teaching Process

Before putting into practice the information and resources provided herein, it is important to take into consideration the following aspects:

- For purposes of contributing to the group and supporting the discussions generated, the Facilitator should read the theoretical component of this Module in its entirety in order to complement his/her existing knowledge of the topic.³

Prior to applying the Module, it is recommended that the Facilitator research national legislation applicable to both LGBTI issues and migration. This will enable the Facilitator to provide information that specifically responds to the country’s particularities, as well as to contextualize the risks and vulnerabilities that these populations commonly face.

- It is important that the Facilitator obtain information regarding the characteristics and diversity of the group he/she will be working with, in order to tailor the training accordingly. The groups will be diverse, with people who adhere to different ideologies and religious beliefs, and with different levels of education and functional diversities, or persons from different ethnic groups whose native language is not Spanish.⁴

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³. It is recommended that Facilitators consult other complementary materials for further information.

⁴. It is important to tailor activities and presentations to the needs of persons with different education/literacy levels, and those who are vision-, hearing- and/or mobility-impaired. To facilitate comprehension, the presentations can include graphic content that supports the texts, and the Facilitator should speak clearly to ensure comprehension by all and equally inclusive participation.
- If the group includes persons with vision or hearing impairment or other functional diversities, it is recommended that the activity’s organizers provide for all logistical and teaching-aid needs, including the support of sign language interpreters. It is also recommended that the other participants be reminded of the importance of speaking slowly and facing those persons who are able to read lips.

- It is important to try to detect levels of resistance to the topic, as well as the knowledge of the participants. If the group includes persons who present resistance, more time should be devoted to awareness-raising. If the group has little knowledge of the topics, it is important to dwell on the conceptual definitions and provide enough examples to make them clearly understood.

- This Module is designed to be presented using a participative methodology, which implies that participants be actively involved and that the Facilitator should foster an atmosphere of trust, respect, and openness. The Facilitator should also ensure that those participants with ease of expression or prior knowledge of the topic do not monopolize the discussions nor inhibit the participation of others.

- The implementation of this Module should always reflect the cross-cutting nature of the gender focus, as power dynamics that discriminate against women or persons identified as feminine can be perpetuated even among LGBTI people.

- Though this document uses the acronym LGBTI to refer to lesbian, gay, bisexual, trans, and intersex persons, it is recommended that all these populations be referred to by name during Module implementation, rather than reducing them to a simple acronym that prevents the vindication of each sexual orientation and gender identity.

- If a situation arises within the group that requires a specialized reference concerning a specific subject, the Facilitator can seek the support of local organizations.

- When possible, it is recommended that the Facilitator ensure that the participants receive all the materials related to this Module (legislation, chapter on basic concepts regarding LGBTI and migration issues, videos, etc.), whether in digital or print format.

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5. Throughout this text, the term ‘disability’ is used due to its broad recognition at the international level. Nevertheless, in 2006, the Independent Life Forum (Spain) developed the Diversity Model, which proposes a terminology change by replacing disabled persons with functionally diverse persons, this being part of human diversity. More information is available at: www.forovidaindependiente.org

6. It is highly possible that issues covered in this Module will provoke resistance among participants, as they imply a re-examination of worldviews and personal perspectives on gender and sexual orientation, which can be deeply tied to religion and other traditions.

7. A maximum group size of 25 persons is recommended for application of this Module.

8. It is recommended that the LGBTI acronym be explained to ensure uniform comprehension among all participants.

9. It is recommended that this material be delivered in a technological format that is compatible with the information and communication technologies to which participants normally have access.
Module for Awareness-Raising and Training of Public Institutions, Social Organizations, and LGBTI Collectives and Activists in the Mesoamerican Region

III. Conceptual Framework
As a starting point for understanding the migratory dynamics of lesbian, gay, bisexual, trans and intersex (LGBTI) persons in the region, as well as the specific risks they face when migrating, and the protection and assistance they may need, it is necessary to establish a common conceptual framework regarding the topic of sexual diversity, gender identity, and migration.

For this reason, the following text develops the key concepts and theoretical content that will form the reference basis for this Module.

3.1. Conceptualizing Sexual Orientation and Gender Identity and/or Expression

Sexual diversity refers to the fluid spectrum of possibilities in which persons relate to each other erotically and sexually, as well as the diverse manners in which they express their sexuality and gender identity and/or expression (Duranti, 2011). Despite the fact that sexual diversity has historically been the theoretical concept and/or category used to characterize LGBTI (lesbian, gay, bisexual, trans, and intersex) communities, it is important to note that this definition should also include heterosexual persons (who present highly diverse ways of expressing and acknowledging their identity and desires), who also form part of the spectrum of potential ways to express both sexuality and gender identity and/or expression.

To understand this diversity, it is important to consider a series of concepts that are part of the human experience. These concepts, understood as historic and social constructions, permeate not only the manner in which human existence is perceived, but also the manner in which we establish the norms that govern the interactions where feelings between two or more persons are constructed and played out. As such, the concepts of sex, gender, sexual orientation, gender identity, and gender expression are fundamental to understanding LGBTI communities (see Table 1).

Within the logic of sexual diversity, the acronym LGBTI has been traditionally used to delimit the diversity of sexual orientations and gender identities and/or expressions that exist within the spectrum of non-heterosexual human existence and/or do not correspond with the traditional duality of the sex/gender system. It is important to mention that no consensus exists on the meaning of the acronym LGBTI, nor the limits that can be referred to in order to place a given person in one category or another. Table 2 sets forth some of these definitions in detail.

This acronym and/or these categories are not invariable nor inclusive of all the diversity of experiences and identities related to sexual orientation and gender identity and/or expression. As such, it is likely that attempts to further develop the categorization of persons will give rise to new expressions for sexuality and identity that have not even been named yet. Moreover, a given person can feel represented by a single category or by a combination of several.

Although the Universal Declaration on Human Rights sets forth that “all persons are born free and equal in dignity and human rights” (Article 1), it is well known that LGBTI people are subject to discrimination based on sexual orientation and gender identity. Regarding this specific type of discrimination, the Inter-American Commission on Human Rights (IACHR) understands that discrimination based on sexual orientation, gender identity, or gender expression constitutes any distinction, exclusion, restriction, or preference made against a person on these grounds, which has the effect or the purpose—whether de jure or de facto—of impairing or nullifying the recognition, enjoyment, or exercise, on the basis of equality, of human rights and fundamental freedoms, taking into account the social and cultural attributes that have been associated with those categories (Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans, and Intersex Persons). Many authors argue that these forms of violence and social exclusion faced by LGBTI people are the result of a patriarchal and heteronormative culture. In this sense, heteronormativity has been defined as a

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...form of social, political, economic, and cultural organization imposed by the patriarchy, in which it is assumed that heterosexuality is the ‘natural’ or ‘normal’ relationship among people, thus denying, dismissing, or disvaluing non-heterosexual identities and ties. This is based on the idea that sexuality should only be used for reproduction (having children), thus disvaluing other dimensions of sexuality that have to do with affection and pleasure. Heteronormativity is based on the division and hierarchization of sex and gender by supposing that only two sexes and gender identities exist (man and woman) and considering masculine as superior to feminine. One example of heteronormativity in our society is the lack of legal recognition of same-sex unions and the effect this has in terms of restricting the rights of non-heterosexual couples. (Cohen, 2005; Rich, 1996)

<table>
<thead>
<tr>
<th>Table 1: Relevant Concepts</th>
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<tbody>
<tr>
<td><strong>Sex</strong></td>
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<tr>
<td><strong>Gender</strong></td>
</tr>
<tr>
<td><strong>Sexual Orientation</strong></td>
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<tr>
<td><strong>Gender Identity</strong></td>
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<td><strong>Gender Expression</strong></td>
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**Source:** Prepared based upon consultation of various sources of information.
Table 2: Terminology Related to Sexual Orientation and Gender Identity and Expression

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesbian</td>
<td>Refers to a woman whose desires, sexual practices, and/or emotional relations mostly or exclusively involve other women.</td>
</tr>
<tr>
<td>Gay</td>
<td>Refers to a person whose desires, sexual practices, and/or emotional relations mostly or exclusively involve persons of his/her same sex. Generally used in reference to men, although in some countries the term is used to refer to women or generically to homosexual men and women.</td>
</tr>
<tr>
<td>Homosexual</td>
<td>Refers to a person whose desires, sexual practices, and/or emotional relations mostly or exclusively involve persons of his/her same sex. In Latin America, the term is commonly used to refer mainly to men, although the concept also includes women.</td>
</tr>
<tr>
<td>Bisexual</td>
<td>Refers to a person whose desires, sexual practices, and/or emotional relations involve persons of the opposite sex and of his/her same sex or gender.</td>
</tr>
</tbody>
</table>
| Trans     | Broad term that is used to refer to those persons who do not fit into a male or female gender identity. Includes trans-gender and trans-sexual persons, and sometimes includes transvestites.  
  - Trans-gender: Refers to a person who feels the need to assume a gender other than the one he/she is socially supposed to assume according to his/her biological sex. A trans-gender person may externalize this need by adopting a gender expression based on what he/she feels.  
  - Trans-sexual: Refers to a person who adopts an appearance and gender identity that does not correspond with that assigned to his/her biological sex, and who feels the need to surgically and/or hormonally modify his/her body to adapt it to his/her desired gender and sexual identity.  
  - Transvestite: Refers to a person who adopts an appearance and gender expression that does not correspond with that assigned to his/her biological identity assigned at birth. Unlike a trans-gender or trans-sexual person, a transvestite does not necessarily have a different gender identity, and does not necessarily adopt a permanent or constant gender expression. |
| Intersex  | Includes a diverse set of situations in which a person’s morphology (particularly with respect to the genitals) differs from the cultural standard of a masculine or feminine body, as is the case with persons whom medical science has historically classified as hermaphroditic or pseudo-hermaphroditic. |
| Heterosexual | Refers to a person whose desires, sexual practices, and/or emotional relations mostly involve persons of the opposite sex or gender. |


Finally, it is important to mention that the specific forms of discrimination and violence faced by LGBTI persons are known as homophobia, lesbophobia, biphobia, and transphobia, being defined as expressions of intolerance, fear, and disrespect against LGBTI persons that limit and/or restrict access to and enjoyment and exercise of their human rights.

These expressions are based on a rejection of anything considered different from heterosexuality, and have the potential to serve as justification for physical and symbolic violence against these populations. In this sense, homo-lesbo-bi-transphobia is expressed in different ways, such as prejudicial violence (discrimination, prejudices, and social and cultural stereotypes against LGBTI persons), the existence of laws that criminalize LGBTI persons, psychological abuse,
mistreatment, harassment, and acts of physical violence against the life and dignity of these persons (murder, rape and other acts of sexual violence, gang beatings, torture, and cruel, inhuman, and degrading treatment).11

3.2. Conceptualizing Migration

Migration is not a recent phenomenon, as the mobility of persons has been a constituent element of the history of humanity. During the last millennium, however, migration has become one of the most relevant social issues, and its impact on the living conditions of the most vulnerable populations is determinant.

The International Organization for Migration (IOM) defines migration as the:

... movement of populations towards the territory of another State or within the same State, including all movements of persons regardless of magnitude, composition, or the causes thereof. This includes the migration of refugees, displaced persons, uprooted persons, and economic migrants. (IOM, 2006, Page 38)

Based on this definition, migration includes all movements and/or displacements of persons or groups of persons, regardless of:

- The type of displacement.
- The factors driving the migration.
- The conditions in which the displacement occurs.

When considering the type of displacement that occurs, migration can be divided into:

- **Internal migration**, defined as the movement of persons from one region to another within the same country for purposes of establishing a new residence. This migration can be temporary or permanent. (IOM, 2006, p.40);

- **International migration**, defined as the movement of persons who leave their country of origin or habitual residence in order to reside temporarily or permanently in a country other than their own. For such purpose, these persons must have crossed a border... (IOM, 2006, p.40)

For the topic at hand, the concept of **internal migration** is important, because many LGBTI persons, prior to undertaking an international migration process, have already gone through an internal migration process, usually from a rural area to an urban area. LGBTI organizations in the region (such as TransVida, CIPRODE, and Cattrachas) indicate that few protection mechanisms exist for internal migrants, thus representing a challenge in terms of responding to the realities and needs of this population within their own country of origin.

When considering the driving factors, migration can be divided into:

- **Economic migration**, defined as migration driven exclusively by economic motivation, where the migrant aspires to find better living conditions. (IOM, 2006, p.42)

- **Labor migration**, defined as the movement of persons from their country of origin to another country for employment purposes. Labor migration is generally regulated by each State’s migratory legislation. Some countries assume an active role in regulating external labor migration and seeking employment opportunities abroad for their citizens (IOM, 2006, p.40).

- **Family reunification**, defined as the process by which members of a family who have been separated by forced or voluntary migration reunite in a country other than their country of origin. Admission of such migrants is discretionary on the part of the recipient State (IOM, 2006, p.62).

- **Forced migration**, defined as a generic term used to describe a movement of persons driven by coercion, including threats to their life or livelihood, whether due to natural or human causes. (IOM, 2006, p.39).
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The factors that drive migration determine, to a greater or lesser degree, the migratory category that will apply to a given person in the destination country. In other words, the reasons for migrating are precisely what distinguish a migrant from a refugee.

Along these same lines, it is important to take into account the fact that since migration is not a simple nor mechanical process, the reasons for which a person decides to migrate and his/her experiences throughout the migratory process, are as diverse as are the persons and contexts found in this region’s countries.

Therefore, under certain conditions, migration can represent the possibility to access new opportunities and enhance personal and family development. This is not always the case, however, because for many people, migration becomes their only alternative for survival in the face of violence, poverty, and inequality. Many people migrate due to the prevailing conditions where they live when that context becomes a threat to their life and integrity. This is to say that migration frequently occurs under unsafe conditions, at which point it is referred to as forced migration.

It is also important to consider that the regional context causes many people to migrate in vulnerable conditions as a result of structural and historical discrimination against certain populations based on their gender, age, ethnic background, sexual orientation, or gender identity and/or expression, among other factors.

This diverse set of motives can be grouped into two types of factors: driving or expelling factors and attracting factors (Lee, 1966). Both are closely inter-related:

- **Driving or expelling factors** are those conditions and situations that exist in the point of origin that drive emigration (such as the lack of opportunities, conditions involving risks and persecution, poverty, absence of sources of employment, etc.). (Lee, 1966)

- **Attraction factors** are those conditions that exist at the point of destination and motivate a person’s transit to said point (for example, economic stability, a more respectful environment, etc.). (Lee, 1966)

These factors are complementary and build upon each other: attracting factors have a greater influence when they are perceived as better than the driving factors.
Finally, it is important to mention that when consideration is given to the conditions under which it occurs, migration can be divided into:

- **Regular migration**, defined as *migration that takes place through regular and legal channels* (IOM, 2006, Page 41) established by each country by way of its migratory legislation and policies.

- **Irregular migration**, defined as the territorial displacements or movements of people that:
  
  ...takes place outside the regulatory norms of the sending, transit, and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it involves entering, staying, or working in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is, for example, seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country. (IOM, 2006, Page 40)

Despite these divisions, the important thing is to **acknowledge migrants as persons subject to rights** who, even in the face of difficult and limiting conditions, decide what to do with their lives and seek alternatives to attain better living conditions. It is from this viewpoint that strategies to protect and assist migrants should be developed.

Regardless of the type of migration, migratory processes are complex and **consist of various phases or moments**. These are not linear, and each migrant does not necessarily pass through each one. It is important to know them, however, because each one implies a series of risks as well as specific protection and assistance needs for migrants. Table 4 describes the principal moments of the migratory process.

There are international mechanisms and national legislation that guarantee respect for the human rights and integrity of migrants during each one of these phases. Nevertheless, organizations such as the Center for Human Rights Research and Promotion for Central America (CIPAC) in Costa Rica point out that many LGBTI migrants are unaware of these mechanisms, as are many of the organizations that work with LGBTI people, which makes it difficult to establish conditions and mechanisms that ensure protection and security.

With respect to the **return process**, this is not always carried out in a voluntary and assisted manner. Some migrants (especially those with irregular migratory status), when identified by the migration authorities of destination or transit countries, are detained in order to be returned to their country of origin by way of deportation processes.

According to the IOM, **detention** refers to:

...restriction of an individual's freedom of movement by State authorities, generally in public facilities such as jails, holding cells, police stations, or security facilities. (IOM, 2006, Page 20)

There are two types of detention: penal detention, which seeks to punish persons who have committed crimes; and **administrative** detention, imposed by authorities that apply non-penal measures such as deportation and expulsion. In most countries, **irregular migration is not considered a crime, but rather a violation of immigration rules**, and thus administrative detention is applicable (IOM, 2006).

It should be noted that, according to an advisory opinion of the Inter-American Court of Human Rights (IHR Court), children and adolescents should not be detained, even when involved in irregular migratory processes. In this sense, the IHR Court has stated that:

... States may not resort to the deprivation of liberty of children who are with their parents, or those who are unaccompanied or separated from their parents, as a precautionary measure in immigration proceedings; nor may States base this measure on failure to comply with the requirements to enter and to remain in a country, on the fact that the child is alone or separated from her or his family, or on the objective of ensuring family unity, because States can and should have other less harmful alternatives and, at the same time, protect the rights of the child integrally and as a priority. (IHR Court, 2014, Page 7)
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According to the IOM, **deportation** is the...

...act of the State in exercise of its sovereignty, by which it sends a foreign national out of its territory to another place after rejecting his/her admission or upon expiration of his/her permission to remain in said State. (IOM, 2006, Page 16)

It is important to note that a person should not be deported without first evaluating his/her reasons for migrating and the risks associated with returning to his/her country and community of origin. Given the reality of persecution and violence faced by many LGBTI persons in the region, this is an aspect that should be considered during such evaluations where irregular migrants are apprehended and/or detained. For this reason, it is vitally important that persons who have suffered persecution and violence explain their situation clearly to the migration authorities.

### Table 4: Moments in the Migratory Experience

<table>
<thead>
<tr>
<th>Origin</th>
<th>At the <strong>origin</strong>, a person or group of persons makes the decision to leave their place of residence or origin in search of better living conditions. Sometimes this process can be planned, but in other cases it occurs at a time of urgency where conditions do not exist to permit proper preparations for departure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit</td>
<td><strong>Transit</strong> refers to the process in which the person travels from the country of origin to the destination country. The IOM (2006) defines this phase as: Layover of variable duration during a person’s journey between two or more countries, or due to unexpected events or a change of planes or other means of transport for connections. (IOM, 2006, Page 78) As will be explained further on, there are migratory routes in the region that imply long distances. These are referred to as <strong>intra-regional routes</strong> when they occur within the same region (e.g., migration between Central American countries), <strong>extra-regional routes</strong> when traveling to another region (e.g., between Central America and the United States), and <strong>extra-continental routes</strong> when traveling to other continents (e.g., migration from Central America to Spain). In these cases, some countries (such as Mexico) receive significant numbers of migrants in transit who do not intend to stay there, but rather are in transit to their final destination. This phase can last for an indefinite period of time.</td>
</tr>
<tr>
<td>Destination</td>
<td><strong>Destination</strong> refers to the point where a migrant has arrived at the place where he/she plans to stay and seek the proper conditions to integrate him/herself into the new context. Many migrants with irregular status are detained and deported during the transit and destination phases.</td>
</tr>
<tr>
<td>Integration</td>
<td>Process by which migrants are integrated economically, socially, and labor-wise into the destination society. Certain conditions must be provided for this integration to take place, including the possibility of regular permanence by way of a migratory category such as residency (temporary or permanent) or through refugee status (based on a previously submitted asylum petition).</td>
</tr>
<tr>
<td>Return</td>
<td>Some migrants go back to their place of origin in a phase referred to as <strong>return</strong>. Displaced persons or refugees often seek to return to their country or community of origin once the situation that constituted a risk to their life or integrity has been resolved. There are various sub-categories of return processes: voluntary, forced, assisted, and spontaneous (IOM, 2006). <strong>Voluntary return</strong> occurs when a person returns of their own free will, and this process can be independent or assisted (with logistical and financial support). <strong>Assisted voluntary return</strong> occurs frequently among asylum seekers who are not granted refugee status, migrants who are victims of trafficking, and migrants who are unable to remain in a given country and wish to return. All return cases should be evaluated to determine whether a person could be at risk upon returning to his/her country of origin.</td>
</tr>
<tr>
<td>Reintegration</td>
<td>Refers to the reincorporation of a person into a group or process (IOM, 2006). When a migrant returns to his/her country of origin, the process by which he/she is reinserted into the cultural, economic, and social dynamics is called reintegration. This process is not always a simple one, and thus such persons frequently require support from institutions, organizations, or groups.</td>
</tr>
</tbody>
</table>

Source: Prepared based upon consultation of various sources of information.
Finally, it is important to mention that the integration process for migrants and refugees in destination countries is not always easy, as in many destination countries there are high levels of xenophobia that impede this process. **Xenophobia** is defined as

... hate, disgust, or hostility towards foreigners. At the international level, no universally accepted definition of xenophobia exists, though it can be described as attitudes, prejudices, or behavior that reject, exclude, and often vilify persons based on the perception that they are outsiders or foreigners to the community, society, or national identity. There is a close link between racism and xenophobia, two terms that can be hard to differentiate from each other. (IOM, 2006, Page 81)

As such, it constitutes an expression of discrimination towards migrants and refugees, and occurs in all spheres of society, representing (as will be shown further on) an obstacle to guaranteeing their protection and full exercise of their human rights.

### 3.3. Characterization of Migratory Dynamics in the Mesoamerican Region

Mesoamerica is comprised of the seven Central American countries and nine states in Southern Mexico. It is a region with highly diverse economic, cultural, and political conditions that create different living conditions for the region’s populations. Central America, in turn, is divided into the Northern Triangle, comprised of El Salvador, Guatemala, and Honduras, and the Southern Triangle, comprised of Nicaragua, Costa Rica, and Panama. (Rodríguez, 2013)

At the cultural level, the region has multiple native peoples and intense colonization and cross-breeding processes. The proportion of native peoples also varies significantly between the region’s countries. For example, according to data from the Central American Bank for Economic Integration (BCIE),

> 12 Guatemala is the country with the highest percentage of indigenous people (40%) and Costa Rica is the country with the lowest percentage of indigenous people (1%).

At the political level, the region’s countries have very distinct characteristics as well as some common ones. In recent years, El Salvador, Honduras, Nicaragua, and Mexico have seen armed conflicts, civil war, and violence stemming from drug smuggling and organized crime, with said processes affecting the way political life develops and occurs today.

With respect to migration, **all of the region’s countries are origin, transit, and destination countries for migrants**, although with certain particularities.

For example, the Northern Triangle has seen significant emigration, motivated mainly by the fact that the area is suffering the highest level of violence in the region, with homicide rates higher than the global average and constantly rising. The violent crime rates in Honduras, for example, are among the highest in the world. According to the State of the Nation Program (2014), in a ranking of 132 countries on personal safety, where 1 represents the safest country and 132 the most unsafe, Honduras, El Salvador, and Guatemala ranked 125, 121, and 118, respectively, while Costa Rica, Panama, and Nicaragua ranked 57, 72, and 91.

The indicators for poverty, human development, and well-being also show broad disparity, along with an increasing gap between the rich and the poor, and thus access to the resources and opportunities that guarantee quality of life for everyone. According to the State of the Nation Program (2014, Page 19), “In the region there are two blocks: Panama and Costa Rica, with high levels of human development, while the remaining countries rank in the median human development category.” One of the components of the Human Development Index is annual per-capita income. The region shows annual per-capita income (in U.S. dollars) of 16,379 and 13,012 for Panama and Costa Rica, versus 4,266 and 4,130 for Nicaragua and Honduras (State of the Nation Program, 2014).

These high rates of inequality and poverty and the lack of opportunities constitute significant motives to migrate. The Northern Triangle tends to be a transit stage for migrants in the first phase of their journey to Mexico. In the Southern Triangle the motives are of a socio-economic nature, as they are origin, transit, and destination countries for migrants and their families who face the extreme need to seek work
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The Southern Triangle, however, is also a transit and destination point for asylum seekers from the Northern Triangle, Columbia, and Venezuela, and for extra-continental migrants from Asia and Africa, for example. (Rodríguez, 2013)

The principal migratory flow in the region is towards the United States. There are also south-south migratory flows, though, such as those from Honduras, El Salvador, and Nicaragua towards Costa Rica and Panama. The Mexico-United States migratory corridor is the most heavily travelled in the world, used by approximately 11.6 million migrants in 2010. It is also considered the most dangerous migratory corridor, with the presence of organized criminal networks whose activities include trafficking in persons, migrant smuggling, extortive kidnapping, and drug and arms smuggling. (Rodríguez, 2013)

The migratory flows in the region are multi-faceted, being characterized by their complexity and comprised of different populations. Some of these populations are affected by conditions of vulnerability caused by inequality, discrimination, and violence. As examples, these populations include women, children and adolescents who are unaccompanied or separated from their families, refugees and asylum seekers, indigenous and extra-continental people, and migrants who are victims of trafficking, sexual violence, and other crimes.

LGBTI migrants represent part of these diverse and complex flows, whose experiences during migratory processes and specific protection and assistance needs have not been studied in depth. Consequently, significant gaps exist in terms of tools to protect and assist them.

3.4. Towards a Contextualization of LGBTI Migration in Mesoamerica

To understand the migratory dynamics of LGBTI people, it is necessary to identify the conditions of discrimination and exclusion that they face in the region, as well as to bring attention to the existence of structural factors related to the non-recognition of their rights in the legislation of the different countries, all of which generate conditions of vulnerability.

LGBTI persons face various discriminatory conditions that are strongly rooted in culture and legitimized in the different settings of daily life, whether in the form of standards, laws, and/or regulations that ignore or restrict their human rights, or else upheld through cultural manifestations such as jokes, taunts, and hateful discourse that incite violence. For example, the trans population faces difficulties in accessing and gaining permanence in the educational system due to the non-recognition of their identity, resulting in low education levels among this group. In turn, this makes their insertion into the labor market more difficult.

The lack of legal recognition for same-sex couples leaves these individuals unprotected with respect to access to healthcare and pensions, hospital visits, credit, adoptions, etc. Such situations place LGBTI persons in positions of social and economic disadvantage, creating a discriminatory situation in comparison to the heterosexual population that enjoys legal recognition of such rights. This lack of recognition also prevents binational same-sex couples from accessing migratory categories that allow residence in destination countries beyond their national borders.
(categories that are available to heterosexual couples), thus limiting the exercise of their human rights, which include the right to family ties. Discrimination due to sexual orientation and gender identity and/or expression is worse in the expelling countries, thus causing these populations to migrate in search of better living conditions. In some countries of the region the level of violence has resulted in LGBTI persons suffering persecution, aggression, and even murder at the hands of organized groups such as gangs and maras and even the police, forcing them to migrate within their own country or to other countries just to survive. (CEJIL, 2013)

Although differences exist between countries, it can be affirmed that the region’s countries currently have few laws that specifically recognize the human rights of LGBTI people. This can constitute one of the particular reasons for which this population decides to migrate. Though laws protecting LGBTI persons do not and cannot alone eliminate oppressive conditions, the fact remains that stronger legal protections reduce the risk of discrimination.

In light of this context, LGBTI persons from the region migrate in search of safer and less discriminatory environments where they have greater opportunities and their rights are recognized. This factor constitutes another reason why people in the region migrate, in addition to the search for better economic conditions, less violent settings, and family ties or family reunification. As mentioned earlier, this last factor is not recognized for same-sex couples in Mesoamerican countries. Binational same-sex couples face difficulties with respect to reunification, since they are not legally recognized in the countries of the Mesoamerican region like heterosexual couples are, thus preventing them from accessing a migratory category that would allow them to legally stay in their destination country. When factors such as economic difficulties and/or violence are added to the structural and cultural discrimination faced by LGBTI persons, the motivation to migrate in search of better conditions becomes even stronger.

At the same time, each country has made undeniable progress regarding respect for diversity related to sexual orientation and gender identity and/or expression. At the national level, some countries are making efforts that will help form public policies which respect diversities, and various social organizations are developing projects that aim to improve living conditions for LGBTI persons.

The degree of progress concerning respect for sexual diversity, however, is uneven among the region’s countries. In terms of legislation for example, homosexuality is criminalized in Belize, and while in countries such as El Salvador and Honduras, sexual diversity is not criminalized, neither have developed protection mechanisms for LGBTI people, who are frequently victims of violence and persecution.

Even in countries where important legislative advances have been made, everyday discrimination continues to affect LGBTI persons. Such is the case in Mexico, where the Federal District allows same-sex marriages; Costa Rica, where Social Security rules were amended in 2014 to recognize health insurance and pension rights for same-sex couples; and Nicaragua, where legislation was passed in 2008 to

13. Article 53 of the Penal Code of Belize punishes homosexual relations with 7-10 years of prison.
penalize discrimination against LGBTI persons\textsuperscript{16} and a Sexual Diversity Advocate’s Office has been created.\textsuperscript{17}

Central American organizations that work with LGBTI people, such as the TransVida Association, the Latin American Forum for Sexualities and Rights (MULABI), CIPAC, the Center for Human Rights Research and Promotion (CIPRODEH), and the Cattrachas Lesbian Network, indicate that certain countries such as Costa Rica, although not exempt from discrimination, are identified as safe spaces for LGBTI persons fleeing from violent conditions in other Mesoamerican countries.

3.5. Conceptualizing Two Vulnerable Migration Scenarios

In particular, this Training Module centers attention on two types of migration that are associated with especially vulnerable conditions. In this sense:

\begin{quote}
... The Central American Region is characterized as a strategic geographical bridge for human mobility. New forms of forced displacement have arisen due to structural and environmental scenarios and violence. (Rodríguez, 2013, Page 3)
\end{quote}

Migration within the Context of Trafficking in Persons

\textbf{Traficking in persons} should be understood to be one of the most perverted expressions of an economic system that commodifies people for the service and profit of others and through the exploitation of people’s bodies, sexualities, reproductive capacities, and labor. This crime, operating within a highly globalized and lucrative modern society, proliferates within a consumerist society, feeds off of inequality, exclusion, and discrimination, and takes advantage of people’s desire to seek better opportunities and living conditions. (IOM, 2012a, 2012b, 2013) As such,

\begin{quote}
... Traficking in persons alludes to the objectivation and commercialization that occur by forcibly submitting a person’s body and/or labor for the benefit or profit of another person. This concept has evolved throughout human history such that its most recent conceptual form, after slavery, was known as the ‘white slave trade,’ a term that referred to the forced sexual exploitation of European women to satisfy the demand for so-called sexual services in the East. This term subsequently fell into disuse due to its strong discriminatory bias that overlooked the existence of trafficking in males, underage persons, and women who were not white or European, as well as non-sexual forms of exploitation. (IOM, 2013, Page 11)
\end{quote}

It also constitutes an extreme expression of exploitative processes and the denial of rights that have historically been naturalized, meaning that they have been seen as ‘normal’ or ‘natural.’ For example, the labor exploitation of indigenous and afro-descendent peoples, the sexual exploitation of women and children, and the exploitation of children, adolescents, and women for domestic service, among others. (OIM, 2012a, 2012b, 2013)

According to the Palermo Protocol,\textsuperscript{18} the crime of trafficking in persons is defined as:

\begin{quote}
...the recruitment, transportation, transfer, harboring, or reception of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs. (Article 3(a) of the Palermo Protocol, 2000)
\end{quote}

\textsuperscript{16} Articles 427 and 428 of the Penal Code for Nicaragua.

\textsuperscript{17} The Sexual Diversity Advocate’s Office is a division of the Office of the Human Rights Ombudsman (www.pddh.gob.ni ). Its work includes receiving discrimination complaints, providing awareness-raising activities and training to other State institutions, and promoting public policies in favor of the human rights of LGBTI people.

It should be noted that every country in the Mesoamerican Region has specific laws and inter-institutional platforms designed to prosecute, punish, and eradicate this crime. Said legislation includes definitions for trafficking in persons, although in some cases these definitions differ from those set forth in the Palermo Protocol (for example, by indicating other ends or omitting the means, among other modifications).

The crime of human trafficking must consist of at least three fundamental elements in order to be defined as such (see Table 5).

In addition, trafficking in persons can be either internal, when the recruitment and exploitation both occur within the same country, or external/international, when the recruitment and exploitation involve crossing borders between two or more countries. In the latter case, the border crossing(s) may be regular or irregular. Sometimes the traffickers provide the victims with documentation, while other times the victims themselves carry out the necessary procedures to migrate legally. In some cases, the traffickers transport the victims, while in other cases the victims travel by their own means to the place where they end up being exploited and deceived (totally or partially) regarding the activities they will be required to perform and/or the conditions in which they will be staying. In cases of human trafficking, victims are deceived, coerced, or forced to migrate to or reside in another place in order to be exploited. (IOM 2012a, 2012b, 2013; UNODC, 2009)

Although no specific information exists regarding the prevalence of this crime against LGBTI people, it is important to consider the following aspects:

- LGBTI victims of trafficking can share the same expelling/attracting factors with other migrants (intolerance at home, expulsion, forced to live on the streets, need to survive, recruitment by illicit networks).
- Populations that are diverse with respect to sexuality and identity are subject to an additional vulnerability which increases their risk of being trapped by traffickers.

### Table 5:
**Elements that Constitute the Crime of Trafficking in Persons**

<table>
<thead>
<tr>
<th>The Action</th>
<th>The Means</th>
<th>The Ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Transportation and/or&lt;br&gt; Transfer and/or&lt;br&gt; Harboring and/or&lt;br&gt; Reception</td>
<td>• Deception (total or partial)&lt;br&gt; • Threats&lt;br&gt; • Use of force or other forms of coercion&lt;br&gt; • Abduction-fraud&lt;br&gt; • Abuse of power or of a situation of vulnerability&lt;br&gt; • Giving or receiving of payments or benefits to obtain consent of a person having control over another person</td>
<td>• Prostitution of others or other forms of sexual exploitation&lt;br&gt; • Forced work or service (labor exploitation)&lt;br&gt; • Slavery&lt;br&gt; • Practices similar to slavery&lt;br&gt; • Servitude&lt;br&gt; • Illegal extraction of organs</td>
</tr>
</tbody>
</table>

- Trans persons may be especially vulnerable to being forcibly exploited in the sex trade, due to the social mindset that associates trans-genderness with sex work. Further, the sex trade often becomes the only option available to trans persons, given the discrimination they face in searching for other types of work. Traffickers can take advantage of these vulnerabilities for their own profit.

- Assuming that all trafficking victims are heterosexual hinders identification and detection of and assistance to victims who are not. Mechanisms for protecting and assisting trafficking victims and survivors tend to derive and function from a heteronormative perspective, thus overlooking the realities and needs of persons with diverse sexual orientations and gender identities.

- In countries where sexual diversity is criminalized or culturally rejected, few options exist for identifying and providing tailored assistance to LGBTI trafficking victims. Moreover, LGBTI persons are at greater risk of being trapped by organized trafficking networks due to:
  - Family rejection and the existence of LGBTI minors who end up living on the streets at a very young age.
  - Cases involving premature expulsion from the educational system, which limits the employment options of LGBTI people to unskilled work.
  - Weakening of social containment networks due to family and social rejection of LGBTI persons.
  - Limited sources of employment that accept and respect diverse sexual orientation and gender identity and/or expression.

- The existence of national legislation that fails to protect and assist LGBTI people who so require (for example, in cases involving domestic violence or violence at the hands of the police). Legislation generally does not acknowledge the realities of these people and the specific types of violence directed at them.

<table>
<thead>
<tr>
<th>TRAFFICKING IN PERSONS</th>
<th>MIGRANT SMUGGLING</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is a crime against a person's human rights and dignity.</td>
<td>It is a crime against a country's migratory legislation and rules.</td>
</tr>
<tr>
<td>The end is the exploitation of persons for the benefit of others.</td>
<td>The end is to obtain benefits by facilitating another person’s illegal entry into a country.</td>
</tr>
<tr>
<td>Trafficking victims never consent to being exploited. If they consent at first, it is due to coercive or deceptive actions by their traffickers.</td>
<td>Migrants being smuggled consent to ‘being helped’ to cross borders into another country in an irregular manner.</td>
</tr>
<tr>
<td>Trafficking can be international (when borders are crossed) or internal (when the relocation and exploitation occur within the same country).</td>
<td>The activity always involves a border crossing.</td>
</tr>
<tr>
<td>Trafficking often, but not always, involves the smuggling of migrants.</td>
<td>Migrant smuggling can sometimes turn into human trafficking when alliances are created between smugglers and traffickers.</td>
</tr>
</tbody>
</table>

Module for Awareness-Raising and Training of Public Institutions, Social Organizations, and LGBTI Collectives and Activists in the Mesoamerican Region

- The existence of LGBTI persons who migrate voluntarily or seek international protection from abuse and violence, and who use the services of migrant smuggling networks that turn into trafficking networks.
- Limited interest on the part of State institutions and civil society organizations in understanding the conditions faced by LGBTI migrants in their country.
- The lack of programs and services offered by State institutions for serving and assisting LGBTI persons in vulnerable situations.
- The limited awareness of LGBTI issues on the part of civil society organizations that work with migration.
- Fear on the part of LGBTI migrants which subsequently prevents them from reporting violations of their human rights.
- Fear on the part of trafficking victims who, as part of the exploitation suffered, were forced to commit crimes (for example, drug smuggling, robbery, and/or fraud). In such cases, the traffickers’ threat to turn their victims in for the crimes committed is more effective due to social homo-lesbo-bi-transphobia.

It is important to emphasize that victims or potential victims of trafficking should never be deported, denied entry at the border, nor expelled. In addition, attention should be given to their urgent needs and perform a risk assessment to determine whether they could be in danger, in the event they wish to voluntarily return to their country of origin.

Specific mechanisms exist in the region’s countries to protect and assist trafficking victims. Some countries, for example, offer the possibility of access to a special migratory category for persons identified as victims of trafficking (including the categories of trafficking victim and refugee), in order to provide these persons with protection and assistance. (IOM, 2014a, 2014b)

Forced Migration within the Context of Persecution and Petitions for International Protection: The Case of Asylum Seekers and Refugees

The Convention on the Status of Refugees (1951) defines as a refugee, someone who:

... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term ‘the country of his nationality’ shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, has not availed himself of the protection of one of the countries of which he is a national. (Convention on the Status of Refugees, 1951)

Article 7 of the American Convention on Human Rights states that:

... Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the State and international conventions, in the event he is being pursued for political offenses or related common crimes. (OAS, 1969, Page 9)

It is important to distinguish between:

1) The condition of refugee, which is a ‘status’ based on international law.

2) The migratory categories that each State assigns to asylum seekers and persons recognized as refugees.

With respect to the first point, the refugee is granted an internationally recognized legal condition, to wit, a set of civil, political, economic, and social rights set forth in the Convention on the Status of Refugees (1951). The condition of refugee, according to international law, is acquired upon fulfillment of the elements stipulated in the aforementioned definition.
With respect to the second point, when a person requests asylum in a country (meaning that he/she be recognized as a refugee), the national legislation should assign him/her to a migratory category (generally temporary) as an asylum petitioner, which allows the person to legally remain in the country while the corresponding body reviews his/her petition.

When the country recognizes the person as a refugee as a result of the evaluation process, he/she is assigned to a migratory category with certain permanence.

The variations between the internal migratory categories of each State Party do not alter the international refugee status.

**When can asylum be requested?** A person may petition for asylum when he/she has a well-founded fear of being persecuted for any of the reasons stipulated in the definition of ‘refugee’ in the 1951 Convention and is unable or unwilling to avail him/herself of the protection of his/her country of nationality due to said fear.

It should be mentioned that the 1951 Convention does not require that a refugee has suffered or could suffer individualized acts of persecution. The reasonable possibility of being persecuted is sufficient, in light of the applicant’s personal history and the experiences of persons in similar situations.

**Well-founded fear** means the recognition of a reasonable possibility that a person could be harmed, and that the State is unwilling or unable to protect him/her, such that returning to the said State would imply exposure to that risk without adequate protection.

Information from the country of origin is essential for purposes of comparison with the petitioner’s statements. If the information provided by the petitioner is consistent and coincides with information regarding the country of origin, the burden of proof shifts to the State. This means that in principle, the petitioner should be granted refugee status unless the State is able to show proof that the alleged fear is unfounded.

For purposes of the 1951 Convention, sexual orientation and gender identity/expression per se do not constitute a motive for persecution. In some cases, the asylum country’s legislation does so specify. Recent years have seen increasing numbers of asylum petitions alleging persecution due to sexual orientation and gender identity and/or expression, both worldwide and within the region. Generally speaking, such petitions are accepted under the 1951 Convention based upon a well-founded fear of persecution due to membership in a particular social group or expression of political opinions contrary to the status quo in the country of origin. For this reason, the UNHCR has published guidelines related to gender issues and LGBTI people that are vitally important for such asylum petitions to be accepted.

**Persecution** refers to serious human rights violations that threaten life, liberty, or integrity, or other measures that do not represent persecution per se (such as discriminatory actions) but are combined with other adverse factors (such as a general climate of insecurity):

> ... That which equates to persecution will depend on the circumstances of each case, including the age, gender, opinions, feelings, and psychological character of the petitioner. (Guidelines on International Protection No. 9, UNHCR, 2012, Page 11)

In the *Policy on Age, Gender, and Diversity* (2010), the UNHCR issues guidelines for working with individuals and communities for equality and protection. Specifically regarding sexual orientation and gender identity and/or expression, the agency published *Guidelines on
International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees. (Guidelines on International Protection No. 9, UNHCR, 2012)

This document establishes the specific steps for working with LGBTI persons when applying the Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status and the Guidelines on International Protection.

Besides persecution, this document stipulates that discrimination may be equated with persecution when, in an individual or cumulative manner, it results in consequences of a substantially harmful nature for a given person. In other words, when discriminatory conditions exist that are harmful for a person and the State is unable to provide adequate protection, that person may request asylum.

... These considerations need not necessarily be based on the applicant’s own personal experience. For example, what happened to his friends and relatives and other members of the same racial or social group may well show that his fear that sooner or later he also will become a victim of persecution is well-founded. (UNHCR, 1992, Page 14)

It should be mentioned that persecution in the past is not a prior requisite for requesting asylum, since in many cases a justifiable fear of persecution is based on an appraisal of the situation that the petitioner would face if he/she returned to the country of origin. This means that an individual does not necessarily have to have suffered persecution directly, but still may request asylum if he/she can objectively show that “...remaining in his/her country of origin has become intolerable for the reasons indicated in the definition, or that, for those same reasons, it would be intolerable if he/she were to return to said country.” (UNHCR, 1992, Page 13)

It is important to point out that the petitioner does not need to prove that the authorities of his/her country knew of his/her sexual orientation and gender identity and/or expression. Some LGBTI asylum seekers have chosen to conceal their orientation/identity in their country of origin as a means of protection. For this reason, the UNHCR Guidelines caution that such concealment is not a valid reason for denying asylum, nor should exposure be a requisite for refugee status.

According to the UNHCR (Guidelines on International Protection No. 9, 2012), the following types of persecution suffered by LGBTI persons have been identified:

- Physical, psychological, and sexual violence, including rape, torture, and other inhuman and degrading forms of treatment.
- Disapproval and/or ostracism by the person’s family and community. This depends on the actions taken by the family or community, as disapproval alone does not constitute persecution.
- Cumulative discrimination, for example, with respect to private and family law and economic, social, and cultural rights.
- Laws that criminalize relations between persons of the same sex.

**How is asylum requested?** An asylum petition must be filed outside of the petitioner’s country of nationality. Refugee status, as established by the 1951 Convention, is acquired only upon crossing borders and being in the country where the petitioner wishes to request international protection.

Whether at the border or not, any person who fears being persecuted for the reasons stipulated in the 1951 Convention has the right to request asylum, and thus should be guaranteed due process and receive instructions regarding where to submit a petition. The asylum petition should be received and evaluated by the responsible agency and officials so as to determine whether refugee status is applicable.

The asylum procedure is free of charge and should not be discriminatory. While each country determines which agency is responsible, migration authorities are normally in charge of receiving, processing, and ruling on such petitions.
It is important to note that the petitioner has the right to remain in the country without being detained or deported while his/her petition is being reviewed. Moreover, States should provide protection and assistance to asylum seekers.

The procedure usually requires that the applicant provide a declaration indicating the reasons why he/she would be in danger in the country of origin. Although the declaration may be sufficient proof for refugee status to be granted, it is important to present at the interview all other evidence or information available to support the petitioner’s claim.

Asylum seekers, especially those from the trans population, are often highly fearful of the authorities, and the fear of rejection can hamper or completely undermine the asylum application process. It is necessary for migration officials to be aware of these fears and be capable of conducting the interviews, generating trust, providing adequate information concerning the process, and encouraging applicants to break their silence and speak truthfully. When deciding whether to grant refugee status, it is important to remember that LGBTI people often indicate information on their petition that differs from that given during the interview due to fear, mistrust, or ignorance, which can lead to denial of their applications.

UNHCR officials in the region concur with the provisions of these Guidelines regarding the importance of proper training for the personnel in charge of interviewing LGBTI asylum seekers, in order to enable them to conduct interviews without expressing opinions regarding the applicant’s sexual orientation, gender identity or expression, sexual conduct, or relationship habits.

They also point out the need to train the officials in charge of processing asylum petitions, from border offices through to headquarters, so that said personnel are aware that sexual orientation and gender identity and/or expression can effectively constitute reasons for persecution, which implies taking into account particular circumstances for protection, integration, and the promotion of lasting solutions. It is of utmost importance that these officials, as well as LGBTI people, understand that conclusive proof that a risk of murder exists is not a necessary element to request asylum, but rather that a well-founded fear may be based on an assessment of the specific context and the reasonable probability of persecution if the person were to return to his/her country of origin.

3.6. Risks and Vulnerabilities of LGBTI Migrants and Refugees

The risks and vulnerabilities suffered by LGBTI migrants and refugees in the Mesoamerican Region are of a structural nature (created in large part by the lack of national legislation that specifically recognizes the rights of LGBTI persons), and of cultural origin (marked by the high incidence of discriminatory acts based on sexual orientation and gender identity and/or expression). These factors, compounded by other general drivers of migration, places LGBTI persons at greater risk and situations of vulnerability throughout the migratory experience. As such, all programs and services offered to LGBTI migrants should take these factors into account.

The following text describes some of the risks identified in the literature and by various civil society organizations that work on promoting and protecting the rights of LGBTI persons in the region (CIPAC, CIPRODEH, Catrachas, COMCAVIS TRANS), as well as by other entities that specialize in migration-related issues (including the right to asylum), such as the Anglican Church in El Salvador, the UNHCR, and the Special Program for Women’s Human Rights of the Inter-American Institute of Human Rights (IIHR). Described below are some of the situations that directly affect LGBTI migrant and refugee populations, as well as factors that hinder their protection and the exercise of their rights and thus constitute vulnerability risks.
- **Lack of studies that identify the situation of LGBTI migrants and refugees in the region**

In countries such as the United States, many studies have been carried out regarding the conditions in which LGBTI people live, the vulnerabilities they face, the factors that aggravate social stress, and the elements that serve as strategies for dealing with said adverse conditions (Meyer, 2003). These studies have determined that factors such as migration, socio-economic level, and a rural context increase the vulnerability of this population.

Few studies have focused on this issue in the region, and those that have are mostly of limited scope and set within specific contexts. For example, there are no regional studies that link migration with LGBTI people, and there is a lack of research related to the recipient countries. Generally speaking, the organizations interviewed in the region indicate an urgent need for data that give perspective on the context while at the same time provide elements to help develop initiatives for protection and assistance.

- **Lack of knowledge regarding the rights of LGBTI migrants and refugees and the corresponding instruments**

LGBTI people who decide to migrate often have little or no information regarding their rights nor migratory procedures and institutions and organizations that could assist them.

In many cases, migrants know people who have migrated previously and who advise them on the migratory process. LGBTI organizations, however, have detected a generalized lack of clear, accurate, and public information aimed at LGBTI people that could facilitate procedures and orient them with respect to rights, protection mechanisms, etc.

- **Non-recognition of hate crimes**

The IACHR documented that in 2013, at least 120 lesbian, gay, bisexual, and trans persons (or individuals who were perceived as such) were murdered in Mesoamerica and another thirteen were victims of serious non-fatal attacks apparently related to their sexual orientation or gender identity and/or expression (CIDH, 2014).

No country in the region has legislation that defines hate crimes among the crimes related to homicide and other forms of violence based on sexual orientation or gender identity and/or expression. This gap is especially worrisome in the Northern Triangle, where organizations that work with LGBTI people have reported a significant increase in hate crimes.

Despite the concern that has been expressed by some international protection bodies, the so-called hate crimes committed against the LGBTI community have not been the subject of in-depth studies nor sufficiently systematized information, as this problem is ignored in some countries. This is worrisome, since it aggravates this population’s state of defenselessness and vulnerability. (CEJIL, 2013)

In addition to the lack of knowledge among LGBTI people regarding their rights and the absence of definitive tools concerning the right to asylum and procedures for requesting asylum, the failure to acknowledge these crimes as a form of violence against a specific population creates a situation which threatens the lives and integrity of these persons, while at the same time hindering their possibilities for requesting asylum and protection.

- **Discrimination in public institutions, including migration agencies**

Just as the organizations that work with LGBTI people have received little or no training regarding migration, the same is true inversely, in that the public institutions and civil society organizations that work with migrants in the region have received little training and/or sensitization concerning LGBTI issues.

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21. 8 in Mexico, 2 in Honduras, 2 in Panama, and 1 in El Salvador.

22. It is important to note, however, that some progress has been made in the region regarding legislation against discrimination based on sexual orientation. According to ILGA (2015), such legislation has been proposed in El Salvador, Nicaragua, and Costa Rica. For example, the Penal Code of Nicaragua now recognizes discrimination based on sexual orientation as an aggravating circumstance (Law No. 641, 2008). Still, despite these legislative advances, significant challenges remain to ensure their enforcement.
This general lack of information frequently leads officials to discriminate against LGBTI persons during procedures before State institutions or migration offices, resulting in denial of LGBTI persons’ status normalization applications.

Along these lines, the Costa Rican organization TransVida reports situations that range from non-recognition of gender identity to the refusal to process asylum petitions or humanitarian visa applications, based on the allegation that being a LGBTI person is not a recognized justification for such applications, with no attempts being made to acknowledge nor investigate the vulnerabilities that often affect this population.

This lack of awareness and knowledge on the part of public officials is worsened when LGBTI migrants themselves are unaware of their rights, as mentioned earlier. In this sense, the Costa Rican organization CIPAC affirms that LGBTI migrants require proper instruction and (in many cases) accompaniment, so that they may acquire the technical and emotional tools to demand recognition of their rights when carrying out migratory procedures, especially those related to asylum. This is necessary because front-office personnel in migration offices, due either to ignorance or unwillingness, frequently refuse to accept documents by alleging that the procedure being requested is inapplicable.

- **Social violence and violence on the part of public officials and agents**

LGBTI people tend to suffer violence and persecution in their communities and countries of origin at the hands of gangs and reactionary groups. Organizations that work with LGBTI migrants, such as TransVida, CIPRODE, and Cattrachas, have denounced situations involving human rights violations on the part of police and/or military agents. The most common violations include harassment in the form of taunts and threats, extortion in exchange for money or ‘sexual favors,’ illegal detention, and physical violence. (CEJIL, 2013)

Another frequent occurrence involves the withholding of identity documents such as passports and/or citizen ID cards, both at border-zone control posts and in destination cities. These situations constitute an abuse of power that violates the legality and ethics that all public officials should uphold, leaving the affected migrant in a state of complete vulnerability and defenselessness.

- **Skepticism**

Skepticism especially affects asylum applicants. This occurs when migration office personnel or national authorities question the veracity of their risk situation. Cases have been reported in which asylum petitioners have been asked to provide proof such as photographs, e-mails, and witnesses to validate their testimony. In many cases, the asylum applicant does not possess such evidence and is unable to obtain it precisely because of the risk involved in returning to his/her country. (Türk, 2012)

- **Sexualization**

Ignorance and the lack of training and sensitization also result in the over-sexualization of procedures involving LGBTI migrants in the form of invasive and humiliating questions regarding their sexual life, something that is absolutely inappropriate for any person, regardless of their sexual orientation or gender identity and/or expression.

Furthermore, persons who have been persecuted due to their sexual orientation or gender identity and/or expression can find themselves revictimized when faced with insistent interrogation regarding their sexual practices and lifestyle. (Türk, 2012)

- **Non-recognition of family ties**

With the exception of the Federal District in Mexico, no State in the region offers legal recognition of same-sex unions. This situation causes LGBTI persons to suffer exclusion, as it affects the recognition of their rights by denying them a right that heterosexual couples do have: the possibility of normalizing their migratory status through family reunification.
When a binational heterosexual couple gets married, their union is legally recognized, and the migrant spouse has the possibility of applying for residence in his/her destination country. Some States even recognize common-law marriages, meaning the union of two people who, without contracting matrimony, acquire equivalent rights (such as permanent residence).

Being unacknowledged by the law, binational same-sex couples are completely unprotected. This situation results in such couples resorting to desperate measures to maintain their relationship, such as leaving the country every three months (with the expense that involves) or even simulating a heterosexual marriage (which constitutes a criminal offense in some countries).

The non-recognition of same-sex unions also implies that the foreign spouse cannot attain the independence needed to carry out basic processes like signing employment contracts, renting a dwelling, or even having his/her own phone number.

- **Concealment and requests for discretion**

  Sexual orientation and gender identity form a fundamental part of a person’s identity. A problem frequently faced by LGBTI migrants is the need to conceal their sexual orientation or gender identity and/or expression in order to protect themselves. Within contexts characterized by insecurity and homophobia, lesbophobia, biphobia, and transphobia, some people choose concealment so as to avoid suffering rejection or violence while in transit or upon reaching their destination country.

  Other times, even the personnel from migration agencies or international organizations, including those in charge of reviewing asylum petitions, recommend LGBTI persons to hide or conceal their sexual orientation in order to avoid discrimination and persecution.

  Concealment carries harmful consequences, including increased levels of stress and anguish for a migrant, with possible health effects such as anxiety, depression, and other related disorders (Meyer, 2003). It also complicates normalization proceedings and, in the case of asylum petitions, can derail a process when an applicant provides false, questionable, incongruent, or fraudulent information. Requests by officials for LGBTI persons to conceal facets of their identity constitute a limitation of free expression of their identity and an obstacle to effective protection for such persons. As indicated by Türk (2012, Page 5), discretion has the potential to undermine one of the basic principles of refugee rights, this being that a person should not be required to conceal, change, or give up their own identity in order to avoid persecution.

- **Difficulty integrating into support networks**

  A dynamic frequently seen in recipient countries is the establishment of informal support networks and small communities of migrants who come from the same country of origin. These support networks provide advice, emotional support, and even economic support to their compatriots. As pointed out by Costa Rican organizations such as TransVida, however, LGBTI persons find it difficult to participate in such groups, because they face rejection from their fellow citizens based on the social stigma that comes with being a homosexual, lesbian, bisexual, or trans person. This situation leaves LGBTI migrants with little possibility of finding support.

- **Lack of respectful and sensitive shelters**

  In existing shelters, especially in the Northern Triangle, difficult experiences have been reported stemming from ignorance and a lack of sensitivity to the particular characteristics of LGBTI people.

  Homosexuals and lesbians face rejection and segregation, while trans persons suffer even more when their gender identity and/or expression is not acknowledged and they are assigned to dormitories according to their biological sex, where their identity implies a definite risk. Such risks are made worse when their chosen identity is not respected, exposing them to discrimination, rejection, physical and sexual violence, and denial of their identity and the right to dress according to their chosen identity. Raising awareness among shelter personnel is urgently needed, as it represents a fundamental element for protecting and assisting migrants.

  23. As explained in Table 2, in Latin America the term ‘homosexual’ is commonly used to refer primarily to men, although the concept also applies to women.
**Fundamental rights not covered**

Countries that receive migrants do not necessarily favor their access to fundamental rights such as healthcare, education, and dignified working conditions, among others. Although this situation affects all migrants, it is particularly detrimental to LGBTI people, especially trans persons.

**3.7 Affirmative Actions for Protection and Assistance: How Can LGBTI Migrants and Refugees Be Supported and Protected?**

**Protection** is understood to be the actions that public institutions and international bodies, in coordination with civil society organizations, carry out to eliminate the risks that cause vulnerability, while ensuring respect for the human rights of migrants. Protection implies:

> ... the prompt, comprehensive, and effective intervention of institutions to guarantee access to measures...that safeguard their integrity and eliminate the threat, restriction, and violation of their rights. (IOM and RCM, 2014b, Page 37)

**Assistance** is understood to encompass all actions that public institutions and international bodies, in coordination with civil society organizations, carry out in order to tend to the needs of migrants, protect their rights, and encourage their social integration during all phases of their migration. Assistance consists of:

> ... a series of measures designed to guarantee personal integrity, quality of life, and other fundamental human rights (including the right to comprehensive healthcare, food, and shelter), for all persons who reside or pass through national territory, and that States are required to provide, to the extent of their possibilities, in fulfillment of the international conventions, treaties, and agreements to which they are signatories. (IOM and RCM, 2014b, Page 38)

With respect to the topic at hand, different LGBTI organizations, as well as organizations that work with migrant and refugee populations, and representatives from State institutions, have identified the **actions** set forth below as **priorities** for the protection and assistance of LGBTI migrants, asylum seekers, and refugees in the Mesoamerican Region.

**Information that is clear, public, and current:**

The websites of migration authorities in each country should contain clear, updated, and easily accessible information regarding the mechanisms available for normalizing migratory status and requesting asylum. This information should be accurate with respect to the procedures to be followed and the corresponding location(s), as well as the documentation required.

This general information should contain a section for LGBTI migrants providing information on their responsibilities and rights so that they can exercise and demand them. It is especially important that specific information be given regarding the circumstances under which a LGBTI person may request asylum.

Organizations that work with LGBTI people also recommend that the said websites publish a list of contact information for national organizations that can provide support and advice to LGBTI migrants. Likewise, such organizations could include on their informational websites links to their country’s migration institution.

**Training and awareness-raising for personnel who serve migrants and refugees, especially personnel from migration and police agencies and those in charge of reviewing asylum petitions:**

Many of the cases involving discrimination reported by organizations that work with LGBTI migrants appear to result from a lack of knowledge on the part of the personnel in charge of serving the public at migration offices (border stations and central and regional offices), police officers, and personnel from the institutions that process asylum petitions.
Proper training on this topic would reduce discrimination, hyper-sexualization, skepticism, and requests for concealment. Awareness-raising efforts would also help to reduce the cases of violence suffered at the hands of the authorities.

- **Training for activists from organizations that work with LGBTI people on migration-related issues:**
  Organizations that work with LGBTI people require training on migration-related issues in order to enable them to provide accurate and updated information to LGBTI persons regarding migratory dynamics in the region, the rights of migrants, and the right to asylum. They need information concerning the national institutions and organizations that work with migrants, in order to be able to advise LGBTI migrants on the agencies to which they can go. They also need to be aware of the specific risks and vulnerabilities that LGBTI migrants face in order to detect and support cases.

- **Creation of official protocols that clearly establish the procedures for serving LGBTI migrants:**
  In the absence of protocols, the quality and nature of the attention provided is left to the personal criteria of the official tending each case. A protocol can establish proper procedures so as to ensure that all persons receive equal treatment.

- **Provide advice and assistance to LGBTI migrants and refugees related to migration procedures and asylum petitions:**
  This is especially important for persons with limited formal education who have difficulty complying with procedures that involve filling out forms, preparing statements, etc.

- **Encourage initiatives that allow the creation of figures or categories that recognize binational same-sex unions for migratory purposes:**
  Even where it is not possible to legally recognize these unions and guarantee them a series of rights that are currently denied to them, recognition of such ties for purposes of migratory processes is fundamental to providing proper protection to LGBTI persons just like any other family, thus preventing them from having to separate due to unequal treatment based on their sexual orientation.

- **Establishment of protocols that respect gender identity in shelters:**
  Trans persons, especially women, are exposed to serious risk of falling victim to violence, particularly sexual violence, when assigned to male dormitories or shelters. Their identity needs to be recognized through the development of the necessary protocols.

- **Psychological accompaniment and/or crisis intervention:**
  Many LGBTI persons, whether asylum seekers or migrants in general, are fleeing from violent social or family contexts where they have faced aggression and threats. Such situations, compounded by the stressful experience of migrating, leaves many such persons in need of psychological accompaniment or even crisis intervention for emotional containment. These are not long-term processes, but rather involve providing psychological support for these persons during a certain period of time. Such services can be complemented by the involvement of support groups and peer accompaniment offered through organizations that work with LGBTI people.

- **Legal support and assistance:**
  Many LGBTI migrants are unaware of the legal mechanisms available to them and lack the resources needed to obtain legal counseling.

- **Review and adjustment of procedure costs for normalizing migratory status:**
  In most of the region’s countries, these procedures are costly and beyond the means of many LGBTI migrants. More affordable costs would allow more people to access such services.

- **Awareness and recognition of internal displacement caused by violence against LGBTI persons:**
  Increased study and recognition of the internal displacement which occurs in regions where identifying as a LGBTI person threatens one’s life is urgently needed. Displacements often occur from rural communities to cities and between cities. Acknowledgement of these dynamics and the violent conditions that drive them
would allow international agencies, social organizations, and State institutions to address this dilemma and develop mitigative solutions.

To summarize, the most urgent tasks are:

- Creation and dissemination of guides written for LGBTI asylum seekers, with updated information regarding the right to asylum and the procedures to follow.
- Training and awareness-raising for consular personnel and migration office staff in each country, with a focus on officials dealing with the public. This would help foster the provision of respectful and informed treatment to LGBTI migrants.
- Training and awareness-raising for security forces in the region that is designed to eradicate discriminatory and violent practices towards migrants in general and LGBTI migrants in particular.
- Training for the organizations that work with LGBTI people so that they are aware of the institutional mechanisms related to migration and can provide proper accompaniment to LGBTI migrants.
- Creation of protection mechanisms and support networks for LGBTI migrants (sensitized shelters, psycho-therapeutic support, and legal support).
- Development of programs that offer inclusive, user-friendly, and respectful healthcare services, educational programs that are inclusive and accessible to LGBTI migrants, and working conditions that ensure quality social integration, among others.
- Carry out research related to the migration of LGBTI persons that will provide baseline information for developing service protocols, awareness-raising campaigns, and protection mechanisms.

Although LGBTI persons face discrimination in general, not all migrate under conditions of vulnerability. The capacity to properly identify and refer persons in such conditions is essential to addressing their specific protection and assistance needs and avoiding actions that could aggravate the risks and vulnerabilities they face.

The conditions of vulnerability facing LGBTI migrants that are directly related to their sexual orientation and gender identity and/or expression can overlap with other conditions, such as travelling as an unaccompanied minor; a victim of trafficking; a person needing international protection (a refugee and/or asylum seeker); a migrant falling victim to crimes while in transit (assault, robbery, sexual violence, kidnapping, mistreatment, extortion); a pregnant adolescent travelling alone; being sick or injured; and/or not knowing the local language or customs. These conditions need to be properly addressed. The following information is useful for identifying and referring migrants in conditions of vulnerability.

- **The process of identifying and referring migrants in conditions of vulnerability:**

  When contact is first made with a migrant, it is important to determine first whether he/she is about to depart, is in transit, has been detained, has arrived at his/her destination, or has been returned to his/her place of origin or some other place. He/she should be asked whether he/she has suffered any aggression or situation that has violated his/her rights, whether prior to departure or during the migratory process, and the person’s need for immediate attention should be determined in relation to his/her health and security conditions, as will be discussed further on.

  It is important to create an emotional space of respect, trust, listening, and security, where the context and history of each migrant and his/her culture, customs, living condition, and needs are taken into consideration. This is essential for respecting his/her personal situation and understanding his/her current state and how he/she feels about the future. The attention given should be based on the guiding focuses described in Chapter I (human rights, gender, and sexual diversity).

  The principles that should be observed when working with victims of violence or persons in vulnerable situations include the following: empathy, respect, listening, no blaming, information sharing, orientation, and support. A person is blamed when he/she is made to feel responsible for the aggression suffered, for example, when victims of sexual violence are blamed for the violent act because of how they dress, for being out alone or in dangerous places, or for behaving in a
certain way. However, aggression is always the fault of the aggressor, never the victim.

The IOM and RCM (2014a) have established basic guidelines for identifying profiles of vulnerable migrants. These guidelines include some basic actions to be carried out upon initial contact for purposes of protection and assistance. The following text is taken from the document referenced above.

From the beginning, the attention process should take into account the aspects explained below.

i. Identifying the Migratory Profile

The first step is the identification of a potential migratory profile of a person facing vulnerable conditions. If the person shows one or more of the characteristics listed below, the principle of non-refoulement applies, regardless of whether the person is carrying falsified or altered migratory documentation or no documents at all.

- The person expressly requests help or protection.
- The person is a child or adolescent, especially unaccompanied and/or separated.
- The person has a physical, mental, or sensory disability and is not accompanied.
- The person shows signs of physical health problems (dehydration, malnutrition, extreme weakness, bruises, cuts, fractures, mutilations, etc.).
- The person is in an altered or distressed emotional state, i.e., is disorientated, afraid, extremely anxious, crying, or possibly under the effects of some narcotic or medication.
- The person is of extra-continental origin in a visibly vulnerable condition, or fluid communication is not possible.
- Suspicion exists that he/she is being controlled or watched by a companion, including situations in which a third party serves to facilitate communication.
- The person shows signs of disorientation or indicates that he/she does not know what country he/she is in.

ii. Tending to Urgent Needs

Prior to requesting information from migrants, it is of utmost importance that they be given any urgent healthcare they may require and, if necessary, referred to emergency medical services. For this reason, it is recommended that the initial contact begin with the following question:

Do you have any urgent health problem or other conditions that need to be addressed at this time?

Any urgent security needs should also be identified and prioritized. If the person is in a situation of imminent danger (meaning that an actual threat exists to his/her life, integrity and/or liberty), the interview process should be suspended. To determine the existence of an imminent danger, ask: Are you being persecuted and/or watched right now? By whom? If the response is affirmative or the interviewer suspects that such a danger exists, the migrant should be referred immediately to the applicable authorities to guarantee his/her protection (police, victim assistance office, or other agency that specifically serves women or minors). Upon such referral, the protection agency assumes responsibility for continuing the identification process. If an imminent danger is not detected, the interview process can proceed.

iii. Basic Indicators for Determining a Profile

The following text describes several profiles with respective indicators that enable the interviewer to recognize a migrant in a vulnerable situation, including young migrants. While some of these indicators can be visibly detected from the outset, others become apparent during the interview process, which should take place in a private room, using an interpreter when necessary. The interviewer should introduce him/herself and explain the purpose of the interview, and clarify any doubts the interviewee may have.
Profile of a Victim or Potential Victim of Trafficking in Persons

- Was offered an opportunity to work or study, but does not know where she/he will be working or studying and does not know the person(s) who made the offer.
- The person who made the offer provided the means of transportation, including the required travel documentation.
- The person who transported or harbored her/him took her/his identification and travel documents.
- She/he has been submitted to control and/or vigilance.
- She/he has received constant threats against her/him and/or her/his relatives.
- Was forced to work doing an activity different than what was promised or under conditions different from those promised and against her/his will.
- Was forced to work to pay off a debt.
- Has been submitted to exploitation.
- Has been coerced to partake in illegal activities.
- Has been physically, sexually, and/or psychologically mistreated to ensure submission and coerce her/his freedom.
- Was kidnapped at her/his place of origin and then transported and exploited.
- A third party took advantage of a vulnerable situation (poverty, marginalization, unemployment, lack of opportunities).

Profile of a Potential Refugee/Asylum Seeker

- Forced to leave his/her place of origin due to persecution based on race, religion, nationality, membership in a given social group, or political opinions, or because his/her life, security, or freedom has been threatened by generalized violence, foreign aggression, internal conflicts, widespread human rights violations, or other circumstances that have seriously disturbed the public order.
- Requests refugee status.
- Expresses fear of being persecuted or of returning to his/her country.

Profile of a Migrant at Risk

- His/her migratory transit has been long and risky for his/her physical and emotional integrity.
- He/she has suffered assault, robbery, sexual violence, mistreatment, kidnapping, extortion, etc.
- He/she does not know the local language or customs.
- He/she is stranded or uprooted with no resources or possibility of communication.
- He/she has been forcibly displaced due to a natural disaster or climatic factors.
- Is an unaccompanied pregnant woman without support resources, especially if she is an adolescent.
- He/she suffers from malnutrition, sunstroke, or serious injuries caused by risky travel conditions.
- His/her expenses were covered by a migrant smuggling network.
- He/she is sick or injured, is a disabled or elderly person travelling alone who requires protection.

Profile of an Unaccompanied and/or Separated Child or Adolescent Migrant

- Travels alone or separated.
- Travels with or is accompanied by an adult who is not her/his caretaker or guardian.
- Has been a victim of rights violations (robbery, rape, mistreatment, exploitation, etc.).
It is important to take into account that the preceding list is a basic starting point, and does not constitute a complete list of profiles and indicators of potentially vulnerable persons. In fact, it does not include groups such as the LGBTI persons who migrate under particularly vulnerable conditions. This group should thus be thoroughly considered.

If the interview process determines that a given person does not fit any of these profiles, he/she should be referred to the applicable governmental migration agency.

iv. Referral Mechanisms

Whenever a person fits one or more of the profiles of people in vulnerable situations, it is important to facilitate:

- The application for a migratory protection category or personal status category that will not imply rejection, return, or deportation.
- Attention to the person’s immediate basic needs when necessary (food, clothing, shelter, personal hygiene, etc.).

Each specific profile should be referred to the country’s applicable public institution and/or NGO according to the referral route for migrants shown in Figure 1. This general route should be adapted to reflect each country’s context and institutional structure.

Once a person has been referred to the applicable migration office, follow-up should be provided as indicated below:

- Immediate post-referral contact to verify that the person went to the place where he/she was referred.
- Provide any additional information that the responsible entities may request.
Figure 1.

Preliminary Identification of Profiles and Referrals

IV. Universal and Inter-American Systems for Protecting the Human Rights of LGBTI Migrants, Refugees, and Asylum Seekers
To continue the discussion and reflection on the situation of lesbian, gay, bisexual, trans, and intersex (LGBTI) migrants, asylum seekers, and refugees in the Mesoamerican Region, it is necessary to review the main premises of the theory on human rights. Subsequent analysis thereof may contribute key elements for enforcement and oversight of the principal international commitments assumed by the region’s countries, in order to guarantee all people full exercise of their citizenship and human rights.

4.1. General Aspects Regarding Human Rights

Human rights represent an ethical framework for living and constitute a minimum set of guarantees that have been adopted by different countries around the world for purposes of contributing to people’s development and good living conditions by dignifying their human condition to that end. As ethical ideals, human rights uphold principles such as:

- The Principle of Universality sets forth that human rights pertain to all persons without discrimination, regardless of a person’s sex, age, nationality, migratory status, political opinion, religious belief, sexual orientation, or gender identity and/or expression. (Serrano, S.F., Pages 152-153)

- The Principle of Inter-Dependence indicates that human rights are inter-dependent in that they establish reciprocal relationships between each other... Inter-dependence means that the degree to which a particular right or set of rights are enjoyed depends on the exercise of another right or set of rights. (Serrano, S.F., Pages 152-153)

- The Principle of Indivisibility sets forth that human rights should not be seen as elements that are isolated or separated from each other... Indivisibility allows no separation, categorization, or hierarchy between human rights. (Serrano, S.F., Pages 152-153)

- The Principle of Progressivity refers to both graduality and progress. Graduality means that the effectiveness of these rights will not be achieved immediately... Progress means that the enjoyment of these rights should constantly improve. (Serrano, S.F., Page 159)

For this reason, Paragraph Five of the Declaration of Vienna reaffirms the universal, indivisible, and inter-dependent nature of human rights as follows:

All human rights are universal, indivisible, and inter-dependent and inter-related. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural, and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic, and cultural systems, to promote and protect all human rights and fundamental freedoms.

Following this line of logic, human rights also constitute legal guarantees that promote the exercise of a series of principles such as:

- **Liberty and equality**, warranting that All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. (Article 1, Universal Declaration of Human Rights)

- **Non-discrimination**, emphasizing that all persons have the same rights and freedoms proclaimed in legal instruments, ... without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty. (Article 2, Universal Declaration of Human Rights)

With certain variations or degrees of emphasis, this principle is reiterated throughout the subsequent conventions and declarations, with no express reference being made to sexual orientation or gender identity and/or expression. Nevertheless, the texts are sufficiently broad and the list of potential discriminatory conditions is not restrictive, as it uses the expressions or of any other kind and or any
other condition. This is an especially important point for the rights of sexually and identity-diverse persons to be recognized.

- **Autonomy**, acknowledging that every person is a free and rational body and agent, and as such should be respected by all people, including and specifically by those who do not share their ethical and/or moral views.

- **Dignity**, pointing out that all persons have the right to be treated in accordance with their own decisions and intentions, and recognizing that:
  
  1. Everyone has the right to have his honor respected and his dignity recognized. 2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation. (Article 11, American Convention on Human Rights)

- **Justice**, the meaning of which aims for the constant and perpetual will to give to each person that which is due. (Marlasca, 1997)

It is important to emphasize that human rights, in their historical dimension, are the clear and specific result of social struggles and movements, arising as mechanisms for resisting the violence, oppression, and social exclusion that individuals and peoples have suffered throughout human history. For this reason, any analysis and understanding of human rights must consider that their recognition and evolution have developed over time.

**Figure 2:**

**Evolution of Human Rights Instruments**

<table>
<thead>
<tr>
<th>Generation</th>
<th>Rights Recognized</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>Individual rights are recognized, such as the right to life, to health, to liberty, to information, etc.</td>
</tr>
<tr>
<td>Second</td>
<td>Rights of a social, cultural, and collective nature are recognized, such as the right to association, to health, to education, etc.</td>
</tr>
<tr>
<td>Third</td>
<td>Collective rights are recognized (such as the right to development and a healthy environment), and the rights of specific groups such as children and adolescents, refugees, women, etc.</td>
</tr>
</tbody>
</table>

**Source:** Prepared by the authors.

Following the logic of the **legal hierarchy pyramid**, human rights (which are recognized in international instruments such as declarations, conventions, and treaties) are vested with a value equal to or greater than the rights protected by national political constitutions. This means that they are rights that countries are obligated to recognize, protect, and guarantee.
National political constitutions were traditionally placed at the top of the pyramid, as they were considered the superior legal instrument. This meant that no legal provision from a lower level could contradict nor limit that set forth in a country’s constitution.

In the more advanced legal systems, however, a supra-constitutional rank is given to international human rights treaties, conventions, and agreements, which gives more weight to these instruments when they recognize or broaden human rights. This ranking applies in situations where the guarantees established by these legal instruments are broader than a political constitution, in which case the international standard could prevail over the related constitutional provision.

The legal hierarchy pyramid shown above is usually applicable in the countries of Mesoamerica. The place occupied by international human rights declarations, conventions, and treaties within the legal hierarchy varies between the countries however, as shown in Table 7.

**Legal Hierarchy Pyramid**

It is important to bear in mind that a hierarchy, called the Legal Hierarchy Pyramid, exists between different legal instruments in the countries of Mesoamerica, in which inferior statutes must respect that established in statues of superior rank. For example, if a law stipulates something that contradicts the national constitution, the law could be found unconstitutional. Likewise, if a regulation violates the provisions of the corresponding legislation, such regulation could be declared illegal.
Module for Awareness-Raising and Training of Public Institutions, Social Organizations, and LGBTI Collectives and Activists in the Mesoamerican Region

Table 7: Legal Hierarchy of Human Rights Instruments in Mesoamerica

<table>
<thead>
<tr>
<th>SUPRA-CONSTITUTIONAL RANK</th>
<th>SUPRA-LEGISLATIVE RANK</th>
<th>EQUAL RANKING WITH CONSTITUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guatemala</td>
<td>El Salvador</td>
<td>Mexico</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>Honduras</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nicaragua</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Panama</td>
<td></td>
</tr>
</tbody>
</table>

Source: Prepared based on consultation of various sources of information.

It is important to remember that regardless of its rank in a given national legal hierarchy pyramid, when a country signs and ratifies an international instrument, it becomes part of that country’s legal system, and thus can be used for protecting the rights of specific populations (Santos, 2008). The provisions of that instrument may be invoked at both the administrative and judicial levels.

Control of Conventionality

This new concept has become a subject of discussion in recent years. It is mentioned here for general information purposes, so as to highlight how international human rights instruments are steadily becoming more influential within national legal hierarchies. This control requires States Parties to comply with their international obligations regarding the rights established in conventions (thus the term control of conventionality). This concept forms part of the supra-constitutional rank given to international conventions, and signifies that States have to control not only constitutionality but also conventionality, such that every statute, sentence, and judicial or administrative act must pass through the filter of this control to ensure that it adheres to the provisions of the applicable international conventions. (Sagués, 2011)

It should be noted that some of the principal rights that are recognized for all persons are the right to life, health, information, freedom from violence, non-discrimination, international protection, freedom from torture, freedom from cruel, inhuman, and degrading treatment, political participation, work, and family, among others.

4.2. International Instruments for Protecting Human Rights

With respect to human rights in Latin America and the Caribbean, two large international agencies are responsible for ensuring that standards are applied: the United Nations Universal System and the Inter-American System of the Organization of American States (OAS).

The difference between these two systems lies in their jurisdiction. While the Universal System is applicable worldwide by its Member Countries, the Inter-American System only applies at the regional level, meaning that it operates only for countries from the Americas.

Universal System for Protecting Human Rights: United Nations Organization (UNO)

The United Nations Organization (UNO) was founded in 1945 after the end of the Second World War as a global mechanism to preserve peace and international security. The System is governed by the United Nations Charter, which sets forth as one of its purposes respect and observance of human rights and fulfillment of fundamental guarantees.

The Organization consists of four basic entities in charge of adopting resolutions and monitoring compliance with the human rights that are recognized in its international instruments. These entities are:
- **The United Nations General Assembly**. The maximum authority within the System, it serves a Parliament of Nations with the representation of 193 Member States. It adopts resolutions related to issues such as peace and international security, the admission of new members, and the UNO budget.

- **Security Council**. Its objective is to maintain peace and international security, and thus may enforce its resolutions by way of economic sanctions or authorization of the use of military force.

- **Economic and Social Council**. Its function is to coordinate the economic and social tasks of the United Nations.

- **International Court of Justice**. Comprised of fifteen Magistrates appointed by the General Assembly and the Security Council, it is the entity in charge of resolving disputes between countries.

Table 8 indicates the System’s principal legal instruments for recognizing and safeguarding human rights.

For purposes of this Module, the entity whose work directly impacts LGBTI migrants, refugees, and asylum seekers is the **United Nations General Assembly**, specifically through two divisions with jurisdiction to address situations involving human rights violations and/or discrimination:24

- **The Office of the United Nations High Commissioner for Human Rights (OHCHR)**, which offers “the best expertise and support to the different human rights monitoring mechanisms in the United Nations System: UN Charter-based bodies, including the Human Rights Council, and bodies created under international human rights treaties and made up of independent experts mandated to monitor State Parties’ compliance with their treaty obligations. Most of these bodies receive secretariat support from the Human Rights Council and Treaties Division of the OHCHR.25

- **The Office of the United Nations High Commissioner for Refugees (UNHCR)**, whose task is to “direct and coordinate international actions to protect and solve the problems of refugees and stateless persons around the globe. Its principal objective is to safeguard the rights and well-being of refugees and stateless persons. The UNHCR strives to ensure that everyone has the right to seek asylum and find safe refuge in another State, and to find lasting solutions for refugees such as voluntary repatriation under dignified and safe conditions, local integration, or resettlement in a third country."26


25. www.ohchr.org/SP/HRBodies/Pages/HumanRightsBodies.aspx

Table 8: Legal Instruments of the Universal Human Rights System

<table>
<thead>
<tr>
<th>INSTRUMENT</th>
<th>Costa Rica</th>
<th>Nicaragua</th>
<th>Panama</th>
<th>Honduras</th>
<th>Guatemala</th>
<th>El Salvador</th>
<th>Mexico</th>
</tr>
</thead>
<tbody>
<tr>
<td>Universal Declaration of Human Rights (1948)*</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Declaration on the Human Rights of Individuals Who Are not Nationals of the Country in which They Live (1985)*</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Prepared based upon consultation of various sources of information.
Concerning Latin America and the Caribbean, the most relevant entity with respect to human rights is the Organization of American States (OAS), created in 1948. Structurally, the OAS is comprised of different bodies and divisions, including:

- **OAS General Assembly.** The supreme body, made up of delegations from all the Member States, who have the right to be represented and vote.

- **Inter-American Commission on Human Rights (IACHR).** Created in 1959 by way of a resolution adopted at the Fifth Advisory Meeting of Foreign Affairs Ministers in Santiago, Chile. One of the bodies responsible for promoting and protecting human rights, it is comprised of seven members elected by the General Assembly, who individually exercise their functions for a four-year term, with the possibility of serving a second consecutive term.

In fulfillment of its mandate, the IACHR:

1. Receives, analyzes, and investigates individual petitions alleging human rights violations on the part of OAS Member States that have ratified the American Convention or those that still have not ratified it.

2. Observes the general status of human rights in the Member States and publishes special reports on the current situation in a given Member State when deemed appropriate.

3. Carries out on-site visits in different countries for in-depth analyses of the general situation and/or to investigate a specific situation. These visits generally result in the issuance of a report on the human rights situation observed, which is published and submitted to the OAS Permanent Council and the General Assembly.

4. Raises public awareness regarding human rights in the Americas. To that end, the Commission prepares and publishes reports on specific topics, such as: the measures that should be taken to guarantee better access to justice; the effects of internal armed conflicts on certain groups; the human rights situation of children and adolescents, women, prisoners, human rights advocates, indigenous peoples, and Afro-American people; freedom of expression; citizen security and terrorism and its relationship with human rights, and other topics.

5. Organizes and carries out visits, conferences, seminars, and meetings with representatives of governments, academic institutions, NGOs, and other entities, principally in order to disseminate information and promote widespread knowledge of the work of the Inter-American Human Rights System.

6. Recommends to the OAS Member States the adoption of measures to help protect human rights in the countries of the Americas.

7. Requests that the Member States adopt preventive measures, in accordance with Article 25 and the Bylaws, to prevent irreparable harm to the persons or object of a petition submitted to the IACHR in serious and urgent cases. In addition, based on the provisions of Article 63.2 of the American Convention, the Commission may petition the Inter-American Court to adopt ‘temporary measures’ in cases involving extreme gravity and urgency, in order to prevent irreparable harm to the people affected, even when a given case has yet to come before the Court.

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8. Presents cases before the Inter-American Court and appears before the Court when the cases are heard.

9. Requests advisory opinions from the Inter-American Court in accordance with that set forth in Article 64 of the American Convention.

10. Receives and studies communiqués in which one State alleges that another State has incurred human rights violations recognized in the American Convention, in accordance with Article 45 of said instrument.

- **Inter-American Court of Human Rights (IHR Court).** Created during the Seventh Special Sessions Period of the OAS General Assembly in 1979. Comprised of seven jurists, it is one of the bodies responsible for protecting human rights and seeking reparations when such rights have been violated.

The IHR Court is an independent judicial institution created to apply and interpret the American Convention on Human Rights (ACHR). In order to fulfill its mandate, the Court has the authority to:

1. Issue **advisory opinions** to establish jurisprudence on different issues related to the protection and broadening of individual human rights.

2. **Hear contested** cases to receive and assess specific complaints of rights violations occurring in the region's countries. Only the Member States and the IACHR have the right to bring a case before the Court, once they have exhausted the procedures established in Articles 48-50 of the Convention, which set forth the process for filing a complaint with the Inter-American Commission on Human Rights.

3. **Order temporary measures** that seek to prevent irreparable harm to people in cases involving extreme gravity and urgency.

These three entities (OAS, IACHR, and the IHR Court) are particularly relevant with respect to both decision-making and following up on compliance with the human rights that have been recognized in the corresponding legal instruments. Some of these regional instruments are mentioned in Table 9.

For purposes of this Module, the body whose work directly impacts LGBTI migrants, refugees, and asylum seekers is the OAS General Assembly, specifically by way of three entities that have jurisdiction to investigate situations related to violations of their human rights and/or discrimination based on their condition.

- **Committee on Juridical and Political Affairs (CAJP) of the OAS Permanent Council,**

  1. To study the issues related to these matters upon request from the Permanent Council.

  2. To consider the reports issued by the Inter-American Juridical Committee, the Inter-American Commission on Human Rights, and the Inter-American Court of Human Rights as set forth in Article 91(f) of the OAS Charter. In addition, the CAJP submits reports to the Permanent Council with observations, recommendations, and the corresponding draft resolutions.

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Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans, and Intersex Persons. Its mandate is to monitor the human rights situation of LGBTI people in the region through the:

- Treatment of individual cases and petitions, including the provision of advisory services to the IACHR related to petitions for injunctive measures and the submission of temporary measure petitions to the Inter-American Court in cases involving sexual orientation, gender identity, and gender expression.
- Advising of OAS Member States and OAS political organs on this issue.
- Preparation of reports with recommendations addressed to the OAS States in the areas of public policy, legislation, and judicial interpretation regarding the human rights

**Table 9:** Legal Instruments of the Inter-American Human Rights System

<table>
<thead>
<tr>
<th>INSTRUMENT</th>
<th>RATIFICATIONS BY COUNTRY</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Declaration of the Rights and Duties of Man (1948)</td>
<td>Costa Rica</td>
</tr>
<tr>
<td>American Convention on Human Rights (ACHR, or San José Pact, 1969)</td>
<td>-</td>
</tr>
<tr>
<td>of Economic, Social and Cultural Rights (San Salvador Protocol, 1988)</td>
<td></td>
</tr>
<tr>
<td>of Violence against Women (Belém do Pará Convention, 1994)</td>
<td></td>
</tr>
<tr>
<td>against Person with Disabilities (1999)</td>
<td></td>
</tr>
<tr>
<td>Inter-American Convention Against All Forms of Discrimination and</td>
<td>Not Signed</td>
</tr>
<tr>
<td>Intolerance (2013)*</td>
<td></td>
</tr>
<tr>
<td>Inter-American Convention Against Racism, Racial Discrimination, and</td>
<td>Signed 2013</td>
</tr>
<tr>
<td>Related Forms of Intolerance (2013)*</td>
<td></td>
</tr>
</tbody>
</table>

* As a recently enacted instrument, no country has yet ratified it. Given its relevance, however, it is vitally important to know whether the region’s countries have accepted this document by way of their signatures.

Source: Prepared based upon consultation of various sources of information.
of LGBTI people. Within this framework, the IACHR organizes meetings of experts on the rights of these people in various contexts such as health, justice and violence, employment, inter-personal relations, education and culture, and political participation.

- General monitoring of human rights violations suffered by LGBTI people in the Americas and bringing attention to such cases.33

- **Rapporteurship on the Rights of Migrants.** Responds to the multiple challenges of human mobility in the region, from international and internal migration to forced and voluntary migration. The new mandate is focused on respecting and guaranteeing the rights of migrants and their families, asylum seekers, refugees, stateless persons, victims of human trafficking, internally displaced persons, and other vulnerable groups of people in the context of human mobility.34

### 4.3. Human Rights of Specific Groups

While it is true that one of the main premises of human rights states that all persons are born free and equal in dignity and rights (Article 1, Universal Declaration on Human Rights), in social settings there are groups of people who continue to be the target of various forms of violence and discrimination. Such is the case with LGBTI people, as well as with migrants, refugees, and asylum seekers.

Within this context, it is particularly important to review the progress achieved by the region’s countries in recognizing the human rights of these groups.

**Human Rights of LGBTI People**

While the countries of Mesoamerica do not currently have a legal instrument for recognizing and guaranteeing the fulfillment of the human rights of LGBTI people, this does not mean that they are not subjects of rights. During the past two decades this issue has come to the forefront as a result of a re-reading and reappropriation of these rights within the context of inclusion.

Along these lines, it should be noted that in 2006, the UNO initiated some of the first discussions and reflections on this issue, by calling a meeting of international law specialists (International Panel of Specialists on International Human Rights Legislation Regarding Sexual Orientation, and Gender Identity), for purposes of reflecting on how the principle of non-discrimination can be applied to LGBTI people. As a result, the **Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity** were approved.

Although said document is not an international standard that countries are obligated to observe, it is the first working document that developed twenty nine principles regarding how the human rights established in international law should be understood and interpreted when applied to LGBTI people. Table 10 lists these principles.

Moreover, this document set forth for the first time, a consensus definition of two key concepts that are particularly relevant to the issue of sexual orientation and gender identity and/or expression, thus harmonizing the understanding of basic concepts among the world’s countries. These definitions are as follows:

- **Sexual orientation**, understood to:
  
  ... refer to each person’s capacity for profound emotional, affectional, and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender, as well as the capacity to have intimate sexual relations with those individuals. (Yogyakarta Principles, 2006, Page 6)

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33. www.oas.org/en/iachr/lgtbi/

- **Gender identity**, defined as:
  ... each person’s deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, the modification of bodily appearance or function by medical, surgical, or other means) and other expressions of gender, including dress, speech, and mannerisms. (Yogyakarta Principles, 2006, Page 6)

- Another relevant concept is that of **discrimination based on sexual orientation and gender identity**, which is understood as:
  ... all forms of distinction, exclusion, restriction, or preference of a person for these reasons that seek or result in, whether by deed or by law, nullifying or curtailing the recognition, enjoyment, or exercise, in conditions of equality, of rights and freedoms, taking into account the attributions that socially and culturally have been created with respect to the said categories. (IACHR, Table 10: Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity

<table>
<thead>
<tr>
<th>PRINCIPLE 1.</th>
<th>The Right to the Universal Enjoyment of Human Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRINCIPLE 2.</td>
<td>The Right to Equality and Non-Discrimination</td>
</tr>
<tr>
<td>PRINCIPLE 3.</td>
<td>The Right to Recognition before the Law</td>
</tr>
<tr>
<td>PRINCIPLE 4.</td>
<td>The Right to Life</td>
</tr>
<tr>
<td>PRINCIPLE 5.</td>
<td>The Right to Security of the Person</td>
</tr>
<tr>
<td>PRINCIPLE 6.</td>
<td>The Right to Privacy</td>
</tr>
<tr>
<td>PRINCIPLE 7.</td>
<td>The Right to Freedom from Arbitrary Deprivation of Liberty</td>
</tr>
<tr>
<td>PRINCIPLE 8.</td>
<td>The Right to a Fair Trial</td>
</tr>
<tr>
<td>PRINCIPLE 9.</td>
<td>The Right to Treatment with Humanity while in Detention</td>
</tr>
<tr>
<td>PRINCIPLE 10.</td>
<td>The Right to Freedom from Torture and Cruel, Inhuman, or Degrading Treatment or Punishment</td>
</tr>
<tr>
<td>PRINCIPLE 11.</td>
<td>The Right to Protection from All Forms of Exploitation, Sale, and Trafficking of Human Beings</td>
</tr>
<tr>
<td>PRINCIPLE 12.</td>
<td>The Right to Work</td>
</tr>
<tr>
<td>PRINCIPLE 13.</td>
<td>The Right to Social Security and to other Social Protection Measures</td>
</tr>
<tr>
<td>PRINCIPLE 14.</td>
<td>The Right to an Adequate Standard of Living</td>
</tr>
<tr>
<td>PRINCIPLE 15.</td>
<td>The Right to Adequate Housing</td>
</tr>
<tr>
<td>PRINCIPLE 16.</td>
<td>The Right to Education</td>
</tr>
<tr>
<td>PRINCIPLE 17.</td>
<td>The Right to the Highest Attainable Standard of Health</td>
</tr>
<tr>
<td>PRINCIPLE 18.</td>
<td>The Right to Protection from Medical Abuses</td>
</tr>
<tr>
<td>PRINCIPLE 19.</td>
<td>The Right to Freedom of Opinion and Expression</td>
</tr>
<tr>
<td>PRINCIPLE 20.</td>
<td>The Right to Freedom of Peaceful Assembly and Association</td>
</tr>
<tr>
<td>PRINCIPLE 21.</td>
<td>The Right to Freedom of Thought, Conscience, and Religion</td>
</tr>
<tr>
<td>PRINCIPLE 22.</td>
<td>The Right to Freedom of Movement</td>
</tr>
<tr>
<td>PRINCIPLE 23.</td>
<td>The Right to Seek Asylum</td>
</tr>
<tr>
<td>PRINCIPLE 24.</td>
<td>The Right to Found a Family</td>
</tr>
<tr>
<td>PRINCIPLE 25.</td>
<td>The Right to Participate in Public Life</td>
</tr>
<tr>
<td>PRINCIPLE 26.</td>
<td>The Right to Participate in Cultural Life</td>
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<td>PRINCIPLE 27.</td>
<td>The Right to Promote Human Rights</td>
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<td>PRINCIPLE 28.</td>
<td>The Right to Effective Remedies and Redress</td>
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<tr>
<td>PRINCIPLE 29.</td>
<td>The Right to Accountability</td>
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**Source:** Prepared based upon consultation of various sources of information.
Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans, and Intersex Persons, 2014, unnumbered page)

On the specific topic of discrimination based on sexual orientation and gender identity, and following up on the existing concern regarding the reality faced by LGBTI people throughout the world, in 2011 the United Nations Human Rights Council adopted Resolution A/HRC/RES/17/19. This was the first United Nations resolution to refer to the issue of human rights, sexual orientation, and gender identity and/or expression, in which the Council expressed:

...its grave concern at acts of violence and discrimination committed against individuals because of their sexual orientation and gender identity.... 1. Requests the UNHCR to commission a study, to be finalized by December 2011, documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity. (Resolution 17/19 of the Human Rights Council, 2011, Page 1)

Also in 2011, the United Nations High Commissioner for Human Rights submitted to the Human Rights Council its report on laws, discriminatory practices, and acts of violence committed against LGBTI people based on their sexual orientation and gender identity and/or expression. Further on in this text, the main findings of said report will be discussed.

Based on the elements pointed out in its report, the UNHCR published in 2012, the document Born Free and Equal (UNHCR, 2012), which describes five basic legal obligations that States must guarantee with respect to LGBTI people, indicating the manner in which the United Nations mechanisms have applied international law within this context. According to the said publication, these five obligations are as follows:

- Protect people against lesbophobic, homophobic, and transphobic violence.
- Prevent torture and cruel, inhuman, and degrading treatment against LGBTI people.
- Decriminalize homosexuality.
- Prohibit discrimination based on sexual orientation and gender identity.
- Respect freedom of expression, association, and peaceful assembly.

In Mesoamerica, since 2008, the OAS General Assembly has expressed its concern over acts of violence committed against LGBTI people in the region, especially hate crimes against activists, rights advocates, civil society organization personnel, and LGBTI persons themselves.

Within this context, the General Assembly has adopted various resolutions related to human rights, sexual orientation, and gender identity and/or expression,35 in order to encourage States in the region to eradicate the discrimination and violence suffered by these groups. For example, in Resolution OAS GA/RES 2653 (XLI-O/11) from 2011, the OAS General Assembly resolved:

- To condemn discrimination against persons by reason of their sexual orientation and gender identity, and to urge states, within the parameters of the legal institutions of their domestic systems, to adopt the necessary measures to prevent, punish, and eradicate such discrimination.
- To condemn acts of violence and human rights violations committed against persons because of their sexual orientation and gender identity, and to urge states to prevent and investigate these acts and violations, and to ensure due judicial protection for victims on an equal footing and that the perpetrators are brought to justice.

In addition, since 2009, the CAJP of the OAS Permanent Council has expressed its concern over the increasing number of complaints regarding acts of violence and discrimination against the LGBTI community. Along these lines, its resolutions seek to:

- Encourage protection and security for the human rights of LGBTI people.
- Create national legislation that criminalizes and condemns discrimination based on sexual orientation and gender identity and/or expression.
- Promote the principle of prompt justice and due diligence in the investigation and prosecution of complaints alleging violence and discrimination against LGBTI people.
- Create public policies that are inclusive of the protection and assistance needs of LGBTI people in each country.

In 2012, the Inter-American Court of Human Rights (IHR Court) issued a resounding ruling related to non-discrimination and recognition of human rights of LGBTI people (Atala Riffo and Daughters vs. Chile), indicating that:

...Human rights treaties are living instruments whose interpretation has to keep up with the times and current living conditions. Such evolving interpretation is consistent with the general rules of interpretation set forth in Article 29 of the American Convention, as well as those established by the Vienna Convention on Treaty Law. (IHR Court, 2012, Paragraph 83)

The reference to the diversity of families in the Atala Riffo ruling is important for LGBTI migrants in that, with the exception of the Federal District in Mexico, the countries of Mesoamerica do not have legislation that recognizes families comprised of same-sex couples. As such, an individual may be granted refugee status based on his/her sexual orientation, but the State does not recognize that status to his/her partner, as the latter is not seen as part of the former’s family nucleus. By way of the aforementioned ruling, the IHR Court tells the countries that the notion of family is not just applicable to ties based on heterosexual marriage (between a man and a woman).

In 2013, the Inter-American Commission on Human Rights (IACHR) created the Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans, and Intersex Persons (initially established in 2011 as the Lesbian, Gay, Bisexual, Trans, and Intersex People Rights Unit). The
Rapporteurship is the leading institution in charge of issuing thematic reports on the progress made in fulfilling the human rights of LGBTI people, as well as visiting countries and carrying out activates to raise awareness and promote their human rights.

That same year, the OAS General Assembly adopted the Inter-American Convention against All Forms of Discrimination and Intolerance (2013). This instrument has been signed by several South American countries, but in Mesoamerica, has been signed only by Panama. This document explicitly declares the need for States to take measures towards eradicating discrimination, including that based on sexual orientation and gender identity and/or expression. In this sense, this legal instrument sets forth the following:

1. **Racial discrimination shall mean any distinction, exclusion, restriction, or preference, in any area of public or private life, the purpose or effect of which is to nullify or curtail the equal recognition, enjoyment, or exercise of one or more human rights and fundamental freedoms enshrined in the international instruments applicable to the States Parties.** Racial discrimination may be based on nationality, age, sex, sexual orientation, gender identity and expression, language, religion, cultural identity, political opinions or opinions of any other nature, social origin, socio-economic position, education level, migratory status, status as a refugee, stateless person, or internally displaced person, disability, genetic characteristics, mental or physical health condition (including infecto-contagious), incapacitating psychic condition, or any other health condition.

2. **Indirect racial discrimination shall be taken to occur, in any realm of public and private life, when a seemingly neutral provision, criterion, or practice has the capacity to entail a particular disadvantage for persons belonging to a specific group or puts them at a disadvantage, unless said provision, criterion, or practice has some reasonable and legitimate objective or justification under international human rights law.**

3. **Multiple or aggravated discrimination is any preference, distinction, exclusion, or restriction based simultaneously on two or more of the criteria set forth in Article 1.1, or others recognized in international instruments, the objective or result of which is to nullify or curtail the equal recognition, enjoyment, or exercise of one or more human rights and fundamental freedoms enshrined in the international instruments applicable to the States Parties, in any area of public or private life.**

4. **Special measures or affirmative action adopted for the purpose of ensuring equal enjoyment or exercise of one or more human rights and fundamental freedoms of groups requiring such protection shall not be deemed racial discrimination, provided that such measures do not lead to the maintenance of separate rights for different groups and are not continued once their objectives have been achieved.**

5. **Intolerance is an action or set of actions or expressions that denote disrespect, rejection, or contempt for the dignity, characteristics, convictions, or opinions of persons for being different or contrary.** It may manifest itself as marginalization and exclusion of vulnerable groups from participation in any sphere of public or private life or violence against them. (Article 1, Inter-American Convention Against All Forms of Discrimination and Intolerance, 2012)
It should be noted that this definition of discrimination, as well as the explicit mention of sexual orientation, gender identity and/or expression, and migratory status as conditions than can cause discrimination, represent a valuable legal instrument for protecting human rights at the Latin American and Caribbean level, as the Inter-American Convention against All Forms of Discrimination and Intolerance also created the Inter-American Committee for Preventing and Eliminating Racism, Racial Discrimination, and All Forms of Discrimination and Intolerance as the principal mechanism for enforcing its mandate.

The Human Rights of Refugees and Asylum Seekers

The most important legal instrument for protecting the human rights of refugees and asylum seekers is the 1951 Convention on the Status of Refugees and the 1967 Protocol thereto. This instrument is the starting point for discussing and analyzing the scope and limitations of the protective framework for the human rights of these people. Article 1 of the Convention defines who can request international protection, setting forth that a refugee is a person who:

...due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country...

(Article 1, 1951 Convention on the Status of Refugees)

This Convention also provides for the treatment to be given to refugees and asylum seekers (such as prohibiting discrimination), as well as detailed rules regarding their civil, political, economic, and social rights. Added to the rights established by the 1951 Convention are the rights set forth in the international human rights instruments applicable to all persons who are in the territory or are subject to the jurisdiction of the State (including refugees).

Along these same lines, it is important to mention that at the regional level, the Inter-American System for protecting human rights has made additional efforts to reinforce international protection mechanisms and the rights of refugees and asylum seekers. Some of these instruments are described in Table 11.

International law concerning refugees is based upon five principles that should be seen as fundamental pillars of international protection.

- **Declarative nature of the recognition of refugee status**, which establishes that:

  ...A person becomes a refugee at the moment he/she fulfills the requisites set forth in the definition, which necessarily occurs before refugee status may be formally determined. As such, the recognition of a person’s status as a refugee does not have a constitutive nature, but rather a declarative nature. The individual does not acquire refugee status by virtue of the recognition, but rather such status is recognized based on the fact that he/she is a refugee. (IOM, 2012c, Page 164)

- **Principle of non-refoulement**, which prohibits returning refugees in any manner to countries or territories where their life or freedom may be threatened based on their race, religion, nationality, membership in a certain social group, or political opinions. (IOM, 2012c, Page 164)

- **No sanction for irregular entry or presence**, which recognizes that people can go through very complex situations in which even their life may be in danger, or they may be at risk of being found and prevented from leaving their country of origin. During this process, the main objective of refugees is to escape persecution and get to another country where their lives and liberty will be protected. Throughout such a process it is difficult for a refugee to comply with the requisites for entering the asylum country, since in many cases, due to the conditions in which they have to flee, their identity and travel documents are left behind. (IOM, 2012c, Page 165)
### Table 11:
Regional Instruments for Strengthening the Protection of the Rights of Refugees and Asylum Seekers

<table>
<thead>
<tr>
<th>INSTRUMENT</th>
<th>CONTRIBUTION</th>
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<tbody>
<tr>
<td>Cartagena Declaration (1984)</td>
<td>Also considers as refugees those persons who have fled from their country because their lives, security, or freedom has been threatened by generalized violence, foreign aggression, internal conflicts, widespread human rights violations, or other circumstances that have seriously disturbed the public order.</td>
</tr>
<tr>
<td>- San José Declaration on Refugees and Displaced Persons (1994)</td>
<td>Encourages governments to promote processes for harmonizing statutes, criteria, and procedures regarding refugees.</td>
</tr>
<tr>
<td>- Tlatelolco Declaration on Practical Actions Related to Refugee Rights in Latin America and the Caribbean (1999)</td>
<td>Assesses practices observed in the region in recent years and analyzes the situation regarding protection for refugees and asylum seekers. Reiterates the importance of respecting the principle of non-refoulement as an element of due protection.</td>
</tr>
<tr>
<td>- Rio de Janeiro Declaration on the Institution of Refuge (2000)</td>
<td>Encourages governments to pass national legislation for protecting refugees, and studies the possibility of including in the definition of ‘refugee’ those persons who have been victims of serious and generalized human rights violations.</td>
</tr>
<tr>
<td>- Mexico Declaration and Plan of Action for Strengthening International Protection for Refugees in Latin America (2004)</td>
<td>Incorporates a chapter on the right to paid work and the development of lasting solutions in the region through three programs known as: - Solidarity Borders - Solidarity Cities - Solidarity Resettlement</td>
</tr>
<tr>
<td>- Brasilia Declaration on the Protection of Refugees and Stateless Persons on the American Continent (2010)</td>
<td>Reiterates the relevance of international cooperation commitments to seeking and implementing lasting solutions for refugees and internally displaced persons. Also emphasizes the need to use the Mexico Plan of Action as a regional strategy for facing the new challenges related to mixed migratory movements.</td>
</tr>
</tbody>
</table>
| - Brasilia Declaration (03 December 2014): A Framework for Regional Cooperation and Solidarity to Strengthen International Protection of Refugees, Displaced Persons, and Stateless Persons in Latin America and the Caribbean (within the Framework of the Cartagena+30 Process) | The participating governments from Latin American and Caribbean countries:  

...recognize the existence of new challenges related to international protection for some countries in the region that need to continue advancing in the application of the broadened regional definition of ‘refugee,’ thus responding to the new needs for international protection caused by, among other factors, transnational organized criminal activity. |

Source: Prepared based upon information published by the IOM (2012c).
Consequently establishing that:

... The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence. (Article 31, Convention on the Status of Refugees)

- **Right to asylum**, based on which:

  ... this right requires States to, at least temporarily, receive people who are fleeing from persecution or danger, noting also that the right to asylum is strictly related to the principle of non-refoulement, meaning that, during the application procedure, asylum seekers are protected from being returned to the country in which their lives or security is in danger. (IOM, 2012c, Page 166)

- **Non-discrimination**, emphasizing that all people have the same rights and freedoms proclaimed in all the legal instruments:

  ... without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty. (Article 2, Universal Declaration of Human Rights)

Of special interest for the issue addressed in this Module, the UNHCR has recognized that:

... It is widely documented that LGBTI individuals are the targets of killings, sexual and gender-based violence, physical attacks, torture, arbitrary detention, accusations of immoral or deviant behavior, denial of the rights to assembly, expression, and information, and discrimination in employment, health, and education in all regions around the world.

The discrimination suffered by people based on their sexual orientation or gender identity manifests as an unjustified distinction, exclusion, restriction, or preference, the purpose or effect of which is to nullify or curtail the equal recognition, enjoyment, or exercise of their human rights and fundamental freedoms. The discrimination suffered by LGBTI people is deeply rooted in and fed by prejudices, social and cultural stereotypes, and distorted or inaccurate information, in addition to the existence of sociological, medical, legal, and political doctrines that have given rise to or justified such discrimination.

In many cases, the violence and discriminatory acts are so serious that they end up forcing the displacement of individuals to other countries as their only option for protecting their rights, especially the right to formulate and pursue their life project in accordance with their identity and orientation without fear. Unfortunately, LGBTI people do not always manage to obtain international protection under the figure of asylum or other forms of international protection. Asylum systems often fail to guarantee the proper training and impartiality of officials who operate under gender prejudices and are insensitive to the particularities and needs of LGBTI people. (UNHCR, 2014, Page 3)

Moreover, as was mentioned previously, it should be noted that in 2011, the United Nations High Commissioner for Human Rights submitted to the Human Rights Council its report on laws, discriminatory practices, and acts of violence committed against LGBTI people based on their sexual orientation and gender identity and/or expression. The principal findings of that report regarding LGBTI refugees and asylum seekers are presented below.

For this reason, the position of the High Commissioner for Human Rights has been clear: States also have the obligation to provide safe refuge to persons who are fleeing from persecution based on their sexual orientation or gender identity. (OHCHR, 2012, Page 19)
Also in 2012, the UNHCR published the guide *Working with Lesbian, Gay, Bisexual, Trans-Gender, and Intersex Persons in Forced Displacement: Need to Know Guidance*. This document establishes that:

... Many LGBTI people, including adolescents, flee their home countries and seek protection abroad. The multiple vulnerabilities that LGBTI refugees may face in all stages of the displacement cycle is an increasing protection concern. It is important for the UNHCR to ensure that the rights of LGBTI persons of concern to the Office are met without discrimination. This places an onus on offices to develop a thorough understanding of the circumstances of LGBTI persons under their care. (UNHCR, 2011, Page 2)

In 2012, the *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity* within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees were published (UNHCR, 2012). This document sets forth the particular steps to be taken with LGBTI petitioners when applying the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and the Guidelines on International Protection.

According to these Guidelines:

... The term ‘persecution,’ though not expressly defined in the 1951 Convention, can be considered to involve serious human rights violations, including a threat to life or freedom as well as other kinds of serious harm. In addition, lesser forms of harm may cumulatively constitute persecution. What amounts to persecution will depend on the circumstances of the case, including the age, gender, opinions, feelings, and psychological make-up of the applicant. (UNHCR, 2014, Page 11)

This document also stresses that persecution aimed at the LGBTI community can take the form of discrimination, in which:

... As in other refugee claims, discrimination will amount to persecution where measures of discrimination, individually or cumulatively, lead to consequences of a substantially prejudicial nature for the person concerned. Assessing whether the cumulative effect of such discrimination rises to the level of persecution is to be made by reference to reliable, relevant, and up-to-date country of origin information. (UNHCR, 2014, Page 11)

In this context, the Guidelines indicate that persecution and discrimination, understood to be expressions of violence faced by LGBTI people, can take the form of:

- Threats of abuse or violence.
- Pathologization and/or criminalization of sexual and/or gender diversity.
- Arbitrary detention or institutionalization of persons from the LGBTI community.
- Existence and social reproduction of values and standards that punish or discriminate against sexual and/or gender diversity.
- Denial of the existence of LGBTI people and their rights.

For the UNHCR (2014), such expressions of violence justify the petitions for international protection presented by LGBTI people, in that:

... The five Convention grounds, that is, race, religion, nationality, membership in a particular social group, and political opinion, are not mutually exclusive and may overlap. More than one Convention ground may be relevant in a given case. Refugee claims based on sexual orientation and/or gender identity are most commonly recognized under the ‘membership of a particular social group’ ground. Other grounds may, though, also be relevant depending on the political, religious, and cultural context of the claim. For example, LGBTI activists and human rights defenders (or perceived activists/defenders) may have either or both claims based on political opinion or religion if, for example, their advocacy is seen as going against prevailing political or religious views and/or practices. (UNHCR, 2014, Page 21)
The UNHCR has also pointed out that:

... Sexual orientation and/or gender identity are considered as innate and immutable characteristics or as characteristics so fundamental to human dignity that the person should not be compelled to forsake them. Where the identity of the applicant is still evolving, they may describe their sexual orientation and/or gender identity as fluid or they may express confusion or uncertainty about their sexuality and/or identity. In both situations, these characteristics are in any event to be considered as fundamental to their evolving identity and rightly within the social group ground. (UNHCR, 2014, Page 24)

It also should be noted that in 2013, the IHR Court issued a conclusive ruling regarding due process rights and non-refoulement for refugee status petitioners (Pacheco Tineo Family vs. Pluri-National State of Bolivia), stating that:

... Under the Inter-American system, the principle of non-refoulement is broader in meaning and scope...the prohibition of refoulement constitutes the cornerstone of the international protection of refugees or asylees and of those requesting asylum.... 153. This necessarily means that such persons cannot be turned back at the border or expelled without an adequate and individualized analysis of their application.... States also have the obligation not to return or deport a person who requests asylum where there is a possibility that he may risk persecution. (IHR Court, 2013, Paragraphs 151 and 153)

The importance of this ruling for LGBTI asylum seekers lies in the fact that it constitutes one more element of jurisprudence by which the IHR Court stresses the obligation of States to individually study each asylum petition and reiterates the obligation regarding the principle of non-refoulement. It is important that LGBTI migrants know that their petitions for asylum cannot be rejected ad portas at the border without due process.

**Human Rights of Migrants**

The first international instrument to recognize the rights of migrants was the Declaration on the Human Rights of Individuals Who Are not Nationals of the Country in which They Live in 1985. This Declaration, besides recognizing that migrants are subject to the human rights previously established by other legal instruments, sets forth that:

... An alien lawfully in the territory of a State may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons why he or she should not be expelled and to have the case reviewed by, and be represented for the purpose before, the competent authority or a person or persons specially designated by the competent authority. Individual or collective expulsion of such aliens on grounds of race, color, religion, culture, descent, or national or ethnic origin is prohibited. (Article 7)

1. Aliens lawfully residing in the territory of a State shall also enjoy, in accordance with the national laws, the following rights, subject to their obligations under article 4: (a) The right to safe and healthy working conditions, to fair wages and equal remuneration for work of equal value without distinction of any kind, in particular, women
being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work. (b) The right to join trade unions and other organizations or associations of their choice and to participate in their activities. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary, in a democratic society, in the interests of national security or public order or for the protection of the rights and freedoms of others. (c) The right to health protection, medical care, social security, social services, education, rest and leisure, provided that they fulfill the requirements under the relevant regulations for participation and that undue strain is not placed on the resources of the State.

2. With a view to protecting the rights of aliens carrying on lawful paid activities in the country in which they are present, such rights may be specified by the Governments concerned in multilateral or bilateral conventions. (Article 8)

Any alien shall be free at any time to communicate with the consulate or diplomatic mission of the State of which he or she is a national or, in their absence, with the consulate or diplomatic mission of any other State entrusted with the protection of the interests of the State of which he or she is a national in the State where he or she resides. (Article 10)

In order to strengthen the ideals set forth in this Declaration, in 1990 the United Nations General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Although this instrument does not broaden human rights beyond those recognized in economic and labor settings, its importance lies in the fact that it recognizes the following rights for migrant workers and their families:

- Migrant workers and members of their families shall be free to leave any State, including their State of origin. This right shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others. They shall have the right at any time to enter and remain in their State of origin.

- Migrant workers shall enjoy treatment not less favorable than that which applies to nationals of the State of employment in respect of remuneration and: (a) Other conditions of work, that is to say overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship, and any other conditions of work which, according to national law and practice, are covered by these terms; (b) Other terms of employment, that is to say, minimum age of employment, restriction on home work, and any other matters which, according to national law and practice, are considered a term of employment.

- With respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they fulfill the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties.

- Each child of a migrant worker shall have the right to a name, to registration of birth, and to a nationality.

- Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned.

- Migrant workers shall have the right to transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State.

- Upon the termination of their stay in the State of employment, migrant workers and members of their families shall have the right to transfer their earnings and savings and, in accordance with the applicable legislation of the States concerned, their personal effects and belongings. (IOM, 2012, Pages 144-145)
It should be noted that in Mesoamerica, this international instrument has not been signed by Costa Rica and Panama, which currently hold the region’s highest reception rates of migrants and migrant workers.

In response to the reality faced by people in situations involving human mobility, in 1999 the Commission on Human Rights created the United Nations Special Rapporteurship on the Rights of Migrants (Resolution 1999/44), in order to:

a) Examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of this vulnerable group, including obstacles and difficulties for the return of migrants who are undocumented or in an irregular situation.

b) Request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families.

c) Formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur.

d) Promote the effective application of relevant international norms and standards on the issue.

e) Recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants.

f) To take into account a gender perspective when requesting and analyzing information, as well as to give special attention to the occurrence of multiple discrimination and violence against migrant women.

g) Give special consideration to recommendations for practical solutions for guaranteeing the rights corresponding to its mandate, particularly defending optimum practices and specific spheres and means of international cooperation.

h) Periodically report to the Council according to its annual work schedule, as well as to the General Assembly upon request from the Council and the Assembly.  

In addition, in 2004, this entity created the Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) as an organ of independent experts to supervise the application of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and, specifically, each country’s progress with the recognition and protection of the rights set forth in the Convention.

At the regional level, in 1996, the Inter-American Commission on Human Rights (IACHR) created the Rapporteurship on the Rights of Migrants. This thematic Rapporteurship exists to:

- Raise awareness about the obligations of States to respect and ensure the human rights of migrants and their families, asylum seekers, refugees, stateless persons, victims of human trafficking, internally displaced persons, and other vulnerable groups of people in the context of human mobility.

- Monitor the human rights situation of migrants and their families, asylum seekers, refugees, stateless persons, victims of human trafficking, internally displaced persons, and other groups of people in the context of human mobility, and make visible the violations of their rights.

- Provide consultancy and make recommendations on public policy to the Member States of OAS, as well as to political bodies of the OAS, related to the protection and promotion of human rights of migrants and their families, asylum seekers, refugees, stateless persons, victims of human trafficking, internally displaced persons, and other vulnerable groups of people in the context of human mobility, so that measures are taken on these people’s behalf.

- Prepare reports and specialized studies with recommendations directed to Member States of the OAS for the protection and promotion of human rights of migrants and their families, asylum seekers, refugees, stateless persons, victims of human trafficking, internally displaced persons, and other vulnerable groups of people in the context of human mobility.

37. www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/SRMigrantsIndex.aspx
- Act promptly on petitions, cases, requests for precautionary measures and elevation for provisional measures before the Inter-American Court of Human Rights where it is alleged that the human rights of migrants and their families, asylum seekers, refugees, stateless persons, victims of human trafficking, internally displaced persons, and other groups of people in the context of human mobility, are violated in any of the OAS member states. (IACHR, Rapporteurship on the Rights of Migrants).  

It should be noted that during the 154th Ordinary Period of Sessions in 2015, the Rapporteurship held its first thematic hearing on the specific issue of Forced Migration and Persecution of LGBTI Defenders in Central America, during which civil society organizations denounced the systematic violation of human rights and hate crimes suffered by these people in the Mesoamerican Region.

Finally, in 2003, the IHR Court, in its Advisory Opinion on the Legal Status and Rights of Undocumented Migrants, pointed out that:

States must abstain from carrying out any action that, in any way, directly or indirectly, is aimed at creating situations of de jure or de facto discrimination. This translates, for example, into the prohibition to enact laws, in the broadest sense, formulate civil, administrative or any other measures, or encourage acts or practices of their officials, in implementation or interpretation of the law that discriminate against a specific group of persons because of their race, gender, color or other reasons. In addition, States are obliged to take affirmative action to reverse or change discriminatory situations that exist in their societies to the detriment of a specific group of persons... Hence, the general obligation to respect and ensure human rights binds States, regardless of any circumstance or consideration, including a person’s migratory status.

We should mention that the regular situation of a person in a State is not a prerequisite for that State to respect and ensure the principle of equality and non-discrimination, because, as mentioned above, this principle is of a fundamental nature and all States must guarantee it to their citizens and to all aliens who are in their territory. (IHR Court, 2003, Paragraphs 103, 104, 106, and 118)

This advisory opinion from the IHR Court is particularly relevant because it points out the State’s obligation to protect the human rights of migrants regardless of their migratory status, and indicates that this protection should also be applied to undocumented migrant workers.
V. Methodological Proposal
This Module offers a methodological proposal that is differentiated for its two target audiences. With respect to LGBTI organizations, collectives, and activists, the text seeks to promote reflection from their own realities on migratory processes, knowledge of tools for protection and assistance, and an appraisal of strategies that their organizations can implement for defending and promoting rights and a safe migratory process. For governmental officials, shelter personnel, and civil society organizations that work with the migrant population in the region, emphasis is placed on raising awareness concerning LGBTI people and on the assistance response and protection of the human rights of these people. The methodological proposal presented in this chapter involves two days of work, although three days would be ideal to allow more time for group discussions. A maximum group size of 25 persons is recommended for application of this Module.

Proposed Agendas

AGENDA FOR WORKSHOP WITH PERSONNEL FROM INSTITUTIONS AND CIVIL SOCIETY ORGANIZATIONS THAT WORK WITH MIGRATION-RELATED ISSUES AND/OR SERVE MIGRANTS

<table>
<thead>
<tr>
<th>DAY ONE</th>
<th>DAY TWO</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 – 8:30</td>
<td>8:00 – 8:10 Review of Day One (0:10)</td>
</tr>
<tr>
<td>Welcome and Workshop Introduction. Presentation of Objectives and Agenda; Establishment of Group Rules. (0:30) (30 minutes)</td>
<td>8:10 – 9:30 Migration of LGBTI People in the Mesoamerican Region: Risks and Vulnerabilities (Part 2) (1:20)</td>
</tr>
<tr>
<td>8:30 – 10:15</td>
<td>9:30 – 10:10 What Are Human Rights? (0:40)</td>
</tr>
<tr>
<td>Awareness-Raising Activities on Discrimination and Stigmatization (1:45)</td>
<td>10:10 – 10:30 Break</td>
</tr>
<tr>
<td>10:15 – 10:30</td>
<td>10:30 – 12:00 Human Rights of LGBTI People, Migrants, Refugees, and Asylum Seekers (1:30)</td>
</tr>
<tr>
<td>Break</td>
<td>12:00 – 13:00 Lunch</td>
</tr>
<tr>
<td>10:30 – 11:30</td>
<td>13:00 – 15:30 Protection and Assistance for LGBTI People, Migrants, Refugees, and Asylum Seekers (2:30)</td>
</tr>
<tr>
<td>Key Concepts to Understanding LGBTI Migrants: Sexual Diversities (1:00)</td>
<td>15:30 – 16:30 Closing Activity and Workshop Evaluation (1:00)</td>
</tr>
<tr>
<td>11:30 – 12:30</td>
<td>16:30 – 16:45 Refreshments</td>
</tr>
<tr>
<td>Key Concepts to Understanding LGBTI Migrants: Migrations (1:00)</td>
<td></td>
</tr>
<tr>
<td>12:30 – 13:30</td>
<td></td>
</tr>
<tr>
<td>Lunch</td>
<td></td>
</tr>
<tr>
<td>13:30 – 14:30</td>
<td></td>
</tr>
<tr>
<td>Trafficking in Persons (1:00)</td>
<td></td>
</tr>
<tr>
<td>14:30 – 15:15</td>
<td></td>
</tr>
<tr>
<td>International Protection, Refugees, and Asylum Seekers (0:45)</td>
<td></td>
</tr>
</tbody>
</table>
### Agenda for Workshop with LGBTI Organizations, Collectives, and Activists

#### DAY ONE

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 – 8:30</td>
<td>Welcome and Workshop Introduction. Presentation of Objectives and Agenda; Establishment of Group Rules. (0:30) (30 minutes)</td>
</tr>
<tr>
<td>8:30 – 9:15</td>
<td>Presentation and Awareness-Raising Activity (0:45)</td>
</tr>
<tr>
<td>9:15 – 9:30</td>
<td>Break</td>
</tr>
<tr>
<td>9:30 – 10:15</td>
<td>Key Concepts to Understanding LGBTI Migrants: Sexual Diversities (0:45)</td>
</tr>
<tr>
<td>10:15 – 12:30</td>
<td>Key Concepts to Understanding LGBTI Migrants: Migrations (2:15)</td>
</tr>
<tr>
<td>12:30 – 1:30</td>
<td>Lunch</td>
</tr>
<tr>
<td>1:30 – 2:30</td>
<td>Trafficking in Persons (1:00)</td>
</tr>
<tr>
<td>2:30 – 3:15</td>
<td>International Protection, Refugees, and Asylum Seekers (0:45)</td>
</tr>
<tr>
<td>3:15 – 3:30</td>
<td>Break</td>
</tr>
<tr>
<td>3:30– 4:30</td>
<td>Migration of LGBTI People in the Mesoamerican Region: Risks and Vulnerabilities (Part 1) (1:00)</td>
</tr>
</tbody>
</table>

#### DAY TWO

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 – 8:10</td>
<td>Review of Day One (0:10)</td>
</tr>
<tr>
<td>8:10 – 9:30</td>
<td>Migration of LGBTI People in the Mesoamerican Region: Risks and Vulnerabilities (Part 2) (1:20)</td>
</tr>
<tr>
<td>9:30 – 10:10</td>
<td>¿What Are Human Rights? (0:40)</td>
</tr>
<tr>
<td>10:10 – 10:30</td>
<td>Break</td>
</tr>
<tr>
<td>10:30 – 12:00</td>
<td>Human Rights of LGBTI People, Migrants, Refugees, and Asylum Seekers (1:30)</td>
</tr>
<tr>
<td>12:00 – 1:00</td>
<td>Lunch</td>
</tr>
<tr>
<td>1:00 – 3:30</td>
<td>Protection and Assistance for LGBTI People, Migrants, Refugees, and Asylum Seekers (2:30)</td>
</tr>
<tr>
<td>3:30 – 4:30</td>
<td>Closing Activity and Workshop Evaluation (1:00)</td>
</tr>
<tr>
<td>4:30 – 4:45</td>
<td>Refreshments</td>
</tr>
</tbody>
</table>
5.1. Methodological Proposal for Personnel from Institutions and Civil Society Organizations Who Work with Migration and/or Serve Migrants

### 1. INTRODUCTORY ACTIVITIES: OPENING AND WORKSHOP PRESENTATION

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Know the activity’s objectives, the work schedule, and the methodological and logistical aspects.</td>
<td>30 Minutes</td>
<td>Video beam projector; sound system; laptop computer.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Decorative elements at the discretion of the activity organizers.</td>
</tr>
<tr>
<td>Agree upon the operating rules.</td>
<td></td>
<td>Folder with blank paper or notebook and pen for each participant.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Handout indicating Workshop objectives and agenda</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(or flip-chart pages posted on the wall with this information).</td>
</tr>
</tbody>
</table>

**Procedure**

**Prior to Workshop Commencement**

1. Prepare the room and equipment. It is recommended that the chairs be placed in a semi-circle so that participants can see each other. A space at the front of the room can be prepared for projection or for placing flip-charts.

2. Hand out materials to the participants (folder with agenda and working material).

**Workshop Commencement**

3. Depending on the Workshop context, time can be allowed for brief introductory messages from key representatives of institutions and organizations regarding the activity and its importance.

4. Welcome the participants and present the Training Module on Migration and Lesbian, Gay, Bisexual, Trans, and Intersex (LGBTI) People. This document’s Presentation and Introduction sections may be used for this purpose.

5. Mention the importance of raising awareness and building the capacities of the institutions and organizations that work with migration-related issues and directly with migrants, in order to incorporate the theme of sexual diversity into their work, for purposes of supporting protection and promotion of the human rights of LGBTI migrants and favoring efforts to protect and assist them according to their particular needs.

6. Propose a quick round of introductions in which each person states his/her name and the organization or institution they represent, as well as their expectations for the Training Workshop (ask the participants to be brief, as there will be time for sharing during each activity).

7. Explain the Workshop objectives and work schedule. Incorporate the expectations expressed earlier and make any clarification needed. Refer generally to the guiding focuses of this Module.

8. Mention logistical aspects such as break times, presentation times, location of the restrooms and meal area, emergency procedures, etc.

9. Seek a group consensus regarding the basis rules for the Workshop. Ask the participants: What rules could be agree upon for this activity to proceed properly and have everyone feel comfortable? Make sure there are rules regarding the need for each participant to be present during the entire activity, as well as avoiding the use of distracting elements such as cell phones and computers (considering any necessary exceptions). Write the rules on a flip-chart and post them in a visible location.
ACTIVITIES FOR RAISING AWARENESS REGARDING DISCRIMINATION AND STIGMATIZATION

Activity - Cards and labels

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify some perceptions of the participants regarding LGBTI people.</td>
<td>45 Minutes</td>
<td>Blank cards (two for each participant)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Markers (one for each participant)</td>
</tr>
<tr>
<td>Reflect upon the existing prejudices and stereotypes regarding LGBTI people and relate them to discriminatory processes.</td>
<td></td>
<td>Flip-charts or whiteboards</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sign that reads: Lesbians, Gays, Bisexuals, Trans, and Intersex</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Labels with words to place on forehead (one for each participant)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adhesive tape</td>
</tr>
</tbody>
</table>

Procedure

1. Hand out two blank cards and a marker to each person. Ask the group to: Close your eyes and think for a moment about the gay, lesbian, bisexual, trans, or intersex people you have seen or known in your country, and identify two adjectives to describe them. Don’t think for too long; whatever comes to mind first. (brief pause) Now open your eyes and write one adjective on each card in big letters that the group can read.

2. Ask everyone to come up front and tape the cards onto a flip-chart or whiteboard. Tell them that they are going to move on to another activity and that the cards will be used later on.

3. Now ask the participants to walk around the room in different directions. Tell them: I will tell you how fast to walk. Speed Zero means standing still and Speed Ten means walking as fast as you can. Just be careful not to run into each other. Now, walk at Speed Two... Now at Speed Five... Now at Speed Eight... Now at Speed One... Now at Speed Nine... Now back to Speed One... Now stay at Speed Zero and close your eyes.

4. Tell the group that you are going to put a label on each person’s forehead. Each label will have an adjective used to describe people, either positive or negative, including some words used to stigmatize migrants, LGBTI people, and other groups. For example: worker, criminal, public man, respectable, sick, whore, crazy, public woman, virgin, pervert, AIDS-infected, abnormal, bum, single mom, degenerate, witch, selfish, incapable, priest, freeloader. The adjectives should be chosen depending on the context of the training activity (they can include some of the words written on the cards earlier by the participants). Make sure there as many labels as there are participants.

5. When everyone in the group has a label on his/her forehead, ask them to open their eyes, walk around, and interact with each other based on the feelings caused by the other person’s label. Keep in mind that they will not know what their own label says. Then ask them to stand in a circle and ask them: How were you treated? What do you think your label says? After they have answered these questions, tell them they can remove their labels and see what they say.

6. Start a group reflection on what happened. This discussion will also take into account the cards written by the participants earlier, as described below.
Orientation for Discussion and Synthesis

The following generative questions can be used to stimulate the group discussion:

- How did you feel about the other persons’ reactions?
- How did you feel when reacting to the other persons’ labels? What kind of reactions did you have? Did they vary depending on the label?
- How do you think what happened here relates to the reality faced by migrants and LGBTI people and the contexts (like communities and institutions) they find themselves in?
- What labels tend to be assigned to LGBTI persons?

Now tell the group they are going to go back to what they wrote on the cards. Sort the cards according to common elements, asking the participants for suggestions on how to classify them. Synthesize the elements set forth and encourage reflection based on the following questions:

- Is there something about the cards that catches your attention?
- How do the adjectives or characteristics seem? Are they positive, negative, neutral?
- What are the most common elements?
- What differences do you notice?
- Which words denote positive or respectful aspects?
- Do any of these words tend to be associated with other groups of people as well?

To wrap up the activity and link it to attention, protection, and assistance, ask the group:

- How can we relate what happened during the label activity and what we wrote on the cards to the attention provided to LGBTI migrants in the institutions and organizations that work with migration?
- Could this have any impact on the processes for protecting and assisting these people?

Synthesize the main ideas generated by the group, broadening and relating them with the following key ideas:

- Socially, we have learned to welcome those we consider similar and within the norm and to reject and fear those we consider different. This behavior manifests when people are discriminated based on their skin color, ethnic group, nationality, age, gender, social class, sexual orientation, gender identity and/or expression, or migratory status, among other characteristics.
- Lesbian, gay, bisexual, trans, and intersex people have sexual orientations and gender identities that do not fit within what has traditionally been seen as normal or natural. These groups tend to face discrimination, exclusion, and have greater difficulty in attaining the enjoyment of certain rights.
- Myths, prejudices, and stereotypes (labels) are based on socially constructed ideas that uphold and perpetuate such discrimination. These labels mark differences in the manner in which we relate to each other and the value we assign other persons, and can hinder our willingness to listen and recognize their needs, interests, visions, and rights.
- These ideas affect the treatment and services provided to LGBTI migrants and other groups, causing us to stigmatize and not recognize other persons as subjects of rights. This is often done unconsciously. The first step in combatting discrimination is realizing how discrimination is present in us: how we have been affected by discrimination, how we discriminate, and what labels influence our way of feeling, thinking, and relating to LGBTI people and other discriminated groups.
- Recognizing other persons and respecting and valuing diversity is a theme that permeates this Training Module and a value for the group work during the Workshop.
- LGBTI migrants experience discrimination associated with both conditions, thus placing many of them in conditions of vulnerability, as will be seen further on.
- It is important to keep in mind the broad diversity that exists among LGBTI people and migrants. For example, the experience of being a lesbian is not the same as that of a trans person. Being a high-class homosexual man is not the same as being a low-class homosexual. Being a person who migrates in order to obtain a post-graduate degree and grow professionally is not the same as being a person who suffers persecution and has to migrate in order to protect his/her life.

Reference Material
- Conceptual Framework: Section 3.1 Conceptualizing Sexual Orientation and Gender Identity and/or Expression, specifically, discrimination based on sexual orientation and gender identity, homophobia, lesbophobia, biphobia, and transphobia; and Section 3.2 Conceptualizing Migration, specifically the definition of xenophobia.
- Appendix 1. Myths and Prejudices about LGBTI People
- Appendix 2. Myths about Migrants

Activity - The Bus Ride

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reflect on how discrimination operates and identify some ways that xenophobia, homophobia, lesbophobia, biphobia, and transphobia are expressed in everyday situations.</td>
<td>One Hour</td>
<td>Chairs</td>
</tr>
<tr>
<td>Review some myths and realities regarding LGBTI people and migrants.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Procedure

This activity aims to stimulate reflection on the daily discrimination that homosexual, lesbian, trans, bisexual, and intersex persons and migrants suffer. It also allows participants to reflect on the privileges that heteronormativity grants to certain people, as well as the difference between tourists and migrants.

1. Divide the participants into four groups, making sure that each group contains representatives from civil society organizations and governmental entities. Tell them that they must perform a short sketch of an everyday situation, in this case a bus ride, trying to reflect the reality, context, and most common reactions of the people in their country. Each group will be assigned a specific character. They can model their character after people they know in their contexts and communities.

2. Assign to each group one of the following roles for their character(s) in the sketch:
   - A homosexual male couple.
   - A lesbian internal migrant from a rural area.
   - A male international trans-sexual migrant (refugee).
   - A male heterosexual European tourist.

3. Tell the participants that each group will agree upon the role to be assumed by each participant in the sketch and the different reactions they will have on the bus.

4. Ask each group to come to the front of the room and present their sketch.

5. After the sketch, ask the participants to identify the following roles in each scene (when applicable):
- Discriminated or oppressed persons.
- People who discriminate; physical, verbal, or passive aggressors.
- People who allow a discriminatory situation to occur, whether by actively participating or passively allowing it to happen by not intervening.
- People who serve as allies to the discriminated person(s) by seeking to stop the aggression and/or providing the affected person with support.
- Encourage a group reflection on what happened and relate it to existing myths and prejudices regarding LGBTI people.

Orientation for Discussion and Synthesis

The following generative questions can be used to stimulate the group discussion:

- What similarities and differences can you see between the different cases played out?
- Could you identify the migrants or LGBTI people in each scene? (It’s possible that, just as in a real situation, these persons are not necessarily identifiable in an everyday situation like a bus ride.)
- What expressions of discrimination against migrants could you identify?
- What expressions of discrimination against LGBTI people could you identify?
- In these scenes, could you see reactions, attitudes, or behaviors that express hate, fear, or rejection against these people? What ideas could be behind such attitudes and behaviors?
- Could you identify persons who have an advantage or privilege in the scenes acted out? Could you see persons who appeared to be vulnerable? What factors made the difference?
- What difficulties did the LGBTI people and/or migrants face in these scenes? What were their reactions to the treatment received?
- Could you identify any need for accompaniment and protection on the part of the migrants and LGBTI people in the sketches?

Synthesize the main ideas generated by the plenary group and broaden/relate them to the key ideas from the previous dynamic. The following ideas can also be considered:

- Discriminatory behaviors are socially constructed and learned, and thus can be changed.
- Emphasize that discrimination is expressed and upheld not only through direct actions, but also through disregard, indifference, and passivity in the face of oppressive behavior.
- In the event that they appear in any of the sketches, it is important to show that ‘jokes’ with xenophobic and/or homo-lesbo-bi-transphobic content are an expression of discrimination.
- Link discrimination with the myths and prejudices that exist against LGBTI people and migrants. For purposes of reference, Appendixes 4 and 5 contain some relevant information. If necessary, they can be read to the group to complement the group discussion.

Reference Material

- Conceptual Framework: Section 3.1 Conceptualizing Sexual Orientation and Gender Identity and/or Expression, specifically, discrimination based on sexual orientation and gender identity, homophobia, lesbophobia, biphobia; and transphobia; and Section 3.2 Conceptualizing Migration, specifically the definition of xenophobia.
- Appendix 1. Myths and Prejudices about LGBTI People
- Appendix 2. Myths about Migrants
Three Key Concepts for Understanding LGBTI Migrants: Sexual Diversities

Two activities are proposed from which to choose based on the group's characteristics and needs. Both include a presentation on concepts related to sexual and identity diversities, along with a video. In the first case, the video highlights the importance of maintaining a diversity focus for effective provision of care. In the second case, the video focuses more on raising awareness regarding gender identity and/or expression.

Activity - Recognizing Diversities Makes the Difference

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review and clarify concepts related to sexual and identity diversities.</td>
<td>One Hour</td>
<td>Video projection equipment</td>
</tr>
<tr>
<td>Position the importance of highlighting the realities, needs, and rights of LGBTI</td>
<td></td>
<td>Video: What’s the Difference?</td>
</tr>
<tr>
<td>people in order to guarantee effective discrimination-free protection and assistance during migratory processes.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Procedure

1. Carry out a presentation/dialogue on the concepts related to sexual diversity. Specifically, review the concepts related to:
   - Sex, gender, and heteronormativity.
   - Sexual diversity, sexual orientation, gender identity, and gender expression.
   - Homosexual, bisexual, gay, lesbian, transvestite, transgender, transsexual, trans, intersex, heterosexual, LGBTI.
   - Homophobia, lesbophobia, biphobia, and transphobia.

   The presentation can be based on Section 3.1, Conceptualizing Sexual Orientation and Gender Identity and/or Expression. Explore the group's prior knowledge and clarify and complement these concepts according to the reference material.

2. Show the video: What's the Difference? It can be found at: www.youtube.com/watch?v=doyf6m79Zls

   This video is about 20 minutes long, and was produced in Uruguay. It deals with sexual and reproductive healthcare, giving examples of care given to LGBTI people, showing how failure to take into account a sexual and gender diversity focus can lead to mistaken diagnoses and affect the health of these people. The idea is to encourage participants to reflect on how such situations occur during migratory processes and while serving migrants and refugees.

   3. Encourage a group dialogue on this topic.

Orientation for Discussion and Synthesis

The following generative questions can be used to stimulate the group discussion:

- What feelings and reactions did this video inspire in you?
- What differences could you notice between attention that considers diversity related to sexual orientation and gender identity and attention that does not consider this diversity?
- What relationship can you see between attention given to migrants and the processes of protection and assistance?
- What are the possible impacts of incorporating or not incorporating a diversity focus in this setting?
- Which good practices shown in the video could be applied to migratory processes? What other aspects would need to be taken into account to incorporate diversity recognition into these processes?

Synthesize the main ideas generated by the group and broaden/relate them to the key ideas mentioned below.

Regarding conceptualization:
- Mention that the concepts being reviewed are evolving notions and categories, and thus are not fixed, meaning that there may be persons who do not identify with any of the groups represented by the LGBTI acronym nor with a heterosexual identity, just as some persons may identify with more than one category.
- People are complex and diverse. Gender identity and sexual orientation are important aspects of an individual’s experience and identity, but do not entirely define who a person is.

Regarding the video:
- The failure to incorporate a diversity focus in all settings, including migratory processes, leads to disregard for people’s realities and needs, thereby hampering the identification of and attention given to each person’s different needs for protection, assistance, and respect for their human rights.
- It is important to highlight the diversity within the LGBTI community. Homosexual, lesbian, bisexual, trans, and intersex persons have different needs and face different risks that should be recognized and addressed.

Reference Material
- Conceptual Framework: Section 3.1 Conceptualizing Sexual Orientation and Gender Identity and/or Expression.

Activity – Feeling Diversity: Gender Identity and/or Expression

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review and clarify concepts related to sexual and identity diversities.</td>
<td>One Hour</td>
<td>Video projection equipment.</td>
</tr>
<tr>
<td>Raise awareness and explore gender identity and/or expression in depth.</td>
<td></td>
<td>Video: The Light (a touching story of a trans child and his parents’ pain)</td>
</tr>
</tbody>
</table>

Procedure

1. Show the music video The Light (four minutes in length), available at: www.youtube.com/watch?v=Cf79KXBCIDg
2. Promote a group discussion about the video based on the generative questions listed on the next page
3. Carry out a presentation/dialogue on the concepts related to sexual diversity. Specifically, review the concepts related to:
   - Sex, gender, and heteronormativity.
   - Sexual diversity, sexual orientation, gender identity, and gender expression.
Homosexual, bisexual, gay, lesbian, transvestite, trans-gender, trans-sexual, trans, intersex, heterosexual, LGBTI.

Homophobia, lesbophobia, biphobia, and transphobia.

The presentation can be based on Section 3.1, Conceptualizing Sexual Orientation and Gender Identity and/or Expression, to explore the group’s prior knowledge and clarify and complement these concepts according to the reference material.

Orientation for Discussion and Synthesis

The following generative questions can be used to stimulate the group discussion:

- What feelings and reactions did this video inspire in you?
- How did the different persons in the video react to the child’s preferences?
- How did the child react to the ways others treated him?
- What relationship exists between what happens in the video and the life of LGBTI people in their families/community/institutions?

Synthesize the main ideas generated by the group and broaden/relate them to the key ideas mentioned below.

Regarding the video:
- Reinforce the concepts related to stigma and discrimination.
- Introduce the difference between sexual orientation and gender identity and/or expression.

Regarding conceptualization:
- Mention that the concepts being reviewed are evolving notions or categories, and thus are not fixed, meaning that there may be persons who do not identify with any of the groups represented by the LGBTI acronym nor with a heterosexual identity, just as some persons may identify with more than one category.
- People are complex and diverse. Gender identity and sexual orientation are important aspects of an individual’s experience and identity, but do not entirely define who a person is.

Reference Material

- Conceptual Framework: Section 3.1 Conceptualizing Sexual Orientation and Gender Identity and/or Expression.
4. KEY CONCEPTS FOR UNDERSTANDING LGBTI MIGRANTS: MIGRATION

**Activity - Learning about Migration**

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review and clarify concepts concerning migration and relate them to the realities that LGBTI migrants in the region face.</td>
<td>One Hour</td>
<td>Pages with case studies (Appendix 4) Questions for small group work</td>
</tr>
</tbody>
</table>

**Procedure**

**Presentation/Dialogue (30 minutes):**

1. Carry out a presentation/dialogue on the concepts related to migration, using as a basis, Section 3.2 Conceptualizing Migration. Specifically, review the concepts related to:
   - Migration.
   - Internal and international migration.
   - Economic migration, labor migration, forced migration, and family reunification migration.
   - The difference between migrants and refugees.
   - Expelling/driving factors and attracting factors.
   - Regular migration and irregular migration.
   - Moments or phases in the migratory experience.
   - Return, detention, and deportation.
   - Migratory dynamics in the Mesoamerican Region.

2. To stimulate the presentation and dialogue, determine the group’s prior knowledge before defining each concept. Ask the participants if they know of cases that exemplify the concepts being reviewed. Ask specifically about situations related to LGBTI people to allow conceptualization of their reality during migratory processes.

3. Invite the group to express their concerns and doubts about the concepts being discussed. Clarify and complement by reviewing elements from the conceptual framework.

4. Divide the participants into four groups such that each group has representatives from institutions and civil society organizations. Give each group a case study from Appendix 4 (only Part 1 of each case). If deemed fit, the case studies can be adapted to the language and context of each training Workshop. The groups will continue working with their case study during several of the Workshop activities, thus allowing them to explore each in depth.

5. Ask the groups to read each case carefully and answer the questions below (a handout with these questions can be given to each group).
   - How does this case make you feel?
   - Considering the type of displacement, does the case involve internal migration or international migration?
   - Considering the factors that drive migration, does the case involve economic migration, labor migration, forced migration, or family reunification migration? Is the subject a migrant or a refugee?
   - Considering the conditions in which the displacement occurs, does the subject migrate with regular or irregular status?
   - What expelling and attracting factors can be identified in this case?

6. Ask each small group to summarize their case and their analysis thereof before the full group. Clarify and complement the discussion with elements from the conceptual framework as needed.
Reference Material

- Conceptual Framework: Section 3.2 Conceptualizing Migration and Section 3.3 Characterization of Migratory Dynamics in the Mesoamerican Region.

5. CONCEPTUALIZING TWO VULNERABLE MIGRANT POPULATIONS: VICTIMS OF TRAFFICKING AND PERSONS NEEDING INTERNATIONAL PROTECTION

Activity - Trafficking in Persons

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learn about trafficking in persons and reflect on the reality of LGBTQI victims of trafficking.</td>
<td>One Hour</td>
<td>Video: Frequent Questions about Trafficking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trafficking case study (Appendix 5)</td>
</tr>
</tbody>
</table>

Procedure

1. Read the case study on trafficking from Appendix 5, which is based on a real-life situation experienced by a trans person in the region.
2. Ask each participant to share a word or phrase that summarizes their feelings about this case.
3. Show the video, Frequent Questions about Trafficking. This four-minute video was produced by the International Organization for Migration, and is available at: https://youtube/odlbtSCc4_8
4. Explain the concept of trafficking in persons, including the elements that constitute this crime, the definition of internal trafficking and external trafficking, the difference between trafficking and migrant smuggling, and the obligation to apply the principle of non-refoulement to cases involving migrants who are potential victims of trafficking. Base the presentation on the content of Section 3.5, Conceptualizing Two Vulnerable Migration Scenarios, specifically on the sub-section, Migration within the Context of Trafficking in Persons.
5. Ask the group to identify some elements of trafficking in the case study read at the beginning. The generative questions suggested below may be used.
6. Refer to some of the particular characteristics of trafficking in cases involving LGBTQI persons that are covered in the aforementioned sub-section. The participants can be asked to share their knowledge and, if they so desire, to refer to situations they are aware of as examples.

Orientation for Discussion and Synthesis

The following generative questions can be used to stimulate the group discussion:

- What prior vulnerability conditions to international migration and human trafficking existed for Maylin?
- For what reasons did Maylin decide to migrate?
- How did the recruitment, transfer, and reception occur?
- What means were used to recruit her and keep her under submission?
- What were the ends (objectives) of the exploitation?
- What type of violence was this person exposed to during the trafficking process?
- What type of violence was this person exposed to before and after the trafficking process?
- What support and elements were key to her recovery?
- Are they familiar with the legislation and institutional mechanisms and agencies available in their country to address human trafficking?

- To the institutions and organizations represented here that work with migration: According to the jurisdiction of the institution or organization you represent, are you prepared to identify, serve, and refer LGBTI victims of trafficking? If not, what actions are needed to improve your institution’s or organization’s capacities?

Synthesize the main ideas generated by the group and broaden/relate them to the key ideas mentioned below:

- The realities and needs of LGBTI victims of trafficking need to be studied, documented, and highlighted. As these people have historically been ignored, little is known about their assistance and protection needs, and the services available generally do not consider their particularities. This impacts the protection of their rights and the provision of effective assistance according to their differentiated needs.

- It is important to draw attention to internal trafficking, not just international trafficking.

- LGBTI people are not only exploited for purposes of sexual exploitation, but also for other ends, such as labor trafficking.

- Human trafficking is another manifestation of violence. It is important to draw attention to other manifestations of abuse and violence that make LGBTI people vulnerable and increase their risk of becoming victims of trafficking, including the abuses that occur during migratory processes.

- In the region’s countries, laws, mechanisms, and agencies exist that address human trafficking. It is important to be aware of them and know where to refer potential cases of trafficking. The participation, efforts, and lobbying of civil society organizations before these agencies is key to guaranteeing their proper functioning.

- It is also important that these agencies be sensitized and knowledgeable regarding sexual diversity, so that they may be aware of and tend to the specific needs of LGBTI victims of trafficking.

Reference Material

- Conceptual Framework: Section 3.5, Conceptualizing Two Vulnerable Migration Scenarios: Migration within the Context of Trafficking in Persons.

Activity - International Protection, Refugees, and Asylum Seekers

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learn about international protection, refugees, and asylum seekers, and reflect on the reality of LGBTI people with international protection needs.</td>
<td>45 Minutes</td>
<td>Handouts with information on the conceptual framework regarding international protection (Section 3.5, sub-section on Forced Migration within the Context of Persecution and Petitions for International Protection).</td>
</tr>
</tbody>
</table>

Procedure

1. Introduce this activity by explaining that persons needing international protection, meaning refugees and asylum seekers, are among the most vulnerable migrant populations. Emphasize the importance of being aware of this in order to properly provide information, effectively accompany LGBTI people with such needs, and guarantee proper processes for evaluating asylum petitions and following up on those persons recognized as refugees.

2. Give each participant a handout containing the conceptual framework of the sub-section in Section 3.5 entitled Forced Migration within the Context of Persecution and Petitions for
International Protection. Ask for one or more volunteers to read the text aloud.

3. Encourage dialogue based on the generative questions listed below. Complement and expand on these concepts using the reference material.

Note: Consider the possibility of inviting a representative from the UNHCR (where possible) to conduct this activity and offer relevant information.

Orientation for Discussion and Synthesis

The following generative questions can be used to stimulate the group discussion:

- What is the difference between a refugee and a person who migrates for economic reasons?
- What is the difference between an asylum seeker and a refugee?
- Who may request asylum? Where and when can they do so?
- Do you know which agency or agencies are in charge of reviewing asylum petitions in your country?
- Do you know of any LGBTI people who have left your country due to persecution, or of persons who have requested asylum in your country for the same reason?
- What type of persecution do LGBTI people face in this region?
- What difficulties do they face in accessing their right to asylum?

Synthesize the main ideas generated by the group and broaden/relate them to the key ideas mentioned below.

- All institutions involved with migration and serving migrants, especially those in charge of evaluating and following up on asylum petitions, should be sensitized and trained on the discrimination and persecution that LGBTI people in the region face. Such awareness and training is necessary to ensure that such processes are properly carried out.
- It is important to review the guidelines and instruments established by the UNHCR.
- In practice, significant challenges to the recognition of the international protection needs of these people exist, which is why it is important for them to be well informed of their rights and the applicable procedures. The accompaniment of civil society organizations is fundamental in this sense. This is why it is important to seek alliances between the civil society organizations that work with migration and LGBTI organizations, collectives, and activists.

Reference Material

6. MIGRATION OF LGBTI PEOPLE IN MESOAMERICA: RISKS AND VULNERABILITIES

Based on the suggested agenda for a two-day training Workshop, it is recommended that the first activity (Board Game: In the Shoes of LGBTI Migrants) during Day One, leaving the activity, Identifying the Risks and Vulnerabilities of LGBTI Migrants for Day Two.

Activity - Board Game: In the Shoes of LGBTI Migrants

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analyze some elements of the context and experiences of LGBTI migration in the region. Identify some good practices as well as some risks, vulnerabilities, and obstacles to protecting LGBTI people and guaranteeing the enjoyment of their rights.</td>
<td>One Hour</td>
<td>Box with cards of four different colors (one color for each case). You will need ten cards of each color, based on the case in Appendix 6. Ten sheets of construction paper (to be used as squares in the board game), with an additional sheet reading: GOAL: Protection and Enjoyment of Rights. One large die made from construction paper or other material.</td>
</tr>
</tbody>
</table>

Procedure

1. Tell the participants they are going to play a board game.
2. Arrange the board game on the floor in the center of the room by placing the sheets of construction paper as squares in the game. At least ten squares leading to the Goal should be arranged so that people can step from square to square. The final square will read: GOAL: Protection and Enjoyment of Rights. Have on hand the die and the box with colored cards, as indicated in Appendix 6. There will be 40 cards in all, ten of each color (one color for each of the four cases).
3. Ask the participants to split up into the same four teams from the previous activity in which they studied an individual case.
4. Explain that each team is to put themselves into the shoes of the migrant they ‘met’ during the previous activity. Each team should choose one of its members to step along the squares in representation of that team. The goal is to attain protection and full enjoyment of one’s rights.
5. Each team will advance or retreat according to the cards drawn. Some cards will contain situations that help them advance towards the Goal, while others will hinder protection or imply human rights violations. Each case has specific cards (one color for each team). Explain that the idea of the game is for them to reflect on the situations that LGBTI people face during the migratory process and how these situations relate to risks, rights violations, and effective protection.
6. Each team throws the die to determine which will move first. The team with the highest number goes first and the one with the lowest number goes last.
7. To start the game, the first team throws the die and advances the number of squares indicated on the die. Upon reaching the corresponding square, give them a colored card that refers to the case they have been working with during the Workshop. The team will read the card aloud and either retreat or advance as indicated.
8. Some cards will contain questions that the team has to answer in such a way that everyone gets to participate. The Facilitator should orient the discussion and complement and clarify concepts, taking into account the content seen so far and reinforcing focuses.
9. Once a team has addressed the situation described on the card, the next team takes its turn, and so on until all four teams have moved. Then another round begins, with each team throwing the die and receiving a card with the color corresponding to their case, addressing the card content and continuing with the game until they reach the Goal.

10. The game may end when one of the teams reaches the Goal. If time allows or you feel it is important to continue so that the participants may visualize the other situations described in the cards regarding migratory experiences in the region, the game may continue with the remaining teams.

11. Hold a group discussion. The generative questions listed below may be used for this purpose. Complement the discussion with content from Section 3.4, Towards a Contextualization of LGBTI Migration in Mesoamerica.

**Orientation for Discussion and Synthesis**

As Facilitator, you should intervene during the game in order to orient, clarify, and expand upon concepts as needed, emphasizing the content and focuses being studied. Make sure the group’s reflection seeks to analyze how society, institutions, and organizations either help or hinder access to protection and rights enjoyment. Stress the fact that guaranteeing rights is a collective task in which everyone shares responsibility. It is important to promote reflection and incorporate elements into the discussion regarding the reality and specific context that apply to the area where the Workshop is held.

The discussion should allow the group to define the reality of LGBTI migrants as an issue, and to question the myths and ideas that justify violence and discrimination. The idea of putting oneself into the shoes of a migrant is to gain some understanding of what he/she is going through and the conditions within his/her particular context that either enable or hinder protection and the enjoyment of his/her rights. Among the hindering factors, it is important to highlight discriminatory and xenophobic processes, exclusionary policies and laws, the absence of protection mechanisms, and the lack of knowledge regarding rights, among others.

The following **generative questions** can be used to stimulate the group discussion following the game:

- How did you feel during the game and about the situations described?
- What caught your attention?
- What specific obstacles and risks do you think LGBTI people might face during a migratory process?

**Reference Material**


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**Activity - Identifying Risks and Vulnerabilities of LGBTI Migrants**

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify some of the risks and vulnerabilities that LGBTI people face during different phases of the migratory process.</td>
<td>1 Hour</td>
<td>Flip-charts, Markers, Colored pencils or markers, Glue, Scissors, Stickers, colored paper, figurines (for creative activity)</td>
</tr>
</tbody>
</table>
**Procedure**

1. Give a brief presentation on the *risks and vulnerabilities of LGBTI migrants and refugees* (based on Section 3.6 of the conceptual framework), reviewing elements from the previous activity and related group discussion.

2. Explain that the next activity will explore more in depth the different phases of the migratory process.

3. Ask the participants to split up into the same four groups. Give each group a flip-chart and markers.

4. Hand out Part 2 for the case studies from Appendix 4. Ask the participants to identify risks and vulnerability conditions faced by the migrant subject of their case during the different phases or moments of his/her migration:
   - *At the point of origin.*
   - *While in transit.*
   - *At the destination.*
   - *During the integration process.*
   - *During the return and reintegration processes.*

Ask each group to summarize their discussion on their flip-chart. Also ask them to present a relevant element of their discussion in any creative format for presentation before the full group, whether as a sketch, drawing, three-dimensional figure, poem, song, etc.

5. Have each group present a summary of the risks and vulnerabilities they have identified, along with their creative proposal.

6. Synthesize and wrap up the activity, reiterating elements from the conceptual framework.

**Orientation for Discussion and Synthesis**

Synthesize the main ideas generated by the group and broaden/relate them to the contents of the sections studied so far. As key ideas, it is important to:

- Highlight the varying specificity that exists among LGBTI people when identifying risks and obstacles.

It is important to differentiate the following:

- There are vulnerabilities and risks faced by LGBTI people that are shared by other migrant groups (for example, those associated with irregular status, the consequences of xenophobia and discrimination against migrants, among others).
- There are other vulnerabilities and risks that are directly associated with their sexual orientation and gender identity and/or expression [for example, situations involving discrimination and persecution due to those conditions (including violence and hate crimes), and the inability to access categories that would allow them to normalize their migratory status (in the case of binational homosexual couples), being categories that heterosexual couples are allowed to access, among others].

**Reference Material**

7. HUMAN RIGHTS OF LGBTI MIGRANTS AND REFUGEES

Activity - What Are Human Rights?

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learn general aspects regarding human rights and the international and regional systems for protecting human rights.</td>
<td>40 Minutes</td>
<td>Video <em>What Are Human Rights?</em></td>
</tr>
</tbody>
</table>

Procedure

1. Introduce the topic by asking three or four participants what they understand to be human rights. Point out the importance of human rights as principles and instruments for protecting people and guaranteeing respect for their dignity as human beings.


3. Explain the key elements from Sections 4.1 and 4.2 regarding general aspects and principles of human rights, as well as general aspects on the international and regional human rights system. To encourage participation, explore the group’s prior knowledge by asking them what they know (about human rights characteristics and principles, for example) before explaining certain aspects.

Orientation for Discussion and Synthesis

In addition to the elements explained in the conceptual framework, the following key ideas can be emphasized:

- Human rights belong to everyone, regardless of their nationality, sexual orientation, or gender identity and/or expression.
- Human rights are ideals that contrast with the reality experienced by migrants and LGBTI people around the world.
- Human rights are also tools for defending and demanding the minimum conditions that people need and deserve. This is because they establish obligations for the States that have ratified international human rights instruments. These obligations do not only apply to the State, but also to every society and individual. In other words, their fulfillment is a collective responsibility.
- It is important to recognize that every individual, including migrants and LGBTI people, are subjects of rights, meaning persons with dignity and the right to speak out and be heard. Put another way, every individual has the right to have rights and to have their rights guaranteed. Migrants and LGBTI people have historically faced and continue to face difficulty being acknowledged as subjects of rights.

Reference Material

Activity - Human Rights of LGBTI People, Migrants, and Asylum Seekers/Refugees

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Become familiar with the human rights of LGBTI people, migrants, asylum seekers, and refugees.</td>
<td>One Hour 30 Minutes</td>
<td>Handouts with Section 4.3 of the conceptual framework. Handouts with generative questions for small group work.</td>
</tr>
</tbody>
</table>

Procedure

1. Tell the group that now that they have learned general aspects regarding human rights and the applicable protection systems in the region, they are going to review some rights of specific populations such as LGBTI migrants, refugees, and asylum seekers.

2. Ask the participants to split up into the same four groups. Hand out the sheet with text from Section 4.3 of the conceptual framework, Human Rights of Specific Groups, along with a sheet containing the generative questions listed below. Ask them to read the material, paying special attention to aspects that could relate to their case study. After the material is read, have each team discuss it based on the generative questions.

3. With the full group back together, ask each team to share a summary of the main aspects they discussed. Allow time for this discussion and group feedback.

4. Ask the group to brainstorm and identify the principal challenges in their context with respect to guaranteeing the human rights of LGBTI migrants, refugees, and asylum seekers.

Orientation for Discussion and Synthesis

The following generative questions may be used to stimulate the discussions:

For the team work:
- What rights have been or could be violated in your specific case study?
- What rights would need to be guaranteed during the different phases of the migratory cycle (origin, transit, destination, integration, return, reintegration) to prevent and avoid aggravating the vulnerabilities, risks, and harm to the person and help them achieve a dignified life?

For the group discussion:
- Are these rights complied with in this country?
- What are the main challenges faced by the country with respect to guaranteeing the human rights of LGBTI migrants, refugees, and asylum seekers?

Synthesize the main ideas expressed by the group and relate and broaden them with material from the conceptual framework.

Reference Material
- Conceptual framework, Section 4.3, Human Rights of Specific Groups.
8. PROTECTION AND ASSISTANCE FOR LGBTI MIGRANTS, REFUGEES, AND ASYLUM SEEKERS

Activity - Identifying and Serving the Protection and Assistance Needs of LGBTI Migrants and Refugees

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify some protection and assistance needs of LGBTI migrants and refugees in the region.</td>
<td>Two Hours 30 Minutes</td>
<td>Letter-size construction paper of four different colors (one color per group, at least fifteen sheets for each group)</td>
</tr>
<tr>
<td>Identify some strategies for institutions to improve the protection, assistance, and respect for the rights LGBTI migrants, refugees, and asylum seekers.</td>
<td></td>
<td>Markers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adhesive tape</td>
</tr>
</tbody>
</table>

Procedure

1. Ask the participants to split up into the same four groups and give each group the construction paper and markers.

2. Ask them to identify the protection and assistance needs for their specific case, considering the different phases of the migratory cycle. Have them write each need on a sheet of construction paper and indicate the applicable migratory phase. They can refer back to their work from the activity on risks and vulnerabilities (give each group the flip-chart sheets from that exercise; see the example format below).

3. Ask each work group to present their work before the full group. Progressively create a mural with the colored sheets.

4. Synthesize the results.

5. Offer a presentation/commentary based on Section 3.7 of the conceptual framework (Affirmative Actions for Protection and Assistance: How Can LGBTI Migrants and Refugees Be Supported and Protected?), including the sub-section, The process of identifying and referring migrants in conditions of vulnerability. Complement the presentation with the work produced by the case-study groups.

6. Divide the participants again into the same four groups. Assign to each group a case different than the one they have been working on up until this point. Explain that each group is going to present a mock interview or conversation with a migrant, applying what they have learned so far. One person will play the role of the migrant, another will be the interviewer, and the others will serve as observers (using an observation guide based on the questions listed below). Only the person playing the migrant will have the complete case information (Parts 1, 2, and 3).

Sample Flip-Chart Sheet Format for this Activity

<table>
<thead>
<tr>
<th>Origin</th>
<th>Transit</th>
<th>Destination</th>
<th>Integration</th>
<th>Return</th>
<th>Reintegration</th>
<th>During All Phases</th>
</tr>
</thead>
</table>
7. You will already have selected one person from each group to play the migrant, giving them in advance the complete case information for them to study (including the indications from Part 3 in Appendix 4). It is preferable that this be the same person who has played the part of the migrant in the previous activities, and thus is familiar with the character. In other words, if possible, choose a person from the group who has worked on the same case so that he/she can put him/herself in the shoes of the migrant who will be interviewed.

8. Hand out to the interviewer and observers the information corresponding to Part 3 of their case (Appendix 4).

9. Tell the participants: This is an exercise to learn and practice. Don’t expect to do it perfectly. Keep in mind that the perspective of the observer is different from that of the interviewer. The observations should be constructive and carefully considered. First point out what was done well, and then offer suggestions on what could be improved to better serve the migrant.

10. When the exercise is concluded, each group will share their reflections among themselves. The interviewer will begin, followed by the interviewee, and finally the observers, for a group dialogue to discuss what happened and what they learned from the exercise. This reflection may be guided using the questions listed below.

11. As a closing exercise, bring the participants together and ask each to summarize in one word or short phrase something significant that he/she learned during this activity. Then ask them to each name a challenge faced by their institution or organization with respect to identifying and serving LGBTI migrants in vulnerable conditions.

12. Write these challenges on a flip-chart.

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### Orientation for Discussion and Synthesis

The following generative questions can be used to stimulate the discussion within each case-study group.

**For the observers** (these questions may be handed out before the interview as an observation guide):

- How does what we observed in each scene make us feel?
- What vulnerability and risk conditions were identified (including rights that were violated)?
- What specific needs for protection and assistance were identified?
- What strengths do I see during the intervention?
- Any suggestion or recommendation for improvement?

**For the interviewer:**

- How did you feel, and what doubts did you have?

**For the interviewee:**

- How did you feel, and what suggestions do you have based on your experience during the conversation?

**For the closing exercise within each group:**

- What did we learn?
- What did we discover?
- What doubts arose?
- What were the main challenges identified during the exercise?

Synthesize the main ideas expressed by the group and relate and broaden them with material from the conceptual framework.

### Reference Material

The process of identifying and referring migrants in conditions of vulnerability, from Section 3.7 of the conceptual framework, *Affirmative Actions for Protection and Assistance: How Can LGBTI Migrants and Refugees Be Supported and Protected?*
9. WORKSHOP CLOSURE AND EVALUATION ACTIVITY

Activity - Forming a Support Network for LGBTI Migrants and Refugees

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conclude the training process by promoting an institutional and personal commitment to protect LGBTI migrants.</td>
<td>One Hour</td>
<td>One ball of yarn</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Four chairs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Four signs (each with the name of one case)</td>
</tr>
</tbody>
</table>

**Procedure**

1. For this activity, place four chairs in the center of the room, each one holding a sign with the name of the migrant from one of the cases used during the Workshop. On the floor around the chairs, place the sheets from the previous activity indicating the challenges related to protection and assistance for LGBTI migrants.

2. Ask the participants to stand in a circle. The Facilitator will also join in the circle, holding a ball of yarn.

3. Ask the group to imagine that the four migrants from the cases they have studied are sitting in the chairs, and standing with them are other LGBTI migrants, refugees, and asylum seekers, including those that the participants have known and may come to know as part of their personal, community, and professional life.

4. Ask them to close their eyes and think of something they wish to say to those people. (They don’t have to share their thought with the group if they don’t want to.) Allow the participants a moment of silence with their thoughts.

5. Now ask them to identify something they can do through their institution or organization to support and promote protection for these people and their rights. Allow the participants a moment of silence with their thoughts.

6. Now ask them to identify a personal commitment that they want to take away from this Workshop for their everyday life. Allow the participants a moment of silence with their thoughts.

7. Ask them to open their eyes. Hold the end of the yarn and toss the ball to one of the participants. Ask that person to share what they can do through their institution or organization and their personal commitment. They may also summarize in one sentence how they feel about the migrants represented in the center of the circle. Then ask them to hold onto the yarn and toss the ball to another participant. This process is repeated with each participant until a network is formed with the yarn.

8. Once all of the participants are part of the network, point out the importance of the affection and sympathy created by accompanying specific cases involving LGBTI migrants. Emphasize the significant support role played by institutions and civil society organizations that work with migration and are called upon to defend and protect LGBTI persons and their rights.

9. Now the order is reversed by having the person holding the ball of yarn toss it back to the person from whom they received it. Each time someone receives the ball, they should mention something they liked about the Workshop, along with a recommendation for improvement.
5.2. Methodological Proposal for LGBTI Organizations, Collectives, and Activists

1. INTRODUCTORY ACTIVITIES: OPENING AND WORKSHOP PRESENTATION

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Know the activity’s objectives, the work schedule, and the methodological and logistical aspects.</td>
<td>30 Minutes</td>
<td>Video beam projector; sound system; laptop computer. Decorative elements at the discretion of the activity organizers. Folder with blank paper or notebook and pen for each participant. Handout indicating Workshop objectives and agenda (or flip-chart pages posted on the wall with this information).</td>
</tr>
<tr>
<td>Agree upon the operating rules.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Procedure**

**Prior to Workshop Commencement**

1. Prepare the room and equipment. It is recommended that the chairs be placed in a semi-circle so the participants can see each other. A space at the front of the room can be prepared for projection or for placing flip-charts.

2. Hand out materials to the participants (folder with agenda and working material).

**Workshop Commencement**

3. Depending on the Workshop context, time can be allowed for brief introductory messages from key representatives of institutions and organizations regarding the activity and its importance.

4. Welcome the participants and present the Training Module on Migration and Lesbian, Gay, Bisexual, Trans, and Intersex (LGBTI) People. This document’s Presentation and Introduction sections may be used for this purpose.

5. Mention the importance of building the capacities of LGBTI organizations in order to incorporate the theme of migration into their work, for purposes of supporting protection and promotion of the rights of LGBTI migrants and favoring efforts to protect and assist them according to their particular needs.

6. Explain the Workshop objectives and work schedule. Incorporate the expectations expressed earlier and make any clarification needed. Refer generally to the guiding focuses of this Module.

7. Mention logistical aspects such as break times, presentation times, location of the restrooms and meal area, emergency procedures, etc.

8. Seek a group consensus regarding the basis rules for the Workshop. Ask the participants: *What rules could be agreed upon for this activity to proceed properly and have everyone feel comfortable?* Make sure there are rules regarding the need for each participant to be present during the entire activity, as well as avoiding the use of distracting elements such as cell phones and computers (considering any necessary exceptions). Write the rules on a flip-chart and post them in a visible location.
2. PARTICIPANT INTRODUCTION AND AWARENESS-RAISING ACTIVITY

Two alternatives are offered for the first dynamic exercise, to be chosen from based on the characteristics and needs of the participants and the Facilitator. *Playing with Words* serves to relate the concept of migrant populations to LGBTI people and is an activity of a more rational nature. *The Border* serves to explore certain characteristics of the group, especially with respect to their experience with migration, as it is an exercise based more directly on personal experience.

**Activity - Playing with Words**

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a space for the participants to get to know each other.</td>
<td>45 Minutes</td>
<td>Badges</td>
</tr>
<tr>
<td>Discover some of the participants’ perceptions and concepts regarding LGBTI people and migrants.</td>
<td></td>
<td>Cards of two colors (one of each color for each participant)</td>
</tr>
<tr>
<td>Identify connecting elements between LGBTI people and migrants.</td>
<td></td>
<td>Markers</td>
</tr>
<tr>
<td>Provide a space for the participants to get to know each other.</td>
<td></td>
<td>Adhesive tape</td>
</tr>
<tr>
<td>Discover some of the participants’ perceptions and concepts regarding LGBTI people and migrants.</td>
<td></td>
<td>Flip-charts or whiteboards</td>
</tr>
<tr>
<td>Identify connecting elements between LGBTI people and migrants.</td>
<td></td>
<td>Two signs that say:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– Migrants</td>
</tr>
<tr>
<td></td>
<td></td>
<td>– Lesbians, Gays, Bisexuals, Trans, and Intersex</td>
</tr>
</tbody>
</table>

**Procedure**

1. Place two flip-charts or whiteboards at the front of the room. Put the heading *Migrants* on one and *Lesbians, Gays, Bisexuals, Trans, and Intersex* on the other. Hand out a marker and two cards of different colors to each participant.

2. Tell the participants to write on one of the colored cards (indicate which color) the first word that comes to mind when they read the word *Migrants*, and on the other card the first word that comes to mind when they read *Lesbians, Gays, Bisexuals, Trans, and Intersex*. Give them a moment to do this.

3. Ask the participants to come up to the flip-charts (or whiteboards) one by one and tape their cards under the corresponding heading, and then introduce themselves to the group by indicating:
   - Their name.
   - The organization or institution they represent.
   - The words they chose, with a very brief explanation of each one.

4. Once everyone has been introduced, ask them to read the cards posted on the flip-charts (or whiteboards).

5. Encourage a group reflection on the exercise.

**Orientation for Discussion and Synthesis**

The following generative questions can be used to stimulate the group discussion:

- Is there anything that catches your attention in what we have posted on the flip-charts (or whiteboards)?
- Do you see any common themes between the two groups of words? Which words appear most frequently?
- What differences can be noted between the two sets of words?
- Do you see any relationship between the words assigned to migrants and those assigned to LGBTI people?
Synthesize the main ideas generated by the group and broaden and relate them to the following key ideas:

- Persons from both groups are commonly considered to be different from the norm or the majority of other people.
- These people tend to be discriminated, face exclusionary processes, and have greater difficulty attaining the enjoyment of certain rights.
- There exist certain socially constructed myths and stereotypes that uphold and perpetuate this discrimination.
- Even though they are different groups, migrants and LGBTI people have some elements in common, such as shared experiences, realities, and emotions.
- There also exist differences within each of these groups. For example, the experience of being a lesbian is not the same as that of a trans person. Being a high-class homosexual man is not the same as being a low-class homosexual. Being a person who migrates in order to obtain a post-graduate degree and grow professionally is not the same as being a person who suffers persecution and has to migrate in order to protect his/her life.
- In the case of LGBTI migrants, different discriminatory experiences are suffered as a result of both conditions, placing many of them in conditions of vulnerability, as will be seen further on.

Reference Material

- Conceptual Framework: Section 3.1, Conceptualizing Sexual Orientation and Gender Identity and/or Expression, specifically, discrimination based on sexual orientation and gender identity, homophobia, lesbophobia, biphobia, and transphobia; and Section 3.2, Conceptualizing Migration, specifically the definition of xenophobia.
- Appendix 1. Myths and Prejudices Regarding LGBTI People
- Appendix 2. Myths about Migrants

Alternative Activity - The Border

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a space for the participants to get to know each other.</td>
<td>45 Minutes</td>
<td>Colored tape</td>
</tr>
<tr>
<td>Explore some characteristics of the group, especially with respect their experiences with migration.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Procedure

1. Ask the participants to stand in a circle and have each one indicate their name and the organization they represent.
2. Tell them that this exercise will allow them to discover some characteristics of the group they will be working with during the Workshop.
3. Ask them to form groups based on their profession or occupation (the idea is to have several groups distributed around the room). Then find out what profession/occupation applies to each group, and ask each group to share with everyone a phrase that summarizes what characterizes the persons who are dedicated to that occupation or profession.
4. Now ask them to form groups based on age decades (under twenty, twenties, thirties, forties, etc.). Have the youngest group (under twenty, for example) stand at one end of the room, followed by the next oldest group, with the oldest group (over sixty, for example) at the other end. Ask each group to decide on a phrase that describes their age group and share it with everyone.
5. Other criteria may be used to group the participants when deemed important for purposes of exploring the group’s characteristics, such as place of origin, etc.
6. Tell the group that the next activity is called *The Border*, based on the theme of migration. Divide the space in two with tape on the floor, indicating that this line is the border. Tell them that you will say some descriptive phrases and they will move to one side of the border or another. For example: those who love sweet foods go to this side (point to one side) and those who prefer salty foods go to that side (point to the other side). The participants should be honest with themselves and decide what side to stand on, and that no one will have the right to question the preferences of the others.

The first phrases will be more general, to allow the participants to get to know each other and become familiar with the dynamics of the activity. Then phrases directly related to migration will be used, so that both the participants and the Facilitator may discover more about the group’s experience with the theme of migration.

7. Start reading the phrases (some suggestions are listed below), allowing time for the participants to move to the side of the room where they feel they belong based on each phrase. Let them know that if they change their mind for any reason, they can move to the other side. If someone says that they don’t know where to go because they feel ‘in the middle,’ let them know that it’s also acceptable to straddle the borderline if that reflects how they feel.

8. When the participants have chosen sides after each phrase, ask them to see how they are placed and freely comment on their distribution.

**Orientation for Discussion and Synthesis**

Some suggested descriptive phrases for *The Border* are listed below:

- People who prefer dogs. / People who prefer cats.
- People who have been internal migrants (those who have migrated within their own country). / People who have not migrated internally.
- People who have been international migrants (you can ask where they migrated and, depending on the setting and level of mutual trust within the group, the reasons why they migrated). / People who have not been through that experience.
- People who are citizens of this country. / People who are foreign nationals.
- People who have thought of migrating or who would migrate if given the opportunity. / People who have not considered migrating and would not even if able to do so.
- People with relatives who live in another country. / People who do not have relatives abroad.
- People who know of persons in their community or at work who are migrants. / People who do not know anyone who is a migrant.
- People who know someone who is a refugee or asylum seeker. / People who do not know anyone who is a refugee or asylum seeker.

After reading each phrase, ask the group: *What does what we see here at the border tell us about the characteristics of this group? Is there anything that catches your attention?*

If time allows, the group can be offered the possibility of proposing other descriptive phrases. This can be done by asking: *Is there anyone who would like to know more about this group?*

**Note:** This activity should be handled with sensitivity and care, as it can trigger emotions (there may be participants who have gone through difficult migratory experiences or have relatives who have had such experiences). It is also important for the Facilitator to properly address any xenophobic or discriminatory comments that may arise, such as myths and prejudices, by clarifying concepts and insisting on the importance of respecting others.
Synthesize the main ideas generated by the group and broaden and relate them to the following key ideas:

- Migrations have existed throughout the history of humanity.
- Borders have been created.
- Migrations have been a part of our personal, family, and social experiences. They are not something distant and strange. They touch all of us in some way, whether because we have migrated ourselves, because we have thought about migrating, because we have relatives who have migrated, because we know people who are migrants, or for other reasons.
- Review some of the ideas that came out of the previous exercise (Playing with Words) to link the concepts of migrant populations and LGBTI people.

Reference Material

- Conceptual Framework: Section 3.1, Conceptualizing Sexual Orientation and Gender Identity and/or Expression, specifically, discrimination based on sexual orientation and gender identity, homophobia, lesbophobia, biphobia, and transphobia; and Section 3.2, Conceptualizing Migration, specifically the definition of xenophobia.
- Appendix 1. Myths and Prejudices Regarding LGBTI People
- Appendix 2. Myths about Migrants

3. KEY CONCEPTS FOR UNDERSTANDING LGBTI MIGRANTS: SEXUAL DIVERSITIES

Two activities are proposed to choose from depending on the group’s characteristics, especially with respect to education level and prior knowledge of these concepts.

Alternative Activity – Diversity Word Jumble

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review and clarify concepts related to sexual and identity diversities.</td>
<td>45 Minutes</td>
<td>Flip-charts</td>
</tr>
</tbody>
</table>

Procedure

It is suggested to use this activity when the group has some prior knowledge of these concepts.

1. Divide the participants into four groups and give each group a flip-chart and a marker. Assign to two of the groups the task of defining the concepts of both sex and gender, with the other two given the task of defining both sexual orientation and gender identity. Each group should discuss the concepts, agree on a definition, and write it on the flip-chart.
2. Now ask the groups that worked on the same concepts to join together and agree upon a single definition for each concept.
3. Ask them to present the four definitions before the full group. Then ask the participants for feedback on these concepts, complementing the discussion with input from the theoretical conceptual framework, expanding on each concept and mentioning any aspects that have not been brought up by the participants.

Orientation for Discussion and Synthesis

Synthesize the main ideas expressed by the group and broaden and relate them to the following key ideas:

- Based on the conceptual framework, review the definitions of:
Sex, gender, and heteronormativity.

Sexual diversity, sexual orientation, gender identity, and gender expression.

Homosexual, bisexual, gay, lesbian, transvestite, trans-gender, trans-sexual, trans, intersex, heterosexual, LGBTI.

Homophobia, lesbophobia, biphobia, and transphobia.

- Mention that the concepts being reviewed are evolving notions and categories, and thus are not fixed, meaning that there may be persons who do not identify with any of the groups represented by the LGBTI acronym nor with a heterosexual identity, just as they may be persons who identify with more than one category.

- People are complex and diverse. Gender identity and sexual orientation are important aspects of an individual's experience and identity, but do not entirely define who a person is.

- Reflection on this subject should allow one to recognize the existence of power dynamics, inequalities, and privileges, and how they all affect everyone regardless of their sexual orientation or gender identity.

Reference Material

- Conceptual Framework: Section 3.1, Conceptualizing Sexual Orientation and Gender Identity and/or Expression.

Alternative Activity - Diversity Word Jumble

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review and clarify concepts related to sexual and identity diversities.</td>
<td>45 Minutes</td>
<td>Cards with titles, Sheets with phrases from Appendix 3, Masking tape</td>
</tr>
</tbody>
</table>

Procedure

This activity is recommended for groups with low education levels or those that lack the necessary formation to be able to formulate for themselves the concepts to be studied.

1. Post in four locations of the room, as far apart from each other as possible, cards with the following titles: Sex, Gender, Sexual Orientation, Gender Identity.

2. Divide the participants up into four groups. Give each group an envelope with phrases (Appendix 3). Ask them to select the phrases that correspond to one of the concepts written on the posted cards.

3. Have each group study the phrases, choose those that correspond to their assigned concept, and post them on the wall under the card with the corresponding title.

4. When all of the groups have posted their phrases, the full group will visit each concept. The Facilitator will read the assigned phrases and ask the participants for their reactions, whether they agree with the phrases, or whether they think any of the phrases correspond to another concept.

5. Make whatever clarifications are needed and review elements from the conceptual framework that have not mentioned by the participants.

The orientation elements for discussion and synthesis are the same listed for the previous exercise, as well as the reference material.
4. KEY CONCEPTS FOR UNDERSTANDING LGBTI MIGRANTS: MIGRATION

Two activities are proposed for the theme of migration, one to raise awareness and the other to address conceptual content. It is recommended that both activities be carried out: *The Migrant’s Backpack and Learning about Migration*.

An optional activity is also proposed for work on myths and realities regarding migrants. At least an additional thirty minutes is required for this activity. If time does not allow, the Facilitator may mention these myths and their respective refuting arguments whenever necessary during the Workshop.

Activity - *The Migrant’s Backpack*

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raise awareness regarding some of the difficulties and losses implied by migration.</td>
<td>One Hour 15 Minutes</td>
<td>Blank sheets of paper, Pencils, Colored pencils, Colored markers, Flip-charts</td>
</tr>
</tbody>
</table>

**Procedure**

1. Divide the participants into four groups and give a blank sheet of paper to each person. Give a flip-chart, colored markers, and colored pencils to each group. Tell the participants: *Each one of you is to draw a backpack that is going to be yours. This little backpack belongs to you, and you will carry it on your back.*

2. Ask the participants to close their eyes and: *Imagine that you have been told that you have to leave the country in just a few hours, and it is not known when or even if you will be returning. This backpack and whatever fits inside it is all you will be able to take with you. Think of what you might take with you, as well as what you would like to take with you but will have to leave behind.* Tell them they may open their eyes and either write or draw inside their backpack what they would take, and either write or draw outside what would hurt to leave behind.

3. Ask the four groups to share among themselves what they have written or drawn on their sheets, and then synthesize it all on their flip-chart. Ask them to be brief, as they will be given only ten minutes for this part of the activity.

4. Have each group present their work before the full group.

5. Use the generative questions listed below to encourage a group discussion to share reactions to the exercise. Then synthesize and close the activity.

**Orientation for Discussion and Synthesis**

The following generative questions can be used to stimulate the group discussion:

- How did you feel when you had to decide what to take and what to leave behind?
- What thoughts and emotions occurred when faced with the idea of migrating?
- How do you think what you just went through relates to the experience of migrants in the region?
- What particular aspects could you identify in the case of lesbian, gay, bisexual, trans, and intersex migrants?
- What would it be like to go through this process if you had to migrate due to persecution or because your life and integrity were in danger?

Synthesize the main ideas expressed by the group and broaden and relate them to the following key ideas:

- Migrating is a process that involves us as whole persons, with thoughts, feelings, bodies, and personal and social histories. It’s not just numbers, but rather involves people, lives, and feelings.
- Migrating implies significant losses, leaving behind people, places, and things.
- There are various types of migratory experiences, depending on the conditions and reasons for which a person migrates.
- The migratory experience is different when migrating with regular status (with the proper documents) rather than with irregular status. The latter condition exposes the person to greater risks and hinders the exercise of one’s rights.
- The experience of a migrant is different from that of a refugee (who leaves his/her country due to persecution).
- The migratory experience is marked by differences of class, gender, ethnic group, nationality, age, etc.
- Migration is a complex experience with both positive and negative aspects for each migrant. During this experience, migrants play an active role in decisions that affect their lives, even under difficult circumstances.

Note: This activity can stir up feelings in any participant, but especially those who have lived migratory experiences firsthand, and thus the Facilitator should watch for potential situations requiring emotional support. If a participant seems to be affected, it is important for you to remain calm. You can explain that it is normal for strong feelings to arise when recalling migratory experiences, and that this helps the group better understand what migrants and their loved ones go through. You can suggest that the person briefly put their feelings into words if they wish, or have the group remain silent for a moment to accompany that person with a respectful presence. Care should be taken not to explore the person’s feelings in depth nor open up beyond the group’s ability to offer support within the context of a training activity. If the affected person so requires, you may offer to talk with them alone later and/or refer them to an external source of support if necessary.

Activity - Myths and Realities Regarding Migrants

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review and question some of the myths and stereotypes that exist about migrants and how these relate to discriminatory processes.</td>
<td>30 Minutes</td>
<td>Four sheets of paper, each with one of the myths from Appendix 2</td>
</tr>
</tbody>
</table>

Procedure

1. Divide the participants into four groups. Give each group a handout with a myth taken from Appendix 2 (only the myth phrase). Each group should sub-divide, with one half preparing arguments to defend the myth and the other half preparing arguments to refute the myth. Give them five minutes for this exercise.

2. Ask each group to sit at the front of the room and debate their myth, with some of them defending it and others questioning it. The two factions may be placed facing each other for this purpose.

Upon conclusion of each debate, the other participants may be allowed to express additional arguments for or against each myth. For such purpose, when a participant wishes to express an argument, ask him/her to join the corresponding faction and state the argument, after which he/she may return to his/her seat.
After each debate, encourage a brief group reflection on each myth.

**Orientation for Discussion and Synthesis**

After the debate on each myth, synthesize the main ideas generated by the group, complementing and clarifying (when needed) with the arguments in Appendix 2.

**Activity - Learning about Migration**

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review and clarify concepts related to migration and connect them to the realities faced by LGBTI migrants in the region.</td>
<td>One Hour</td>
<td>Pages with case studies (Appendix 4) Questions for small group work</td>
</tr>
</tbody>
</table>

**Procedure**

**Presentation/Dialogue (30 minutes):**

1. Carry out a presentation/dialogue on the concepts related to migration, using as a basis Section 3.2, *Conceptualizing Migration*. Specifically, review the concepts related to:
   - Migration.
   - Internal and international migration.
   - Economic migration, labor migration, forced migration, and family reunification migration.
   - The difference between migrants and refugees.
   - Expelling/driving factors and attracting factors.
   - Regular migration and irregular migration.
   - Moments or phases in the migratory experience.
   - Return, detention, and deportation.
   - Migratory dynamics in the Mesoamerican Region.

2. To stimulate the presentation and dialogue, determine the group’s prior knowledge before defining each concept. Ask the participants if they know of cases that exemplify the concepts being reviewed. Ask specifically about situations related to LGBTI people to allow conceptualization of their reality during migratory processes.

3. Invite the group to express their concerns and doubts about the concepts being discussed. Clarify and complement by reviewing elements from the conceptual framework.

**Small Group Work with Case Studies (30 minutes):**

4. Divide the participants into four groups and give each group a case study from Appendix 4 (only Part 1 of each case). If deemed fit, the case studies can be adapted to the language and context of each training Workshop. The groups will continue working with their case study during several of the Workshop activities, thus allowing them to explore each in depth.
5. Ask the groups to read each case carefully and answer the questions below (a handout with these questions can be passed out to each group).

- How does this case make you feel?
- Considering the type of displacement, does the case involve internal migration or international migration?
- Considering the factors that drive migration, does the case involve economic migration, labor migration, forced migration, or family reunification migration? Is the subject a migrant or a refugee?
- Considering the conditions in which the displacement occurs, does the subject migrate with regular or irregular status?
- What expelling and attracting factors can be identified in this case?

6. Ask each small group to summarize their case and their analysis thereof before the full group. Clarify and complement the discussion with elements from the conceptual framework as needed.

**Reference Material**
- Conceptual Framework: Section 3.2, Conceptualizing Migration and Section 3.3, Characterization of Migratory Dynamics in the Mesoamerican Region.

## 5. CONCEPTUALIZING TWO VULNERABLE MIGRANT POPULATIONS: VICTIMS OF TRAFFICKING AND PERSONS NEEDING INTERNATIONAL PROTECTION

### Activity - Trafficking in Persons

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Know about trafficking in persons and reflect on the reality of LGBTI victims of trafficking.</td>
<td>One Hour</td>
<td>Trafficking case study (Appendix 5)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Video: Frequent Questions about Trafficking</td>
</tr>
</tbody>
</table>

**Procedure**

1. Read the case study on trafficking from Appendix 5, which is based on a real-life situation experienced by a trans person in the region.

2. Ask each participant to share a word or phrase that summarizes their feelings about this case.

3. Show the video, *Frequent Questions about Trafficking*. This four-minute video was produced by the International Organization for Migration, and is available at: https://youtube/odltSCc4_8

4. Explain the concept of trafficking in persons, including the elements that constitute this crime, the definition of internal trafficking and external trafficking, the difference between trafficking and migrant smuggling, and the obligation to apply the principle of non-refoulement to cases involving migrants who are potential victims of trafficking. Base the presentation on the content of Section 3.5, Conceptualizing Two Vulnerable Migration Scenarios, specifically on the sub-section, Migration within the Context of Trafficking in Persons.
5. Ask the group to identify some elements of trafficking in the case study read at the beginning. The generative questions suggested below may be used.

6. Refer to some of the particular characteristics of trafficking in cases involving LGBTI persons that are covered in the aforementioned sub-section. The participants can be asked to share their knowledge and, if they so desire, to refer to situations they are aware of as examples.

**Orientation for Discussion and Synthesis**

The following *generative questions* can be used to stimulate the group discussion:

- What prior vulnerability conditions to international migration and human trafficking existed for Maylin?
- For what reasons did Maylin decide to migrate?
- How did the recruitment, transfer, and reception occur?
- What means were used to recruit her and keep her under submission?
- What were the ends (objectives) of the exploitation?
- What type of violence was this person exposed to during the trafficking situation?
- What type of violence was this person exposed to before and after the trafficking situation?
- What support and elements were key to her recovery?
- What role can LGBTI organizations, collectives, and activists play in preventing human trafficking and protecting LGBTI victims of trafficking?

Synthesize the main ideas generated by the group and broaden/relate them to the *key ideas* mentioned below.

- The realities and needs of LGBTI victims of trafficking need to be studied, documented, and highlighted. As these people have historically been ignored, little is known about their assistance and protection needs, and the services available generally do not consider their particularities. This affects the protection of their rights and the provision of effective assistance according to their differentiated needs.
- It is important to draw attention to internal trafficking, not just international trafficking.
- LGBTI people are not only exploited for purposes of sexual exploitation, but also for other ends, such as labor trafficking.
- Human trafficking is another manifestation of violence. It is important to draw attention to other manifestations of abuse and violence that make LGBTI people vulnerable and increase their risk of becoming victims of trafficking, including the abuses that occur during migratory processes.
- Everyone can actively help combat human trafficking. LGBTI organizations, collectives, and activists can play an important prevention-related role (through information and awareness-raising) and provide accompaniment and support for trafficking victims, as well as undertake lobbying activities aimed at recognizing the specific needs of such people.

**Reference Material**

- Conceptual Framework: Section 3.5, *Conceptualizing Two Vulnerable Migration Scenarios: Migration within the Context of Trafficking in Persons.*
Activity - International Protection, Refugees, and Asylum Seekers

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learn about international protection, refugees, and asylum seekers, and reflect on the reality of LGBTI people with international protection needs.</td>
<td>45 Minutes</td>
<td>Handouts with information on the conceptual framework regarding international protection (Section 3.5, sub-section on Forced Migration within the Context of Persecution and Petitions for International Protection)</td>
</tr>
</tbody>
</table>

Procedure

1. Introduce this activity by explaining that persons needing international protection, meaning refugees and asylum seekers, are among the most vulnerable migrant populations. Emphasize the importance of being aware of these aspects in order to properly provide information and accompany LGBTI people with such needs.

2. Give each participant a handout containing the conceptual framework of the sub-section in Section 3.5 entitled, Forced Migration within the Context of Persecution and Petitions for International Protection. Ask for one or more volunteers to read the text aloud.

3. Encourage dialogue based on the generative questions listed below. Complement and expand on these concepts using the reference material.

Note: Consider the possibility of inviting a representative from the UNHCR (where possible) to conduct this activity and offer relevant information.

Orientation for Discussion and Synthesis

The following generative questions can be used to stimulate the group discussion:

- What is the difference between a refugee and a person who migrates for economic reasons?
- What is the difference between an asylum seeker and a refugee?
- Who may request asylum? Where and when can they do so?
- Do you know which agency or agencies are in charge of reviewing asylum petitions in your country?
- Do you know of any LGBTI people who have left your country due to persecution, or of persons who have requested asylum in your country for the same reason?
- What type of persecution do LGBTI people face in this region?
- What difficulties do they face in accessing their right to asylum?

Synthesize the main ideas generated by the group and broaden/relate them to the key ideas mentioned below.

- It is important for LGBTI organizations, collectives, and activists to know about international protection and the procedures for requesting asylum, to enable them to properly inform and accompany the persons who so require.
- In practice, significant challenges to the recognition of the international protection needs of these people exist, which is why it is important for them to be well informed regarding their rights and the applicable procedures. The accompaniment of civil society organizations is fundamental in this sense.
- Strengthening alliances between organizations and activists in the region could be an important strategy for accompaniment and advocacy in order for LGBTI people with special international protection needs to be recognized and served.

Reference Material

6. MIGRATION OF LGBTI PEOPLE IN MESOAMERICA: RISKS AND VULNERABILITIES

Based on the suggested agenda for a two-day training Workshop, it is recommended to do the first activity (Board Game: In the Shoes of LGBTI Migrants) during Day One, leaving the activity, Identifying the Risks and Vulnerabilities of LGBTI Migrants for Day Two.

Activity - Board Game: In the Shoes of LGBTI Migrants

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analyze some elements of the context and experiences of LGBTI migration in the region. Identify some good practices as well as some risks, vulnerabilities, and obstacles to protecting LGBTI people and guaranteeing the enjoyment of their rights.</td>
<td>One Hour</td>
<td>Box with cards of four different colors (one color for each case). You will need ten cards of each color, based on the case in Appendix 6. Ten sheets of construction paper (to be used as squares in the board game), with an additional sheet reading: GOAL: Protection and Enjoyment of Rights. One large die made from construction paper or other material.</td>
</tr>
</tbody>
</table>

Procedure

1. Tell the participants they are going to play a board game.

2. Arrange the board game on the floor in the center of the room by placing the sheets of construction paper as squares in the game. At least ten squares leading to the Goal should be arranged so that people can step from square to square. The final square will read: GOAL: Protection and Enjoyment of Rights. Have on hand the die and the box with colored cards, as indicated in Appendix 6. There will be 40 cards in all, ten of each color (one color for each of the four cases).

3. Ask the participants to split up into the same four teams from the previous activity in which they studied an individual case.

4. Explain that each team is to put themselves into the shoes of the migrant they ‘met’ during the previous activity. Each team should choose one of its members to step along the squares in representation of that team. The goal is to attain protection and full enjoyment of one’s rights.

Each team will advance or retreat according to the cards drawn. Some cards will contain situations that help them advance towards the Goal, while others will hinder protection or imply
human rights violations. Each case has specific cards (one color for each team). Explain that the idea of the game is to reflect on the situations that LGBTI people face during the migratory process and how these situations relate to risks, rights violations, and effective protection.

5. Each team throws the die to determine which will move first. The team with the highest number goes first and the one with the lowest number goes last.

6. To start the game, the first team throws the die and advances the number of squares indicated on the die. Upon reaching the corresponding square, give them a colored card that refers to the case they have been working with during the Workshop. The team will read the card aloud and either retreat or advance as indicated.

7. Some cards will contain questions that the team has to answer in such a way that everyone gets to participate. The Facilitator should orient the discussion and complement and clarify concepts, taking into account the content seen so far and reinforcing focuses.

8. Once a team has addressed the situation described on the card, the next team takes its turn, and so on until all four teams have moved. Then another round begins, with each team throwing the die and receiving a card with the color corresponding to their case, addressing the card content and continuing with the game until they reach the Goal.

9. The game may end when one of the teams reaches the Goal. If time allows or you feel it is important to continue so that the participants may visualize the other situations described in the cards regarding migratory experiences in the region, the game may continue with the remaining teams.

10. Hold a group discussion. The generative questions listed below may be used for this purpose. Complement the discussion with content from Section 3.4, Towards a Contextualization of LGBTI Migration in Mesoamerica.

**Orientation for Discussion and Synthesis**

During the game, as Facilitator, you should intervene to orient, clarify, and expand upon concepts as needed, emphasizing the content and focuses being studied. Make sure the group’s reflection seeks to analyze how society, institutions, and organizations either help or hinder access to protection and rights enjoyment. Stress the fact that guaranteeing rights is a collective task in which everyone shares responsibility. It is important to promote reflection and incorporate elements into the discussion regarding the reality and specific context that apply to the area where the Workshop is held.

The discussion should allow the group to define the reality of LGBTI migrants as an issue, and to question the myths and ideas that justify violence and discrimination. The idea of putting oneself into the shoes of a migrant is to gain some understanding of what he/she is going through and the conditions within his/her particular context that either enable or hinder protection and the enjoyment of his/her rights. Among the hindering factors, it is important to highlight discriminatory and xenophobic processes, exclusionary policies and laws, the absence of protection mechanisms, and the lack of knowledge regarding rights, among others.

The following **generative questions** can be used to stimulate the group discussion following the game:

- How did you feel during the game and about the situations described?
- What caught your attention?
- What specific obstacles and risks do you think LGBTI people might face during a migratory process?

**Reference Material**

- Conceptual Framework: Section 3.4, Towards a Contextualization of LGBTI Migration in Mesoamerica, and Section 3.6, Risks and Vulnerabilities of LGBTI Migrants and Refugees.
Activity - Identifying Risks and Vulnerabilities of LGBTI Migrants

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify some of the risks and vulnerabilities faced by LGBTI people during different phases of the migratory process.</td>
<td>One Hour 30 Minutes</td>
<td>Flip-charts&lt;br&gt;Markers&lt;br&gt;Colored pencils or markers&lt;br&gt;Glue&lt;br&gt;Scissors&lt;br&gt;Stickers, colored paper, figurines (for creative activity)</td>
</tr>
</tbody>
</table>

Procedure

1. Give a brief presentation on the risks and vulnerabilities of LGBTI migrants and refugees (based on Section 3.6 of the conceptual framework), reviewing elements from the previous activity and related group discussion.

2. Explain that the next activity will explore more in depth the different moments or phases of the migratory process.

3. Ask the participants to split up into the same four groups. Give each group a flip-chart and markers.

4. Hand out Part 2 for the case studies from Appendix 4. Ask the participants to identify risks and vulnerability conditions facing the migrant subject of their case during the different phases or moments of his/her migration:
   - At the point of origin.
   - While in transit.
   - At the destination.
   - During the integration process.
   - During the return and reintegration processes.

   Ask each group to summarize their discussion on their flip-chart.

   Ask them also to present a relevant element of their discussion in any creative format for presentation before the full group, whether as a sketch, drawing, three-dimensional figure, poem, song, etc.

5. Have each group present a summary of the risks and vulnerabilities they have identified, along with their creative proposal.

6. Synthesize and wrap up the activity, reiterating elements from the conceptual framework.

Orientation for Discussion and Synthesis

Synthesize the main ideas generated by the group and broaden/relate them to the contents of the sections studied so far. As key ideas, it is important to:

- Highlight the varying specificity that exists among LGBTI people when identifying risks and obstacles.

  It is important to differentiate the following:

  - There are vulnerabilities and risks faced by LGBTI people that are shared by other migrant groups (for example, those associated with irregular status, the consequences of xenophobia and discrimination against migrants, among others).

  - There are other vulnerabilities and risks that are directly associated with their sexual orientation and gender identity and/or expression (for example, situations involving discrimination and persecution due to those conditions (including violence and hate crimes), and the inability to access categories that
Migration and Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) People

would allow them to normalize their migratory status (in the case of binational homosexual couples), being categories that heterosexual couples are allowed to access, among others.

Reference Material

- Conceptual Framework: Section 3.4, Towards a Contextualization of LGBTI Migration in Mesoamerica, and Section 3.6, Risks and Vulnerabilities of LGBTI Migrants and Refugees.

7. HUMAN RIGHTS OF LGBTI MIGRANTS AND REFUGEES

Activity - What Are Human Rights?

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Learn general aspects regarding human rights and the international and regional systems for protecting human rights.</td>
<td>40 Minutes</td>
<td>Video, ¿What are Human Rights?</td>
</tr>
</tbody>
</table>

Procedure

1. Introduce the topic by asking three or four participants what they understand to be human rights. Point out the importance of human rights as principles and instruments for protecting people and guaranteeing respect for their dignity as human beings.

2. Show the ten-minute video, What Are Human Rights? (available at: http://www.youthforhumanrights.org/what-are-human-rights.html), which was produced by the organization, United for Human Rights.

3. Explain the key elements from Sections 4.1 and 4.2 regarding general aspects and principles of human rights, as well as general aspects on the international and regional human rights system. To encourage participation, explore the group’s prior knowledge by asking them what they know (about human rights characteristics and principles, for example) before explaining certain aspects.

Orientation for Discussion and Synthesis

In addition to the elements explained in the conceptual framework, the following key ideas can be emphasized:

- Human rights are a construction of humankind that express a consensus regarding the minimum conditions that people require to live with dignity, well-being, and security.

- Human rights belong to everyone, regardless of their nationality, sexual orientation, or gender identity and/or expression.

- Human rights are ideals that contrast with the reality experienced by migrants and LGBTI people around the world.

- Human rights are also tools for defending and demanding the minimum conditions that people need and deserve. This is because they establish obligations for the States that have ratified international human rights instruments. These obligations not apply only to the State, but also to every society and individual. In other words, their fulfillment is a collective responsibility.

- It is important to recognize that every individual, including migrants and LGBTI people, are subjects of rights, meaning persons with dignity and the right to speak out and be heard. Put another way, every individual has the right to have rights and to have their rights guaranteed. Migrants and LGBTI people have historically faced and continue to face difficulty being acknowledged as subjects of rights.
Reference Material


Activity - Human Rights of LGBTI People, Migrants, and Asylum Seekers/Refugees

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Become familiar with the human rights of LGBTI people, migrants, asylum seekers, and refugees.</td>
<td>One Hour 30 Minutes</td>
<td>Handouts with Section 4.3 of the conceptual framework</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Handouts with generative questions for small group work</td>
</tr>
</tbody>
</table>

Procedure

1. Tell the group that now that they have learned general aspects regarding human rights and the applicable protection systems in the region, they are going to review some rights of specific populations such as LGBTI migrants, refugees, and asylum seekers.

2. Ask the participants to split up into the same four groups. Hand out the sheet with text from Section 4.3 of the conceptual framework, Human Rights of Specific Groups, along with a sheet containing the generative questions listed below. Ask them to read the material, paying special attention to aspects that could relate to their case study. After the material is read, have each team discuss it based on the generative questions.

3. With the full group back together, ask each team to share a summary of the main aspects they discussed. Allow time for this discussion and group feedback.

4. Ask the group to brainstorm and identify the principal challenges in their context with respect to guaranteeing the human rights of LGBTI migrants, refugees, and asylum seekers.

Orientation for Discussion and Synthesis

The following generative questions may be used to stimulate the discussions:

For the team work:

- What rights have been or could be violated in your specific case study?
- What rights would need to be guaranteed during the different moments of the migratory cycle (origin, transit, destination, integration, return, reintegration) to prevent and avoid aggravating the vulnerabilities, risks, and harm to the person and help him/her achieve a dignified life?

For the group discussion:

- What are the main challenges faced by this country with respect to guaranteeing the human rights of LGBTI migrants, refugees, and asylum seekers?
- What has been the role of LGBTI organizations, collectives, and activists in promoting the rights of these persons?

Synthesize the main ideas expressed by the group and relate and broaden them with material from the conceptual framework.

Reference Material

- Conceptual framework, Section 4.3, Human Rights of Specific Groups.
8. PROTECTION AND ASSISTANCE FOR LGBTI MIGRANTS, REFUGEES, AND ASYLUM SEEKERS

**Activity - Identifying and Serving the Protection and Assistance Needs of LGBTI Migrants and Refugees**

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify some protection and assistance needs of LGBTI migrants and refugees in the region.</td>
<td>Two Hours</td>
<td>Letter-size construction paper of four different colors</td>
</tr>
<tr>
<td></td>
<td>30 Minutes</td>
<td>(one color per group, at least fifteen sheets for each group)</td>
</tr>
<tr>
<td>Identify some strategies for LGBTI organizations, collectives and activists to accompany these people and defend their rights.</td>
<td></td>
<td>Markers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Adhesive tape</td>
</tr>
</tbody>
</table>

**Procedure**

1. Ask the participants to split up into the same four groups and give each group the construction paper and markers.

2. Ask them to identify the protection and assistance needs for their specific case, considering the different moments or phases of the migratory cycle. Have them write each need on a sheet of construction paper and indicate the applicable migratory moment. They can refer back to their work from the activity on risks and vulnerabilities (give each group the flip-chart sheets from that exercise; see the example format below).

3. Ask each work group to present their work before the full group. Progressively create a mural with the colored sheets.

4. Synthesize the results.

5. Offer a presentation/commentary based on Section 3.7 of the conceptual framework (*Affirmative Actions for Protection and Assistance: How Can LGBTI Migrants and Refugees Be Supported and Protected*), including the sub-section, *The process of identifying and referring migrants in conditions of vulnerability*. Complement the presentation with the work produced by the case-study groups.

6. Divide the participants again into the same four groups.

7. Ask each group to prepare a poster or brochure aimed at LGBTI migrants and refugees, based on the human rights exercise and the protection and assistance needs identified, keeping in mind the reality of the case they have been studying.

8. Finally, ask each group to prepare a sketch in which the migrant from their case study speaks with someone from an LGBTI organization or collective, who provides support and information regarding rights and the available services or resources. The scene could show the migrant coming into the organization’s office, or the conversation could take place on the street or elsewhere.
Sample Flip-Chart Sheet Format for this Activity

<table>
<thead>
<tr>
<th>Origin</th>
<th>Transit</th>
<th>Destination</th>
<th>Integration</th>
<th>Return</th>
<th>Reintegration</th>
<th>During All Phases</th>
</tr>
</thead>
</table>

9. Allow time for each group to present their poster or brochure, followed by their sketch.

10. Encourage the participants to comment and provide feedback on each group’s work. Encourage a dialogue based on the generative questions listed below.

11. Write on a flip-chart the challenges and needs of LGBTI organizations, collectives, and activists as identified by the participants.

Orientation for Discussion and Synthesis

The generative questions indicated below can be used to stimulate the discussion.

Regarding the work produced by each group (both the poster or brochure and the conversation sketch):

- What do you think of the group’s work?
- What relevant and positive aspects could you identify?
- Do you have any suggestions? Do you have any recommendations for improvement?
- Any suggestion or recommendation for improvement?

For the closing discussion:

- What efforts are LGBTI organizations, collectives, and activists making regarding assistance and rights protection for LGBTI migrants, refugees, and asylum seekers?
- What efforts and contributions could they make?
- What are the main challenges and needs of LGBTI organizations, collectives, and activists with respect to strengthening their efforts in this sense?

Synthesize the main ideas expressed by the group and relate and broaden them with material from the conceptual framework.

Reference Material

- The process of identifying and referring migrants in conditions of vulnerability, from Section 3.7 of the conceptual framework, Affirmative Actions for Protection and Assistance: How Can LGBTI Migrants and Refugees Be Supported and Protected?
9. WORKSHOP CLOSURE AND EVALUATION ACTIVITY

Activity - Forming a Support Network for LGBTI Migrants and Refugees

<table>
<thead>
<tr>
<th>Learning Objective</th>
<th>Duration</th>
<th>Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conclude the training process by promoting a collective and personal commitment to protect LGBTI migrants.</td>
<td>One Hour</td>
<td>One ball of yarn</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Four chairs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Four signs (each with the name of one case)</td>
</tr>
</tbody>
</table>

Procedure

1. For this activity, place four chairs in the center of the room, each one holding a sign with the name of the migrant from one of the cases used during the Workshop. On the floor around the chairs, place the sheets from the previous activity indicating the challenges related to protection and assistance for LGBTI migrants.

2. Ask the participants to stand in a circle. The Facilitator will also join in the circle, holding a ball of yarn.

3. Ask the group to imagine that the four migrants from the cases they have studied are sitting in the chairs, and standing with them are other LGBTI migrants, refugees, and asylum seekers, including those that the participants have known and may come to know as part of their personal, community, and professional life.

4. Ask them to close their eyes and think of something they wish to say to those people. (They don’t have to share their thought with the group if they don’t want to.) Allow the participants a moment of silence with their thoughts.

5. Now ask them to identify something they can do through their organization or collective or as activists to support and promote protection for these people and their rights. Allow the participants a moment of silence with their thoughts.

6. Now ask them to identify a personal commitment that they want to take away from this Workshop for their everyday life. Allow the participants a moment of silence with their thoughts.

7. Ask them to open their eyes. Hold the end of the yarn and toss the ball to one of the participants. Ask that person to share what they can do through their organization and their personal commitment. They may also summarize in one sentence how they feel about the migrants represented in the center of the circle. Then ask them to hold onto the yarn and toss the ball to another participant. This process is repeated with each participant until a network is formed with the yarn.

8. Once all of the participants are part of the network, point out the importance of the affection and sympathy created by accompanying specific cases involving LGBTI migrants. Emphasize the significant support role played by institutions and civil society organizations that work with migration and are called upon to defend and protect LGBTI persons and their rights.

9. Now the order is reversed by having the person holding the ball of yarn toss it back to the person from whom they received it. Each time someone receives the ball, they should mention something they liked about the Workshop, along with a recommendation for improvement.
VI. Bibliographical References*

Theoretical Documents


* The bibliography for this Module adheres to the format observed by the American Psychological Association (APA), which differs from the guidelines established by the IOM Publishing Service.
Migration and Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) People

Module for Awareness-Raising and Training of Public Institutions, Social Organizations, and LGBTI Collectives and Activists in the Mesoamerican Region


International Legal Instruments


Migration and Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) People

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http://www.corteidh.or.cr/sitios/reglamento/nov_2009_ing.pdf

Inter-American Convention Against All Forms of Discrimination and Intolerance. (05 June 2013). General Assembly, Organization of American States, Forty Third Ordinary Period of Sessions.


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Resolution on Human Rights, Sexual Orientation, and Gender Identity (Resolution AG/RES 2863 (XLIV-O/14)). (05 June 2014). General Assembly, Organization of American States.


Websites

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).
www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIntro.aspx

Inter-American Commission on Human Rights (IACHR): Rapporteurship on the Rights of LGBTI People

Inter-American Commission on Human Rights (IACHR): Rapporteurship on the Rights of Migrants

http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/SRMigrantsIndex.aspx
VII. Appendixes
APPENDIX 1: Myths and Prejudices about LGBTI People

**Non-heterosexual people are more prone to sexually transmitted infections and have higher rates of HIV than heterosexual people.**

Sexually transmitted infections are not related to sexual orientation nor gender identity, but rather to the absence of safe-sex practices (use of condoms and latex barriers).

**The children of homosexuals and lesbians tend to also become homosexuals or lesbians.**

No relationship exists between the sexual orientation of parents and the sexual orientation of their children. In fact, most homosexuals and lesbians come from families comprised of heterosexual couples. It is also important to point out that no sexual orientation is better than any other, and thus children should not be reproached for whatever their sexual orientation may be.

**Homosexuality goes against the laws of nature.**

Homosexual conduct exists in nature and has been present throughout the history of humanity.

**Homosexuality and trans-sexuality are mental illnesses.**

The American Psychologist Association (APA), the World Health Organization (WHO), and the Pan-American Health Organization (PAHO) have repeatedly stated that dozens of studies carried out over the past decade allow it to be categorically affirmed that homosexuality and trans-sexuality are not mental disorders, but rather one more possibility within the broad spectrum of sexuality.
APPENDIX 2: Myths about Migrants

Migrants come to steal our jobs.

The country’s unemployment level would not go down if there were no migrants. Most migrants work in occupations where there is a shortage of labor, or do the work that the country’s citizens are unwilling to do. This is precisely why they come here.

Migrants are a burden on the public health system.

Many public health systems are in a crisis situation because the development models pursued by the State have caused the State to curtail investment in social programs. Migrants pay for public health services just like nationals do. When an employer fails to pay payroll taxes for all of its workers, it is breaking the law, and the failure to pay is the fault of the employer, not the migrant workers.

Migrants are delinquents or bums kicked out of their own country.

This is a generalization. Both nationals and foreigners break the law. The fact is that many migrants leave their country because they are fleeing from organized crime networks that they do not wish to be part of. Regional economic dynamics are complex, and economic factors are one of the main reasons why people migrate in search of better opportunities. This not only happens between countries, but also from rural towards urban areas within each country.

All migrants are poor and always asking for handouts.

There is enormous diversity among people who migrate. While it is true that many people migrate in search of better economic conditions, most of them satisfy their desire for a better quality of life through honest work, thus making a positive contribution to the host society. There also exist migrants with resources to invest in the host country, and others who migrate in order to utilize their talent or knowledge because their country of origin does not value them or offer them an opportunity for personal development. The reality is that migrations have occurred throughout history, and every culture has been enriched by their contributions.
APPENDIX 3: Phrases for the alternative activity, Diversity Word Jumble

These phrases should be cut out, and a full set given to each group. The titles (Sex, Sexual Orientation, Gender, Gender Identity) can be referred to by the Facilitator, but not included with the phrases given to the groups.

**Sex:**

Refers to the biological, anatomical, and physiological characteristics that a person is born with and that are related to the definition of whether he/she is a man or a woman (for example, the genitals, breasts, and other bodily features).

Secondary sexual characteristics are those that a person is born with and that medical science has associated with one sex or the other or, in the case of intersexuality, with both sexes.

Some of these characteristics can be modified during the course of a life, such as due to an accident, illness, or surgical and/or hormonal intervention.

**Sexual Orientation**

The capacity of each person to feel a deep emotional, affective, and sexual attraction to persons of a gender different from theirs, persons of their same gender, or both genders.

The capacity of each person to maintain intimate and sexual relations with persons of a gender different from theirs, persons of their same gender, or both genders.

**Gender:**

Defines the different emotional, affective, and intellectual characteristics and behaviors that each society assigns as exclusive and natural for men and women.

It is learned and responds to cultural determinants, and thus can be changed and transformed.

It is a social and cultural construction that responds to a social power structure that places women and all things considered feminine in subordination to men and things considered masculine.

**Gender Identity:**

The internal and individual experience of gender as felt by each person (to the degree that each person identifies him/herself as masculine or feminine or a combination of both).

May or may not correspond to the sex assigned at birth, including the personal experience of one’s body (which could involve the modification of one’s appearance or bodily function through medical, surgical, or other means, provided the choice is freely made), and other forms of expressing gender, including clothing, forms of speech, and mannerisms.
APPENDIX 4: LGBTI Migrant Case Studies

The following four cases studies will be used for various activities during the Workshop. Each case consists of three parts. The instructions for each activity will indicate when each part is to be given to the work groups.

**Caso 1: Hilary**

**PART 1:**

Hillary is 20 years old. Until recently, everyone in his community knew him as Fabio, the second son of Conchita Rodríguez. Ever since he was six years old, he remembers feeling like a girl trapped in a boy’s body, and from the age of eight, he identified himself by the name of Hillary.

When he was young he stole his mother’s make-up, and knotted his tee-shirts at the waist or wore them long without pants, like a dress. Whenever his father saw him like that, he would shout, *Fabio, quit acting like a faggot!* I’m going to put you in the Army to make a man out of you! He had few friends. The boys in the neighborhood pushed him around and made fun of him. Some of the girls were friendlier, and even though they didn’t understand why a boy would want to dress like that, they still played with him.

During adolescence, he hated the facial hair that started to form into a moustache, and his voice that was becoming deeper. He always felt feminine, and tried to be that way. When he was fourteen, he managed to let his hair grow longer for a few weeks, until one day his mom grabbed him and cut his hair. Hillary reacted by crying disconsolately, and his mother asked, *Fabio, what’s the matter?* Hillary replied by screaming, *I’m not Fabio! I never have been and never will be a man! I’m a woman, and my name is Hillary.* Although his mother did not comprehend how that could be possible, she felt his pain, and said, *All right, Hillary, but don’t let your father find out or he’ll kill you.*

After that, Hillary started to talk with his closest female friends about what was happening. When he turned fifteen, they encouraged him to celebrate, and he put on a dress to go out. Upon returning home though, he didn’t time it right, and his father saw him dressed and made up. He didn’t say anything that night, but at dawn the next day he went into his son’s room, threw open the windows, dragged him out of bed and hit him, shouting, *You will leave this house today! I don’t want to see you here one more day!* He threw a large shoulder bag on the floor and began to throw into it everything he found in the room, and pushed Hillary out of the house.

Hillary was in shock. She had nowhere to go. She started wandering slowly, with the bag over her shoulder, and sat in the park for a couple hours to try and get her thoughts together. What was she going to eat? How was she going to support herself? Suddenly she remembered that the night before she had met a lady who said that she could get Hillary a job, and had given her a phone number. She said that Hillary was too pretty to stay in a town where no one valued her for who she really was. At the time, Hillary had not given it much thought, but she had kept the lady’s number. Sitting in the park, she thought, *Was she serious about what she said? Well, it can’t hurt to find out!* She slept on a park bench that night, and called the lady the next morning. They agreed to meet in the late afternoon. Hillary waited all day in the park without eating, because she didn’t have any money. When they finally met, she was so hungry that she ate everything the lady offered.

The lady was named Roxana, and worked for a modeling agency. It’s your lucky day, said Roxana. I just got a call from a friend who said that we have a photo shoot scheduled today, in the northern part of the country. It’s several hours of driving, and we’ll have to spend the night there, but it will be worth it.

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1. The vocabulary may be adapted to the context of each country.
2. If your country does not have an Army, this phrase can be substituted for: I’m going to beat you until you bleed to make a man out of you!
Roxana explained that if Hillary did well, the agency could even help her pay for hormonal treatment, if Hillary was interested. She also took some pictures of Hillary. Hillary felt relieved because she wouldn’t have to worry about finding a place to spend the night. She called one of her friends to share the good news, but the number was busy. I’ll call her later, she thought. Right now it’s time to get moving. They were going to pick her up in an hour.

An hour later, a black pick-up truck pulled up to the park. Roxana was sitting in front next to the driver, and the three set off on their trip. It got dark, and Hillary was tired, both physically and emotionally, so she laid down across the back seat. When she woke up, they were stopping in front of a dark hostel in a dimly lit alley. Roxana was nowhere to be seen. Hillary was a bit dazed, but the driver grabbed her arm and pushed her into the hostel, saying, Look, little girl, I’m going to introduce you to a friend of mine. He’s seen your pictures and he liked them a lot, and he’s going to pay you a lot of money to have sex with you. He opened a bottle of liquor and set it on a table in the tiny room. If you need to get your courage up, you can take a drink. He’ll be here in half an hour. Hillary started to cry. The friendly smile disappeared from the driver’s face, and he shouted, Look, girly, don’t make a scene. It’s time to grow up. Roxana ain’t here, and you won’t be seeing her again. You deal with me now. He slammed the door and left.

At first Hillary was very scared, but felt that she didn’t have any choice. The first time was awful. The booze became her ally to escape from the reality of the abuse to which she was being subjected. They didn’t give her much money, because the man that had brought her there kept most of it. As time went by, some of her regular clients started to give her money when no one was looking. That way she was able to save some. She moved to another city and continued as a sex worker on her own. She was better off there, where she could choose her clients and get paid directly.

After a few months, she met a girl who was in a situation similar to hers. They became friends, and Hillary grew to trust her.

PART 2:

Hillary’s friend invited her to another country to work in the sex trade, but under much better conditions, in a more respectful, safe and luxurious place, with better pay. They would be lodged in a house for a reasonable price, and would be brought steady clients. The people in charge also paid for their airfare and allowed the debt to be paid back in installments. The girl offered to put Hillary in contact with the person who had made the offer. This time Hillary had her doubts, but the security she felt with her trusted friend and the information she provided about the contact person dispelled her concerns. The offer seemed to be legitimate. She obtained the necessary documents and migrated legally, along with her friend.

She did not imagine that her life in the other country would turn into a nightmare. Upon arrival, she was asked for her documents to handle immigration details, and her documents were withheld. The working conditions promised were not fulfilled. The clients were forced on her. Instead of being paid directly, all the money was handled by Andrés, a fat guy with a red baseball cap. She was paid very little because they withheld money to pay for the alleged debt, the place where she was kept, and other expenses that had not been mentioned before. More than a year has gone by, and Hillary still has not recovered her passport, and doesn’t know what to do.

Since her arrival, she has been mistreated in various ways, suffering humiliation and physical and sexual violence. She has also been a witness to violent treatment suffered by other girls in the same situation. One of them who tried to escape was beaten and disappeared.

Although she is allowed to go out on occasion, Hillary is fearful and afraid to talk to other people because they might know her captors. She also feels guilty and ashamed at having allowed herself to be deceived again.

One day during an outing, she finds out where her country’s Consulate is located.
PART 3: For the Interviewer and the Observers

Hillary makes it to her country’s Consulate. She has a masculine voice and features. She is wearing a dress and make-up. She appears very scared and emotionally affected. She has no documentation, but says she is a citizen of the country represented by the Consulate. She says her name is Hillary. She is interviewed by the Consul.

For the Person Who Will Play the Role of Hillary

You are scared and upset. You are afraid that your traffickers might have followed you and are looking for you.

You are afraid that the Consulate staff will discriminate against you, blame you, and mistreat you for being a trans person and for being involved in the sex trade (although it is really sexual exploitation).

You fear that they will not believe what is happening to you, or that they will say it’s your fault for letting yourself be deceived, and for having stayed there all this time even though you were allowed to go out at times.

You are worried because you can’t afford to return to your country, nor will you have any place to stay or anything to eat if you don’t return to where your traffickers keep you. Besides, you are not familiar with this country and can’t find your way around. You had difficulty finding the Consulate.
PART 1:

Daniel lived on the coast of a Central American country, eight hours away from the capital, with his father and older brother, both of whom were fishermen.

Daniel started to feel attracted to other boys during his freshman year in high school. At first he didn’t understand what was happening. His thoughts always lingered on one of his classmates, Joaquín. He felt attracted and dreamed about being with him. This embarrassed him deeply, and he didn’t want to tell anyone. He felt scared and confused.

One day, a close female friend of his, who had begun to notice something was up, asked him what was going on and why he was always staring at Joaquín. At first Daniel denied that anything was happening, but he really needed to talk with someone and so decided to be honest and tell his friend how he felt. She frowned at him, saying that she cared for him and wouldn’t tell anyone, but that he needed to find God and stop having such impure thoughts, because they were sinful.

That night Daniel cried himself to sleep, feeling very alone.

He didn’t mention the matter to anyone else, and for the rest of the school year avoided at all costs being near Joaquín. At the start of his sophomore year, however, he met Fabián, and again felt a strong attraction and a deep desire to be with a boy. This time he didn’t tell anyone, but decided to look for information. In computing class they were learning how to use various programs, and worked in labs with access to Internet. Without the teacher knowing, during every computing class Daniel searched for and read everything he could find about gay men, gay organizations, and gay bars. There weren’t any gay places or groups in his small town, but he found several in the capital.

Ever since his mother passed away, Daniel had begun to feel that his father and brother were becoming more aggressive towards him. They started making him do all the housework, and then took him out of school. It was a very small town, and rumors spread quickly. One night a neighbor came over, and Daniel heard her tell his father that people were saying that his son was gay. His brother also heard this, became furious, and started planning with his father on how to get those ‘cooties’ out of Daniel’s head.

A week after the neighbor’s visit, they tied him up to a large dresser to prevent him from going out of the house, and told him they were going fishing. They said that when they got back they were going to talk about the harm he was doing to the family.

Daniel was terrified. His father and brother were capable of hitting him with a belt or something worse. After struggling for a couple hours he broke free, and with only the clothes on his back and a few coins he found in the house, he fled to the nearest city. He had the phone number of a gay organization that he had found on the Internet. He decided to call and ask them to come get him, because he was afraid that his father and brother would find him, and he had nowhere else to go.

Daniel moved to the capital city and never returned home, leaving behind all his possessions, his friends, and his family. He was fifteen years old, and his mother had passed away a year before. The first months were the hardest. He didn’t know anyone in the city, and he felt alone, cried a lot, and missed his town and family. He was able to contact an organization for help, however, and they found a place for him to stay for a few weeks. Then he found a job that didn’t pay much, but it was enough to rent a room. Gradually, he made some new male and female friends.

Several people mentioned that migrating north was a good option, since there were more opportunities to find work and build a better future. In his country, young people commonly emigrated in search of opportunities. After living for a year in the capital, one day Daniel decided to head north.
**PART 2:**

Daniel migrated irregularly, together with a friend of his age and two adult men who had tried to migrate before and knew the route. For several weeks they travelled along dangerous roads, enduring hunger and thirst. One of the men in the group raped him and threatened to hurt him if he said anything to the others. While travelling through a transit country, they were detained by the immigration authorities.

**PART 3:**

**For the Interviewer and the Observers**

Daniel was detained by an immigration officer for travelling with irregular status. He was travelling with three others (another adolescent and two adults). The boy stated he was sixteen years old, although he had no documents. Due to his potentially being a minor, Daniel is interviewed by the child welfare authorities to obtain information about his situation and consider the possible actions to take regarding his migratory status.

**For the Person Who Will Play the Role of Daniel**

You and your companions were detained for having migrated irregularly. Now the authorities say they are going to interview you, and you are very scared. You’re afraid that they will lock you up for life, and you feel very alone. You really want to get to your destination country, and are very afraid that you might be returned to your country of origin. There are few opportunities for you back there, and you have endured too many hardships during the journey to be returned now.

Your greatest fear is that, due to your age, they will send you back to your father and brother, to the home you fled from to be free from aggression. It is difficult for you to talk about your situation though, because you are afraid they won’t believe you. You fear they will start asking for details, and that you will have to admit that you are gay. You are afraid they will make fun of you and blame you for the aggression you suffered.

You were recently raped by one of your companions, and are feeling much physical and emotional pain. The person who raped you is also being held in the same detention center, and you are afraid. The thought of telling anyone about what happened to you is very embarrassing, however, and you fear you will be made to feel guilty and responsible for the aggression suffered.
PART 1:

Fernanda is a Spanish teacher. She is 40 years old, and works at a private high school in the center of the capital city. She met Raquel at a philology seminar. Raquel had come from another country to attend the seminar. For Fernanda, it hadn’t been easy to meet other lesbians in such a conservative country. *Sinners! They are destroying our family values!* Those were the words of the bishop in a recent press interview. Fernanda is a believer, but she is convinced that every church should speak from love, not from hate.

After the seminar, Fernanda and Raquel continued writing and calling each other. Then they began to exchange visits, crossing borders to share long weekends that they prolonged with vacation days. These visits turned into plans for sharing a life together. They were in love, and did not want to be apart. One day, they decided to give it a try. After talking it over and analyzing the situation in both countries and their working conditions, they decided it was better for Fernanda to move. After all, Raquel had a steady government job as a translator, and the economy was better in her country, while Fernanda’s labor contract was only temporary, and her neighborhood had recently experienced more robberies.

Fernanda was afraid and uncertain, and though she wasn’t sure about leaving her country, she was certain she wanted to be with Raquel. So one fine day, just as they had planned, Fernando packed her things and went to live with her partner. She figured that once she was settled in and found work, she could save some money and visit her family. At first she was happy and experiencing new things, and Raquel enjoyed showing Fernanda her world.
PART 2:

Time passed quickly though, and Fernanda’s tourist visa was about to expire. When the first three-month period ran out, Raquel requested time off from work, saying that a sister of hers was sick, and she travelled south with Fernanda to the neighboring country to get Fernanda’s passport stamped and obtain another three-month tourist visa.

Fernanda still hadn’t found a job, but occasionally earned some money proofreading a graduate thesis. She thought about posting signs offering Spanish classes for foreign students, but she was not familiar with the type of exams given in her host country’s schools, so she decided not to risk it. She had to ask Raquel to buy her a phone line so that she could give out a contact number, because phone lines were not sold to foreigners.

Fernanda was lonely because she still hadn’t made any friends and Raquel worked all day. Sometimes, she went out to sit in the park and watch the people go by, and at times walked for a few blocks looking for work options. She checked the newspaper every day and sent her résumé to several e-mail addresses, but received no replies.

After five months, she found work as a secretary in a small office. They paid her less than the cleaning lady, and would not sign a labor contract because she had no documentation to allow her to stay in the country with regular status. This made Raquel furious, but she felt as if her hands were tied. It had taken so long for Fernanda to find a job that she didn’t want to risk anything by filing a complaint.

It’s been almost six months since Fernanda first arrived in the country, and now she asks for time off to leave the country and return, because they don’t live in the capital. She feels there’s no way out of her predicament. If she leaves the country, she’ll lose her job. If she stays, her migratory status will be irregular, and that would make it more difficult to access labor opportunities and exercise her rights.

Raquel is very worried, but she is afraid to ask her office attorney what to do, because she would have to begin by explaining that she is a lesbian. Despite the fact that she has a stable position and her country is a bit more open about such issues than Fernanda’s, there are still a lot of conservative people, and Raquel has often heard her colleagues make fun of the Amazon women, as they tend to call lesbians. She knows of other lesbians who have been harassed and given a rough time at work, despite holding stable positions, although such behavior is never officially acknowledged. She feels it is better to ‘stay under the radar’ in order not to become a target for such discrimination.
PART 3:

For the Interviewer and the Observers

Fernanda goes to the office of an NGO that works with issues related to migration and the rights of migrants. She is served by a woman who works there.

For the Person Who Will Play the Role of Fernanda

You go to the office of a NGO that works with issues related to migration and migrant rights to seek support and advice on how to deal with your situation.

You don’t know the position of the organization or the opinion of the person serving you with respect to people with diverse sexual orientations. In the past, you have met people who worked for human rights but were homophobic and lesbophobic.

You are afraid to say that you are a lesbian, and also fear that you will be disqualified when they find out that the reason you want to stay in the country is to be with your partner.

You feel trapped and wish they would give you some hope in the form of an option to solve your predicament. You are afraid you might be told that nothing can be done.

If you don’t manage to leave the country before the six months are up, you won’t be allowed to stay with regular status, and your situation will become even more difficult. But you don’t want to lose your job, because it’s the only one you have landed in over five months, even though you are unsatisfied with the unstable conditions and the disrespect regarding your labor rights. Besides, you are embarrassed to say that you are accepting such conditions despite having a college degree, several years of professional experience, and better employment opportunities in the past.
Case 4: Gabriela

PART 1:

Gabriela is 18 years old, lives with her mother in the country’s second largest city, and is in her first year of college. She has always been very extroverted. During her junior year in high school, she realized that she was attracted to both boys and girls, that she was bisexual. The first time she liked a girl she thought it was just a phase, because when she broke up with Adriana she went back to going out with boys. But after Juan, she fell in love with Andrea, and now they have been together for several months.

Once she acknowledged her bisexuality, she sought out a group of young lesbian, gay, bisexual, and trans people. She wanted to talk with others who were also asking questions about their sexuality. Now she is an activist for the human rights of LGBTI people, as well as a feminist, participating in activities for the community and for HIV prevention. Being an activist has brought her many opportunities. She has travelled to national and regional meetings, received training on human rights, women’s rights, and sexual and reproductive health rights, and has found safe places for expressing her bisexuality. Her mother is very proud of her and supports her in all of her activities.

In her country, things are not easy for LGBTI people. The society is highly conservative, and the economic crisis has been used by certain ultra-conservative religious sectors to preach that God is punishing the country because of homosexuals and lesbians. These groups have joined forces with certain sectors of the government, and it has been rumored that they are trying to amend some laws to criminalize any sexual orientation that is not heterosexual. In some towns, this climate has encouraged local groups to carry out violent acts, including murders, against LGBTI people. The police, instead of protecting the victims, blame them for provoking such aggressions by not concealing their sexual orientation or gender identity. Some of these aggressions, especially against trans persons, but also against homosexuals and lesbians, have even been perpetrated by police officers. Several lesbians have been raped.

Rather than laying low, Gabriela has publicly denounced this persecution and these hate crimes to the press. It seems, however, that these charges have stirred up the wrath of the fundamentalist groups even more, and four months ago, her organization’s office was broken into for the first time. Their computers were stolen, and the brochures and other informational materials were destroyed. They filed a complaint, but the local police refused to classify it as a hate crime, alleging that it was just another burglary.

A month ago, their windows were smashed and the walls spray-painted with the phrase, Perverts, Repent! Gabriela is currently the organization’s President, and has begun to receive threats by e-mail, and the walls of her house have been spray-painted with messages such as, You can’t be with both men and women, and What you’re asking for is to get raped so you’ll learn to be a woman and God hates you! She feels watched and persecuted.

Gabriela does not want to flee and leave her whole life and her family, but she understands that her life is in danger. She would have preferred to leave with her mother, but her grandmother is sick and cannot be left alone. After much reflection, Gabriela decides to leave her country and request asylum in another country of the region where conditions offer greater security.

PART 2:

Gabriela undertakes the overland journey alone. Along the way, she is robbed and left without any money. At a nearby vending stand, she is helped out and given a glass of water. The people there seem concerned and willing to help, but they tell her that’s what happens for travelling alone, and that she should be thankful she wasn’t raped. She resumes her journey, eating little and emotionally affected by what has happened to her.
PART 3:

For the Interviewer and the Observers

Gabriela arrives at a border station of the destination country with her passport. She is interviewed by a female immigration officer.

For the Person Who Will Play the Role of Gabriela

You arrive at the border station, walk up to the window, and ask for help in presenting an asylum petition.

You know about the possibility of requesting asylum, but are very afraid that your petition will be denied and you will be forced to return to your country of origin.

Even though you are an activist and aware of your rights, you are afraid they will begin to ask uncomfortable questions, that they won’t believe you, and that you will be discriminated against because of your sexual orientation.

The journey has been long and tiring, you haven’t eaten much, and you were robbed along the way. After seeing the reaction of the people who offered you help after the robbery, you are afraid to repeat your story and be blamed again for having decided to travel alone.
APPENDIX 5: Case Study on Trafficking in Persons: Maylin

Rodolfo was born in a Central American country. That was the name chosen by his parents when he was born. During adolescence he began to feel uncomfortable with his male body, as he felt like a woman inside. He began to try on women’s clothing at home. He also felt attracted to boys. He began to have problems with his father, who threw him out of the house at sixteen, still a minor.

He decided to call himself Maylin. She started to work as a maid and a sex worker in her country of origin. At the age of eighteen, she migrated to another country in the region in search of better labor opportunities, but mainly to flee from the discrimination she faced every day in her community. A female trans friend from another Central American country invited and encouraged her to travel to that country. There she worked in bars and cafés, suffering labor and sexual exploitation. During the day they would have her cook and clean, and at night she labored as a sex worker. She endured long shifts, and most of the money paid by her clients was kept by the owner of the bar. Maylin was not happy with these conditions. She was free to leave if she so desired, but it wasn’t easy to make such a decision. Finding opportunities was difficult for a girl like her. The owner of the bar said, You decide, either stay or leave, it’s your problem. You’ll earn the same elsewhere. Maylin dreamed of getting another type of job.

One day, a female friend she met in the bar said that there was family looking for a maid. She said they paid well and offered a respectful workplace. Maylin’s friend offered to recommend her, and took her to meet the family.

Maylin was very excited, thinking that she had finally found a job where she would be content, and at first it actually felt like a home to her. The months went by though, and she didn’t receive any pay for her work. They began to make her work long shifts, and did not allow her to go out. They kept her locked inside the house, not allowing her to have contact with anyone on the outside, and subjected her to shouting and humiliating treatment. She was given little to eat and denied medical attention of any kind, so her health began to deteriorate. This went on for over a year, until one day she managed to escape.

She wanted to return to her country, but had no money. She had to beg in the streets and offer sex in exchange for money just to eat and pay bus fares. While in transit back to her country, she was frequently mistreated, especially at the border stations. She felt discriminated against by several officials who reacted with glances and gestures that made her feel humiliated. They made her wait longer than other persons,
and made fun of her because she looked different from the picture on her identity document. One time, they even made her remove the make-up from her face and take off her earrings.

One time the immigration officers put her in a room and told her, *Go on, take your clothes off, because you’re not a woman. Dress like a man.* One border police officer followed her into the room and raped her. Maylin didn’t tell anyone; who could she ask for help? All she wanted was to leave that nightmare behind and return to her country as quickly as possible. When she finally made it, she was a mess, thin and ill. When she arrived at her home, her mother took her in, and her father put up no opposition.

For the first few months, Maylin didn’t tell anyone about what she had been through. She pursued study opportunities, and joined an organization that advocates for the rights of LGBTI people. She was assigned to a project on human rights and human trafficking prevention, which gave her the knowledge to understand what had happened to her. Once she felt more secure, she began to talk about her experiences.

As part of the project, she was given psychological care and support to continue her studies. She completed her high school degree and won a scholarship to study English. She had to abandon those studies, however, due to the discrimination and treatment she was subjected to by her classmates and professor. Then she received support to study dressmaking, and continued working as an advocate for the rights of LGBTI people, taking every chance to raise awareness regarding discrimination and the rights of these people. She also received support to start up a micro-enterprise to support herself and her family, with whom she currently lives.

Her family has participated in awareness-raising activities conducted by the project under which Maylin received support, and this has improved the treatment and comprehension towards her. Her father still calls her Rodolfo, but no longer mistreats her like before. Maylin recently went back to studying English, and dreams of being a translator.
APPENDIX 6: Cards for the Board Game

HILARY

1. You were recruited, through a person you trusted, by a human trafficking network. **What means did they use to recruit you? What situations did the traffickers take advantage of?** [Deception (total or partial), threats, use of force or other forms of coercion, abduction–fraud, abuse of power or of a situation of vulnerability, giving or receiving of payments or benefits to obtain consent of a person having control over another person].

   MOVE BACK TWO SPACES

2. Your documents were withheld on the pretext of helping you to comply with immigration procedures, and they have not been returned to you. You also have not received the pay that was offered for your work. Much of it is withheld to supposedly pay your debt for travel expenses, for the place where you live, and other expenses that were not mentioned before.

   MOVE BACK TWO SPACES

3. You have been humiliated, beaten, and raped at the place where you are being sexually exploited. You have also been a witness to how other persons have been mistreated and disappeared. Even though you are occasionally allowed to go out, you don’t dare seek help because you are very afraid and ashamed. **How does the violence directed at you and others make you feel?**

   MOVE BACK TWO SPACES

4. When you were out shopping one day, you saw how several supermarket employees verbally mistreated a male trans because his credit card and identity document had a woman’s name. They made fun of him, asked him why he dressed like a man, and called him names like gorgeous and doll, saying, **What you need is a man.** You felt indignant, but your fears of seeking support become worse. **Comment on the difference between the discrimination that a female trans might face and the discrimination that a male trans might face.**

   MOVE BACK TWO SPACES

5. When you entered the other country, all your papers were in order. Nobody asked any questions, nor gave you information about trafficking in persons or other risks. **Discuss why people can be at risk even when migrating regularly.**

   MOVE BACK ONE SPACE
6. You migrated regularly, with all your documents in order, thus avoiding the problems associated with irregular migration. Mention some of the documents needed to migrate regularly.

MOVE FORWARD TWO SPACES

7. Deep down you are convinced that what is happening to you and the others who are trapped in that place is unjust, and that no one deserves to be treated that way.

MOVE FORWARD TWO SPACES

8. While out one day, you see a poster warning about trafficking in persons that described the things that are happening to you. The poster said that human trafficking is a crime that should be denounced. This makes you think that there might be a way out of your situation. What information could such a poster contain?

MOVE FORWARD TWO SPACES

9. On the street, you get information from an organization about the rights of people who work in the sex trade. You tell the person who gave you the information about your situation, and that person refers you to a place where you can get advice and support. What organizations or institutions could you be referred to in your country?

MOVE FORWARD TWO SPACES

10. You go to the Consulate and are served by a person who treats you respectfully and is knowledgeable about human trafficking. You are offered information and support, including coordination for a place to stay temporarily. You are scared, but you feel supported, and decide not to return to the place controlled by your traffickers.

MOVE FORWARD TWO SPACES
1. You migrated irregularly, without any information about your rights, which exposes you to greater risks. The country where you are headed has a very restrictive migratory policy for people from your country. Can you name any risks faced by people who migrate irregularly? In your case, what situations might have forced you to migrate irregularly?

MOVE BACK TWO SPACES

2. Even though you are travelling with other people, you are a minor and are not travelling with anyone responsible for your protection, nor do you know your companions well. Why does travelling in that manner put you at greater risk? How is your situation different from that of an adult homosexual man?

MOVE BACK TWO SPACES

3. You travel along remote and dangerous routes, passing through a desert where you get sunburned and dehydrated. There are almost no healthcare services available along those routes, but even if there were more, it would be difficult for you to ask for help. Why do you travel by such dangerous routes instead of following safer routes? Why would it be difficult for you to ask for help with your health condition?

MOVE BACK TWO SPACES

4. While in migratory transit, you are a victim of sexual violence at the hands of one of your companions, who then threatens you to keep you from telling anyone. You are also afraid to tell anyone about what happened because you fear that they will say you provoked it, that you were looking for it because you’re gay, and that you probably enjoyed being raped, anyway. Why are such fears common among victims of sexual violence?

MOVE BACK TWO SPACES

5. You were detained by the immigration authorities and are afraid that they will send you back to your country. What concerns arise when you think of the possibility of being returned to your country? (Remember that you are a minor).

MOVE BACK TWO SPACES
A child welfare official who interviewed you, looked into the situation you experienced in your country of origin and with your family, to take that information into account when deciding what to do about your migratory situation. The purpose is to guarantee your best interests as a minor, since you are an underage adolescent.

MOVE FORWARD TWO SPACES

At a shelter where you stayed in a transit country, someone noticed you were very sad and isolated, and that one of your travel companions was treating you badly. This person suggested you speak with one of the shelter workers, who gained your trust, and you told her about the mistreatment you had suffered. She dealt with you respectfully, informed you of your rights, and asked how you felt about making a plan to ensure your security and protection. What kind of attention could you receive that would give you the confidence to talk? How did that attention make you feel?

MOVE FORWARD TWO SPACES

In one of the towns you travelled through, you saw posters on the rights of migrants and information on organizations that can provide information. Name at least one organization or institution in your country that provides this type of information and support to migrants.

MOVE FORWARD TWO SPACES

One of the immigration officers who detained you noticed your condition and asked you if you had any urgent health condition that required attention. As a result, you were seen by a doctor who detected and treated your dehydration and sunburns.

What would have happened if the officer hadn’t asked you about your urgent healthcare needs?

MOVE FORWARD TWO SPACES

In a moment of desperation, you decide to call the LGBTI rights advocacy organization in your country that helped you out when you fled from the mistreatment suffered at home. The organization staff has received training on migration and migrant rights, and they give you useful information. What type of information could they provide?

MOVE FORWARD TWO SPACES
You have lived in the host country with your partner on a tourist visa. Although you have looked for work, it has been difficult to find a position. You can’t even buy a phone line in your name because they don’t sell to foreigners. **In what way could your experience differ from that of a heterosexual migrant woman?**

MOVE BACK TWO SPACES

You are a professional with several years of work experience, but the only job you can get is as a secretary, and they pay you less than the cleaning lady. They said they wouldn’t sign any contract because you lacked the necessary documents. You and your partner feel this is very unfair, but you don’t want to risk filing a complaint and losing the only employment opportunity you have been able to find. **How are your labor rights affected by this migratory situation?**

MOVE BACK TWO SPACES

If you were a heterosexual, you could access a category that would allow you to normalize your migratory status in the country where you are living, based on the recognition of your family tie with your domestic partner. Since you are a lesbian, however, that possibility does not exist for you. **Why is this situation clearly a case of discrimination based on sexual orientation?**

MOVE BACK TWO SPACES

Your partner fell ill and was hospitalized for several weeks. During all that time you were unable to visit her because only relatives are allowed to visit patients. The country where you are living does not recognize same-sex domestic unions. To make matters worse, your partner’s family is not in agreement with your relationship, and is unwilling to help you visit her in the hospital. **What other rights enjoyed by heterosexual couples are unavailable to other people based on their sexual orientation?**

MOVE BACK TWO SPACES
6. You have had the opportunity to study, and you have a college degree and professional experience. You are an active person, with a partner who loves and supports you. These are factors that protect you, even when you face discrimination for being a migrant and a lesbian. What would your experience be like if, besides these conditions (gender, sexual orientation, and migratory status), you had not had the opportunity to study, had few economic resources, and were an indigenous person?

7. You have sought the support and advice of an organization that advocates for the rights of migrants.

8. Thanks to the efforts of organizations that advocate for the rights of LGBTI people, your host country is considering the possibility of legally recognizing same-sex unions. If this becomes a reality, you could apply for normalization of your migratory status based on the recognition of the union with your partner. How would such a situation change your life as a migrant?

9. You have met other binational same-sex couples who are in the same situation, and have had the opportunity to talk with them about their experiences and to empathize. Although this doesn’t solve the situation, at least you feel you have access to stronger support networks.

10. You and your partner have decided to seek legal advice to petition for recognition of your domestic union, based on the principle of non-discrimination. With the help of activist attorneys, you have been evaluating the options that exist at the national as well as regional and international levels for claiming your rights. Now you are more knowledgeable regarding your rights and how to claim recognition thereof, even though you know that in practice it won’t be easy, and could take a long time and involve significant expenses.
You have been persecuted based on your sexual orientation. Your life and integrity are in danger, and your country of origin is not providing the necessary protection. Comment on the specific type of persecution faced by LGBTI people within the Mesoamerican context due to their sexual orientation and gender identity and/or expression.

MOVE BACK TWO SPACES

You didn’t know that to support your asylum petition it was advisable, although not required, to bring with you as much documentation as possible to show the persecution you were subjected to and the context of violence against LGBTI people in your country of origin. If you had known this, you could have brought pictures of the vandalism suffered by your organization, along with newspaper articles about the hate crimes against LGBTI people and diversity activists committed in your area and in other parts of the country, among other evidence.

MOVE BACK TWO SPACES

You travel overland alone. While in transit, you are the victim of a robbery. At a nearby vending stand, you are aided and given a glass of water. The people there seem concerned and willing to help, but they tell you that’s what happens for travelling alone, and that you should be thankful you weren’t raped. You resume your journey, eating little and emotionally affected by what just happened to you. How do you feel about what the people at the vending stand said to you after the robbery?

MOVE BACK TWO SPACES

The officials in charge of reviewing your asylum petition are homophobic and lesbophobic. They have not been sensitized regarding the persecution faced by LGBTI people and activists in some countries of the region. Nor have they been trained on the existing guidelines regarding international protection for LGBTI people. Mention the name of a United Nations agency related to international protection, and at least one document that contains recommendations and guidelines on international protection for LGBTI people.

MOVE BACK TWO SPACES

When you reach the border and indicate that you wish to petition for asylum, the official at the window asks a series of questions about your situation. The official says that unless you have conclusive evidence to show that you really are a lesbian and that attempts have been made against your life, the destination country will probably deny your request for refugee status. This discourages you, making you feel desperate, wondering whether you should continue with the process. What is improper about the way this situation was handled?

MOVE BACK TWO SPACES
6. You contact an organization that works with the rights of LGBTI people in the destination country. This organization gives you information on the asylum petition process and offers to accompany and support you once you arrive in that country. Mention at least one organization in the region that works for the rights of LGBTI people.

MOVE FORWARD TWO SPACES

7. In a shelter you stay at while in transit, you are given a brochure with information on the process for requesting asylum, as well as the rights you have as an asylum seeker and refugee. Define who is a refugee, and the difference between a refugee and an asylum seeker.

MOVE FORWARD TWO SPACES

8. A friend recommends that you contact the UNHCR to ask for information regarding the asylum petition process. Having clear information allows you to feel safer and know that having documentation with you could be helpful during the process.

MOVE FORWARD TWO SPACES

9. As an asylum seeker, in the destination country, you join a support group for people from various countries who have also suffered persecution for different reasons and had to flee their country of origin. This group is coordinated by a non-governmental organization that supports asylum seekers and refugees. Being able to share in a safe space what you have been through, and hearing the stories of others, makes you feel supported and accompanied. Some of the people in the group have a hard time comprehending that you are bisexual, but still treat you with respect. The organization is also helping you look for work. Why is this type of space and support important for asylum seekers and refugees?

MOVE FORWARD TWO SPACES

10. Several recent studies have documented the persecution faced by LGBTI people in the region. These studies are very useful as information on the country’s context, and can be an important element to be considered for purposes of asylum petitions.

MOVE FORWARD TWO SPACES