



# LGBTQI+ Atrocity Risks in Latin America: Community Perceptions and Opportunities for Prevention

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Cover photo: 24 July, 2021. Sao Paulo, Brazil. Protester wears a rainbow colored face mask shouting slogans during a protest demanding the impeachment of President Jair Bolsonaro. The sign reads “Bolsonaro Out”. Image taken by Nelson Antoine.

#### Disclaimer on gender-neutral language in Spanish and Portuguese

Protection Approaches and the Auschwitz Institute for the Prevention of Genocide and Mass Atrocities (AIPG) value and recognise the importance of inclusive and non-binary language in countering gender stereotyping, promoting gender equality, and visibilising LGBTQI+ people and women, particularly in the context of policy and practice conversations on violence prevention and human rights.

Please note that in the Spanish and Portuguese translations of this report, we endeavoured to use language that acknowledges and includes people of all gender identities, and to balance this with the technical readability of the text. Where the use of non-binary language hindered understanding of the material in Spanish or Portuguese, we have alternated the use of masculine and feminine grammatical genders across the reports. Please note that this does not imply that we only refer to people with those gender identities (unless so indicated). We appreciate your understanding on this and remain open to suggestions on how we can strengthen our use of inclusive language. For more information, please email [eugenia.carbone@aipg.org](mailto:eugenia.carbone@aipg.org) or [farida.mostafa@protectionapproaches.org](mailto:farida.mostafa@protectionapproaches.org)

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# Project partners

## Protection Approaches

Protection Approaches works to transform how identity-based violence is understood and so transform how it is prevented. In 2022, PA launched its Queering Atrocity Prevention programme which advocates for centring LGBTQI+ rights, risks, needs, and expertise in peace and security work, particularly atrocity prevention. PA has trained and advised state representatives, parliamentarians, and law enforcement from Romania to the Central African Republic to the United States, on undertaking inclusive and intersectional atrocity prevention, and we work closely with central UK government and missions to bolster their foreign policy contributions to intersectional and inclusive atrocity prevention efforts. We also work frequently with state missions to the United Nations, providing technical advice on how they can undertake LGBTQI+ inclusive atrocity prevention. Protection Approaches is a registered charity in England and Wales, charity number 1171433.

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## The Auschwitz Institute for the Prevention of Genocide and Mass Atrocities (AIPG)

Through its work with over 8,900 government officials from more than 90 states, AIPG has developed unique expertise in engaging with states and civil society on atrocity prevention. To date, AIPG has provided support to governments across Africa, Latin America, Europe, North America, and Southeast Asia on developing policies that reduce levels of discrimination and strengthen protection for marginalised populations. More specifically, AIPG has more than seven years of experience working to reduce LGBTQI+ atrocity risks in partnership with local civil society organisations. In both bilateral and multilateral fora, AIPG has organised training seminars and online courses and conducted technical assistance activities to strengthen state and civil society capacity to better mitigate risks facing LGBTQI+ populations. AIPG is a registered non-profit organization in New York, USA, and Oswiecim, Poland, since 2006. It also has registered offices in Uganda, Argentina, and Romania that are responsible for regional and national programming on atrocity prevention since 2013.

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# The Queering Atrocity Prevention programme

Protection Approaches' Queering Atrocity Prevention programme seeks to respond to and centre LGBTQI+ rights, risks, and expertise in atrocity prevention frameworks and efforts, and works to better integrate LGBTQI+ rights and risks in broader peace and security work.

In 2021, Protection Approaches launched its Queering Atrocity Prevention programme to help secure intersectional and LGBTQI+ inclusive approaches to mass atrocity prevention in the four arenas of civil society, policy, academia, and funding. This paper is part of a UK government funded multi-year project to develop, test, and embed new tools that would help state and non-state actors to better monitor distinct LGBTQI+ atrocity risks.

This paper, and the project it contributes to, builds upon initial scoping consultations with Sudanese and Afghan LGBTQI+ communities which produced a draft list of risk indicators for LGBTQI+ vulnerability to mass atrocities.

This report outlines the findings of community consultations with LGBTQI+ rights organisations and activists in Latin America to better understand LGBTQI+ experiences of mass violence and perceptions of factors increasing atrocity risk for LGBTQI+ people in the region. In partnership with AIPG, the project team has conducted consultations with LGBTQI+ activists and organisations from East and Southeast Europe, Latin America, and cross-regional focus countries to understand what LGBTQI+ populations perceive as the factors increasing atrocity risks for their communities. This paper is part of a wider research endeavour to support greater integration of LGBTQI+ rights in peace and security, and in the prevention of mass atrocity crimes. Findings will be integrated into an LGBTQI+ inclusive atrocity prevention toolkit being developed by the project team, as well as a series of capacity-building trainings, that aim to enable state and non-state actors to undertake more inclusive, intersectional, and effective prevention.

Please note that in communications with consultees in Latin America, the programme title was translated into '*Una mirada queer a la prevención de atrocidades*'.

For more information about the Queering Atrocity Prevention programme, please email [farida.mostafa@protectionapproaches.org](mailto:farida.mostafa@protectionapproaches.org)

# Publication team

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Mauricio is a Public Policy and LGBTIQ+ rights researcher and consultant based in Montevideo, Uruguay. He holds a Master of Public Policy from Universidad Católica del Uruguay. Mauricio has completed projects in public policy design for vulnerable groups, and evaluation of gender-focused programmes. Among these, he undertook the analysis for the Uruguay chapter of the 1st Latin American Survey on Sexual Diversity, Harassment, Violence and Discrimination in the Workplace. As a trainer, he has developed and taught several courses for public officials and undergraduate students on LGBTIQ+ rights from a prevention perspective.

From 2005 to 2017 he was an active member of Colectivo Ovejas Negras, the main LGBTI organization in Uruguay, leading its international advocacy efforts. From 2017 to 2020 he served as Advocacy Coordinator of Amnesty International Uruguay. Since 2020 he has been a member of the Afrodescendant Institute for Study, Research and Development, based in Costa Rica.

## Farida Mostafa

Farida manages and coordinates Protection Approaches' Queering Atrocity Prevention programme, looking at LGBTIQ+ groups' unique risks and vulnerabilities to mass atrocities and the ways in which programmatic interventions and risk frameworks can respond to them efficiently and swiftly, in pursuit of safer and more inclusive societies. In her work, she engages a wide variety of stakeholders to ensure cross-sector commitments to centring LGBTIQ+ groups in atrocity prevention efforts.

Farida has previously worked with Doria Feminist Fund on supporting women's rights and LGBTIQ+ rights groups in the MENA region and ensuring that they have access to more and better resources to support their human rights work and their communities. She has a background in journalism where she focused on LGBTIQ+ rights and freedom of speech in the MENA region, as well as youth initiatives. Farida holds a BA in Anthropology from the American University in Cairo and an MA in Human Rights from University College London. She was born and raised in Egypt.

With special thanks to Maria Eugenia Carbone, Aditi Gupta, Kate Ferguson and Tibi Galis.

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In our original *Queering Atrocity Prevention* ideas paper, we made the case for our atrocity prevention sector to better centre and integrate LGBTQI+ rights and risks into their work and we piloted what a community-based approach to understanding LGBTQI+ atrocity risks can look like. The warmth and enthusiasm we have since received from sector partners has not been surprising, but it has certainly encouraged us to grow this programme, knowing that both the LGBTQI+ and atrocity prevention sectors will welcome and nurture it. We express great thanks to Akila Radhakrishnan, Azza Nubi, D. Wes Rist, Elisabeth Pramendorfer, Jocelyn Getgen Kestenbaum, Klara Wertheim, Leanne MacMillan, Maria Sjödin, Neela Ghoshal, Robbie de Santos, Savita Pawnday, Tibi Galis, and Víctor Madrigal-Borloz – among so many others – for their enthusiastic support of this work from its very inception. We are incredibly grateful for our primary partners on this extended project, the Auschwitz Institute for the Prevention of Genocide and Mass Atrocities, particularly Maria Eugenia Carbone, Gabriela Ghindea, Codrin Tăut, Sanjin Hamidičević and Matei Demetrescu, for their tireless work on this project, for their firm belief in its impact, and for their creativity, patience and commitment to this work. It has been a privilege to work with Mauricio Coitiño, who conducted all the community consultations with LGBTQI+ rights activists in Latin America, which informed this report on LGBTQI+ identity-based atrocity risks in the region, and we sincerely thank him for his patient and incisive co-drafting of this report.

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# Executive summary

Queer people's experience of genocide, crimes against humanity, and war crimes is not new. From the Holocaust to the more recent and ongoing anti-gay purges in Chechnya, LGBTQI+ communities have been deliberately targeted by widespread, systematic campaigns of discriminatory identity-based violence that in their extremity can be described as atrocity crimes.

Today, LGBTQI+ rights violations continue around the world, perhaps especially in the context of rising anti-gender movements and right-wing conservatism, whose proponents advocate a return to valorising the heterosexual, cis-gendered family unit over more diverse ways of living. These movements portray LGBTQI+ people as a threat to the social order, the so-called traditional family, and children. This rise in nationalist and exclusionary politics across the world continues to drive discrimination, marginalisation, and persecution of all groups who have been historically made vulnerable or minoritised – and who now face new guises of hatred. Like much of the world, as globalised crises put pressure on societies, Latin America is facing increasing risks of identity-based violence against LGBTQI+ communities. According to a 2022 Amnesty International report, Latin America accounted for 70 percent of the 375 murders of trans and gender-diverse people reported worldwide in 2021.<sup>1</sup> The International Rescue Committee has also highlighted how LGBTQI+ people in the region continue to experience familial violence, gender-based violence, and extortion due to their identities.<sup>2</sup>

Historically, the targeting of queer communities often preceded the commission of atrocity crimes, signalling the importance of understanding the targeting of minoritised communities, including LGBTQI+ people, as a potential early warning sign for mass atrocity violence. And yet, the specific

vulnerabilities faced by LGBTQI+ communities in atrocity contexts, and the intersections of sexual and gender rights with the perpetration of atrocity crimes, have been largely absent from the fields of atrocity prevention research, policy, and practice. Indeed, of the 15 publicly-available atrocity risk analysis frameworks, none included the specific risks that face LGBTQI+ communities – or the intersections of LGBTQI+ persecution and atrocity crimes.<sup>3</sup> That means that LGBTQI+ people are often left out of atrocity prevention efforts and that the frameworks, processes and systems used to assess atrocity risks currently rely on incomplete evidence and datasets. This inhibits effective prevention, response, and accountability, as it means policymakers will not have access to the full spectrum of data they need to trigger preventative action before the widespread outbreak of atrocities.

States have a duty to prevent and protect populations from identity-based violence – both at home and abroad. In the March 2023 Arria-formula meeting on the integration of LGBTI rights in international peace and security, which was co-sponsored by various states including Brazil, Bolivia, Chile, Costa Rica, Peru, Uruguay, the Dominican Republic, Ecuador, and Colombia, the United Kingdom joined the United States and others in highlighting the need to consider the enhanced risks faced by gender and sexual minorities in conflict and crises, and specifically called for an increased focus on inclusive atrocity prevention.<sup>4</sup> The Brazilian representative to the United Nations Human Rights Council (OHCHR) stressed that LGBTQI+ inclusion in peace is not an add-on, but is in fact “necessary to attain strong, inclusive and lasting peace”.<sup>5</sup> Momentum for centring LGBTQI+ rights and risks in atrocity prevention and peace and security is growing, but much more remains to be done to ensure that LGBTQI+ people do not face prejudice,

discrimination and violence, and are not left out of key conversations of global peace and security. During the Arria formula meeting, the former United Nations Independent Expert on sexual orientation and gender identity (IE SOGI), Victor Madrigal-Borloz, highlighted how the absence of explicit references to LGBTQI+ persons in global peace and security frameworks means that “crucial monitoring and reporting data gathering points are missing, [contributing to] a proverbial [gap] in the preventative and remedial efforts of the international community, on the correlation between SOGI and conflict-related harm”.<sup>6</sup>

With the support of the UK Foreign Commonwealth & Development Office, this report is part of Protection Approaches’ Queering Atrocity Prevention programme, aimed at addressing LGBTQI+ gaps in mass atrocity prevention policy and practice by developing, promoting, and embedding new tools for state and non-state systems to monitor the distinct atrocity risks faced by LGBTQI+ people and communities around the world. This programme seeks to integrate LGBTQI+ experience, expertise, and needs into atrocity prevention efforts in order to better understand, monitor, analyse, and respond to LGBTQI+ atrocity risks. Therefore, this paper and our wider project speaks to all actors with a stake in violence prevention policy – including states, embassies, regional and multilateral bodies, humanitarian organisations, and civil society.

The first step in this endeavour is to reach in, support, and listen to LGBTQI+ communities who feel the sharp end of these risks first. In partnership with the Auschwitz Institute for the Prevention of Genocide and Mass Atrocities (AIPG), the team conducted community consultations with LGBTQI+ activists and organisations from East and Southeast Europe, Latin America and a list of cross-regional focus countries in order to

understand what LGBTQI+ communities perceive as the factors increasing atrocity risks for their communities. By understanding and documenting perceptions of risk from impacted communities first-hand, these consultations aim to identify a list of common risk factors or indicators that can be used to measure threat levels. This qualitative risk analysis aims to inform more effective, future-proofed, joined up, horizontal atrocity prevention through developing risk indicators for LGBTQI+ vulnerability to mass atrocity, and advocating for their integration into policy frameworks in pursuit of more LGBTQI+ inclusive approaches to violence prevention, and ultimately more secure societies.

This report outlines the findings of the community consultations with LGBTQI+ rights organisations and activists in Latin America, to better understand LGBTQI+ experiences of mass violence and perceptions of factors increasing atrocity risk for LGBTQI+ communities. Latin American civil society organisations such as Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES), have long been sounding the alarm for rising atrocity risks in the region, citing deepening polarisation, widening social fracture, increasing repression of human rights advocates, and high rates of corruption and impunity.<sup>7</sup> Our project team hopes this report on LGBTQI+ atrocity risks in the region, informed by the concerns of Latin American activists, will provoke a step change towards more inclusive and intersectional state and non-state atrocity prevention, in ways that centre those most vulnerable and that contribute to safer societies for all.

## Key Report Takeaways:

- Identity-based threats facing LGBTQI+ communities in the region come from four main sources: anti-rights groups who challenge LGBTQI+ rights in legislation and in practice; LGBTQI-phobic public officials and civil servants who block LGBTQI+ access to basic rights; criminal armed organisations who attack LGBTQI+ people as part of their attempts to control territory or groups; and weakened democratic institutions that enable impunity for LGBTQI+ rights violations.
- Identity-based risks facing LGBTQI+ communities in the region include homophobic and transphobic hate speech, hate crime, state targeting, lack of access to justice, domestic and familial violence, lack of willingness from state and non-state actors to collaborate with LGBTQI+ organisations, and discrimination in access to basic services like healthcare, work, and education.
- Consultees reported that trans people, ethnic and national minorities, lesbian women, human rights defenders, people living in rural areas, and people with disabilities face compounded atrocity risks because they are seen to belong to multiple marginalised groups – each of whom face their own risks. Prevention actors and frameworks must be sensitised to these distinct and intersectional identity-based risks if they are to undertake timely, successful, and inclusive prevention efforts.
- Some forms of LGBTQI+ identity-based violence take the form of violence already familiar to mass atrocity prevention practice, such as ritualised violence. Other forms of systematic or widespread anti-LGBTQI+ violence that may still breach the threshold of crimes against humanity, may appear less familiar because they are more specific to LGBTQI+ persecution, such as entrapment or medical violence. Queering our practice requires us to challenge narrow conceptions of mass atrocity violence and recognise that the historical exclusion of LGBTQI+ experience has blinkered collective and popular understanding what these crimes look like.

- Atrocity risk assessment and early warning systems must include, centre, and monitor the distinct identity-based threats faced by minoritised communities, including LGBTQI+ communities, as they are most likely to feel the early warning signs of escalating atrocity risks and can help trigger preventative action in time.
- State and non-state actors concerned with atrocity prevention must invest resources in understanding, documenting and monitoring the distinct identity-based threats facing minoritised communities, including LGBTQI+ people, in a manner disaggregated by sex, gender, sexual orientation, age, and other variables where appropriate. These threats must then be integrated into atrocity prevention and risk analysis systems and processes; otherwise, policymakers will not have access to the full spectrum of data they need to trigger preventative action before the widespread outbreak of atrocities.
- Based on their lived experience and LGBTQI+ rights work, LGBTQI+ activists and organisations consulted as part of this project identified a set of actions that states can take to confront LGBTQI+ identity-based violence and to mitigate LGBTQI+ atrocity risks. These included states creating and implementing laws to penalise discrimination and hate speech against LGBTQI+ persons, developing and funding LGBTQI+ inclusive protection and prevention policies, ending impunity for perpetrators in justice systems, and transforming education systems towards increased secularisation and inclusion of sexual and gender diversity.
- To strengthen the LGBTQI+ movement's capacity to counter rising risks, consultees identified a need to strengthen the LGBTQI+ rights movement itself and to increase LGBTQI+ presence and representation in multilateral and international spaces.

# Latin America's regional experience of atrocity crimes & the current state of LGBTQI+ rights

Over the past four decades, many Latin American countries have taken important steps towards reconciling with past atrocities, transitioning from dictatorship to democracy, and improving human rights within their borders.<sup>8</sup> Many countries in the region have also become supporters of human rights and atrocity prevention on the international stage.<sup>9</sup> However, the region continues to experience extraordinarily high rates of organised crime and identity-based violence, with authoritarian leaders rising to power in countries like Cuba and Nicaragua and ultra-conservative groups demonising LGBTQI+ rights as foreign agendas and as seeking to erode traditional values. Coupled with precedents of atrocity crimes in the region, these dynamics mean Latin America faces particular risks of mass atrocity violence and demands proper interrogation of those risks, especially for minoritised communities like LGBTQI+ people.<sup>10</sup>

For the purpose of this regional consultation, we have defined the Latin American region as the set of 19 states in the American continent where Spanish or Portuguese is the predominant language.<sup>11</sup> These states share political, economic and cultural ties dating back to the sixteenth century, originally born out of the colonial systems imposed by the Spanish and Portuguese empires. These ties have evolved and transformed throughout the independence processes of the nineteenth century and were strengthened through the regional integration systems and multilateral alliances established in the twentieth century, including the broader, continent-wide Organization of American States (OAS).

The region also shares a common history of mass atrocities and violence.

In the sixteenth century, Indigenous populations were subject to mass enslavement and extermination by the colonial empires, as well as exposed to deadly diseases brought from Europe and Asia. According to recent estimates, the Indigenous population across the region was reduced by between 70 and 90 percent in the sixteenth and seventeenth centuries, with Indigenous peoples today continuing to be some of the most impoverished populations in the region and frequent victims of organised violence.<sup>12</sup>

Latin America was a major destination of the transatlantic trade of enslaved persons from the African colonies of European powers, which started as early as the sixteenth century and peaked in the eighteenth century.<sup>13</sup> An estimated 12 million persons were



trafficked to be enslaved in the Americas in this period, a number of whom perished during the voyages due to abuse and extreme conditions.<sup>14</sup> The legacy of dispossession and transgenerational trauma of slavery can be seen in the persistent systemic racism and racial inequalities suffered by Afro-descendant populations today who comprise around one in five Latin Americans across the region.<sup>15</sup>

More recently, in the context of the Cold War, most Latin American societies were ruled by military dictatorships that exercised various forms of state terrorism, including forced disappearances, torture, arbitrary imprisonments, mass killings, and genocide.<sup>16</sup> In the 1970s and 1980s, the military dictatorships of South America acted in coordination under the US-backed “Operation Condor”, a transnational campaign of political repression and state terrorism with tens of thousands of victims, many of which remain disappeared until today.<sup>17</sup> The last of these dictatorships to fall was General Augusto Pinochet’s regime in Chile in 1990, though the reverberations of this transnational campaign of terror remain visible across Latin American societies today, as exemplified by the continued social mobilisation around the cause of the detained disappeared and their relatives.<sup>18</sup>

Today, Latin America continues to be the most violent region in the world, with lethal violence rates being significant in most countries.<sup>19</sup> The regional rate of 20 intentional homicides per 100,000 inhabitants in 2021 is an improvement from the 2010 rate of 24 homicides per 100,000, but remains well above the world rate of only six homicides per 100,000.<sup>20</sup> El Salvador, Guatemala, Honduras and Mexico in Central America, and Brazil, Colombia and Venezuela in the South have historically had the highest rates of violent deaths.<sup>21</sup> Recently, countries such as Ecuador and Uruguay have also experienced sharp increases of intentional homicides.<sup>22</sup> A substantial part of these increases, and of wider violence in the region, can be traced to the activity of organised criminal groups, mainly drug cartels and gangs. This violence can often be identity-based.

Democracy and rule of law – key factors for successful violence prevention – also remain weak across the region and continue to exacerbate risks of identity-based violence, armed conflict and other forms of mass or organised violence.<sup>23</sup> In 2022, only three Latin American countries were ranked as full democracies according to The Economist’s Democracy Index: Chile and Uruguay in the Southern Cone, and Costa Rica in Central America.<sup>24</sup> Five more states are classified as flawed democracies, somewhere in between full democracies and hybrid regimes. In these flawed democracies, “basic civil liberties are respected”, but there are “significant weaknesses in other aspects of democracy, including problems in governance, an underdeveloped political culture, harassment of journalists, state-controlled judiciary and low levels of political participation”.<sup>25</sup> On the low end of the democratic rankings, Cuba, Nicaragua and Venezuela were classified as authoritarian regimes with significant drops in their democracy scores since 2011, according to the Index.<sup>26</sup>

Within this context of weakened democracies, the region has seen the rise of ultra-conservative political leaders who have promoted political and social polarisation through a violent rhetoric of *mano dura* (iron fist), repressive security policies and a demonisation of human rights agendas and defenders under umbrella terms such as alleged gender ideology and globalist agendas, the latter referring to unwanted influence of multilateral agreements and institutions.<sup>27</sup> Some of these conservative leaders have become presidents in countries like Argentina, Brazil, and El Salvador. Others have reached the final rounds of, or won, national elections in countries like Chile, Colombia and Argentina, with an effect of increased social polarisation and normalisation of discriminatory rhetoric, which carries distinct and compounded repercussions for minoritised and vulnerable communities, including LGBTQI+ people.<sup>28</sup> While these repercussions can directly impact LGBTQI+ safety and security, it is important to situate them in the existing legal architecture on LGBTQI+ rights in the region to get a more holistic understanding of LGBTQI+ rights in Latin America.

While lack of acceptance and human rights violations against LGBTQI+ people continue to be a source of concern and a challenge for all social and political actors in Latin America, it is worth noting that the region has made varied progress in establishing LGBTQI+ legal protections in the last decades, both compared to state obligations and to other regional contexts in the world, painting a mixed picture for LGBTQI+ rights in the region. For example, there are currently no Latin American states where same-sexual acts between consenting adults are criminalised.<sup>29</sup> Trans identities are ‘also not explicitly criminalised in any of the Latin American states. However, as reported by the Inter-American Commission on Human Rights there are still norms protecting “public morality” which are used to target LGBTQI+ persons, particularly trans persons doing street sex work.’<sup>30</sup>

In addition to the absence of LGBTQI+ criminalisation laws across the region, it is also important to consider the degree to which LGBTQI+ people have access to key public spheres, including work and education. Regarding access to education, a significant number of Latin American states have legal protections against discrimination based on sexual orientation, gender identity, gender expression or sex characteristics (SOGIESC). In the case of education, half of the national jurisdictions have protections in place at least based on sexual orientation or gender identity, and protections are even stronger in employment.<sup>31</sup> Exceptions to this trend are Paraguay in the Southern Cone, and Panama, El Salvador and Guatemala in Central America, where there are no legal protections for LGBTQI+ persons in education nor in employment.<sup>32</sup> The majority of Latin American states also have laws penalising hate crimes and/or the incitement of hatred, violence, or discrimination based on SOGIESC. This puts the region at the same level of coverage for these protections as Europe and well above Asia, Africa and Oceania.<sup>33</sup> While these protections might be considered LGBTQI+ inclusive, it is worth noting that their scope varies greatly between countries and their existence does not imply that policies are

upheld or that protocols are implemented in ways that guarantee effective LGBTQI+ access to education and work.

Similarly, while eight states in the region – Argentina, Brazil, Chile, Colombia, Ecuador, Uruguay, Costa Rica and Cuba – offer full legal LGBTQI+ marriage equality, other states like Bolivia only offer civil union recognition, with marriage and full legal equality remaining inaccessible.<sup>34</sup> Only about 31 percent of the Latin American and Caribbean population support same-sex marriage, contributing to patterns of discrimination and lack of acceptance faced by LGBTQI+ people.<sup>35</sup>



International Lesbian and Gay Association (ILGA) World Database, 'Legal Gender Recognition'<sup>36</sup>

Trans communities in the region face similar – if not more severe – risks; only nine of the 19 Latin American states have national or sub-national legislation making full gender recognition a possibility for trans and gender-diverse people, with the rate being below 50 percent for Central American states. Even in states allowing full gender recognition, the legal requirements for name and gender marker changes still represent significant access barriers for the majority of trans and non-binary populations. Only Argentina, Brazil, Colombia, Uruguay and some Mexican states have enacted legislation designating self-identification as the only requirement for legal gender identity recognition. Other states such as Bolivia, Chile, Cuba, Ecuador and Panama, still require applicants to comply with one or more requirements, including gender-affirming surgery, sterilisation, hormone treatments, medical testimony of non-surgical treatments, diagnosis of gender dysphoria, not having children, being single or divorced, and providing witnesses of their living according to their gender identity.

While Latin America continues to grapple with democratic transition processes, high rates of anti LGBTQI+ violence and discrimination, as well as its own historical experience of atrocity crimes, many countries and institutions in the region made positive steps towards monitoring and responding to human rights violations. Some continue to promote practices of atrocity prevention, both domestically and internationally.<sup>37</sup> Starting with the establishment of the National Commission on the Disappearance of Persons (CONADEP) in 1983, Argentina, for example, proceeded to promote a wide range of measures to further national-level accountability for perpetrators and redress for survivors after the failure of the National Reorganization Process, a military dictatorship that ruled the country between 1976 and 1983.<sup>38</sup> In Colombia, the national Commission for the Clarification of Truth, Coexistence and Non-Repetition forms part of a much broader transitional justice and accountability strategy in the wake of the Colombian armed conflict.<sup>39</sup>

In addition to domestic efforts to advance the responsibility to protect populations from genocide, crimes against humanity and war crimes, and the broader agenda of atrocity prevention, some states in the region are active on atrocity prevention in multilateral spaces. Some are members of the Latin American Network for the Prevention of Genocide and Mass Atrocities, as well as the Group of Friends of R2P.<sup>40</sup> The OAS also decided to appoint an R2P Focal Point and a Special Adviser on R2P.<sup>41</sup> While these are good examples of political will for atrocity prevention, accountability and non-repetition, they also constitute concrete opportunities to work towards more intersectional and LGBTQI-inclusive approaches to atrocity prevention, and to ensure that atrocity risks facing the most vulnerable are identified, monitored, and inform effective and inclusive policy and practice.

Thus, much more remains to be done to ensure that growing political will fully acknowledges and addresses the distinct atrocity risks experienced by minoritised social groups, including LGBTQI+ communities. Latin American states, regional organisations, and wider prevention actors have an opportunity to build on their longstanding participation in atrocity prevention and R2P efforts. The increased risks of violence against LGBTQI+ people that this report explores are not unique to Latin America; they indicate a shared global challenge that is further exacerbated by human rights rollbacks, democratic backsliding and the proliferation of conservative and populist agendas across state and non-state groups, as seen in various places beyond Latin America. It is thus vital that efforts to monitor and address these risks are bolstered and progressed by a coalition of international state allies that can work together for effective response.



# The intersection of LGBTQI+ rights, identity-based violence and atrocity risks

Protection Approaches defines identity-based violence as any act of violence motivated by the perpetrator's conceptualisation of their victim's identity; for example, their race, gender, sexuality, religion or political affiliation. It encompasses hate crime, violent extremism, and mass atrocity violence and affects individuals as well as entire groups or communities worldwide.<sup>42</sup> If left unchecked, identity-based discrimination and violence can sometimes reach the threshold of mass atrocity crimes. Mass atrocity crimes is a catch-all used to include crimes against humanity, genocide, and war crimes. Most mass atrocity crimes have their roots in a particular and distinct pathology of violence; they are often motivated by identity-based grievances, discrimination or human rights deficits, they are perpetrated through organised criminal conspiracy, and they tend to take advantage of unchecked power.<sup>43</sup> The first signs of this pathology of violence are likely to be felt by the most vulnerable, minoritised and excluded groups in society, including LGBTQI+ people, before its impacts are felt by others.

Many continue to see mass atrocities as extreme and aberrant phenomena but in reality, they are not particularly exceptional. They are, in fact, fairly frequent and predictable given the means of criminal enterprise, motivation of identity-based bigotry or manipulation of identity politics, and opportunity of unchecked power.<sup>44</sup> These and other risk factors of mass atrocities are present in all societies, albeit to greater and lesser degrees. The work of AIPG demonstrates that atrocity crimes are the result of an accumulation of "factors that combine, interlock and magnify with potential 'tipping points' that could catalyse tensions"<sup>45</sup> Therefore, they exist as processes, not singular events. By extension, prevention efforts should be understood as processes of identifying warning signs and reducing risks over time, rather than one-off interventions that only take place at tipping points.<sup>46</sup> Prevention efforts must thus understand and interrogate identity-based threats faced by minoritised communities, who are likely to experience the first signs of violence escalation, if we are to successfully prevent, interrupt or mitigate processes that make identity-based violence and mass atrocity crimes possible.

Persecution of LGBTQI+ people has consistently been followed by wider oppressive politics and violence, even towards those who supported the scapegoating of queer people in the first place.<sup>47</sup> Protection Approaches' 2022 report, *Queering Atrocity Prevention*, argued that without attention to the experiences of and threats facing minoritised communities, prevention actors risk missing early warning signs for atrocity escalation, both against these minoritised communities and later on, against wider populations.<sup>48</sup> LGBTQI+ populations are no exception; given rising rates of anti-LGBTQI+ politics and violence in various countries worldwide, prevention actors must understand and monitor LGBTQI+ identity-based risks and targeting if they are to engage in successful prevention efforts.



Today, LGBTQI+ rights violations continue around the world, especially in the context of rising anti-gender movements and right-wing conservatism advocating a return to valorising the heterosexual, cis-gendered family unit over more diverse ways of living. These movements portray LGBTQI+ people as a threat to the social order, the so-called traditional family, and children. Ideas about what some consider to be traditional family values may first target queer collectives, but they usually very quickly turn to other agendas such as reproductive rights. In this way, political homophobia and transphobia are not distinct from, but rather indicative of, processes including democratic backsliding, shifts towards authoritarian politics, and the increased risk of physical and structural identity-based violence – all of which are likely to increase and inform atrocity risks. We are not suggesting that all mass atrocities begin against a backdrop of LGBTQI+ persecution, but we do argue that such violence tends to be a precursor to violence escalation and deeper, faster democratic backsliding.<sup>49</sup> These dynamics continue to be visible across a variety of national contexts worldwide and can be seen across Latin America.

For example, in his thematic report on armed conflict and LGBTQI+ risks, Victor Madrigal-Borloz, the former UN IE SOGI, highlighted how malign actors often weaponise pre-existing social prejudices against LGBTQI+ communities and target LGBTQI+ people to consolidate power and moral legitimacy in the eyes of citizens.<sup>50</sup> Madrigal-Borloz's report cites the work of Colombia Diversa, a Colombia-based NGO whose research on the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) showed that where FARC-EP's presence in a particular geography was more disputed and illegal-economy-dependent, they tended to engage in especially "brutal and terrorizing forms of violence, including gang-conflict-related sexual violence against trans women and gay men".<sup>51</sup>

Understanding the realities of identity-based violence against marginalised groups, and how they intersect with the perpetration of atrocity crimes, is therefore critical to understanding how mass violence is perpetrated, and in turn how it can be prevented. Growing sector consensus on the importance of understanding identity-based risks in the context of atrocity prevention, underpins this project and its imperative to record LGBTQI+ identity-based risks, and to ensure they are captured in atrocity prevention risk frameworks which currently lack this crucial data.

In the past decade, checklists of risk factors, frameworks of risk analysis, and early warning systems have become a backbone to the practice of atrocity prevention. In early 2022, Protection Approaches conducted a study of the 15 publicly-available atrocity risk analysis frameworks and found that none included "either the specific atrocity risks that face LGBTQI+ communities or the intersections of LGBTQI+ persecution and atrocity crimes".<sup>52</sup> This is surprising given that research shows queer people have historically been targeted in atrocity crimes as far back as the Holocaust.<sup>53</sup> These gaps are not necessarily unique to the atrocity prevention sector, as similar LGBTQI+ gaps have been identified in wider peace and security by various scholars and activists. Jamie J. Hagen's

work highlights the ways in which the WPS agenda has historically excluded LGBTQI+ people and suggests avenues for adopting more LGBTQI+ inclusive approaches to WPS.<sup>54</sup> Similarly, Dianne Otto's work explores how binary understandings of gender and sexuality impact how international law – including in the realm of peace and security – is interpreted and implemented, in a manner that excludes LGBTQI+ communities.<sup>55</sup> Colombia Diversa identified a gap in the interpretation and implementation of international criminal law in relation to prosecuting crimes committed against LGBTQI+ people during the Colombian armed conflict, and have since been advocating for more LGBTQI+ inclusive approaches to the peace process in Colombia.<sup>56</sup> While some progress has been made, the peace and security sector still has much to do to identify and respond to LGBTQI+ exclusions in our work to ensure that it centres the needs and expertise of LGBTQI+ people and other minoritised communities.

As detailed in *Queering Atrocity Prevention*, “a challenge for the atrocity prevention community is to consider to what extent our priorities, programmes and tools are able to learn from and respond to identity-based LGBTQI+ risks, particularly as they interplay with the trajectory towards democratic backsliding, identity-based violence, and atrocity crimes.”<sup>57</sup> If the atrocity risk analysis frameworks that were designed to sound the alarm for imminent mass atrocities and trigger preventive action do not contain indicators that capture the unique risks and vulnerabilities faced by marginalised groups, including LGBTQI+ communities, then these frameworks remain insufficient for developing timely and effective early warnings and risk analyses for the incidence of mass violence. Similarly, if our atrocity prevention and wider peace and security sectors do not actively integrate an understanding of LGBTQI+ risks and rights in their work, then they risk inadvertently upholding the systems that sideline and subjugate queer experiences and expertise and assess LGBTQI+ rights work as irrelevant to global peace and security. Our sector needs to reckon with the heteronormativity that is baked into atrocity prevention, how it adversely impacts the safety and security of those most vulnerable, and how we can begin to address sector gaps relating to LGBTQI+ atrocity risks, in pursuit of more effective and inclusive prevention and safer societies for all.

# Research methodology

To develop a grounded and well-evidenced account of LGBTQI+ atrocity risks, the project team conducted community consultations with LGBTQI+ activists and communities in various regions, including East and Southeast Europe and Latin America, and will be complimenting these two regional findings with consultations in focus countries from different continents, including those in the Global North. This approach ensures that the risk indicators of LGBTQI+ vulnerability to mass violence that the team will be developing are informed by diverse community perspectives and experiences, and that the resultant data, risk indicators, and analysis are indeed global, robust and broadly applicable to various prevention and risk analysis systems. A detailed account of the methodology used by the project team to conduct community consultations and to analyse the gathered data can be found in Annex A below. Questionnaires used for the individual and focus group consultations can be found in Annexes B and C respectively.

# Consultation findings

## The risk factors

It is vital to centre LGBTQI+ experience, expertise, and needs into atrocity prevention efforts in order to better understand, monitor, analyse, and respond to LGBTQI+ atrocity risks. The first step in this endeavour is to reach in, support, and listen to LGBTQI+ communities who feel the sharp end of these risks first. This section therefore outlines the findings of community consultations conducted with LGBTQI+ activists and organisations in Latin America, aimed at documenting first-hand their perceptions of factors that increase atrocity risks for their communities. The first sub-section on main threats faced by LGBTQI+ persons, provides an overview of consultees' perceptions of the main sources and manifestations of risk and identity-based threats facing queer populations in the region. The subsequent sections on exclusionary rhetoric, acute targeting, cultures of impunity, compounded risks, and the role of national, international and multilateral institutions, identify and group particular findings relating to known indicators of atrocity risks in our wider sector.

### **Main threats faced by LGBTQI+ Persons in the Region**

A major driver of violence and discrimination against LGBTQI+ people identified by participants across the region was the presence of anti-rights groups forming what many consultees called a “conservative wave” with diverse but increasing degrees of access to political power.<sup>58</sup> Political actors forming this conservative wave range from parliamentarians and high-ranking officials to heads of state. In each country, this wave is composed of a different combination of state and non-state actors, including Evangelical and Catholic religious congregations and groups, conservative social organisations with a secular face, conservative media platforms, and conservative political parties and leaders.

According to participants, state actors from these groups put LGBTQI+ communities at risk by leveraging and weaponising their political power in diverse ways. In Costa Rica, Nicaragua, Peru, and Panama, they work to block or repeal protective legislation, including by opposing gender identity laws. In Costa Rica, consultees reported that these actors also work to block or dismantle protective public policies. Consultees reported this happening through appointing anti-rights officials, introducing legislation



and lobbying to eliminate LGBTQI+-focused roles in state institutions, specifically the Presidential Commissioner for LGBTI Affairs. Consultees from across the region also reported that these actors, when in office, approve legislation to eliminate what they call gender ideology from public policies, and can sometimes prevent LGBTQI+ activists from holding office. “They want to create laws where a person who is part of an [LGBTQI+] organisation cannot hold a position in the civil service.”<sup>59</sup> These actions are encouraged and supported by non-state, anti-rights actors through advocacy and public campaigns.


Anti-rights groups put LGBTQI+ communities at risk by playing a key role in propagating social and political homophobia by disseminating misinformation about LGBTQI+ persons, anti-LGBTQI+ exclusionary rhetoric and, in some cases, overtly homophobic hate speech. Participants reported that in some countries these groups own media platforms with a massive public reach, which amplifies their anti-LGBTQI+ rhetoric to wide audiences.

Another threat to LGBTQI+ persons comes from LGBTQI-phobic public officials with which LGBTQI+ persons come into contact in their daily lives. The most common manifestation is the violent threat represented by law enforcement officials in most countries who are responsible for killings, sexual abuse, and extortion against LGBTQI+ people, particularly trans sex workers and LGB persons who do not make their identities public. These officials also often target LGBTQI+ people using arbitrary detentions and searches. They have been known to humiliate community members who are reporting homophobic or transphobic attacks and subject them to re-victimisation during reporting. Similar issues were reported in justice systems. Participants also reported varying degrees of discriminatory violence from officials in educational and health settings, including by forcing trans students to wear the uniforms of their assigned gender, or refusing to use the chosen name of trans patients. These practices hinder LGBTQI+ access to fundamental human rights and have long lasting effects on their lives, as is the case of trans persons in Argentina who drop out of school due to transphobia, and end up lacking the qualifications needed to get jobs that would otherwise be open to them under their country’s affirmative action policies.<sup>60</sup>

Criminal and armed organisations pose serious threats to LGBTQI+ safety and security, with particularly extreme cases in Central America, Mexico and Colombia, though similar trends have been reported across the region. According to participants, these organisations threaten the life and physical integrity of LGBTQI+ persons by frequently attacking or killing them to “send a collective message” to the rest of the population, that they control certain territories and communities.<sup>61</sup> They also extort LGBTQI+ people to work in illegal activities. In cases where there have been processes of transitional justice after the end of armed conflict or mass atrocity violence, participants report that LGBTQI+ victims have faced resistance when seeking acknowledgment of suffering and pursuing reparations from the State.



Finally, contexts of weakened democratic institutions and rule of law, as is the case in El Salvador and Venezuela, particularly affect LGBTQI+ access to rights, both because of a lack of legal and policy protections and because weakened democratic institutions and rule of law can promote a more violent environment for LGBTQI+ persons. A Salvadoran activist put it as follows:



“If you are in the street and a soldier is suspicious of you or sees anything [wrong with] you, he can take you into custody under the exceptional regime. They have become the judges of the street. They now have the power to take you into custody for any reason, for any circumstance, and to threaten you.”<sup>62</sup>

## Exclusionary rhetoric and hate speech against LGBTQI+ people

Atrocity prevention practitioners and researchers have long recognised the dangerous and consequential role that exclusionary rhetoric and hate speech play in the promotion of identity-based violence and atrocity crimes.<sup>63</sup> The UN acknowledges that the proliferation of hateful rhetoric can be an early warning sign of atrocity crimes and that understanding the dynamics that inform hate speech is necessary for the prevention of various forms of violence, including atrocity crimes.<sup>64</sup> The Global Centre for the Responsibility to Protect is clear that “many of the world’s darkest chapters were preceded by discriminatory public discourse and demonisation of certain groups within society, spreading fear among the population to justify atrocities”, stressing that these were defining features of the Holocaust and the genocides at Srebrenica and in Rwanda nearly 25 years ago.<sup>65</sup> This knowledge of how atrocity violence develops and its early warning signs have informed our partial focus on hate speech and its manifestations in consultations. Below we outline some of the findings that were shared by consultees on what identity-based, anti-LGBTQI+ exclusionary rhetoric, and hate speech look like in various countries in Latin America. While the monitoring of and efforts to confront hate speech are already part of the atrocity prevention practice, greater understanding is needed of the distinct ways in which hate speech, dangerous speech, and violent or malignly coded language can be instrumentalised against LGBTQI+ people. This includes the need to better recognise the harmful language itself as well as how it is weaponised.

Most participants identified the use of the framings of a fight against gender ideology and the defence of life and the family, both by religious and political actors, to question the existence and protection of LGBTQI+ persons. Under these umbrella concepts, LGBTQI+ persons are pathologised, linked to paedophilia and child indoctrination, and non-conforming gender identities and expressions are ridiculed. In a few cases, participants reported hearing exclusionary rhetoric at universities, both by conservative faculty and students, and by a growing number of academic trans-exclusionary radical feminist (TERF) voices.<sup>66</sup>

Religious leaders, and religious political actors in particular, use biblical arguments that label LGBTQI+ people “sinful” and “evil”, with some of them even calling for “the elimination of that evil” and urging their followers to “take matters into their own hands”, as recalled by a consultee citing Brazilian evangelical pastor André Valadão at a sermon in July 2023.<sup>67</sup> This rhetoric is heard in conservative religious spaces such as churches, religious mass media, and religious social media accounts. Across the region, participants mentioned that malign communicators and religious leaders invoke freedom of speech to continue to make hateful remarks through mass media and social media.

This is especially alarming given the influence that religious leaders often have in the region and the documented extent to which religious tensions and religiously-motivated hate speech can contribute to the incidence of atrocity crimes and the escalation of mass violence.<sup>68</sup> To mitigate religiously-motivated hate speech and its impact on atrocity escalation, the UN Office on Genocide Prevention and the Responsibility to Protect launched the Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that could lead to Atrocity Crimes, which highlights how the office will work with religious leaders, bolstering their ability to develop strategies to address the underlying causes of intolerance and to contribute to the prevention of atrocities.<sup>69</sup> The document recognises that the targets of incitement to violence are “usually individuals or groups with a specific ethnic, national, religious, political, sexual orientation and gender identity”.<sup>70</sup> Greater focus on and conscious integration of the ways in which religious leaders can confront anti-LGBTQI+ hate speech in this work by the UN would be welcome.

Consultees reported that anti-LGBTQI+ hate speech was also a common feature of domestic politics. In countries like Argentina, Brazil, Colombia, Costa Rica, Nicaragua, and Paraguay, participants reported that anti-LGBTQI+ rhetoric is present in conservative political spaces, including rallies, campaign ads, and public statements by politicians. Consultees in these countries reported that anti-LGBTQI+ rhetoric is particularly intense during election campaigns:

“I think that there are concrete and real effects of anti-LGBT positions. [...] I do believe that there is an instrumentalization, even in the political campaigns of democratic elections, by conservative sectors of certain discourses contrary to sexual and reproductive rights. We’re right in the middle of an electoral process and this is visible”.<sup>71</sup>

Public institutions and parliaments also exhibited anti-LGBTQI+ rhetoric through statements made by high-ranking officials and sometimes heads of state. A consultee commented:

“[It’s] very alarming, because unfortunately this discourse of hate and discrimination comes from the president. So, if the president, [...] is saying this, what do we expect from the rest, from the ministers?”<sup>72</sup>

Another consultee expressed:

“We still have a conservative [...] congress with laws that are still very moralistic, and there is no lack of comments - even offensive - not only when members of Congress who have a different sexual orientation are speaking, or when a [LGBTQI-related] bill is being debated, but also when MPs with a certain gender identity are speaking.”<sup>73</sup>

When asked about anti-LGBTQI+ hate speech in the context of elections, consultees highlighted that where anti-discrimination or electoral laws penalise discriminatory speech, perpetrators tend to not mention LGBTQI+ persons or SOGIESC explicitly, but rather exalt who they saw as good men and women:

“There’s this conception that there’s a moral citizen, a citizen of good behaviour who needs to be followed. That is, the heterosexual, religious citizen. And anyone who doesn’t follow that is going to hell. Anyone who doesn’t follow that is wrong.”<sup>74</sup>

In cases where discrimination is penalised by law, including electoral law, participants reported that politicians tend to refrain from making openly LGBTQI-phobic remarks. A consultee summarised it like this:

“[...] at least most of the politicians in [the country], even with the law we have that hasn’t been working since 2000, they watch their tongues and now rarely speak out against the issue [of LGBTQI+ rights].”<sup>75</sup>

Participants in countries where incumbent governments are openly supportive of LGBTQI+ rights, such as Brazil or Argentina, report that exclusionary political rhetoric in parliamentary rhetoric is less frequent. This highlights the important role played by progressive and protective legislation, and rule of law, in the prevention of identity-based hate speech and halting the trajectory towards mass atrocities.<sup>76</sup> When these protective legal frameworks are absent or not well-implemented, atrocity risks rise.

In general, participants did not identify significant social reactions against exclusionary rhetoric or hate speech, pointing to a climate of impunity for perpetrators:

“There are specific reactions from organisations, from groups, that do not become a massive national rejection, but end up being small cases.”<sup>77</sup>

“What we see in Brazil [...] is that people complain, but they don’t get indignant, you know? [...] It’s always an organised movement that does it, but it doesn’t have the mass support of society.”<sup>78</sup>

Only a few consultees cited public demonstrations and significant reactions on social media against anti-LGBTQI+ rhetoric. Most perceive that this rhetoric is largely consumed via mass and social media and then replicated digitally and repeated in more intimate social circles.

Reactions from political actors are rare, even from progressive politicians, and mostly are reported to come from LGBTQI+ politicians:

“There’s this conception that there’s a moral citizen, a citizen of good behaviour who needs to be followed. That is, the heterosexual, religious citizen. And anyone who doesn’t follow that is going to hell. Anyone who doesn’t follow that is wrong.”



“There are a few [progressive] MPs who really do come out publicly, etcetera. [...] Publicly, there are some who use their social media, make statements, pronouncements, there are some, not all.”<sup>79</sup>

In contexts where political homophobia comes from the government, participants perceive that supportive social leaders and organisations refrain from publicly condemning exclusionary remarks because they feel that there may be consequences if they do so, both from political actors and LGBTQI-phobic persons and organisations. A consultee expressed:

“[...] I say to you, the discourse that we could generate by answering these [exclusionary] messages... the risk is high, it’s high: there could even be persecution and we don’t know how far it can go.”<sup>80</sup>

A number of participants also perceive exclusionary rhetoric as a pervasive form of verbal violence affecting LGBTQI+ persons’ mental health, especially that of activists due to their higher exposure to it, thus potentially inhibiting their work. It is worth noting that the initial scoping consultations conducted by Protection Approaches found that the shrinkage of civic space and the inability of local civil society organisations to safely undertake their work and advocate for their communities, adversely impacted LGBTQI+ atrocity risks, as it chipped away at the protective and defensive bodies that work to challenge LGBTQI+ identity-based violence.<sup>81</sup> If those tasked with atrocity prevention are to understand how anti-LGBTQI+ violence develops and how it can exacerbate risks of, or meet the threshold of, atrocity crimes, then understanding the degree to which local civil society organisations (CSOs) are able to conduct their work safely is key.

Most participants agree that there is a connection between exclusionary rhetoric and the increases in overall hostility towards LGBTQI+ communities. Some participants noted direct effects of the dissemination of anti-LGBTQI+ speeches. In Colombia, consultees reported that the successful campaign for the rejection of the peace agreement with the FARC in 2016 included the gender perspective of the agreement, which conservatives labelled as gender ideology.<sup>82</sup> In Chile, respondents noted an increase of 300 percent in reports of crimes against LGBTQI+ persons after the ascent of an openly homophobic presidential candidate in 2018.<sup>83</sup> Consultees in Honduras and Costa Rica particularly underlined that online violence against LGBTQI+ users – both activists or otherwise – increased after LGBTQI-phobic public remarks were made and publicised by high-ranking officials. It is evident that impunity for those propagating anti-LGBTQI+ hate speech contributes to degrading the safety of LGBTQI+ people and increases instances of identity-based violence.

## Acute violence & physical targeting

Violence and harassment are felt to be constant for LGBTQ+ communities across the region, varying in degrees of severity, and tending to take place in public spaces such as streets and parks. Similar to anti-LGBTQI+ hate speech, hate crime also “constitutes one of the clearest early-warning signs for atrocity crimes”, as highlighted by Adama Dieng, former UN Special Adviser on the Prevention of Genocide.<sup>84</sup> This signals a need for atrocity prevention efforts to monitor incidences of hate crime and violent targeting in their atrocity risk assessments, particularly those against marginalised groups whose lives are deemed less grievable or less likely to generate public outcry.<sup>85</sup>

In contexts of widespread violence, be it by armed groups in Colombia, organised criminals in Honduras, El Salvador, and Mexico, or state security forces in El Salvador and Nicaragua, participants reported that lethal violence against LGBTQI+ persons is very frequent and happens daily or weekly. In the words of a consultee:

“In Colombia there is a presence of illegal armed groups that have territorial, social and moral control in the territories, where there is still a war with the Colombian state, [...] and a control that also affects and materialises in violence against human rights defenders, even more so if you are LGBTQ+.”<sup>86</sup>

These contexts of generalised violence are pointed out as an important driver of LGBTQI+ international migration towards the United States, Europe, and Mexico. A Central American participant remembered:

“They are arriving every week from Honduras trying that long, long way to get to the [US-Mexico] border [...] In 2006 to 2009 [we] had around 120, 130 volunteer activists, and now most of them have emigrated because of the violence.”<sup>87</sup>

Consultees from Argentina, Colombia, Mexico, and Peru reported the recent use of dating apps to entrap gay men who are then robbed, beaten, and sometimes killed. Consultees described this type of targeting as an emerging trend in the Latin American region, though it has been a longer-standing strategy of LGBTQI+ oppression in other regions and countries. The use of dating applications to entrap LGBTQI+ people by state actors and organised criminal groups is a common feature of anti-LGBTQI+ identity-based violence in East Africa, West Africa, Southwest Asia and North Africa, with countries like Egypt, Lebanon, Iran, Tunisia, Saudi Arabia, Russia, Nigeria, Ghana and Kenya being of particular concern.<sup>88</sup> Similar incidents have also been reported in the United States.<sup>89</sup> These patterns of LGBTQI+ entrapment have been documented by Human Rights Watch

(HRW), Outright International and Amnesty International, and have been described by HRW as constituting – or forming part of – systematic or widespread violations, which in turn can meet the threshold for crimes against humanity.<sup>90</sup>

Entrapment and extortion are commonly committed against people because of their real or perceived identity. In Myanmar, for example, Rohingya persons have regularly been entrapped and extorted.<sup>91</sup> Yet, it is a form of violence that despite sometimes being widespread and or systematic – and either encouraged, facilitated or perpetrated by political elites – tends to often fall outside of narrower or more traditional conceptions of mass atrocity violence. This is especially true if the victims are being targeted because of characteristics not protected by the Genocide Convention. The use of dating apps to entrap, extort and commit physical violence against people because of their real or perceived sexual orientation or gender identity is a growing and organised threat, but has not yet been sufficiently viewed through the lens of mass atrocity prevention.

Ritualised violence, which tends to be especially brutal, symbolic, prolonged, and often targets dead bodies for further mutilation, takes place when a perpetrator group lacks moral sympathy with outsiders, including LGBTQI+ or those perceived as other, and regards them as less than human.<sup>92</sup> It is a form of violence where the identity of the victim, which has motivated or justified the assault in the eyes of the perpetrator, is made explicit in the perpetration and often visual aftermath of the crime itself. When ritualised violence becomes commonplace, it can be a warning sign of atrocity violence escalation.<sup>93</sup> Most consultees point to the brutality of LGBTQI+ killings, with signs of torture, disproportionate shots of firearms or stabbings, and even dismemberment often being present. Some participants also noted the public nature of many of these crimes, with brutalised bodies left in spots where they can be easily found, and even recordings of torture and killings being uploaded to social media:

“Why would you kill someone with twenty stab wounds when you can kill them with three, for example? So, it’s not enough to kill, there has to be a lot of cruelty in the act. [...] Because murders [of LGBTQI+ persons], in general, are very cruel. A gay man is killed and then a stick is shoved up his anus. So, you have to show hatred there too. [...] There was an act of cruelty there, with great cruelty, to demarcate hatred, contempt for that body.”<sup>94</sup>

These particularly gruesome, brutal and cruel instances of anti-LGBTQI+ violence described by consultees, mirror understandings of ritualised violence in existing literature and in documentation of mass atrocity violence.<sup>95</sup> In this case, the ritualised violence described is fuelled by anti-LGBTQI+ social prejudice, a process that Colombia Diversa, a Colombian LGBTQI+ rights organisation, and the former UN IE SOGI, refer to as the “weaponization of prejudice”.<sup>96</sup> This process is where perpetrators draw –

and act – on pre-existing social prejudices to consolidate power and moral legitimacy in the eyes of citizens.<sup>97</sup> Ritualised violence, therefore, is very often identity-based and familiar to atrocity prevention practitioners. Ritualised violence is often included in risk registers and atrocity assessments; whether such violence against LGBTQI+ people and communities is recognised as such in these tools, however, requires examination.

Practices of so-called conversion therapies emerged in consultations as a form of violence targeting LGBTQI+ people, often encouraged or forced by the family.<sup>98</sup> While consultees in various countries said the practice continues despite legal prohibition, consultees from Ecuador mentioned that the practice is severely under-reported since 2014, as “[the] practice was typified as torture [...] and since then the practice has mutated or reconfigured and become clandestine in private health, mental health, addiction rehabilitation and religious spaces”, making it less visible.<sup>99</sup> When so-called conversion therapies become widespread or systematic, this should be seen as a distinct atrocity risk to LGBTQI+ people, because the practices are rooted in the annihilation and erasure of LGBTQI+ people through pseudo-scientific methods.<sup>100</sup> They are not dissimilar in method from practices undertaken by the Chinese state for example, that seek to re-educate Uyghur communities and to erase their sense of identity where re-education camp detainees were “forced to pledge loyalty to the [Chinese Communist Party] and renounce Islam, as well as sing praises for communism and learn Mandarin”.<sup>101</sup>

Consultees repeatedly identified families and private domestic spheres as frequently dangerous places for LGBTQI+ persons. A 2020 study, carried out by *Taller de Comunicación Mujer* with lesbian, bisexual and transgender women from Cuenca, Guayaquil and the Northern Andean Zone of Ecuador, showed that 25.9 percent of the aggressions reported by respondents had been perpetrated by a family member, and 33.7 percent had happened in the home.<sup>102</sup> It is common for LGBTQI+ persons to be forced out of family homes, particularly in the case of trans persons who are expelled more frequently and at younger ages:

“Many of us trans women, and I always say this in any space, don’t have a family. We [...] live in a very complicated situation because we are thrown out of our homes for assuming an identity [...] We’ve always been working on the issue of the family, because we have to confront the family with our identity, and then we have to confront society. And this is yet another factor of discrimination and violence that we are going to experience.”<sup>103</sup>

Other forms of family violence reported by consultees include forced so-called corrective rapes of lesbian and bisexual women, physical and psychological violence, denial of filiation, and conducting non-consensual alleged normalising surgeries on intersex children.

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In “Queer(er) Genocide Studies,” academic Lily Nellans highlights how violence in the private sphere and by family members can intersect with atrocity violence. Nellans writes that when genocides are being committed, queer populations are often not only targeted by genocidaires but that they are also often excluded from and isolated by their own families. Nellans gives examples from Nazi Germany: “while other prisoners detained in similar conditions received aid and care packages from family and friends outside the concentration camps, homosexual prisoners did not”.<sup>104</sup> LGBTQI+ people thus often experience dual forms of persecution and violence in the context of genocide; first from genocidaires because of their race and ethnicity, and also from their families because of their sexual orientation, gender identity, expression or characteristics.<sup>105</sup> Nellans suggests this can lead to disproportionately higher numbers of LGBTQI+ fatalities in genocides, as queer people become “cut off from the support, safety, and solidarity community members provide each other”.<sup>106</sup> As Nellans writes, it is “not difficult to imagine that as targeted groups become more nationalist and natalist in the face of genocide, they too begin to exclude, isolate, and persecute queer people” who are seen as a threat to persecuted communities’ reproductive potential and survival.<sup>107</sup>

Recognising the insecurity of the familial home and unit for many LGBTQI+ people both in times of relative peace and in times of violence is integral to strengthening prevention and protection before, during, and after mass violence – whether armed conflict or mass atrocity crimes.

## Cultures of impunity

“There is no investigation, there is no indictment. [...] Because the state doesn't seem to care about the lives of queer people, because 'If this happened to you, you probably deserved it'. And this prejudice still prevails in the police and in the prosecutor's office.”<sup>108</sup>

Participants indicated that in countries such as Honduras, Mexico or Venezuela, impunity for attackers of LGBTQI+ persons is in line with the high levels of impunity for all crimes in the region. For example, according to National Institute of Statistics and Geography (INEGI) data, 93 percent of crimes in Mexico are not reported or investigated.<sup>109</sup> Where impunity is left unaddressed, it poses serious repercussions for the potential recurrence of atrocity crimes.<sup>110</sup> However, while impunity for perpetrators of violence is a regional challenge across Latin America in general, it has deep and distinct consequences for the safety of LGBTQI+ communities. As expressed by a consultee:

“I mean, impunity is very high, for all cases, isn't it? So, people think they can do whatever they want [to LGBTQI+ persons].”<sup>111</sup>

Common responses from state authorities to violence against LGBTQI+ persons in Latin America include limited institutional support, indifference and active re-victimisation. Regarding authorities' responses to anti-LGBTQI+ violence and attacks, participants overall reported a perceived indifference of justice systems. When police take reports from LGBTQI+ persons, victims are often blamed for the attacks and are re-victimised.

“It's shocking: when an LGBTQI+ person tries to file a complaint for any type of violence, there are prejudices surrounding their complaint, and there's also a [negative] predisposition there. [...] Prosecutor's offices are totally hostile places. What we often do is accompany people so they can file a complaint or do it online [...] because they face a double victimisation when they are filing complaints.”<sup>112</sup>

Cases rarely reach prosecution, with a perception of resistance from prosecutors to follow through with cases and to acknowledge the sexual orientation and gender identity (SOGI) of victims as the motivation of crimes. As one participant explained:

“[Justice operators] fail from the moment that crimes of prejudice are not investigated as crimes of prejudice. The mistake begins there, because by ignoring or rejecting this factor as a fundamental fact of investigation, investigations never come to a successful conclusion.”<sup>113</sup>

In the rare cases where perpetrators are identified and accused, which tends to be the case when there is high media coverage of attacks, they are almost never convicted, especially if they are members of the police or military.

“An attacker who was arrested with the gun in his hand, [he] made contradictory statements. All the elements pointed one hundred percent to his conviction, but he was released and atoned for his guilt. [...] But he’s not the only one, there have been other cases where impunity is manifested in letting the aggressors go free.”<sup>114</sup>

Another participant recalled:

“A very specific case, of a colleague who was beaten by police officers. One or two of them were arrested. But after a while they got out and continued to serve in the police without any sanction, nothing.”<sup>115</sup>

A number of participants from countries where political homophobia at government level is explicit and institutionalised expressed that human rights protection institutions do not commonly get involved with LGBTQI+ issues at all.

“Where do you run to report that [...] an LGBT person has died as a result of the regime of exception? [...] You can’t go to the HRPD [Human Rights Procurator’s Office], because why would you go to the HRPD? The Human Rights Procurator’s Office doesn’t do anything either.”<sup>116</sup>

“This body [the Human Rights Procurator’s Office] has expressed on several occasions that it wants to support the LGBTI movement, that we have our rights. But when it comes to presenting our statements, calling on the government, on the representatives, to review the bill, to review our proposals, our petitions, it’s as if they are completely disassociated. [They do] not enter into conflict with other government bodies. So, I don’t see any real support.”<sup>117</sup>

Consultees from Argentina, Bolivia and Chile – countries with a considerable level of legal equality – shared experiences of public institutions like national human rights institutions, ombudspersons, and the offices of Attorneys General, playing a protective role regarding LGBTQI+ persons as a result of diverse forms of partnership with LGBTQI+ rights movements. This happened through regular interactions with CSOs in the form of joint dialogues, roundtables, trainings, or by the inclusion of LGBTQI+ representatives in the institutions’ councils or boards.

Only two consultees reported the existence of specialised spaces for LGBTQI+ persons within the justice system in their country. Both mechanisms are offices under the general

prosecutor, and participants report that the mechanisms tend to be ineffective for the protection of LGBTQI+ persons due to a lack of power to influence judicial proceedings, and the lack of adequately sensitised and trained personnel to receive and investigate LGBTQI+ victims' reports.

In most contexts, public institutions that tend to be supportive of LGBTQI+ persons are ombudsperson offices and human rights commissions at national and sub-national levels, and, in a few cases, specialised spaces under the ministries for women. As a participant remembered:

“So, in the case of being beaten for being LGBTI, the surveys [of LGBTQI+ persons] didn't show the police station or the women's emergency centre as the first place where one would go ask for help, but the Ombudsman's Office.”<sup>118</sup>


The levels of involvement of these institutions vary greatly, from simply receiving reports from victims to providing legal counselling, to producing annual reports on LGBTQI+ rights and initiating protection procedures, as in the cases of Argentina and Bolivia. Participants note that the involvement of these institutions can drop drastically when they are headed by a conservative or anti-rights person:

“For example, right now the ombudsman's office is very, very tied down because the General Ombudsman is a conservative. So, nothing that is against the conservative principles or beliefs of the General Ombudsman can be done by the Sexual Diversity Ombudsman's Office without his approval.”<sup>119</sup>

Such trends in public authorities' responses to anti-LGBTQI+ violence, reflects a wider public climate of impunity, which sends a clear message to potential perpetrators that they are unlikely to face consequences for their actions. According to Amnesty International, impunity increases the likelihood of individual acts of violence degenerating into more widespread or systematic campaigns, foreshadowing increased risks of identity-based violence and atrocity crimes for LGBTQI+ people.<sup>120</sup> The inconsistency of ombudsperson offices also highlights the fragile and precarious nature of LGBTQI+ rights protections and the ways in which they can shift drastically depending on who is in power, pointing to the impact of weakened rule of law on LGBTQI+ safety and security.

Cultures of impunity do not only manifest in queer people's engagement with state bodies and authorities, but they also impact how wider society and the general public perceive and treat LGBTQI+ people, as it sends a message that perpetrators will not be punished. This has worrying repercussions for risks of mass targeting and atrocity. Consultees highlighted that especially in marginalised or rural areas, verbal violence,

physical attacks and even expulsion were common threats faced by LGBTQI+ people. A consultee noted that this leads to the social isolation of LGBTQI+ persons from their immediate context, which makes them even more vulnerable and unprotected from identity-based violence:



“I talk to my neighbours like ‘Good morning. Good afternoon’. I have no relationship with the neighbourhood. What is that? It’s isolation, isn’t it? You end up having social isolation because you don’t have relationships where you live.”<sup>121</sup>

It is well known that long-term patterns of isolation and discrimination against minoritised communities can act as a precursor for, or result in, atrocity violence over time.<sup>122</sup> The isolation and even expulsion of LGBTQI+ people from surrounding communities, including their families and neighbours, should thus be taken seriously by policymakers as indicators of more widespread violence against LGBTQI+ people – and so should the cultures of impunity that enable and exacerbate anti-LGBTQI+ social exclusion. As illustrated in the *Queering Atrocity Prevention* report, heteronormative prescriptions and ideas about traditional family values may indeed first target queer collectives, but they usually very quickly turn to other agendas and foreshadow risks to other populations.<sup>123</sup>



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## Compounded risks

“We were colonised with a white, Christian, and enslaving culture and thinking [...] So, the consequence of this remains and affects LGBT people. And if you’re a black LGBT person, the intensity is greater. Because people who aren’t LGBT in Brazil, but are black, already live on the margins of society. [...] And when you’re LGBT, then this violence increases.”<sup>124</sup>

Risks of discrimination, exclusion and identity-based violence increase – or become compounded – for people who are seen to belong to multiple marginalised or minoritised identities. Therefore, any violence prevention must meet varied rather than singular or binary protection needs.

In the consultations, ethnicity and race emerged as significant dimensions of intersection that increase LGBTQI+ vulnerability to violence, particularly for consultees in Brazil. Participants note that Afro-descendant persons in the region, as a long-lasting consequence of slavery and persistent racism, are disproportionately poorer than the rest of the population and thus tend to live in social contexts where they are more exposed to criminal violence, police violence and conservative religious actors. Consultees said that Indigenous LGBTQI+ persons are frequently forced to migrate from their communities to supposedly friendlier metropolitan areas where they end up facing racism from most other ethnic groups. LGBTQI+ persons living in rural or impoverished areas were seen as more vulnerable to all forms of violence, especially emanating from their own local community or neighbourhood. Consultees reported that rural areas tend to be more socially conservative and have a higher presence of conservative, often evangelical, religious institutions, as is the case in impoverished urban areas in Brazil or the Peruvian Amazon region. The same applies to territories where traditional Indigenous justice systems are in place in countries such as Bolivia or Peru. Consultees report that the authorities in these systems are mostly men, and their processes and rulings are based on what are seen as traditional values, which tend to exclude LGBTQI+ identities.

Most participants identify trans women as the most frequent receivers of violence and discrimination in general, and the most vicious forms of violence in particular, including both lethal and non-lethal forms of targeting. This is exacerbated for the high percentage of trans persons in the region who are sex workers, most of whom work in public spaces at night, which exposes them to criminal violence, police abuse, attacks from clients, community violence from prejudiced neighbours, and exploitation – including sometimes from their own peers.<sup>125</sup> This corresponds to wider research highlighting the “distressingly common” trends of verbal assault, physical abuse, sexual violence,

police harassment and forced redundancy facing trans sex workers, as highlighted by UNAIDS.<sup>126</sup>

To explain the high levels of discrimination and violence against trans women, consultees pointed to the lack of legal recognition of trans identities as perpetuating social transphobia. Other contributing factors are seen to be the heightened visibility of trans persons compared to other identities, and the vulnerability that trans persons experience from a young age, as most of them are expelled from their homes and cut off from their families. Even in contexts of legal protection, trans persons are intensely targeted:

“[In my country] we have enough laws, don’t we? We [trans women] are also recognised within the Political Constitution of the State, and I think that’s also important. But there are always violations, there’s always violence, there’s always stigma, there’s always discrimination against the trans population.”<sup>127</sup>

Visible LGBTQI+ activists and non-binary individuals were identified as frequent victims of violence and as facing compounded identity-based risks. Multiple participants point again to the visibility of LGBTQI+ persons in these intersections as a basis for their targeting. As explained by one consultee:

“That is, [the] more you become an activist, an advocate, you externalise your gender expression, your gender identity, you acquire certain personal resources, you become visible, you participate in spaces, the risk also increases. Because what we often call ‘normative transgression’ starts to become visible.”<sup>128</sup>

In understanding atrocity risks to LGBTQI+ communities and other minoritised groups, it is imperative to undertake intersectional analyses to understand how different groups within the Latin American LGBTQI+ community face different levels of risks based on gender, sexuality, race, indigeneity and ethnicity, among others.<sup>129</sup> An analysis of atrocity risks that is not sensitised to the vulnerabilities of groups who endure compounded risks because of intersecting aspects of their real or perceived identities, will only ever produce a set of incomplete data for atrocity risk assessments, contributing to ineffective responses. Intersectional risk analyses should be a fundamental of mass atrocity prevention, especially given that genocide and ethnic cleansing are by nature identity-based, and that crimes against humanity very commonly are too. Despite this, the specific and overlapping needs, experiences and expertise of marginalised and minoritised communities continue to be largely excluded from atrocity prevention, conflict prevention, and broader peace and security policy. This too often includes specific decision-making processes, risk assessments, and programming. In a way, this

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is an issue of incomplete data, as many systems are simply not integrating information and evidence that is disaggregated by sex, gender, sexual orientation, age, and other variables where appropriate. A more fundamental challenge, however, is in low levels of understanding regarding the motivations of identity-based mass atrocity crimes, where many states, donors and others still view atrocity crimes as the consequence or collateral damage of armed conflict, and as being generally rare occurrences. In fact, mass atrocity crimes are both deliberate and fairly frequent, commonly motivated or legitimised by the perpetrator's conceptualisation of their victim's identity. Understanding the pathology of identity-based violence and mass atrocity crimes thus becomes imperative for policymakers, rather than an add-on. Doing so, first and foremost, requires an analysis of vulnerability, power, and intersectionality.



## The role of international actors, multilateral actors and social movements in mitigating atrocity risks

International and multilateral institutions have significant roles to play when it comes to maintaining rule of law, protecting minoritised populations, setting human rights standards and encouraging their implementation at the national, regional, and international level. When these bodies and institutions function well, they can be mitigating forces against unchecked identity-based violence and escalating atrocity risks, and can contribute to safer societies for LGBTQI+ populations and others.<sup>130</sup> By monitoring and responding to rights violations, they can contribute to spotlighting systematic and widespread human rights abuses and can have a deterring effect on perpetrators.<sup>131</sup>

Conversely, if the institutions and actors tasked with the promotion and protection of human rights refrain from spotlighting rights violations, working with and providing support to affected communities and implementing accountability mechanisms for perpetrators, then they risk fostering a climate of impunity and thus exacerbating identity-based risks faced by minoritised communities, including LGBTQI+ populations. This can have distinct and alarming repercussions for atrocity risks.

LGBTQI+ rights organisations and activists consulted as part of this research consistently highlighted the crucial role played by multilateral and international actors in upholding human rights, spotlighting violations and ensuring accountability for perpetrators. However, consultees were frank in their assessment that the support provided can often be fragile, inconsistent and hesitant.

Multilateral and international actors such as UN agencies, development agencies and embassies, were mentioned throughout consultations as being generally supportive of the LGBTQI+ movement across the region, primarily through the provision of funding to LGBTQI+ CSOs, which is a welcome form of support given the common difficulty in accessing LGBTQI+ rights funding.<sup>132</sup> A few participants also shared experiences of UN agencies collaborating with local or regional LGBTQI+ organisations and supporting the development of protective policies and legislation. A participant shared an experience of the joint development of a comprehensive national public policy for LGBTQI+ equality with the United Nations Development Programme (UNDP):

“[...] an LGBT Citizenship Plan: that’s what we wanted to design to achieve full citizenship, to close this gap between legal equality, already achieved, and the real equality we need. [...] We work very well with the UNDP. That’s what I was telling you about the LGBT Citizenship Plan: it was sponsored by UNDP, and the money was provided by UNDP.”<sup>133</sup>

However, consultees also reported that some multilateral and international institutions refrain from working with or supporting LGBTQI+ rights CSOs, especially if the CSOs work on SOGIESC or sexual and reproductive health and rights (SRHR) in contexts where the state or local governments frame LGBTQI+ work as inappropriate or suspicious. This has impaired the ability of CSOs to meaningfully engage with international and multilateral institutions, and to effectively deliver their urgent work. A consultee shared her organisation's experience with UN agencies in this regard:

“We submitted a technical proposal to work on the issue of violence against diverse women and we were going to include lesbian women, bisexual women, trans women. The agencies told us that ‘due to the complexities of the country’ and so on, that everything is fine, but there was no money. And the embassies are afraid [to work with us] because of the laws that refer to [state] social control [of NGOs funded by foreign agents].”<sup>134</sup>


The reluctance of some multilateral and international organisations to work with LGBTQI+ organisations and engage with the LGBTQI+ rights portfolio, thus not only contributes to a weakening of factors that can mitigate atrocity risks against LGBTQI+ communities, but can explicitly contribute to an environment conducive to atrocity crimes. Not only does this send a message to perpetrators that their violations are likely to go unchallenged and that they are unlikely to face accountability for their crimes, but it also means that the concerns of civic actors and CSOs over the safety of their communities are not on the agendas of prevention actors housed in international and multilateral spaces.<sup>135</sup>

Consultees reported facing similar challenges in working with activists from national human rights movements in their countries and regions, reflecting gaps in protection and support that are often missed by human rights programming and efforts to protect civic space, where LGBTQI+ concerns are often seen as distinct from wider rights agendas, or in extreme cases, LGBTQI+ identities are deemed immoral and thus unworthy of attention and resources. Only two participants reported minimal involvement in LGBTQI+ issues by other in-country social movements, like non-LGBTQI+ specific human rights organisations, labour unions and student unions. Involvement of Afro-descendant movements, Indigenous movements, labour, and student unions is scarce in most contexts and tends to happen by initiative of the LGBTQI+ movement. Regarding the distant relationship with labour unions, one participant explained it as follows:

“So, there are some openings, and some movements [are open to collaborate], but for me the labour movements are the least open. For me, they're still very conservative. It's very difficult to talk about identities. They think it's not as important as talking about labour. And that's the thing: the two things can coexist, but not for them.”<sup>136</sup>

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In most cases, participants report at least some level of involvement from feminist organisations, which appear among the main allies for many of the activists and organisations consulted. A participant recalled the following:



“So those who supported us at that time [in the 80s and 90s] were feminist women, the feminist women’s movement, and from there the LGBTI movement was born. And when you go and see the demonstrations now, you find a group of feminist women, and other women who are related to human rights issues, who accompany us and denounce [violations]. And we also have female allies who accompany us in this process.”<sup>137</sup>

While LGBTQI+ rights activists and organisations receive limited support from some in-country social movements in the region, they do not regularly collaborate together towards shared asks or to denounce rights violations that often have similar root causes and driving forces.<sup>138</sup> This not only has repercussions for the cohesion of human rights movements and their ability to foster rights progress for all, but it also reinforces perceptions of queer people as other or unwanted by actors that are supposed to be driving rights-based agendas in-country, which impacts risks of identity-based violence and impunity.

When LGBTQI+ rights CSOs find themselves alone in advocating for their communities and are met with reluctance to collaborate from in-country social movements or international and multilateral institutions, this can impact the strength and efficacy of their advocacy efforts. Such a dynamic signals to state authorities and perpetrators that LGBTQI+ communities are lone actors who are easy to target with no scrutiny or accountability, and it can exacerbate pre-existing – or introduce new – LGBTQI+ identity-based vulnerabilities that increase the likelihood of LGBTQI+ atrocity violence.

# Consultation Findings

## Community-informed strategies to confront LGBTQI+ identity-based threats

Towards the end of the community consultation sessions, the project team asked consultees how the identity-based threats they reported can be challenged, and how identity-based risks to LGBTQI+ communities can be reduced, thus helping to build safer societies for minoritised communities, including queer people. Activists' daily work often centres around responding to LGBTQI+ threats and developing strategies to counter them, and so they tend to have nuanced understandings of these threats, their root causes, as well as what truly works in practice to counter them. Whether or not this work is consciously done through the lens of atrocity prevention or identity-based violence prevention, it typically involves confronting the many drivers of discrimination and violence, and working to reduce their consequences, which are fundamental to successful violence prevention.<sup>139</sup>

This section outlines strategies that consultees either use, or think should be used, to challenge rising identity-based threats to LGBTQI+ communities. Atrocity prevention practitioners might benefit from understanding what local actors who are closest to community needs and responses, perceive as the most effective strategies to counter rising identity-based threats. Elements of these strategies can contribute to the development of successful community-informed atrocity prevention efforts, and can also be useful for human rights donors to consider in setting their funding priorities.<sup>140</sup>

Most consultees identified the need to mobilise states to have a more prominent and active role in the protection of LGBTQI+ rights in order to reduce identity-based risks and counter LGBTQI+ rights violations. CSOs and activists stressed the importance of states creating and implementing laws to penalise discrimination and hate speech against LGBTQI+ persons, developing and funding protection and prevention policies, ending impunity for perpetrators in the justice systems, transforming education to secularise it, and to include sexual and gender diversity in teaching curricula. Some consultees reflected on how the state can come to have a positive role in relation to LGBTQI+ rights, stressing the need for new governments that are more progressive and committed to upholding human rights. One participant summarised it as follows:



“At some point, political, social, and economic circumstances will change. At that point it will be the right time to also promote changes through public policies for the protection of the human rights of LGBT people.”<sup>141</sup>

A smaller number of participants identified the need to promote a change of social attitudes towards LGBTQI+ persons, fighting sexism and patriarchy as a measure to counteract forces driving increased LGBTQI+ risks. They suggest working directly with communities on the ground through communications and cultural activities, to sensitize them to LGBTQI+ rights and experiences. One participant summarised this approach as follows:

“Somehow [we want to] approach people saying, I don’t know, ‘We are people too’, right? Something as basic as that, but which still seems like it’s necessary.”<sup>142</sup>

Another set of strategies identified by consultees to confront forces enabling the continuation of LGBTQI+ risks were aimed at strengthening the LGBTQI+ movement itself, to improve its capacity to deliver positive change. Consultees highlighted the importance of working to build CSO capacities to counter anti-rights rhetoric through building and disseminating effective counter-arguments and receiving media training. Others highlighted the need for LGBTQI+ movements to have more access to funds for advocacy and related communications, to be more present on social media to inform people about LGBTQI+ experiences and risks, and to build stronger alliances within the movement and with other social movements including Indigenous, feminist, and lesbo-trans-feminist movements. Finally, consultees also recommended providing platforms for the voices of parents and relatives of LGBTQI+ persons to be heard on the difficulties their children face. As summarised by a consultee:

“The stronger, more organised the movement, the better you are able to tackle [the threats].”<sup>143</sup>

Consultees also identified the importance of LGBTQI+ presence in multilateral spaces and human rights mechanisms, to ensure these mechanisms take a more active role in the protection of LGBTQI+ persons and contribute to reducing identity-based threats. Consultees mentioned that LGBTQI+ movements should be active in denouncing LGBTQI+ rights violations within regional and international human rights systems, including the United Nations Refugee Agency, the Inter-American Commission on Human Rights, the OAS, the Andean System, Andean Court, and the Southern Common Market known widely as MERCOSUR.<sup>144</sup> They also suggested advocating for the drafting and approval of binding resolutions within international organisations, to push states to protect LGBTQI+ persons and incorporate sexual orientation and gender identity as

grounds for protection under international criminal law.

Finally, some consultees also proposed strategies related to promoting certain attitudes within the LGBTQI+ community, including increased willingness to report hate incidents, using available legal mechanisms for protection, and increased political participation and representation in elected positions with the aim of increasing LGBTQI+ visibility and promoting social and political change.

As *Queering Atrocity Prevention* demonstrates, “queer forms of resistance have always had to be innovative. From the early Pride parades that became commonplace after the Stonewall riots in the US, to the production of visual memes by artists in response to Russian state homophobia, to flying the rainbow flag above Ukraine’s Motherland Monument”, queer forms of resistance have consistently challenged oppressive norms and carved out space for LGBTQI+ people to live their lives fully and openly.<sup>145</sup> The strategies of resistance shared by consultees are thus not to be ignored or belittled; state and non-state prevention actors need to actively consider and incorporate elements of these strategies into how they undertake LGBTQI+ inclusive atrocity prevention. LGBTQI+ activists are most acquainted with what, in fact, works to confront LGBTQI+ identity-based violence – any form of LGBTQI+ inclusive and intersectional atrocity prevention must consider the degree to which it supports or contributes to the success of their work. Similarly, funders must consider the degree to which their LGBTQI+ funding priorities in the region align with community needs and priorities, including but not limited to the above consultation excerpts. As Peace Direct, a peace-building organisation put it: “external actors will always be learners” and will always need to draw on and centre local expertise.<sup>146</sup> After all, minoritised communities who bear the brunt of democratic backsliding, anti-rights organising, inequality and social fracture, are most likely to develop effective and low-lift strategies to counter identity-based threats; their survival often depends on it.

# Conclusion

Identity-based violence against minoritised communities can precede the commission of atrocity crimes. When such violence becomes widespread or systematic, it can reach the threshold of atrocity crimes, including crimes against humanity.<sup>147</sup> Monitoring identity-based risks faced by minoritised communities is therefore not supplementary to atrocity prevention efforts – it is necessary and inseparable from effective atrocity prevention. Latin America has a longstanding history of atrocity crimes and continues to grapple with the contemporary prevalence of organised violence and the world's highest rates of anti-LGBTQI+ violence.<sup>148</sup> Recognising and confronting how these patterns intersect and exacerbate atrocity risks should thus be a pressing concern for those working to strengthen the region's resilience to democratic backsliding, organised crime, social fracture and discriminatory violence. This approach should be applied to all whose work seeks to advance LGBTQI+ rights and prevent mass atrocity violence.

This report presented the identity-based risks and threats facing LGBTQI+ communities in Latin America, as directly described by LGBTQI+ rights activists and organisations in the region. LGBTQI+ consultees in Latin America see their communities facing identity-based risks from four main sources: anti-rights groups that seek to block and repeal LGBTQI+ rights and laws; LGBTQI-phobic public officials and civil servants who block LGBTQI+ access to basic rights; criminal armed organisations who attack LGBTQI+ people as part of their attempts to control territory or groups; and weakened democratic institutions that enable impunity for LGBTQI+ rights violations. These forces fuel LGBTQI+ experience of identity-based threats, including hate speech, hate crime, state targeting, lack of access to justice, domestic and familial violence, and discrimination in access to basic services such as healthcare, work, and education. Consultees also stressed that trans people, ethnic and national minorities, lesbian women, human rights defenders, people living in rural areas, and people with disabilities face compounded atrocity risks due to belonging to multiple marginalised groups, thus necessitating a nuanced approach to understanding different levels of risk experienced by different members of the LGBTQI+ community in the region.

These findings are directly pertinent to state and non-state actors and systems concerned with prevention. It has long been acknowledged by atrocity prevention practitioners that hate speech, hate crime and discrimination are early warning signs for atrocity violence;

homophobic and transphobic hate speech, hate crime and LGBTQI+ specific forms of discrimination are thus no different and must be monitored as part of atrocity prevention efforts and risk assessments.

There are various concrete ways in which these findings can strengthen existing state, non-state and multilateral atrocity risk analysis systems, policies, programming and understanding. This applies to the work of regional organisations like the OAS, given their unique longstanding relations with regional governments and their nuanced understanding of distinct regional-political dynamics.<sup>149</sup> In his 2022 report, the former OAS Special Adviser on R2P, Jared Genser, put forward concrete policy options for the OAS to engage in more successful atrocity prevention, and wrote that the OAS is actively working to design a framework to better prevent and respond to mass atrocity crimes.<sup>150</sup> Similarly, the UN Office on Genocide Prevention and R2P (UNOSAPG) is mandated to gather existing information on serious human rights violations to act as a mechanism of early warning for the Secretary-General and Security Council (UNSC), provide recommendations on prevention to the UNSC, and liaise with the wider UN system on preventing atrocity crimes. If we acknowledge and believe that LGBTQI+ communities are part of the *who* that R2P and atrocity prevention are designed to serve, then any programmatic work or policy options adopted by the OAS and the UNOSAPG Office must be informed by an understanding of distinct LGBTQI+ atrocity risks and a commitment to protect LGBTQI+ communities from identity-based threats.<sup>151</sup>

Findings from this report can also support individual states in the region to strengthen and build out their atrocity prevention capabilities and contributions – both on the national and international level. By 2022, 10 countries in the region had appointed R2P Focal Points to facilitate national prevention mechanisms and enhance contributions to international prevention. If appointed Focal Points are to succeed in delivering effective and inclusive prevention, then they need to be monitoring atrocity risks facing those most marginalised and who are likely to sense the early warning signs of escalation, such as LGBTQI+ communities. They also need to provide timely risk updates to their governments and the OAS on LGBTQI+ identity-based threats.

For other states with embassies in the region, there are likewise many ways in which dual commitments to LGBTQI+ rights and violence prevention can be more consciously integrated. For embassies that already have atrocity risk monitoring systems in place, they can ensure these systems explicitly include indicators on LGBTQI+ identity-based threats, and that they develop or utilise emergency communications protocols to communicate escalating risks to capital. For embassies that do not yet have atrocity risk monitoring systems in place, they can benefit from establishing nimble and lightweight LGBTQI+ inclusive tools to monitor escalating atrocity risks, and likewise communicating them to relevant teams in-country and in capital.



State prevention systems are already evolving to meet the distinct challenges posed by drivers and situations of mass atrocities and are adopting more sophisticated systems of risk analysis. The US Atrocity Risk Assessment Framework, for example, now acknowledges sexual orientation, gender identity and expression, and perpetrator perceptions of minoritised populations as grounds for atrocity targeting, and it also explicitly calls for greater attention to the risks facing affected populations.<sup>152</sup> The US Atrocity Prevention Strategy also commits to “[adapting] its approach and recommendations when new information and lessons become known”.<sup>153</sup> The UK government, which is funding this project, continues to strengthen its own atrocity prevention architecture and systems, and has a rare opportunity to take an intersectional and LGBTQI+ inclusive approach and to integrate LGBTQI+ specific indicators in the very foundation of the UK’s atrocity prevention architecture. Crucially, the indicators that this consultation and the wider project are identifying need to be represented in state and non-state risk assessment tools, to ensure they are fit for the purpose of forecasting threats facing LGBTQI+ people.

Non-state prevention systems and frameworks can also benefit from integrating LGBTQI+ specific indicators into their risk monitoring efforts. While some non-state prevention and analysis systems use indicators on risks faced by groups based on ethnicity, race, nationality, or religion, none of them include explicit mention of LGBTQI+ atrocity risks. This means that LGBTQI+ people are often left out of atrocity prevention efforts and that the frameworks, processes and systems used to assess atrocity risks currently rely on incomplete evidence and datasets. This inhibits effective prevention, response and accountability but also keeps the sector’s understanding of mass atrocity violence narrow and thus not reflective of how it truly emerges, manifests, and harms.

The LGBTQI+ identity-based atrocity risks presented in this report will inform the creation of a global, robust, and representative list of risk indicators for LGBTQI+ vulnerability to mass atrocity, and an accompanying toolkit for state and non-state actors detailing how they can centre and integrate LGBTQI+ rights and risks into their work. The toolkit will also serve as the basis for capacity-building trainings for state and non-state actors to foster more intersectional and effective approaches to prevention. These tools will support states and others to better monitor distinct LGBTQI+ atrocity risks, and to trigger – or advocate for the triggering of – preventative action before the outbreak of mass violence in a given context.<sup>154</sup> The indicators, toolkit and training will be available to various state and non-state actors in early 2025.<sup>155</sup>

If atrocity prevention tools, as well as those used by wider peace and security actors, are to become fit for the purpose of protecting LGBTQI+ populations, then LGBTQI+ risks, needs and expertise must be acknowledged and included in the design, implementation, and evaluation of various programmes and systems, including humanitarian and crisis responses which currently often lack LGBTQI+ sensitivity and exacerbate LGBTQI+ insecurity. LGBTQI+ people must also be included in early warning, risk analysis, and



broader peace and security research, both as experts and as people who face distinct identity-based risks.<sup>156</sup> Atrocity prevention practitioners across state and non-state institutions must also continue to examine wider gaps, including in relation to distinct identity-based atrocity risks facing other minoritised populations who are too commonly excluded from prevailing understandings of mass atrocity violence. This includes people with disabilities, Indigenous populations, and those facing the disastrous impact of the devolving climate crisis. The project team hopes that this report and the broader Queering Atrocity Prevention programme can provoke a step change in atrocity prevention and broader peace and security work towards more intersectional and inclusive practices. A move towards more inclusive and intersectional work will contribute not only to the protection of minoritised communities who tend to experience levels of risk disproportionate to wider populations, but it will also contribute to safer societies for all. Increasing risks against one group often foreshadows and exacerbates risks against others. The sooner our sector reckons with this, the closer we will be to our collective objective of creating safer societies for all.

# Recommendations

## We ask states to consider:

- Developing, adopting, and implementing an inclusive and intersectional national strategy of atrocity prevention
- Establishing atrocity risk assessment systems or frameworks that integrate indicators on minoritised communities' distinct risks, including those faced by LGBTQI+ communities, and communication protocols that enable the swift transfer of information between various states bodies, including embassies, foreign offices and capital offices. If atrocity risk analysis systems are already in place, consider working to explicitly integrate LGBTQI+ indicators
- Collaborating closely with LGBTQI+ rights CSOs, including by creating channels for communication of rising risks and responding to community needs
- Funding LGBTQI+ rights CSOs in the region to monitor and report on LGBTQI+ identity-based atrocity risks
- Strengthening political will and implementing robust and practical measures to end impunity for perpetrators of human rights violations, including by providing training to public officials on LGBTQI+ sensitivity
- Appointing R2P Focal Points to the Latin American Network for Genocide and Mass Atrocity Prevention, and ensuring their participation in the Global Network of R2P Focal Points, to ensure facilitation of domestic and international atrocity prevention mechanisms
- Delivering interventions supporting the protection and inclusion of LGBTQI+ communities within the General Assembly, the Human Rights Council, and through recommendations given through the Universal Periodic Review

## We ask the Organization of American States to consider:

- Ensuring that their emergent regional and country-level early warning mechanisms take an intersectional and LGBTQI+ inclusive approach, including by integrating indicators on LGBTQI+ vulnerability to mass atrocity
- Integrating an understanding and analysis of LGBTQI+ identity-based risks and rights into their engagement strategies with national, regional, and international actors to ensure that LGBTQI+ rights and risks are not left out of key conversations on atrocity

prevention and response. This includes, but is not limited to, the OAS' utilisation of preventative diplomacy, public advocacy and in-country investigations

- Supporting, developing, and deepening working relationships with LGBTQI+ rights CSOs operating in the region to ensure they are able to communicate escalating identity-based risks and tipping points in a timely manner
- Funding LGBTQI+ rights CSOs in the region to monitor and report on LGBTQI+ identity-based atrocity risks
- Requesting that the OAS representative to the Global Network of R2P Focal Points is active in multiple regional atrocity prevention networks, including the Latin American Network for the Prevention of Genocide and Mass Atrocities, and that they also engage with other mandates and mechanisms within the OAS

## **We ask the UN Office on Genocide Prevention and R2P to consider:**

- Integrating LGBTQI+ indicators into their periodic atrocity risk assessment exercises, and communicating findings on LGBTQI+ identity-based threats to relevant teams and decision-makers, including the UN Security Council, the UN Secretary-General and UN Special Procedures
- Opening up the Framework of Analysis for Atrocity Crimes to include indicators relating to sexual orientation and gender identity and issue guidance on the importance of co-creation for specific contexts, populations and at-risk groups
- Supporting, developing and deepening working relationships with LGBTQI+ rights CSOs operating in the region, to ensure they are able to communicate escalating identity-based risks and tipping points in a timely manner
- Establishing bespoke, nimble, and devolved prevention mechanisms to protect LGBTQI+ people in partnership with LGBTQI+ rights CSOs
- Collaborating and communicating with the United Nations Independent Expert on Sexual Orientation and Gender Identity and wider LGBTQI+ focused roles within the UN system, to ensure LGBTQI+ inclusive protection and prevention
- Collaborating with the regional OAS human rights mechanisms and mandates, to encourage and support LGBTQI+ inclusive approaches to atrocity prevention in Latin America

## **We ask civil society and international organisations that work towards the prevention of mass atrocity crimes and in the wider peace and security fields to consider:**

- Including LGBTQI+ people in early warning research, both as researchers and as subjects that face additional risks
- Collaborating with LGBTQI+ rights civil society organisations to ensure intersectional and inclusive approaches to prevention
- Integrating indicators on LGBTQI+ identity-based atrocity risks into any atrocity prevention, early warning and risk analysis systems and processes
- Examining the intersections of gender and sexuality, queer politics, feminist politics, and atrocity prevention towards ensuring our work incorporates an LGBTQI+ inclusive and intersectional lens

## **We ask donors to consider:**

- Funding work at the intersection of LGBTQI+ rights, atrocity prevention, and wider peace and security agendas
- Providing easy, accessible, quick-release as well as core long-term funding for LGBTQI+ organisations, especially in situations of, or at risk of, violence
- Ensuring that their funding priorities are informed by, and centre, local LGBTQI+ needs and priorities

# Annex A:

## Research methodology

Protection Approaches' *Queering Atrocity Prevention* report made a call for atrocity prevention tools to become fit for the purpose of contributing to the protection of LGBTQI+ people from atrocity crimes, and for LGBTQI+ people to be better centred in early warning research, both as researchers and as communities that face additional risks.<sup>157</sup> This paper's methodology directly responds to this call by conducting community consultations with LGBTQI+ communities and activists as the primary means to understand more about perceptions of LGBTQI+ atrocity risks, supplemented by publicly available reports, policy documents and research, in order to situate the consultation findings in the current atrocity prevention policy landscape. The data collected in consultations will be used to develop robust and global LGBTQI+ atrocity risk indicators, which the project team will be working to embed in various peace and security systems and processes over the next months.

It is worth noting that this report does not seek to offer an overview or analysis of the wealth of existing atrocity prevention literature, nor does it engage with definitional debates of what constitutes atrocity crimes or identity-based violence and what does not.<sup>158</sup> Instead, it presents the findings of empirical research documenting the lived experiences of LGBTQI+ communities, their experiences of identity-based violence, and the implications of these realities for those working on the prevention of atrocity crimes.

The project team chose to conduct consultations in Latin America due to the region's history of atrocity crimes, the historical incidence of which is considered a strong predictor of future incidences of atrocity violence.<sup>159</sup> This history, coupled with current alarming rates of anti-LGBTQI+ violence in the region – particularly directed against trans communities, necessitates an interrogation of atrocity risks in Latin America. This history also makes it especially pertinent to identify atrocity risks facing minoritised communities, as they are most likely to sense the first signs of atrocity escalation – this includes LGBTQI+ people.

Consultations took place in the form of semi-structured individual interviews and focus groups with LGBTQI+ rights activists and organisations across the region. This report thus addresses and documents qualitative perception-based data, rooted in LGBTQI+ lived experiences. Choosing a community-based consultative approach is rooted in the



project team's commitment to centring lived experience and testimony as a valid and reliable source of information that can communicate rich, urgent and policy-relevant data, and it also joins a growing community of researchers who centre lived experience to bridge gaps that persist in policy fields.<sup>160</sup> It is our firm belief that LGBTQI+ community and activist perspectives and histories of resistance have much to contribute to the practice of atrocity prevention.

Experientially-produced knowledge, expertise, and lived experience has often been overwritten by so-called expert accounts and viewed as not legitimate or representative.<sup>161</sup> This contributes not only to the devaluation of community-based and activist perspectives, but also to the discarding of critical knowledge whose absence would likely undermine the effectiveness of any form of socially- or politically-engaged work.<sup>162</sup> Communities and activists possess a deep knowledge of community risks and needs and should not be underestimated as a legitimate source of intelligence and information, not only when it comes to determining atrocity risks, but also in designing and implementing prevention strategies. Research has also shown that community-based early warning approaches have incredible potential for the effective and swift prevention of atrocities, as they centre the knowledge, expertise, and experiences of those who are closest to the violence and are likely to be the first to experience the reverberations of escalating social and political tensions.<sup>163</sup> Affected populations also possess unique knowledge of the local characteristics of violence in their communities, which can contribute to the design and implementation of localised solutions to reduce the likelihood of incidence and to de-escalate mass violence.<sup>164</sup>

By adopting a consultative approach to understanding LGBTQI+ atrocity risks, the project team hopes to take seriously the concerns of communities that have long been sidelined and ignored, and to produce a rich, complex and grounded account of LGBTQI+ atrocity risks that can be integrated in atrocity prevention frameworks and efforts.<sup>165</sup>

Below, we outline how the project team identified and reached out to consultees.

## Sampling

The project team selected consultation participants based on three main considerations:

- Ensuring a spread of countries that highlight the spectrum of LGBTQI+ rights violations and increasing atrocity risks in the region. This includes countries that have nominal legal equality but where LGBTQI+ people continue to frequently face violence, and countries where political homophobia are clearly part of state discourse or action.

- Ensuring as even a geographical spread across the region and sub-regions of focus, as is possible. This includes a spread of countries across North, South, East, West and Central Latin America.
- Ensuring the project team conducts consultations in countries where Protection Approaches and AIPG can safely access and communicate with potential consultation participants, in line with a do-no-harm approach.

The above criteria were set by the project team in line with best practices on interviewing minoritised or vulnerable populations, and to ensure that within this consideration, the sample chosen was representative of various perspectives and political contexts from across the region. Prioritising countries where the project team can safely access and communicate with consultation participants was especially important in contexts where LGBTQI+ activists or organisations were experiencing heightened risk due to their work or identities, in order to ensure the project team abided strictly by the principle of do-no-harm.<sup>166</sup>

After determining countries or sub-regions of focus according to the three aforementioned criteria, the project research team ensured that the individuals or organisations consulted were as representative as possible across the following lines:

- Sexual and gender diversity of LGBTQI+ communities
- Forms of organisation of LGBTQI+ civil society (grassroots, national, and regional organisations) and focus of their work (advocacy, research, social services, art and culture, etc.)
- Ethnicity, age, ability, and residence (urban/rural)

To identify potential consultees in-country, the project team created a database sheet and gradually populated it with potential consultees. This was done by reaching out to CSO partners with pre-existing trust-based networks with LGBTQI+ rights CSOs in the region, in line with best practices on interviewing minoritised populations.<sup>167</sup> The project team also supplemented this process with desk research. The database included notes on potential consultees' country of residence, their lived and professional expertise, language preference if known, and a rationale for the choice of consultee. Once the database was populated, the project team based at Protection Approaches and AIPG reached out to potential consultees using publicly available contact information, or that shared by organisational partners who were open to connecting the project team with potential consultees. The initial outreach email to consultees included a comprehensive information sheet detailing the project and consultation processes. Once consultees wrote back expressing interest in participating, they were offered an informal chat to ask

any questions they might have about the process. While no participants requested the informal chat, it was intended to ensure that they got to know the interviewer beforehand, and to ensure that the consultation process centred their needs and worked to their pace, in line with best practices.<sup>168</sup>

Consultees who agreed to participate in consultations, were asked to sign an information sheet and consent form detailing their rights throughout the process, and to ensure they were fully aware of what the consultation process entails. Consultees were invited to sign using their full name or their initials depending on their level of comfort. Consultations in Latin America were undertaken by Mauricio Coitiño, a Uruguayan atrocity prevention expert who is fluent in Spanish and works at the intersection of atrocity prevention and LGBTQI+ rights in Latin America.

In the process of conducting consultations, the interviewer ensured they were in a private space and made sure to ask consultees for consent to audio-record the consultation ahead of asking any research questions. All consultees consented to audio-recording and were clearly briefed on how the information they shared in consultation would be used in the context of this project. Consultations lasted between 45-90 minutes and questions were pre-agreed between the project team, with probing questions being appropriate at the discretion of the interviewer. The interviewer conducted 19 individual consultations, in addition to two focus groups with 14 LGBTQI+ activists, speaking to a total of 31 consultees. Consultation participants were also given the chance to review parts of this write-up before publication, to ensure their words were accurately represented, especially given the potentially sensitive nature of the information they shared.<sup>169</sup>

Once the project team conducted about 50 percent of the consultations, we assessed the degree to which interviewees were representative across factors like sexual and gender diversity, ethnicity, residence and forms of organisation, and did another round of targeted outreach to plug gaps in our research sample. The final numbers were as follows:

- 19 consultees came from national organizations, seven from national networks, two from local organizations, two from regional organizations, and one from an international organization
- 11 consultees identified as trans women, one as a trans man, 11 as lesbian or bisexual women, six as gay men, one as an intersex woman. One consultee did not explicitly share their SOGI.
- Three consultees identified as Afro-descendants and two identified as Indigenous persons

The section below outlines how the project team designed the consultation sessions and chose questions to ask and topics to broach.

## Consultation Questionnaire Design

The consultation question development process was informed by two main considerations.

The project team sought to ensure that questions spanned different facets of consultees' lives, including work, school, family, public spaces, as well as the private and domestic sphere, to understand how atrocity risks manifest in a wide array of spaces that LGBTQI+ communities move within on a daily basis. The project team asked questions across a variety of situations and spaces, but we also recognised that consultation participants may have more to add beyond the categories and questions developed by the project team. With this in mind, the interviewer regularly asked during consultation whether the consultee had more to share about risks of mass targeting and atrocity for their communities beyond what the interviewer directly asked about. This approach was adopted to ensure the project team centred consultees' status as experts on their own contexts and experiences, and to ensure that the project team actively created space for this expertise to surface and be fully heard.<sup>170</sup>

Consultation questions were also informed by Protection Approaches' and AIPG's knowledge of the factors that signify identity-based atrocity risks, such as large-scale human rights violations and inter-community grievances, discrimination, and organised criminal conspiracy. A portion of the questions asked about the impact of these dynamics and processes on LGBTQI+ safety and security to understand distinct LGBTQI+ atrocity risks. The project team also included questions on the incidence of anti-LGBTQI+ hate speech and hate crime, both of which are correlated with increases in atrocity risks according to various atrocity prevention literature, as detailed in the findings section.

Please see Annex B for the individual community consultation questionnaire and Annex C for the focus group community consultation questionnaire.

The section below outlines further ethical considerations addressed by the project team in the process of conducting consultations.

## Ethical considerations

### Anonymisation

Anonymity was guaranteed for consultation participants, with the exception of those who provided express written consent to be individually or organisationally cited and credited. The project team also ensured that there were no indirectly identifying characteristics for consultees who wished to remain anonymous, including thematic and country focuses. This was done to ensure that consultees would not be identifiable (unless they chose otherwise) and to ensure that the project team upheld our ethical responsibilities of protecting the identities of our consultees where they preferred it.<sup>171</sup>

### Mitigating emotional distress

Due to the sensitive nature of material discussed, and keeping in mind the possibility of consultees having had adverse or traumatic experiences in relation to the material, the project team attended a workshop on trauma-informed interviewing delivered by the Dart Center, based at Columbia University. The workshop equipped the team conducting the consultations to identify and deal with any signs of distress during consultations and to ensure the interviewer centred consultee needs, as is often recommended for researchers working with minoritised populations who may have experienced primary or secondary trauma.<sup>172</sup>

The project team worked to implement the learnings from the training into the consultation process. For example, the consultation sessions were designed in a way where at the beginning of consultations, interviewers would outline the themes that might be discussed, to ensure participants knew subjects that conversations might touch on beforehand. Interviewers would also sign-post questions, signalling to consultees the direction of the conversation and to ensure they were not caught off-guard. Finally, as the consultation concluded, the interviewer would seek to establish closure by answering any questions and outlining next steps for the project, and how consultees' data would be stored and used. Consultees were also offered professional psychosocial support in case consultees experienced emotional distress right after, or as a direct result of, the consultation process.<sup>173</sup>

### Consultation data storage

The data that was gathered through consultations and focus groups will be anonymised and no data gathered will be attributable to any individual or organisation, unless consultees explicitly stated preferring otherwise. The data gathered will be deleted by December 2025, after this project has been delivered. The project team will work to ensure that all handling, storage and processing of data gathered during consultation is GDPR-compliant.<sup>174</sup>



# ANNEX B:

## Individual Community Consultation Questionnaire

### 1. Introductory questions

- a. What would you say are some of the most pressing challenges or threats facing LGBTQ+ populations in your country today?
- b. Who, within the LGBTQI+ community, is at risk? Do different groups of people face different levels of risk? How do you know that?
- c. What are the sources of this risk? How do you know?
- d. Do you think these threats are going to continue?
- e. Are risks higher or lower than they were previously? Do you or others monitor those risks or threat levels?

### 2. Expressions of exclusionary rhetoric, and hate speech

- a. Where do you tend to hear exclusionary rhetoric? Who, what, where?
- b. When have LGBTQ+ populations been recently mentioned in the media or by politicians? How have they been mentioned or addressed?

### 3. Instances of acute targeting and violence

- a. Have there been instances of targeting minorities recently? How was this responded to by authorities, if at all?
- b. Have you heard recently of any instances of violence against LGBTQ+ populations? Who, what, why?
  - i. Have there been any official or unofficial responses to this, and/or reports of positive or negative reactions from onlookers?
  - ii. How were perpetrators dealt with – punished, valorised, ignored? By whom?
- c. Do specific pieces of legislation target LGBTQ+ populations, or are any weaponized to target them?

- d. Are there any other manifestations of acute targeting or violence for LGBTQI+ people in your country or context that you wish to highlight?
- e. For queer populations: are there any relationships in your life that you perceive as potentially harmful or dangerous? What do you feel makes them threatening?
  - i. For non-queer professionals working on LGBTQI+ rights: from what you have observed in your work, do personal relationships pose any threat to LGBTQI+ populations? Which ones would you say do so? How?

#### **4. Have there been any major events recently – national or international – that have impacted the safety of LGBTQI+ communities in your country, or exacerbated existing issues?**

#### **5. Specific questions for NGOs, activists & researchers**

- a. As a researcher or activist, what is your sense of current threats that are now facing the LGBTQ+ community in your country? What triggers a sense of unease or concern for LGBTQ+ populations' safety and wellbeing?
- b. With respect to organizations working on queer rights, what would you say are some barriers to their work; factors that make it harder, less safe or less feasible?
- c. Do existing national human rights institutions and human rights or development NGOs engage with LGBTQI+ issues? Why or why not?

#### **6. Concluding questions**

- a. What do you feel enables the continuity of identity-based threats to LGBTQI+ populations? Where do you feel positive change can come from?
- b. Is there anything you wish to add?

# ANNEX C:

## Focus Group Community Consultation Questionnaire

### 1. Stage 1 - Regional Overview

In this first stage of the focus group consultation, we will start with general questions, and anyone can raise their hand to answer. We are going to focus on regional realities now, and in the next phase, we will look at the national realities in your specific countries. I will list on our virtual whiteboard what comes up as you speak.

- a. What would you say are some of the most pressing challenges or threats facing LGBTQ+ populations in your country today?
- b. Are some identities or communities within the LGBTQI+ population at higher risk than others? Which ones?
- c. Have there been recent instances of targeting minorities, including LGBTQI+ populations?
- d. Do you hear exclusionary rhetoric against LGBTQI+ persons? Where?
- e. Do personal relationships pose any threat to LGBTQI+ persons in the region?
- f. Are the aforementioned risks higher or lower now than they were previously?

### 2. Stage 2 – National Realities

Now, we will focus on the threats and incidents you see in your countries and again, anyone can raise their hand to answer. I will list on our whiteboard what comes up as you speak.

- a. What are the main threats faced by LGBTQI+ persons in your country? Who is targeted – are there different levels of risk within various communities?
- b. Who are the perpetrators?
- c. How do you know the above? Can you think of any examples?
- d. How does society (persons and institutions) respond to threats facing LGBTQI+ people?
- e. How do state authorities respond, if at all? How are perpetrators dealt with?

### 3. Stage 3 - Convergence

Now that we have an extensive list of threats and instances of targeting of LGBTQI+ communities both regionally and nationally, I would like to move to the final phase of our consultation.

- a. What do you think are the common features of threats facing LGBTQI+ people that we see across the region?
- b. How frequent/systematic are instances of LGBTQI+ targeting?
- c. Do you think these threats are going to continue? Why or why not?
- d. What are the attitudes of public actors (politicians, government, institutions) towards these threats?
- e. What are the attitudes of different social actors towards these threats?
- f. Where do you think positive change in countering these threats, can come from?
  - i. Do you think positive change can come through the work of national, regional or international actors and mechanisms? Do you think there are other sources of potential positive change?
- g. Is there anything you wish to add?

# Endnotes

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