**LGBTQI Experiences:**

*in country, and along the path of migration*

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1. THE CONTEXT

*in country*

The countries of the Northern Triangle of Central America (El Salvador, Guatemala and Honduras) are among the most violent in the world due to gangs and drug trafficking related conflict. In addition to alarming levels of general insecurity, their respective murder rates are well above what the World Health Organization considers to be epidemic levels, and more than 75 percent of these are classified as deaths by firearm[[1]](#footnote-1). Advocates have said that being LGBTQ substantially increases vulnerability to violence, with transgender individuals facing the highest risk. Neither El Salvador, Honduras, or Guatemala have laws protecting people from violence or discrimination on the basis of their sexual orientation or gender identity[[2]](#footnote-2).

In Honduras, the CATTRACHAS Lesbian Network has recorded 277 violent deaths of LGBTI persons since 2009, marking an escalation of violence against LGBTI persons since the coup in June of that year. El Salvador’s Ministry of Social Inclusion says that approximately 600 LGBTI persons have been killed between 1993 and 2017[[3]](#footnote-3). According to a survey of the LGBT community of Guatemala, 72% of LGBT individuals report experiencing violations of the rights to health, work, and education[[4]](#footnote-4).

It is important to note that many of the statistics available on this subject are gathered by community groups with insufficient capitol to effectively, efficiently, and completely gather data on a widespread and/or national level. Additionally, some estimates are based on civil society information, which exhibits its own dangers. Not the Salvadoran, Guatemalan, nor Honduran governments have established mechanisms to systematically compile data on the LGBTQI population[[5]](#footnote-5).

Even when, however rarely, the LGBTQI population does make strides in Central American national policy, this does not particularly mean more security and safety in the lives of individual members of the LGBTQI community. For example, since of the 2009 coup in Honduras, LGBTQI groups and individuals have stepped into their roles as activists and organizers and in many ways, they were well received by their fellow resistors, with whom they shared an opposition to the coup[[6]](#footnote-6). However, with this rise in visibility comes also a rise in persecution and violence against them. “In only 7 months after the coup, 26 LGBT persons were killed. In 2008, we only had 4 killed. We went from 4 to 26; that’s a big jump. From 1994-2009, we had 20 LGBT murders. After the coup, we have had 90. It went from being 1 per year to 2 per month[[7]](#footnote-7).”

*in US detention*

Recent surveys of jails and prisons by the Bureau of Justice Statistics (BJS) found that non-heterosexual detainees experience sexual assault at up to ten times the rate of heterosexual men[[8]](#footnote-8). The situation is starker for transgender detainees. According to the BJS survey, one in three will be sexually abused within twelve months in custody. When viewing the trend of reported sexual assaults against this community in immigration detention, the Government Accountability Office in November 2013 found that transgender immigrants reported 20% of sexual assaults in ICE custody. This is deeply troubling given the fact that transgender individuals are estimated to be less than 1% of the general population[[9]](#footnote-9).

Problems such as excessive use of force by prison officers, untrained or uneducated personnel, incidents of violence (verbal, physical or sexual), discrimination regarding denial of conjugal visitations for non-heterosexual couples, overpopulation and illegal body searches are just some of the forms of discrimination LGBT people suffer behind closed doors. Imprisoned LGBT people tend to not report these incidents of violence due to fear of repercussions either from fellow inmates or prison personnel[[10]](#footnote-10).

Some examples of the cruel, but systemically accepted circumstances LGBTQI individuals are held under:

lack of appropriate treatment for gender dysphoria[[11]](#footnote-11)

Enforcement of “freeze-frame” policies which bar detainees from receiving chronic medical treatment that detiates from that which they received outside of detention[[12]](#footnote-12).

housing transgender individuals according to their birth gender[[13]](#footnote-13)

holding transgender individuals in solitary confinement[[14]](#footnote-14)

stigmatization of same-sex relationships in detention (and punishment for shows of affection between same-sex partners)[[15]](#footnote-15)

Refusing to grant same-sex couples with conjugal visitation rights[[16]](#footnote-16)

punishment for expression sexual orrientation and gender identitfication, both by guard and fellow detainees[[17]](#footnote-17)

denial of protection and security measures from detention facility officers[[18]](#footnote-18)

1. THE PEOPLE

*their names*

JOSE JOAQUIN HERRERA UTRIA

CAMILA FLORES

JOSÉ “PEPE” PALACIOS

KARLA AVELAR

NEILA DE EL SALVADOR

ERICK MARTINEZ

UNNAMED TRANSGENDER WOMAN

ALDO ALEXANDER PEÑA

CARLOS

CRISTEL

CAMILA

MARBELLA

ALEXIS, RITA, MIKELA, LUISA, MARIA - Allegra Love’s Girls

SARAI

JULIAN

TRANSWOMAN S.A.C.

FREDY DE GUATEMALA

ROXANA HERNANDEZ

MARCO VILLADA

MONSERRATH LOPEZ

GRETTA SOTO MORENO

NICOLE GARCÍA

*their stories- in country*

JOSE JOAQUIN HERRERA UTRIA

*coordinator of the LGBTQ Brigade*

In January 2015 José Joaquín Herrera Utria was killed in Valledupar, Colombia. José Joaquín had previously fled the country due to his sexual orientation, and received police protection once he returned to the country. His organization (LGBTQ Brigade) promotes cultural events for transgender women in Valledupar. His body exhibited signs that he was tortured prior to being killed.

<https://www.wola.org/analysis/letter-to-us-policymakers-highlights-violence-against-colombia-labor-human-rights-defenders/>

CAMILA FLORES

*community LGBTQ and HIV/AIDS activist*

In January of 2015, within days of José Joaquín Herrera Utria’s death, Colombian Camila Flores was also killed. Camila was a transgender woman who led a local HIV/AIDS prevention project in her community.

<https://www.wola.org/analysis/letter-to-us-policymakers-highlights-violence-against-colombia-labor-human-rights-defenders/>

JOSÉ “PEPE” PALACIOS

*founding member of the* [*Diversity Movement in Resistance (MDR)*](http://www.facebook.com/Movimiento.de.Diversidad.en.Resistencia)

Pepe established a LGBTQ presence along the resistence front following the Honduran coup, a presence which was tolerated by some fellow resistors, and respected and celebrated by others. He continues to defend LGBTQ irghts in his country of Honduras. “I would never ever leave my country because if I do that, I’m safe but others will still face threats. In every revolution there will be casualties, but we know we can’t stop. The positive thing is that we became visible and now we really are a movement, not a social club, not an NGO. We’re part of a movement that fights for the rights of everyone.”

<https://www.lawg.org/if-youre-invisible-youre-harmless-the-lgbt-community-in-honduras-invisible-no-longer/>

KARLA AVELAR

*transgender human rights defender and director of COMCAVIS TRANS*

Karla Avelar spoke on the violence that LGBTQI and especially trans community members go through in Honduras; “I have fourteen bullets in my body. The worst is that our society approves violence against us, including our own families sometimes. I am forty years old now. I never thought I would live this long. I am truly old.”

For LGBTI Salvadorans, reporting a crime is difficult. “Many of us, when we see police, don’t see protection, but rather we feel panic.” According to Avelar, many transgender people have reported rape, extortion, kidnapping, and torture by the police.

“Human rights are your rights. Take them, promote them, understand them and insist on them. Nourish and enrich them… They are the best of us.” -Karla Avelar

<https://www.lawg.org/lgbti-salvadorans-winning-legal-advances-but-facing-unchecked-violence/>

NEILA DE EL SALVADOR

*beautician and migrant*

Neila, a 26-year-old beautician, fled El Salvador in December 2015 after a knife attack in which she was stabbed 58 times. “This is all because my gender identity differs from what is traditional,” said Neila to the United Nations High Commissioner for Refugees (UNHCR). She is now in Mexico seeking asylum.

<https://www.lawg.org/lgbti-salvadorans-winning-legal-advances-but-facing-unchecked-violence/>

ERICK MARTINEZ

*journalist and gay rights campaigner*

Erick Martinez (Avila) was a pre-candidate to lead the Honduran resistance movement’s emerging political arm ([LIBRE](http://www.facebook.com/PartidoLibertadyRefundacion)), which was created in order to participate in general elections. Erick was nominated in April and on May 7, 2012, two days after going missing, his body was found with signs of strangulation.

A friend and fellow LGBTQI organizer, Jose Palacios, stated his beliefs surrounding Erick’s death “I think he was killed not only because he was a Resistance candidate, but also he was someone who represented sexual diversity in a way that vetoed the decades-old arguments about homosexuality as evil.”

<https://www.bbc.com/news/world-latin-america-17990638>

<https://www.lawg.org/there-is-no-turning-back-now-honduran-lgbtq-activists-confront-oppression-make-gains/>

UNNAMED TRANSGENDER WOMAN

*transgender activist and sex worker*

The following testimonial was given by Ever Guillen Castro, a LGBTQI rights organizer in Honduras:

A police officer attempted to assassinate a transgender sex worker in 2009. The police officer hired her for sexual services, and then refused to pay. They fought; he stabbed her 17 times, thought she was dead, and dumped her body in an abandoned place.

She regained consciousness and went to the hospital, and then denounced the police officer, who was jailed temporarily. She began receiving threats saying that she must withdraw the case or die. One day before she was supposed to leave the country, two trans(gender) friends of hers were gunned down, probably because the killer thought that one of the two was her. We let everyone believe she was indeed killed. She was evacuated from the country and now lives in exile.

This is one of very few stories where the abuse of a transwoman (particularly at the hands of the police) was met with justice through mainstream judicial bodies. This is only because the president of the Supreme Court at that time had been involved in the coup, and he was trying to clean up his public image, so he was responsive to the international pressure that poured in about the case.

<https://www.lawg.org/there-is-no-turning-back-now-honduran-lgbtq-activists-confront-oppression-make-gains/>

ALDO ALEXANDER PEÑA

*capitol police worker, politician, and LGBTQ activist*

Aldo Alexander Peña, a transgender man working for the Salvadoran capitol police, was brutally beaten by members of the National Civilian Police June 27, 2015, after a disagreement with a bus driver. Earlier that same day, he marched with his girlfriend in the gay pride parade. He suffered several broken ribs, a skull fracture, and damage to his left eye socket.

Aldo’s story is unusual in that his attackers were convicted for their crimes and Aldo used this adversity to propel the issue of anti-queer violence into the public eye. He then went on to run for mayor of San Salvador in 2018 with the social democratic party (PSD).

<https://www.lawg.org/lgbti-salvadorans-winning-legal-advances-but-facing-unchecked-violence/>

<https://www.peoplesworld.org/article/transwoman-deported-then-murdered/>

CARLOS

*gay migrant*

Carlos, a young Honduran of 25 years of age recalls that, on various occasions during his childhood and adolescence, he experienced humiliation, rejection as well as beatings from family members

“for being gay”. Members of the gang that controlled his neighbourhood also attacked and threatened him for the same reason, and so he was forced to flee his country.

<https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf>

CRISTEL

*transwoman migrant*

Cristel, a 25-year-old Salvadoran trans woman, also saw leaving her country as a way of avoiding the threats and attacks she received from gang members in her neighbourhood “for not being a biological woman”.

<https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf>

CAMILA

*transwoman migrant*

In the case of Camila, another trans woman from El Salvador aged 34, it was the police from her neighbourhood who persecuted her and issued death threats “for being trans” on numerous occasions, until she had no other option but to leave the country.

<https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf>

MARBELLA

Marbella, a 20-year-old Guatemalan trans woman, was the victim of a trafficking ring that recruited LGBTI people, and was subjected to further threats and intimidation following her rescue.

<https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf>

*their stories- in detention*

ALEXIS, RITA, MIKELA, LUISA, MARIA - Allegra Love’s Girls

*Allegra Love is the founder and executive director of* [*Santa Fe Dreamers Project*](http://www.santafedreamersproject.org/)*, a legal services non-profit.*

*In the fall of 2018, she traveled across to border to Mexico to stay with the women she would be representing after their immigration to the U.S.:*

Migration can often involve long periods of down time, periods of sitting and doing absolutely nothing while you wait for something to happen. While we were in Sonora, endless cigarettes were smoked huddled under blankets shielding us from the cold. The girls dyed my hair; we scrounged money together and walked into town to buy rotisserie chickens to rip apart at dinner time. One night the girls even put on a Ms. Trans Caravan pageant. They squabbled over my phone and its premium access to Facebook Messenger.

[After Allegra parted ways with her clients at the border, it took weeks to find them in a detention system that is often opaque, a problem that was made worse by the government shutdown of 2018-19].

As we spoke, they reported the conditions of their detention: the fact that they are not allowed to go outside; the horrible food that was causing them to lose weight; being told to drink water when they can’t sleep because of hunger pains; their hair loss, which they believe is caused by the water in the shower

One of my clients was being held in solitary confinement because she had stolen another woman’s pin number to use her commissary money to call her grandmother. She was brought to me in chains with a guard restraining her on each side.

They have been detained for five months, as of April, 2019. None of them have ever broken a law in the United States. They entered the country legally seeking political asylum.

<https://www.esperanzaproject.com/2019/immigration/on-the-other-side/>

SARAI

*lesbian detainee*

Sarai, who identifies as a lesbian, complained of harassment from guards and harassment and beatings from other detainees. Her request for protective custody was ignored, even though she did not feel safe. Even after filing a grievance, she had yet to receive a response from ICE or LaSalle.

“People invent things and tell the guards that I did something, just because they don’t like that I am a lesbian,” she said. “People hit and touch me, too. The guards do nothing, there is no one I can complain to. I really want help with this. I am the only LGBT person I know here.”

<https://nipnlg.org/PDFs/2016_21Nov-shad-pris-rpt.pdf>

JULIAN

*gay detainee*

Julian, a detainee from Mexico, also complained that “he was marked” in detention because he was gay and the guards were not interested in protecting his safety.

<https://nipnlg.org/PDFs/2016_21Nov-shad-pris-rpt.pdf>

TRANSWOMAN S.A.C.

*transwoman detainee*

A transwoman, entered into records as S.A.C., fled from Guatemala in October 2016 because she feared for her life. She was beaten and threatened with death when she refused to collect extortion money for a Guatemalan drug cartel, was raped and tortured by Guatemalan police, and received death threats from her coworkers because of her gender identity.

Once she crossed the U.S. border in early December 2016, she turned herself in to U.S. Border Patrol. She was detained at Stewart Detention Center in Lumpkin, Georgia – an immigrant detention center for men – for over nine months. She was granted asylum in the United States on October 3, 2017.

<https://www.splcenter.org/news/2017/10/03/splc-wins-asylum-transgender-woman-who-received-death-threats-guatemala>

FREDY DE GUATEMALA

*gay migrant*

Fredy is a gay man from Guatemala, where he was the victim of repeated violence because of his sexual orientation. Fredy was shot, assaulted and threatened for his choice to live as an openly gay man in his home country. He is also the survivor of sexual assault as a child. The Guatemalan police took no meaningful action to keep him safe.

Fredy fled Guatemala and braved the dangerous journey through Mexico to live safely in the United States, where asylum can be granted to members of the international LGBTQI community. Fredy arrived in the United States in January 2017 and has been detained since in Stewart Detention Center, run by the private prison company CoreCivic, formerly Corrections Corporation of America (CCA).

Fredy applied for asylum but was denied by the Stewart Immigration Court, one of the harshest immigration courts in the country, granting only 7% of asylum claims in 2016. He is now fighting his appeal. The Southern Poverty Law Center’s Southeast Immigrant Freedom Initiative successfully represented Fredy pro bono at his bond hearing so that he can fight his case outside of detention and in other courts, where his chances of winning freedom are far better.

<http://www.qdep.org/freefredy/>

ROXANA HERNANDEZ

*transwoman detainee*

Ms. Hernandez reached the United States border on May 9, 2018, seeking asylum after fleeing Honduras due to the violence and discrimination she experienced based on her gender identity. She was held for five days by U.S. Customs and Border Protection (CBP) before being processed into the United States and into ICE custody in San Diego. She was transferred again to another facility three days later on May 16 before her admission to a nearby hospital on May 17. She passed away on May 25. It is unclear what medical care was made available to her when she entered the United States and what role the conditions of her initial detention while in CBP custody played in the worsening of her illness.

“According to both eyewitness accounts and the forensic examiner, Hernández was denied medical treatment for several days, all while suffering severe symptoms that evidently contributed to her worsening condition. Moreover, we are horrified to learn that Hernández's body showed signs of physical abuse, including beating or kicking across her torso and being tightly handcuffed for an extensive length of time. Despite these shocking revelations, ICE officials have yet to comment on the specifics of the autopsy and refuse to provide further details regarding her death and detainment.”

<https://assets2.hrc.org/files/assets/resources/ICEHernandezLetter.pdf?_ga=2.153293240.1017630791.1554836013-329179759.1554836013>

<https://www.hrc.org/press/hrc-sends-expanded-foia-request-to-ice-cbp-re-trans-detainees>

MARCO VILLADA

*gay deportee, DACA recipient, legal assistant*

Marco Villada, a recipient of Deferred Action for Childhood Arrivals (DACA), and Israel Serrato, a U.S. citizen, are suing the U.S. State Department and U.S. Citizenship and Immigration Services (USCIS) after consular officials unlawfully denied Villada’s application for a spouse visa and prohibited him from returning to the U.S., potentially indefinitely. Despite having lived nearly his entire life in the U.S. and following all the rules to adjust his immigration status, Villada is currently stranded in Mexico, away from the only place he knows as home.

“I’m an American stuck in the wrong country,” Villada said. “I don’t belong here. I belong in Los Angeles. My husband, my family, my job, my life — everything is there.”

<https://www.nilc.org/2018/04/10/daca-recipient-stranded-in-mexico-sues-to-reunite-with-husband/>

MONSERRATH LOPEZ

*transwoman detainee, asylum recipient*

 “Us trans women, we come here fleeing from our countries. They don’t have to detain us. Migration [ICE] is cruel with us trans women.”

— Monserrath López, a 23-year-old transgender woman from Honduras, detained for about six months by US Immigration and Customs Enforcement (ICE).

On the evening of September 20, 2014, Monserrath was walking through a public park in Copán, Honduras, listening to music and enjoying an ice cream when four masked men suddenly appeared and beat her unconscious. She woke up several hours later in an unknown location to repeated physical and sexual assault.

Fearing for her life, Monserrath spent the next three months making her way toward the United States through Mexico, where she said other migrants repeatedly raped and abused her. She arrived at the US Port of Entry in Eagle Pass, Texas, on December 12, 2014, where she presented herself to US Border Patrol agents and requested asylum. She was then held in isolation for four days at a Border Patrol station. On the fifth day, she was handcuffed, shackled, and forced to board a bus to a men’s detention center in Pearsall, Texas, where she was held for six months—despite disclosing to officials that she identified as a transgender woman.

Monserrath said guards and male detainees repeatedly sexually assaulted and verbally harassed her while she was in detention, and denied her access to medically necessary hormone replacement therapy. In one instance, after reporting to facility staff that a male detainee had sexually assaulted her while she was showering, a guard responded by threatening to place her in solitary confinement.

She was released from detention and granted asylum in May 2015.

<https://www.hrw.org/sites/default/files/report_pdf/us0316_web.pdf>

GRETTA SOTO MORENO

*transwoman detainee*

Gretta Soto Moreno, a transgender woman who told Rewire.News she was repeatedly sexually harassed and verbally abused during her 900-day detainment. “The worst thing is, [the guards] all stick together, even when they know they are lying. I feel like as long as I was in that place, I never had a chance to win or have my grievances taken seriously. We have no defense in there,” she said

Soto Moreno shared that the abuse and hopelessness she experienced in detention made her feel like she was “losing [her] mind,” leading her to wound herself and write in blood on her cell wall, “No more violence on trans women.” Shortly after, she was transferred to California’s Santa Ana City Jail, where there is a wing specifically for trans immigrant women being detained. She spent nine months there.

Soto Moreno was released March 7 (2016), after a coalition of nonprofit advocates for lesbian, gay, bisexual and transgender migrants raised $7,500 so she could post bond.

She was released with an ankle bracelet that tracks her movements, despite having posted bond. She is now working toward her high school diploma while adjusting to the psychological struggles of life outside of prison. Her asylum case is moving forward.

<https://rewire.news/article/2018/04/11/iceontrial-advocates-rally-hold-federal-agency-accountable-systemic-abuses/>

<https://www.pri.org/stories/2016-04-14/after-almost-three-years-immigration-detention-and-abuse-transgender-woman-looks>

NICOLE GARCÍA

*transwoman detainee*

Nicole García is a Honduran transwoman who fled he home Country after violent attacks and continuous threats of physical abuse, neither of which were investigated by the police.

Nicole García travelled overland through Mexico before seeking asylum at a legal port of entry in Nogales, Arizona. She was detained in America’s only specialised unit for transgender people, in the privately operated Ice facility in Cibola County, and was granted asylum by an immigration judge on 9 October last year.

ICE appealed, and García was transferred to the facility’s male unit. After a couple of weeks there she was sent to solitary confinement where she spent nearly three months.

The habeas corpus, filed on 10 April on Nicole’s behalf, argued that her prolonged detention without access to a legal challenge violated due process. Two days later ICE said García would be discharged in light of the petition and following a review of her case, but she was kept locked up for five more days. The Guardian article announcing her release aired on April 19th, 2019.

1. <https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf> [↑](#footnote-ref-1)
2. <https://www.hrc.org/press/hrc-calls-on-ice-to-investigate-the-death-of-a-transgender-woman> [↑](#footnote-ref-2)
3. <https://www.lawg.org/left-in-the-dark-violence-against-women-and-lgbti-persons-in-honduras-and-el-salvador/> [↑](#footnote-ref-3)
4. <https://www.outrightinternational.org/sites/default/files/566-1.pdf> [↑](#footnote-ref-4)
5. <https://www.lawg.org/left-in-the-dark-violence-against-women-and-lgbti-persons-in-honduras-and-el-salvador/> [↑](#footnote-ref-5)
6. <https://www.lawg.org/if-youre-invisible-youre-harmless-the-lgbt-community-in-honduras-invisible-no-longer/> [↑](#footnote-ref-6)
7. <https://www.lawg.org/if-youre-invisible-youre-harmless-the-lgbt-community-in-honduras-invisible-no-longer/> [↑](#footnote-ref-7)
8. <https://www.aila.org/infonet/35-reps-end-detention-lgbt-immigrants> [↑](#footnote-ref-8)
9. Ibid. [↑](#footnote-ref-9)
10. <https://www.hrc.org/blog/inter-american-commission-of-human-rights-hosts-first-hearing-on-rights-of> [↑](#footnote-ref-10)
11. <https://www.splcenter.org/20160408/entitled-treatment-medical-care-transgender-adolescents-juvenile-justice-system> [↑](#footnote-ref-11)
12. Ibid. [↑](#footnote-ref-12)
13. <https://www.usccr.gov/pubs/docs/Statutory_Enforcement_Report2015.pdf> [↑](#footnote-ref-13)
14. Ibid. [↑](#footnote-ref-14)
15. <https://www.hrc.org/blog/inter-american-commission-of-human-rights-hosts-first-hearing-on-rights-of> [↑](#footnote-ref-15)
16. Ibid. [↑](#footnote-ref-16)
17. Ibid. [↑](#footnote-ref-17)
18. <https://nipnlg.org/PDFs/2016_21Nov-shad-pris-rpt.pdf> [↑](#footnote-ref-18)