

# Top Americas court finds Peru responsible for torture of trans woman

*The Inter-American Court of Human Rights ordered Peru to pay a transgender woman arbitrarily detained and raped by police in 2008.*

By Oscar Lopez

Thomson Reuters Foundation (06.04.2020) – <https://bit.ly/2RRu3Mj> – The top human rights court in the Americas has found Peru responsible for the arbitrary detention and rape of a transgender woman in a landmark case marking the first time it has ruled on a complaint of torture against the LGBT+ community.

The Inter-American Court of Human Rights in a ruling made public on Monday said Azul Rojas Marin had been the victim of an act of torture in 2008, and it ordered the government to pay her unspecified damages.

According to her lawyers, Marin was detained by police in 2008 in northern Peru and while in custody was stripped, hit and raped with a truncheon by police.

Marin had filed a criminal complaint against police but the case was dismissed by state prosecutors, and human rights

groups took it to the Inter-American Court on her behalf.

As the judicial arm of the 35-member Organization of American States, the court hears cases of human rights abuses in Latin America and can order governments to investigate crimes and compensate victims.

The ruling, issued on March 12 but made public on Monday, ordered Peru to provide psychological treatment to the victim, adopt new protocols for investigating attacks against LGBT+ people and track statistics of violence against the community.

The ruling marked the first time the court has ruled on a complaint of torture against a member of the LGBT+ community, rights campaigners said.

“It is a very emblematic case. It’s historic because it classifies the violence received by this woman as torture,” said Andre Mere Rivera, a local LGBT+ rights activist.

“It makes the state responsible for the violence and discrimination that (the LGBT+ community) has historically suffered and continues to suffer,” he told the Thomson Reuters Foundation.

A spokeswoman for the Peruvian ministry of justice and human rights did not immediately respond to a request for comment.

In its ruling, the court said Marin's detention was discriminatory, illegal and arbitrary.

"Ms. Rojas Marin was forcibly stripped naked, beaten on several occasions ... and was the victim of rape; constituting an act of torture against the victim," the court said in a statement.

Consequently, it said, Peru was responsible for the violation of her rights.

Despite growing acceptance of LGBT+ people in Peruvian society, gay and trans Peruvians face legal hurdles and societal prejudice.

Gay marriage is not recognized in Peru, although trans people are allowed to change their gender legally.

A 2015 study by the Peruvian government found 90% percent of LGBT+ residents in and around the capital Lima had been victims of some type of violence, of which nearly 19% was at the hands of state security agents.

The decision came as trans Peruvians contend with measures enacted by the government to curb the coronavirus outbreak by ordering that men and women can only leave home on separate days.

Rights advocates said the rule has left trans people vulnerable to invasive questioning and harassment by police, despite government assurances that enforcement would be free from discrimination.

---

# Murder trial for El Salvador transgender woman to proceed

*Deported from the US to her death.*

By Cristian González Cabrera

HRW (11.03.2020) – <https://bit.ly/2IRRjEV> – An investigating judge in San Salvador ruled today that a criminal case against three police officers charged with aggravated homicide of Camila Díaz Córdova, a transgender woman murdered in January 2019, can proceed to trial. Much to the chagrin of trans activists, the charges of unlawful deprivation of liberty, as well as the classification of the murder as a hate crime based on gender identity under a hate crimes law that went into effect in 2015, will not go forward.

Prosecutors allege that the police officers detained Camila and brutally assaulted her in a pickup truck before throwing her out of the moving vehicle. Camila's case has become a clarion call for justice and accountability for anti-trans violence in El Salvador, where at least seven transgender women have been murdered in the last five months: Anahy

Miranda Rivas, Jade Camila Díaz, Victoria Pineda, D. Rosa Granados, Cristi Conde Vásquez, Briyit Michelle Alas, and Tita. Human Rights Watch has interviewed other Salvadoran trans women who have described horrific physical and sexual violence at the hands of gang members, neighbors, and the police.

Camila's case also underscores the hazards of hostile United States asylum policies. Camila tried repeatedly to flee the anti-trans violence she faced in El Salvador (and later in Guatemala and Mexico). When she finally reached the US in August 2017, immigration authorities detained her and subsequently deported her in November. Just over a year later, she was killed – one of many Salvadorans deported from the US who have since been murdered.

A successful and effective prosecution for Camila's murder may help deter further violence against transgender women in El Salvador. In addition, Salvadorans who wish to claim asylum in the US should be given a fair chance to do so and present the case about the persecution they face. This could be a step to ensuring that Camila's murder is the beginning of the end to violence against other trans women in El Salvador.

---

**Mexico trans women fight for  
justice as killings go**

# unpunished

By Associated Press

The LA Times (09.09.2019) – <https://lat.ms/2m5wei0> – Months after Kenya Cuevas' friend was killed in front of her, a funeral wreath with Cuevas' name on it arrived at her doorstep. The implication was clear: Keep making noise about slain transgender women and you'll be next.

Mexico has become the world's second deadliest country after Brazil for transgender people, with 261 transgender women slain in 2013-2018, according to a recent study by the LGBTQ rights group Letra S.

President Andres Manuel Lopez Obrador, who took office Dec. 1, has promised his government will carry out "effective" investigations into LGBTQ hate crimes, but the grisly rate continues. Sixteen transgender women were reported killed in the first four months of 2019 and at least six more since then, according to an Associated Press count of cases reported in local media.

Like most crime in Mexico, nearly all such slayings go unsolved and unpunished – less than 3% of the killings of LGBTQ members have resulted in convictions since 2013. So transgender community leaders and activists are largely on their own in pursuing long-denied justice.

Cuevas became an activist on Sept. 29, 2016. That night, her friend and fellow transgender sex worker Paola Buenrostro got into a client's Nissan and was shot multiple times. When Cuevas ran to the car's passenger side, the man pointed the gun at her head and pulled the trigger. The weapon jammed.

Cuevas grabbed the man and held him until police arrived, at which point she began recording on her cellphone. But despite multiple witnesses to the killing and Cuevas' video, the man was released from custody a few days later.

An angry Cuevas soon quit sex work and founded the organization Casa de Muñecas, Spanish for "house of dolls," to campaign for protections for transgender women. She is now one of the most visible transgender activists among a growing chorus of women seeking change from Mexico's government.

Death threats have followed, and Cuevas now has security cameras installed at her home and is accompanied by two bodyguards provided by a governmental program that tries to protect activists and journalists.

"When that happened to Paola, I protested and I did it publicly, asking for justice the entire time," Cuevas said. "I don't want special treatment. Just give me justice – do your job."

Lina Perez, president of the pro-LGBTQ organization Cuenta Conmigo, said slain transgender women rarely receive justice because authorities often look down on them.

“It’s easier to grant impunity because the same people that oversee the law think that they’re sick, that there is something wrong with them,” Perez said.

Activists do point to some victories in recent years. A major one came in 2014 when Mexico City became the first place in the country to let transgender people change their gender and names on their birth certificates, a law that has since been adopted by six of Mexico’s 31 states.

That change was pushed for in part by the activist group ProDiana, which is led by Diana Sanchez Barrios.

Sanchez Barrios said that before the law, transgender people had to go through expensive judicial processes to amend identifying documents. She was forced to undergo tests on her mental state, produce a litany of witnesses from throughout her life and spend thousands of dollars to legally change her gender and name a decade ago.

“It’s like you were on trial being made guilty just for being a trans woman,” Sanchez said.

About 4,000 transgender women have changed their official documents since Mexico City’s laws became more accepting, but violence persists.



“We’re always the most vulnerable,” Sanchez said. “We’re the perfect target for discrimination.”

ProDiana now is pushing for institutional reforms to prevent discrimination by key areas of the government, like the police.

Sanchez said police “have not been a great ally for trans women.” She described years of extortion and violence suffered at the hands of officers who are supposed to protect citizens.

A common thread of vulnerability runs through the lives of transgender women, who are often shunned by their own families and forced into the streets. Cuevas and Sanchez both ran away from home at a young age to begin their transitions.

“We went to the funerals of murdered friends and the families didn’t want us there,” Sanchez said. “We have to be very far from certain relationships in our friends’ lives.”

Many employers also refuse to hire transgender women, forcing them to rely on sex work and exposing them to the dangers of the streets, activists say.

Killings of transgender women mirror Mexico’s broader struggle against cartel and gang violence, with homicide totals setting new records several years running.

Last year, 53 transgender women were killed in Mexico. They include a woman found in a trash bin with her face pummeled beyond recognition by a rock. One was tortured to death by captors while her family heard her last moments over the phone. Another was found naked and strangled in her bedroom. No suspects have been publicly identified in those cases.

Most recently, on Aug. 13, a transgender woman died from eight stab wounds in Mexico City, local media reported. Her attacker escaped and police have named no suspects.

While Lopez Obrador's government has publicly sided with LGBTQ rights, it's not clear what protections might be put in place or envisioned to combat violence against the community.

Alexandra Haas, director of the federal National Council to Prevent Discrimination, said the administration wants to retrain local prosecutors and police in handling cases involving transgender sex workers. She said the government is working with the attorney general's office to establish unified protocols across Mexico.

"It's very important to us that we make it so local prosecutors take these cases seriously," Haas said.

Sanchez said there is a lot of work to be done at all levels of government. She would like to see the federal government pass a marriage equality law, as it is currently governed on a state-by-state case, and challenge other local decisions that may infringe on rights such as legally changing one's gender.

“This leftist government that has majority control of Congress and the Senate and locally in Mexico City has to generate laws in favor of sexual diversity,” Sanchez said.

In the capital’s Pride parade in June, Cuevas rode down the city’s premier avenue on top of a hearse to call attention to the violence against the transgender community.

Death has not stopped following her. Last January, Cuevas’ friend Pamela Sandoval became the first known transgender woman to be killed under the new administration.

Cuevas said she is willing to endure the death threats if it means she can help secure a safer world for Mexico’s transgender community.

“If I don’t do it, the government isn’t going to do it,” Cuevas said. “And if I wait for the government to do it, how many more people are going to be killed?”