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No safe haven for LGBT people in El Salvador

Strengthen protections, end asylum pact with US.

By Neela Ghoshal

HRW (08.01.2021) - <https://bit.ly/3qkN5ZV> - Salvadoran president Nayib Bukele agreed on December 15 to implement an Asylum Cooperative Agreement with the US government. It allows US immigration authorities to transfer non-Salvadoran asylum seekers to El Salvador, instead of allowing them to seek asylum in the US.

US President-elect Joe Biden has pledged to terminate the deeply flawed agreement, a deeply flawed deal that presupposes El Salvador can provide a full and fair asylum procedure and protect refugees. But for some groups, including lesbian, gay, bisexual and transgender (LGBT) people, El Salvador provides no safe haven. Its own LGBT citizens lack protection from violence and discrimination.

A recent Human Rights Watch report confirms the Salvadoran government's own acknowledgment that LGBT people face "torture, inhuman or degrading treatment, excessive use of force, illegal and arbitrary arrests and other forms of abuse, much of it committed by public security agents." Social and economic marginalization further increase the risk of violence. Many LGBT people flee from home.

Between January 2007 and November 2017, over 1,200 Salvadorans sought asylum in the US due to fear of persecution for their sexual orientation or gender identity. In a groundbreaking judgment, a UK court recently granted asylum to a non-binary Salvadoran, finding that their gender expression exposed them to police violence and daily abuse and degradation.

Five years ago, El Salvador seemed poised to champion LGBT rights. It joined the UN LGBTI Core Group. It increased sentences for bias-motivated crimes. Its Sexual Diversity Directorate trained public servants and monitored government policies for LGBT inclusiveness.

Bukele, then a local official, pledged to be "on the right side of history" on LGBT rights. When he ran for president, his promises dissolved. He opposed marriage equality, effectively shut down the government's sexual diversity work, and refused to support legal gender recognition for trans people. Despite the landmark conviction of three police officers in July for killing a trans woman, violence remains commonplace, and justice out of reach, for many LGBT people.

The Salvadoran government should back a gender identity law and comprehensive civil non-discrimination legislation, prosecute anti-LGBT hate crimes, and reestablish a well-resourced office to promote inclusion and eradicate anti-LGBT violence. It should axe the Asylum Cooperative Agreement.

As things stand, El Salvador fails to provide effective protection to its own LGBT citizens, let alone LGBT people fleeing persecution elsewhere.

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.
