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“The Role of Parliamentarians in Building More Inclusive Societies”

Hosted by the Parliament of St. Lucia,
in collaboration with the UNDP and PGA
(Under Chatham House Rules)

Wednesday, August 26, 2020 10 am - 12 pm (EST)*

- On behalf of the President and members of the Inter-American Commission on Human Rights, please receive our warmest greetings and wishes of well-being. It is my greatest honor to have been invited to participate in this Consultation, which provides a unique platform to analyze the effects of the COVID-19 pandemic on LGBTI persons and to offer recommendations to respond to the challenges that this pandemic has posed to the equality, non-discrimination, and the overall social inclusion of LGBTI persons in the Caribbean.
- The Inter-American Commission and its LGBTI Rapporteurship are deeply committed to engaging with Caribbean Member States and civil society in order to build a stronger relationship and work for the strengthening of the Human Rights standards within the framework of the Organization of American States (OAS), based on the *ius cogens* or peremptory norms of equality and non-discrimination.
- As you know, the Inter-American Commission on Human Rights is a principal and autonomous organ of the OAS, composed of seven independent members, whose mission is to promote and protect human rights in the American hemisphere, through the monitoring of Human Rights violations, adjudication of cases, and the evaluation and issuance of precautionary measures. The IACHR has different specialized offices, or Rapporteurships, that focus on specific rights or populations, including the Rapporteurship on the Rights of LGBTI Persons, which I am proud to lead.

The IACHR's work during the pandemic

- During the pandemic, the work of the IACHR and its LGBTI Rapporteurship has not stopped, but has been greatly amplified, mostly dedicated to monitoring the impacts that this pandemic -and the subsequent containment measures- have had on the overall situation of Human Rights in the region. For this, we opened a Rapid and Integrated Response Coordination Unit, which is dedicated exclusively to monitoring the impacts of the pandemic on the situation of Human Rights.
- Within this framework, we have organized webinars, meetings with Member States, civil society organizations (including some Caribbean organizations), and other stakeholders, in order to have a clear picture of the situation of Human Rights in our continent.
- In that order, one of the key findings of the Commission during this period indicates that historically vulnerable persons and populations, like LGBTI persons, have been particularly impacted by the pandemic. It is my opinion that these impacts are not a mere coincidence, but a consequence of years-long structural social practices that have resulted in the vulnerability, invisibility, and effective social exclusion of LGBTI persons. It is worth noting that these vulnerabilities are amplified when intersecting with other factors, such as racial-ethnic origin and nationality.
- In this sense, the Commission has been especially worried about the lack of access to economic resources that leaves many LGBTI persons at risk of poverty; likewise, we have been concerned over the continuous crimes against LGBTI persons that have not ceased to take place during social distancing measures. Oftentimes, these crimes are committed by police or armed forces, usually, against trans women.
- Based on our observations, we issued specific recommendations to Member States of the OAS, including Caribbean States, urging them to guarantee the rights of LGBTI persons, as well as other populations in historic conditions of vulnerability. These recommendations, contained in Resolution 1-2020, include: 1) guaranteeing the right to gender identity and training of police forces to adequately interact with trans and gender-diverse persons; 2) ensuring access to health services to LGBTI persons, without discrimination and with respect for gender identity; 3) social inclusion of LGBTI persons in post-pandemic recovery policies, including people experiencing

homelessness and those who engage in sexual work; 4) access of LGBTI persons to economic resources and the recognition of their family ties; and 5) the adoption of measures against homophobia, lesbophobia, biphobia and transphobia, as well as the public condemnation, investigation, sanction and reparation of acts of prejudice-based violence. We kindly invite members of civil society and the Members of Parliament to keep these recommendations in mind when addressing the specific needs of the LGBTI populations in the Caribbean.

- Further, along with other international human rights bodies, including Victor Madrigal-Borloz's mandate, we issued a statement under the IDAHOTB framework, where we highlighted the work of LGBTI Civil Society during these trying times, and we urged States to take into account the suffering and resilience of LGBT during the actions undertaken to contain the pandemic.

Challenges and opportunities in the Caribbean

- The situation of Human Rights of LGBTI persons during the pandemic in the Caribbean region, I believe, must be analyzed in the particular context of each of the Member States, considering their vastly different contexts and particular necessities. However, the region would greatly benefit from addressing the needs of LGBTI persons from a regional perspective.
- In the Caribbean, the analysis of the Rights of LGBTI persons must necessarily include a balance of the challenges that persist, or shadows, and the opportunities ahead, or lights, as I like to call them.
- One of the main regional challenges that the Commission continues to highlight in each of its yearly reports is the persistence of laws that criminalize consensual activity between same-sex people, currently in effect in 9 of the States in this region. (Jamaica, Guyana, Antigua and Barbuda, Grenada, Dominica, Barbados, Saint Lucia, Saint Vincent and the Grenadines, and Saint Kitts and Nevis). The Commission has concluded¹ that laws that criminalize same-sex intimacy between consenting persons of the same sex in private are incompatible with the principles of equality and non-

¹ Párr. 85 Report on Violence Against LGBTI Persons

discrimination according to international human rights law. For this reason, in the recent past, we have noticed, with great pleasure, the progress in this subject in Trinidad and Tobago and in Belize, as well as the repeal of the law criminalizing cross-dressing in Guyana.

- Further, this year we are happy to salute the celebration of Pride in Saint Lucia, which took place for the first time in 2019 and that is scheduled to begin this Friday, August 28, with both in-person and virtual celebrations, due to the pandemic. Pride celebrations are an important tool for visibility, to reflect on the victories obtained, and to empower civil society organizations. However, despite the celebrations taking place in Saint Lucia and around the region, the Inter-American Commission has taken notice of the [call of civil society](#) for the adoption of laws that protect the rights of LGBTI persons, as well as measures to eradicate violence and discrimination, particularly, in light of physical attacks against LGBTI persons, cyber-bullying, and the threat to “out” or expose LGBTI individuals against their will. On this topic, the Commission constantly calls on the States to apply the standard of due diligence in the prevention, investigation, judging, punishment, and reparations of violence against LGBTI persons. Decidedly, access to justice for victims and their families is of the utmost importance, not only because it provides reliefs for those affected, but also because it sends a strong message of condemnation to society as a whole.
- On the issue of protection against discrimination, the Inter-American Commission followed, with great interest, the discussions of the Parliament of Barbados that led up to the passing of the [Bill to protect persons from discrimination related to employment](#), which includes protections against discrimination based on “sexual orientation”. We salute this historic great step towards equality, as it will prevent people from being discriminated against based on their sexual orientation, which is an essential component of the personality.
- However, we also note that [civil society organizations](#), and specifically, trans organizations, were disheartened to learn that the bill fell short of providing similar protections based on “gender identity”. In this regard, it is important to note that trans and gender-diverse persons are, often, victims of discrimination both in the workplace but also while attempting to find employment. This will be highlighted by the IACHR in an upcoming Report that focuses on Trans and Gender Diverse persons

and their access to Economic, Social, Cultural, and Environmental Rights. We will gladly share this report as soon as it is published.

- Further, during the pandemic, we have followed the judging and sentencing in the [case of Angel Joseph](#), a 25 year-old trans woman who was killed in 2018 in Antigua and Barbuda. Our team noticed how the decision in this case helped spark a conversation in social media, where both civil society and government officials highlighted the challenges of being LGBTI, not only in Antigua and Barbuda, but around the Caribbean Region.
- These conversations must be encouraged and must involve government officials at the highest level, as this can ensure the adoption of measures meant to alleviate some of the problems currently facing LGBTI individuals. For that, I believe that the greatest source of hope, or, the greatest light that I can see right now, is having the presence of so many Members of Parliament, civil society, and international experts here, reunited, in a concerted effort to build more inclusive societies in the Caribbean.
- I look forward to hearing your input and I remain at your complete disposal to continue working together to strengthen the Inter-American standards on the rights of LGBTI persons, here in the Caribbean region. Finally, though the challenges facing the human rights situation of LGBTI people in the framework of the Pandemic are considerable, please join me in finding the lights that allow us to have hope for a better a more inclusive future for everyone.