



DIPLOMACY LAB 2022-23

Will I Get a Fair Trial in Latin America: Assessing inclusion, equity and accessibility in the criminal legal systems of the Western Hemisphere

Gerald R. Ford School of Public Policy Research Team:

Sarah DeStefano

Maria Alejandra Fuentes Diestra

Sharon Ceron Espinosa

Elina Morrison

Rene Rosas Escalona

Dr. Amy Beck Harris (Faculty Advisor)

We would like to express our appreciation to Rose Lindgren and Ms. Rebecca Bock, Foreign Affairs Officer at the Bureau of International Narcotics and Law Enforcement Affairs, for her support and guidance on this project, as well as to the multiple INL staff who met with our team and provided important insight and direction. We would also like to acknowledge the Ford School's Weiser Diplomacy Center and International Policy Center for their support.

Project Team Contact Information: Zuzana Wiseley (zwiseley@umich.edu), Dr. Harris (abeckh@umich.edu)

The views expressed in this paper are the authors' and do not reflect the position of State/INL.

Introduction	3
Research Approach	7
Case Studies	11
Colombia	11
General Trends in Colombia	11
Colombian women	13
Criminal Legal System	13
Law Enforcement	14
Women in the armed conflict	15
LGBTQI+ population in Colombia	16
Criminal Justice System	16
Law enforcement and Civil Justice System	16
Colombian indigenous communities	17
Criminal Justice System	17
Civil Justice System	18
Indigenous territories and the armed conflict	19
Afro-Colombians	20
Law enforcement	20
Civil Justice System	20
Afro-Colombians during the armed conflict	21
Honduras	21
General Trends in Honduras	21
Women	22
Criminal Justice	23
Civil Justice	25
Law Enforcement	25
Other Forms of Access to the Justice System	26
LGBTQI+ Community	26
Civil Justice System	27
Criminal Justice System	27
Law Enforcement	27
Other Avenues for Justice	28
Haiti	30
General Trends in Haiti	30
Women	30
Criminal Justice System	31
Civil Justice System	34
Law Enforcement	35
LGBTQI+ Persons	36
Criminal Justice System	36
Law Enforcement	38
Arab Haitians	38
Voodooists	39

Mexico	41
General Trends in Mexico	41
The Criminal Justice System	42
The Civil Justice System	43
Constitutional and Judicial Reforms	48
Indigenous Communities	49
The Mexican indigenous community and the criminal justice system	50
The Mexican indigenous community and law enforcement	51
The Mexican indigenous community and the civil justice system	52
Afro-Descendant Populations	53
The Mexican afro-descendant population	53
LGBTQI+ Individuals	54
The Mexican LGBTQI+ community	55
The Mexican LGBTQI+ community and the criminal justice system	55
The Mexican LGBTQI+ community and law enforcement	56
The Mexican LGBTQI+ community and the civil justice system	58
Women	59
Women and the criminal justice system	60
Women and law enforcement	62
Women and civil justice system	63
Migrants in Mexico	64
Migrants and the criminal justice system	65
Migrants and law enforcement	67
Migrants and the civil justice system	67
Peru	68
General Trends in Peru	68
Indigenous Communities	70
Criminal Justice System	70
Law Enforcement	74
Civil Justice System	75
LGBTQI+ Individuals	76
Criminal Justice	76
Law Enforcement	79
Civil Justice	80
Women	81
Criminal Justice	81
Law Enforcement	84
Civil Justice	86
Case Study Summary Table	88
Conclusions and Recommendations for Further Data Collection	96

Introduction

The Bureau of International Narcotics and Law Enforcement (INL) works across Latin America to strengthen criminal justice institutions. This report will provide the INL with targeted insight to improve their efforts towards equity and inclusion through their programming in the communities in which they work.

Through the case studies presented in this report, we respond to the question, *How do marginalized groups within each country of focus experience the criminal justice system? Where do they face gaps, burdens, or further marginalization?*

We draw from USAID's recent report on Inclusive Development to define marginalized groups as, *"People who are typically denied access to legal protection or social and economic participation and programs (i.e. police protection, political protection, access to healthcare, education employment), whether in practice or in principle, for historical, cultural, political and/or other contextual reasons... These groups often suffer from discrimination in the application of laws and policy and/or access to resources, services, and social protection, and may be subject to persecution, harassment, and/or violence"*, - DCHA/DRG/HR, USAID, 2018

INL teams might draw from these case analyses to better inform their efforts to advance equity and inclusion in targeted communities of impact. Understanding how marginalized groups are harmed by existing criminal justice systems or forthcoming policy can support INL programming decisions in two ways:

1. The INL might tailor pre-existing or pre-selected programs to be more equitable, more inclusive, and to minimize negative impacts on marginalized groups; or
2. The INL might develop new programming specifically targeted towards improving equity and inclusion: improving experiences with criminal justice systems and improve criminal justice outcomes for marginalized groups.

¹ Note that while we rely on this definition, we explore the marginalized groups in each country of study that were pre-selected by the prior Diplomacy Lab team, 2022. Please see our research approach below for further information.

This two-pronged approach builds on equity-driven analysis and benchmarking that has been increasingly adopted within U.S. domestic policy efforts² that strives to make policy more responsive and accountable to equity goals³. In particular, scholars, activists, and government teams are pushing for policy makers and implementers to interrogate their policy and programmatic proposals to consider⁴:

The 4 Steps

1. What are the intended and unintended impacts of each proposed policy or program?
2. Within these impacts, how might different groups be impacted differently?
3. Who will likely benefit, and who will likely be burdened by this policy/program and/or its implementation?
4. How do we, as the policy makers or implementers, want to respond to address anticipated burdens – particularly when they are expected to fall on marginalized groups?*

** INL's work exists within a complex international context, where staff must consider not only U.S. Government policy and programs, but also those existing within the country of implementation. The above questions – particularly considerations around impacts on marginalized groups – should be considered in terms of both existing*

² This type of policy and program-focused equity analysis is less commonly practiced within international programming, to our knowledge. Key relevant work focuses on power hierarchies and relationships between donor country and recipient country, structural inequity by racial or other demographic characteristics within recipient countries, and concepts about how power inequities among target populations can distort outcomes (ex: elite capture or extractivism).

³ For example, see The HAAS Institute for a Fair and Inclusive Society at UC Berkeley (<https://belonging.berkeley.edu/>), Chicago United for Equity (<https://www.chicagounitedforequity.org/approach>), Government Alliance on Race and Equity (<https://www.racialequityalliance.org/tools-resources/>), Seattle Race and Social Justice Initiative (<https://www.seattle.gov/documents/Departments/RSJI/Resources/Racial-Equity-Toolkit-Fillable-RSJI-August-2012.pdf>), among other tools and approaches

⁴ There exist various toolkits that guide practitioners through this framework at a more detailed level of minutia. However, they all follow the same logic and similar processes. Some formats are policy or program design checklists (Seattle Race and Social Justice Initiative, <https://www.seattle.gov/documents/Departments/RSJI/Resources/Racial-Equity-Toolkit-Fillable-RSJI-August-2012.pdf>), and others are formal equity impact analyses (Chicago United for Equity, <https://www.chicagounitedforequity.org/approach>), among other approaches. Each approach aligns differently with different institutional and system-level contexts, and different equity goals.

national/local policy in the country of implementation and with respect to INL's own programming.

This report and its case studies provide information to understand how 5 different Latin American and Caribbean countries' criminal legal systems create differential impacts – particularly burdens – for marginalized groups, providing a starting point for INL team members to explore point 2 above: *how might different groups be impacted differently by a proposed policy or program?* The case study assessments are based on desk research and interviews with INL staff. The report also identifies key areas of information gaps – where marginalized groups may be experiencing burdens from the criminal legal system, but the information to identify and understand them is not available.

Applying steps 1-3 of the above referenced framework and drawing on the case study analysis yields a set of starting-point insights that identify ways in which criminal legal systems and/or INL programming may have differential impacts on marginalized groups, particularly in terms of additional burdens. INL staff have extensive experience and knowledge in their countries of focus as well as in efforts to reduce crime and improve criminal legal systems. The information derived from this report may lay the groundwork for INL teams to target their expertise as they proceed to step 4: using INL programming to improve equity and inclusion outcomes – either of criminal legal systems abroad or INL's intended programming. These approaches might be thought of in the following ways:

Tailoring INL Programming

In step 4, INL teams may tailor programs so that they more specifically and directly respond to gaps and challenges faced by marginalized communities – as relevant to each program.

1. Tailoring existing projects to strengthen criminal legal systems so that projects *also* help these criminal legal systems to:
 - a. More equitably respond to and provide services for marginalized groups;
 - b. Improve their inclusion of marginalized groups; and/or

- c. Minimize negative impacts of the criminal legal system on marginalized groups.
 2. Tailoring existing projects to strengthen criminal legal systems so that they:
 - a. Minimize any unintended negative impacts of INL programming on marginalized groups.

For example, the Peru case study finds that indigenous groups often face disproportionate penalization in criminal prosecution efforts (see case study for further information). INL programming in Peru to strengthen the institutional capacity of judges, prosecutors, police and other judicial operators may therefore want to consider efforts to tailor (or add to) their trainings to address disproportionately of responses that are inequitable towards and exclusionary of indigenous peoples.

On the other hand, INL teams may apply a thought exercise, asking: how might our programming have any unanticipated negative impacts on marginalized groups? How might strengthening capacity of prosecutors, for example, exacerbate the extent to which indigenous groups in Peru face disproportionate penalties? Might increasing the capacity of prosecutors to process more cases more quickly increase the rate at which indigenous groups in Peru face disproportionate penalties – thereby perpetuating, or even exacerbating, inequitable outcomes from the criminal justice system? The answer might be yes or no – and should be explored by INL Peru experts. If the answer is determined to be either, ‘yes’, or ‘possibly’, INL teams may choose to either adapt their training to reduce the application of disproportionate penalties, or develop an alternative approach to mitigate this potential burden to indigenous groups.

New Equity- and Inclusion-Driven Programming

Alternatively in step 4, INL teams may generate new programming that holds as its primary objective improving equity and inclusion of criminal legal systems.

3. Identify new areas for potential INL programming to improve how criminal legal systems engage with marginalized groups:

- a. Programming that seeks to influence how criminal legal systems respond to and provide services for specific marginalized groups – with an end goal to improve equity in how marginalized groups are treated; and/or
- b. Programming to influence criminal legal systems’ approaches to engaging marginalized groups to make them more inclusive of these groups, their needs, and their experiences.

Following the example of Peru above, INL might initiate new programming efforts with the primary objective of decreasing disproportionately harsh treatment or penalties faced by indigenous Peruvians during criminal prosecution.

The following section outlines the research approach taken by the case study writers to inform INL’s starting-point analysis to identify ways in which criminal legal systems and/or INL programming may have differential impacts on marginalized groups, particularly in terms of additional burdens.

Research Approach

Each case study researcher began with same motivating question: *How do marginalized groups experience the criminal legal systems in Latin America and the Caribbean?*, with a particular emphasis on experiences with the criminal legal system, the civil legal system and law enforcement.

To identify marginalized groups of study within each country, researchers relied on past work. The previous Diplomacy Lab student research team partnering with INL identified a set of marginalized groups within each country of focus. Our team began with these lists, and explored the motivating research question within the context of these pre-defined marginalized groups rather than identifying these groups directly. Largely, these groups include indigenous persons, members of the LGBTQI+ community, and women. Based on case study research and conversations with INL country teams, some of our researchers expanded their case analysis to include additional marginalized groups such ethnic minorities or migrants.

To explore this research question, students combined desk research with conversations with in-country INL staff. For the desk research, students combed through various mediums of information online following a set of guiding topics within each of the three areas of focus (the criminal legal system, law enforcement and the civil justice system). See Table 1 below for the guiding topics within each area of focus.

Table 1. Guiding Topics for Research, by Area of Focus

Area of Focus	Guiding Topics
Criminal Legal System	<ul style="list-style-type: none"> - Perceived and actual fairness of courts, - Representation of marginalized groups as members of the judicial community (juries, judges, lawyers, and staff), - The prevalence of and protection from hate crimes, - Access to courts (including physical proximity, access to effective counsel, and language access), - The existence of alternative justice systems, - Treatment during detention, and - Legal targeting or disproportionate applications of law

<p>Law Enforcement</p>	<ul style="list-style-type: none"> - Perceived and actual fairness of law enforcement officers, - Representation of marginalized groups as members of law enforcement, - Police violence, - Perceived interest of law enforcement to protect marginalized groups from violence, - Disproportionate law enforcement, - The existence of sensitivity and bias training, and - Perception of corruption within law enforcement
<p>Civil Justice System</p>	<ul style="list-style-type: none"> - Access to civil justice systems for marginalized groups, particularly in comparison to other groups, including financial and temporal access, - Prevalence of disproportionate civil penalties, and - The existence of laws that explicitly protect marginalized communities from discrimination or violence

The nature of our motivating question directed our focus towards the intersection of lived experiences of marginalized groups and the above guiding topics, rather than towards the existing legal structures themselves – their presence, structure, or mechanisms. This is an important distinction as the elements of these structures may suggest the existence of an inclusive and equitable legal system for marginalized groups; yet marginalized groups may not experience these benefits as intended.

The most prevalent sources of information were primary legal texts; reports from international, governmental, and reputable non-profit organizations; as well as articles from reputable news agencies. However, this research was limited by information constraints. Finding and vetting accurate and reputable information posed challenges in every country of study. Information could not always be found for all guiding topics. At times, information could be found for a guiding topic at an aggregated level, but without the ability to disaggregate data by marginalized group. For instance, police brutality often affects members across society and the extent to which violence is amplified further against marginalized groups may not have been determined. Furthermore, there were varying degrees of non-English language fluency within the research team, which may have hindered less proficient members from accessing information due to indirect search terms. This is particularly true for indigenous languages, which are numerous across the evaluated countries. Finally, researchers sometimes found useful information, but were not always convinced of the repute or reliability of the source. Operating with additional caution, we excluded information only found in sources whose reliability or accuracy was questioned.

In the case studies below, researchers strove to follow the structure outlined in Table 1, noting when information was not available. Each case study begins with an overview and discusses major gaps and barriers experienced by many groups in their experiences with the criminal legal system – whether marginalized or not. The cases are then organized by marginalized group, and explore first the criminal legal system, then law enforcement, and finally the civil legal system.

We present a summary table after the case studies that features bullet pointed summaries of each marginalized group’s experiences with each of the three focus areas by country as a quick reference.

Finally, in our conclusion, we share our group’s high-level collective take-away’s and provide recommendations for future research and data collection.

Case Studies

Colombia

Under the definition of marginalized groups as “people who are typically denied access to legal protection or social and economic participation and programs (i.e., police protection, political participation, healthcare, education, employment), whether in practice or principle, for historical, cultural, political, and/or other contextual reasons”, we plan to identify these groups in the countries Mexico, Colombia, Peru, Haiti, and Honduras* and analyze the following topic areas, plugging in data following previously identified indicators as appropriate (relevant indicators included below in italics to identify how they fit into the analysis⁵.

General Trends in Colombia

Colombia is one of the middle-income countries located in Latin America. This country has been deeply associated with illegal drug production and trafficking, a phenomenon that caused an intense internal armed conflict that has long lasting effects over Colombia’s economic and social inequality. Colombia is also one of the richest countries in terms of cultural diversity, as it hosts over 5 ethnic groups, and over 65 languages.

Among the most vulnerable groups, we determined the following: women, LGBTQI+ individuals, indigenous individuals, and Afro-Colombians. Individuals who belong to two or more groups, e.g. indigenous/Afro women, suffer from higher levels of vulnerability. Women represent half of the population, while the LGBTQI+ community represents 1,8%⁶ out of the 36 million adults in Colombia. The indigenous population is as big as 1,9 million people (just under 4% of the national population), of which 50.1% are women, and 80% is youth⁷. The Afro-Colombian population (also named black community, *raizal* and *palanquera*) is represented by almost 3 million people (just

⁵ [Colombia | U.S. Agency for International Development](#)

⁶ Departamento Administrativo Nacional de Estadística - DANE. (2022). Mercado laboral de la población LGBTQI+. [Mercado laboral de la población LGTB](#)

⁷ [Boletines Poblacionales : Población Indígena Oficina de Promoción Social](#)

under 6% of the population), which is considered to have decreased by 30,8% since the last census in 2005⁸.

Among all the issues that affect these particular groups, inequity in access to justice is one of the issues that this section will cover. The country is very aware of this issue, which is why there are already institutions that concentrate their efforts to correct justice inequality. Among them, the Ministry of Health and Social Protection has a wing that targets indigenous populations, along with the *Consejería Presidencial para la Equidad de la Mujer*, an extension to the VP office. Regarding the Afro-Colombian community, the Ministry of Interior also has a department dedicated to Black, Afro-Colombian, Raizal and Palenqueras⁹ communities.

However, managing vulnerable communities in Colombia has become a bigger challenge, because in December 2022, the Senate and Congress approved the creation of the Ministry of Equality and Equity, an executive institution that aims to eliminate racism, and promote economic and social equality. This ministry focuses on women, rural farmers, youth, indigenous and black individuals, the elderly, and LGBTQI+ individuals¹⁰. These efforts show an institutional concern about inequality in Colombia, broadly speaking. According to the bill that presented this new ministry, this institution will have the power to implement policies with a *enfoque transversal* that will affect other ministries as well¹¹.

As previously mentioned, it has become apparent that marginalized populations' struggles overlap within types. Afro-Colombian and Indigenous communities experience similar struggles when dealing with the criminal system. At the same time, black women and indigenous women share similar struggles, in terms of racial discrimination within the criminal system when reporting gender based violence (GBV) crimes. However, the specific barriers to access they face are different. Indigenous women struggle with

⁸ Departamento Administrativo Nacional de Estadística - DANE. (2019) Población Negra, Afrocolombiana, Raizal y Palenquera. [Grupos étnicos información técnica](#)

⁹ The Raizal community is a native community that lives in the San Andres islands, Providencia y Santa Catalina. They descend from the linkage between Europeans and African slaves in Colombia. The Palenquera community is conformed by liberated slaves descendants in North Colombia. Unidad para las Víctimas. (2023). [Comunidades negras, afrocolombianas, raizales y palenqueras | Unidad para las Víctimas.](#)

¹⁰ Juan Miguel Hernández Bonilla. (2022). [El Congreso de Colombia aprueba la creación del Ministerio de la Igualdad y la Equidad](#)

¹¹ Senado de la República de Colombia. (2022). [Proyecto de Ley "Por medio de la cual se crea el Ministerio de la Igualdad y Equidad y se dictan otras disposiciones.](#)

language barriers when reporting, and overlap with tribe ruling versus Colombian government enforcement. Afro-Colombian women face not being recognized as black, as opposed to the other group. They are treated as anyone else, and the criminal system fails to recognize the value of their identity, which can have consequences on their given sentence and future data reporting. Therefore, intersectionality has to be considered to assess how the criminal system affects a specific community.

Colombian women

Violence against women is one of the most pressing issues in Colombia, and also one of the most documented and recognized by the government, which is why it has achieved several victories regarding women's rights: femicide is legally typified, abortion is decriminalized until the 24th week, among other wins¹². However, there are still gaps in the legal system that make Colombian women vulnerable.

Criminal Legal System

Within the criminal legal system, the biggest concern for women is re-victimization by government authorities: several women report to be questioned by police officers at police stations when reporting gender-based violence crimes. Revictimization in Colombia is rooted in the lack of following protocols and negligence by the authorities, which makes it harder for women to access justice. After being questioned several times, they tend to get tired and drop the charges¹³. This ultimately affects statistics about gender-based violence, and bias policy that can be applied to address GBV.

For instance, in 2019, over almost a hundred thousand women reported being a gender-based violence victim¹⁴. Yamile Arango, a domestic violence survivor, stated that different agencies within the criminal system disregarded her statement, changing the

¹² UN Women. (2022). Status of Women's rights in Colombia. [Colombia | UN Women – Americas and the Caribbean](#)

¹³ Vianchá, Diana Sofía. (2010). Violencia De Género Y Victimización Secundaria “Una falla funcional Institucional” [VIOLENCIA DE GÉNERO Y VICTIMIZACIÓN SECUNDARIA “Una falla funcional Institucional” Diana Sofía Nítola Vianchá “Las m](#)

¹⁴ JUSTICIA & NBSP. (2019). [Qué sí y qué no hacer en la atención de un caso de violencia de género](#)

crime type, and telling her that she was in the wrong place to report. Moreover, some police officers asked her to forgive her perpetrator¹⁵.

Yamile is only one of the thousands women that suffer from revictimization, and the Ministry of Justice is fully aware of this condition, which is why back in 2008, the Law n. 1257 was enacted to promote GBV sensibilization in public institutions¹⁶. However, the results were not as expected to actually decrease GBV sensibilization in public institutions and more measures needed to be taken. In 2019, the Ministry of Justice developed a guide to attend GBV victims, which includes women and LGBTQI+ individuals. This is a 45-page document that is encouraged for bureaucrats who interact with survivors. While this guide is very thorough, its reading is not mandatory.

Law Enforcement

When women decide to report, street-level bureaucrats, like police officers, are not aware of the GBV reporting process to guide them. For Alejandra Rodriguez, National University psychologist, women do not know the order in which a GBV crime must be reported, or the options they have¹⁷. This situation worsens when the authorities they seek with their report do not have a clue as well.

Revictimization is also an issue that particularly affects minors who are victims of sexual assault. According to the Instituto Nacional de Medicina Legal y Ciencias Forenses (INML-CF), every 22 minutes a minor was sexually assaulted in 2020. The numbers have been increasing since 2016, which means that reporting is increasing. The case of Paula, a minor that was sexually assaulted by her father in her own home became iconic, as the minor's aunt experienced revictimization in the police station. She not only was disbelieved, but also the minor was made to declare several times, and take the required legal medical exams more than twice¹⁸. GBV crime reports lead women to experience a systematic lack of administrative comprehension about crimes that affect

¹⁵ RCN Radio. (2021). Mujeres violentadas denuncian que son revictimizadas en las Comisarías de Familia: [Mujeres violentadas denuncian que son revictimizadas en las Comisarías de Familia](#)

¹⁶ Ley # 1257. (2008). Por La Cual Se Dictan Normas Desensibilizacion, Prevención Y Sanción De Formas De Violencia Y Discriminación Contra Las Mujeres, Se Reforman Los Códigos Penal, Deprocedimientopenal, La Ley 294 De 1996 Y Se Dictan Otras Disposiciones. [Ley 1257 de 2008. Por la cual se dictan normas de sensibilización, prevención y sanción de formas de violencia y discriminación](#)

¹⁷ Infobae. (2022). Por qué las que las mujeres temen denunciar la violencia de género en Colombia [Por qué las que las mujeres temen denunciar la violencia de género en Colombia - Infobae](#)

¹⁸ Andrés Castañeda, Santiago Rodríguez y Érick Romero. (2021). [Revictimización y negligencia, una historia de abuso que no termina | Universidad de Bogotá Jorge Tadeo Lozano](#)

them specifically, even though there are over 30 laws that protect women in Colombia, including National Guides decreed by the executive power.

Women in the armed conflict

There is plenty of evidence regarding the intersection of being a woman and the armed conflict in Colombia. The internal armed conflict in Colombia is an asymmetrical war that involved the Colombian government, guerrillas, extreme right-winged and left-winged groups, and paramilitary groups¹⁹. While the conflict initiated in the 60's, it is active, and has a particular effect on women.

Women were severely affected by the conflict due to displacement, systematic sexual assault, and other forms of GBV²⁰. In addition, the victims were revictimized when reporting in the police departments. Regarding displacement, while a lot of people were affected by the guerrilla moves around Colombia, women were particularly affected. When families were separated the destruction of material patrimony undermined the social reproduction of their family groups. This particularly affected women due to their ties to maternity, care, and protection. Displacement for women has been proven to have long term psychological effects on them that interfere with their day-to-day life more than it affects men. Nonetheless, this particular crime to women is not typified in the Colombian criminal system, which is why victims have not been recognized.

Sexual assault during the war is utilized as an appropriation and utilization of the opponents resources, including the women. It is charged with violence and torture. Men not being that present in the households implied a clear weakness for paramilitary and guerrilla members, who took advantage of that fact. They reinforced their absence, and showed their power by committing sexual assault. While these crimes are clearly typified, the urgency of their process is the same as other GBV crimes. Additionally, women are also revictimized when reporting.

¹⁹ Wallace, Arturo. (2013). Colombia le pone números a su conflicto armado.BBC.

https://www.bbc.com/mundo/noticias/2013/07/130724_colombia_conflicto_armado_cifras_aw

²⁰ Edwin Diego Salcedo ÁvilaEduardo and Paes-Machado. (2018). Victimization y desplazamiento forzado de mujeres en el conflicto armado colombiano. [Victimización y desplazamiento forzado de mujeres en el conflicto armado colombiano](#)

Ordúz Gualdron and Frank Steward. (2015). Victimization Y Violencia Sexual En El Conflicto Armado En Colombia. [Redalyc.VICTIMIZACIÓN Y VIOLENCIA SEXUAL EN EL CONFLICTO ARMADO EN COLOMBIA](#)

LGBTQI+ population in Colombia

The year 2022 in Colombia closed with 113 victims of hate crimes²¹, and considering the underreporting phenomenon, the numbers could go higher. Very differently, Colombia Diversa, an LGBTQI+ organization, reported 738 hate crimes. According to a UCLA study, 75% LGBTQI+ individuals were harassed before the age of 18²²: mostly threatened, physically and sexually assaulted. Moreover, half of these crimes were not reported, when they were, individuals experienced revictimization.

Criminal Justice System

Currently, Colombia does not have an anti-hate crime, but some laws that can be interpreted as a defense to LGBTQI+ crimes. For instance, laws 1010 (2006) and 931 (2004) explicitly mention that discriminating because of sexual orientation is forbidden. In 2018, Law 1482 declared that vulnerable communities had to be protected by the government, and not abused due to their race, sex or sexual orientation. Additionally, the same year, Decree 762 declared that LGBTQI+ rights should be guaranteed when designing public policy. However, this decree is not useful for reporting crimes²³.

Law enforcement and Civil Justice System

Harsher legal sanctions have been recorded as well²⁴. Being arrested is where the discrimination starts. LGBTQI+ individuals are harassed by law enforcement staff, and then when they are in prison, the harassment continues. Colombia Diversa reported almost 180 cases of violence perpetrated by law enforcement staff in 2020. “V” shared their story: as soon as they were captured, they were put in a cell with 20 other criminals that sexually harassed them. This caused their decision to stop putting on makeup, and act “more masculine”. Nonetheless, after six months in jail, two officers took them out of

²¹ Sally Palomino. (2022). La violencia contra los hombres gays en Colombia deja dos muertos en menos de 72 horas. Diario EL PAÍS. [La violencia contra los hombres gays en Colombia deja dos muertos en menos de 72 horas.](#)

²² Soon Kyu Choi, Shahrzad Divsalar, Jennifer Flórez-Donado, Krystal Kittle, Andy Lin Ilan H. Meyer, Prince Torres-Salazar. (2019). Estrés, Salud Y Bienestar De Las Personas LGBTQI+ En Colombia: Resultados de una encuesta nacional. [ESTRÉS, SALUD Y BIENESTAR DE LAS PERSONAS LGBTQI+ EN COLOMBIA Resultados de una encuesta nacional](#)

²³ Juanita Bernal and Rocio Ocampo. (2020). Diagnóstico sobre situación discriminación de la Población LGBTQI+I en Colombia. Departamento Nacional de Planeación. [Diagnostico-sobre-situacion-discriminacion-de-la-Poblacion-LGBTQI+I-en-Colombia.pdf](#)

²⁴ Yamith Mariño Díaz. (2022). [Sobrevivir en la cárcel siendo cuir | Cambio Colombia.](#) Cambio Colombia.

their cell, and made them ask for forgiveness for being a *marica*²⁵ while being physically assaulted by the police officers²⁶.

Colombian indigenous communities

One of the most common forms of discrimination in the criminal system that indigenous individuals experience is racism, colorism, and language discrimination when they do not speak Spanish. In Colombia, there is no law that protects indigenous individuals from language barriers in the legal system.

In 2018, justice access for indigenous individuals passed from being recognized to being a pillar in the justice system. *Justicia con Enfoque Étnico*²⁷ was a justice approach that included the recognition of the diversity of the indigenous and the afro-Colombian communities: their language, customs. However, no concrete policies have been drawn from this decision.

Criminal Justice System

Indigenous communities have turned to international courts to overcome a lack of access to, support from, and respect from the domestic justice system. *Escué Zapata Vs. Colombia* case showed the Colombian justice system's disregard for indigenous rights. Germán Escué Zapata was an indigenous leader that was murdered by the Colombia Military. Escué Zapata was one of the few literate members of his community, which made him a leader, putting him in a vulnerable situation, as the military targeted him. The military assumed he was a *guerrillero*, which gave them a reason to assassinate him, even though he denied the charges²⁸. Even though the Colombian government had the responsibility of creating a safe space for this leader, case was closed by Colombian institutions, and landed in the Inter-American Court (IAC) of Human Rights²⁹. The IAC found that the Colombian military failed to present evidence for the prosecutors, when they did have it.

²⁵ Its translation is the F word (faggot)

²⁶ Yamith Mariño Díaz. (2022). [Sobrevivir en la cárcel siendo cuir | Cambio Colombia](#). Cambio Colombia.

²⁷ Ministerio de Justicia y Derecho. (2018). [Justicia con Enfoque Étnico](#).

²⁸ Corte Interamericana de Derechos Humanos. (2005). [Ficha Técnica: Escué Zapata Vs. Colombia](#)

²⁹ Oswaldo Ruiz Chiriboga & Gina Donoso. 2014. "Pueblos Indígenas y la Corte Interamericana: Fondo y Reparaciones" [El primer caso indígena sometido a la competencia de la Corte fue el caso Aloeboetoe y otros Vs](#)

In terms of women's rights, there is a series of abuses known by the government and neglected. In indigenous communities, gender-based violence varies from child marriage, sexual violence, to genital mutilation and several are ignored by the law. For example, only 85.5% of sexual reported crimes are approved by the medical examiner³⁰, a step that must be taken for the crime to be prosecuted. Additionally, since the Colombian Government cannot overrule the varying indigenous legal systems, the punish for rape/child marriage can be less than the Government one, leaving survivors unprotected.

Civil Justice System

Among discrimination, a common practice is law enforcement's focus on indigenous individuals during protests. The Ley de Solidaridad Sostenible was a bill that proposed increasing the taxes that affected mostly the middle and lower classes. This proposal provoked several protests against the bill from most Colombian sectors, indigenous communities among them. However, repression was stronger for indigenous communities, as more individuals were detained, and experienced heavier physical abuse³¹.

Representation was supposed to be a solution: indigenous individuals representing their communities, and putting their most pressing agenda points in the Congress. Descriptively, Colombia has an indigenous quota for representation positions. For the *Cámara de Representates*, US Congress equivalent, five out of 172 seats are reserved for indigenous individuals. For the Senate, two out of the one hundred members. Parties do present their indigenous candidates, but votes are not enough for them to be able to have legislative representation. Substantively, parties use these candidates to fill the quota, but are aware of the their negligible impact³².

³⁰ El Tiempo. Abuso y sometimiento: el grito ahogado de las mujeres indígenas en Colombia: [Mujeres indígenas en Colombia: Víctimas de violaciones en sus comunidades - Otras Ciudades](#)

³¹ Cultural Survival. (2021). "Pueblos Indígenas de Colombia denuncian violenta represión por parte del gobierno de Duque".

[Pueblos Indígenas de Colombia denuncian violenta represión por parte del gobierno de Duque | Cultural Survival](#)

³² Maritza Paredes. (2015). Representación Política Indígena: Un Análisis Comparativo Subnacional. IDEA Internacional. [REPRESENTACIÓN POLÍTICA INDÍGENA](#)

Indigenous territories and the armed conflict

In Colombia, indigenous territories are legally protected by the government when formalized. In 2020, over 500 territories were requested to be formalized. However, they are not the only ones reclaiming a space like theirs. As guerrilla members mobilize, they are being slowed down or stopped by indigenous communities who claim the territories as theirs. This confrontation causes guerrilla leaders to target community leaders³³.

The Colombian peace process in 2016 between Colombian government of President Juan Manuel Santos and the Revolutionary Armed Forces of Colombia to bring an end to the Colombian conflict had effects on the indigenous community³⁴: peace means the recognition of Colombian laws, including those that protect indigenous territories. In response, guerrilla members are committing massive assassinations against community leaders, both men and women.

The Comisión Nacional de Territorios Indígenas found that there were more killings where 57% of requests for territory formalization were located. In addition to the leaders' targeting, general massacres were reported, as a sign of warning.

As displacement puts indigenous communities in direct contact with the guerrillas, youth and children are forcibly recruited, and separated from their families³⁵. This and other threats to the indigenous communities were missed by the Colombian government, so they remain unprotected. There is insufficient state response to hold perpetrators accountable.

Afro-Colombians

The problem with Afro communities in Colombia is the lack of awareness of its quantity. The Colombian government did not include Afro-Colombian as a racial category in the last (2018) Census, thereby not providing racial recognition for this large

³³ William Villa. (2005). [Violencia política contra los pueblos indígenas en Colombia \(1974-2004\) - Semillas](#)

³⁴ Comisión Nacional de Territorios Indígenas. (2022). El Fraude a la "Paz".

https://www.cntindigena.org/wp-content/uploads/2022/12/ODTPI_InformePaz-11_2022.pdf

³⁵ Rosember Ariza Santamaría. (2013). [Pueblos indígenas de Colombia ante el Sistema Interamericano de Derechos Humanos](#). Konrad Adenauer.

group of Colombian society, and limiting the extent to which the government could effectively tailor public policy in response to the specific needs of Afro-Colombians.

Law enforcement

Failing to recognize an identity has consequences on the sentences because it does not acknowledge the weight of discrimination against a specific community. In 2020, Jason Arboleda's murder started a larger conversation about racism in Colombia: he was physically abused by the police when he broke the COVID-19 curfew to visit his mother. According to Aurora Figueroa, the Centro de Estudios Afrodiáspóricos' director, there is clear evidence that there is discriminatory treatment against the Afro-Colombian population, as they use insults when approaching them, like '*simios*', '*negro*' and '*curtido*'³⁶. Therefore, it is clear that the government does not care to enforce non-discrimination laws in its own law enforcement.

Civil Justice System

Afro-Colombian women are stigmatized as sexual beings, which decreases the value of their statement when reporting GBV crimes, while increasing the perpetrator's fault, because the crime would have been "her fault"³⁷. Adding the ethnicity to the woman's statement could change outcomes radically.

There are several bills to propose a black quota for representation in the Congress, but none of them have been approved.

Afro-Colombians during the armed conflict

In 2020, around 1,144,486 victims were identified as part of the black community, which represents 38,38% of the total victims. During the timeframes 2000-2002; 2007-2008 y 2013-2014, displacement was increased for this community: 98% of *palanqueros*, and 37.5% black Colombians declared being displaced³⁸.

³⁶ BBC Mundo. (2021). [Anderson Arboleda: la muerte de un joven negro tras una presunta golpiza policial que desató un debate sobre el racismo en Colombia - BBC News Mundo](#)

³⁷ RW. 2018. "Las mujeres afro de Colombia en busca de justicia" <https://reliefweb.int/report/colombia/las-mujeres-afro-de-colombia-en-busca-de-justicia>

³⁸ Comisión de la Verdad Colombia [El racismo y la discriminación intensificaron la violencia en contra del pueblo negro - Comisión de la Verdad Colombia](#)

Similarly to the indigenous communities, the Colombian peace process also affected the Afro-Colombian community: between 2015 and 2019, 77 leaders were murdered. There are currently reparations in order, but the state keeps failing to protect the Afro-Colombian communities.

Currently, according to the National Development Plan³⁹, the Colombian government is implementing multicultural approach that transversally, through all its social policies, respects and protects the Afro-Colombian population⁴⁰.

Honduras

General Trends in Honduras

Honduras is situated in the heart of Central America and is part of the North Triangle countries along with Guatemala and El Salvador. Honduras currently faces significant poverty, corruption, and human rights issues. Approximately 62 percent of the Honduran population lives below the national poverty, with children and women comprising most of this population. This case study dives into the access to the judicial system by marginalized groups in Honduras. Considering the high rates of gender-based violence, intimate partner violence, and femicide in the country, the study delves into the current legislation to safeguard women's protection while exploring access to the judicial system. Along with women, the study also focuses on the same evaluation for the LGBTQI++ community.

Honduras' judicial system consists of three branches: the Supreme Court of Justice, courts of appeals, and Juzgados de Letras (courts of first instance). The primary judicial body that hears all civil and criminal cases is the Juzgados de Letras. The first-instance courts oversee “civil/commercial and criminal cases, labor, family, administrative, domestic violence and juvenile cases.”⁴¹ On the civil side of these courts, judges will typically handle cases involving inheritance declarations, ordinary demands, executive trials, and preventive measures. At the lower level courts, municipalities with 4,000

³⁹ Ministerio de Salud Colombia (2021). [Comunidades Negras, Afros, Raizales y Palenqueras Vigencia 2020](#).

⁴⁰ Valoyes Gutiérrez, Klarem. (2020). La Vanguardia. [Colombia: cuando el racismo estructural se ensaña contra los afros](#)

⁴¹ Florida International University, Center for the Administration of Justice, [Honduras, Description of the Judicial System of Honduras](#)

residents should have a first-instance court with justices. Unlike other democratic states, Honduras' public defender's office (*Ministerio Público*) is appointed by the National Congress rather than the Supreme Court or the Attorney General.

The most significant challenges to the judicial system are corruption and impunity rates, as these issues inhibit judicial independence. This inherently affects marginalized populations' access to the criminal and civil justice system, impeding due process for violent or high-offending cases.

Women

Honduras has gained a reputation as dangerous for women of all backgrounds. Gender-based violence (GBV) in the country prevails and manifests as domestic violence, intimate partner violence, and femicides. The national government has placed protections for women, especially against GBV, but the lack of enforcement, corruption, and resources impact women's access to both the criminal and civil justice systems. While the judicial system has attempted to interact with gender through preventive measures, GBV remains rampant across most social institutions.

The significant number of public policies that aim to protect women is undeniable. But in practice, the general public does not trust these institutions. Even when women attempt to access the judicial system, they face systematic constraints, such as physical inaccessibility and impunity. The impunity rates for these cases remain high, leaving many survivors without action from the judicial system. The Comisionado Nacional de los Derechos Humanos (CONADEH) estimates that 90 percent of GBV cases remain in impunity.⁴² In the context of GBV, systematic impunity discourages women from reaching out to the proper protocol for GBV cases, fearing that the court system will take no action to punish their perpetrators. On top of this, there is a strong distrust of these public institutions to carry out cases properly. In an Oxfam study, 56.3 percent of citizens say they do not trust the Public Ministry, 56.5 percent distrust the Supreme Court of Justice, and 58.6 percent the National Police.⁴³

⁴² Relief Web, 2019. [Mujeres hondureñas agobiadas por la violencia, el desplazamiento forzado y la impunidad - Honduras | ReliefWeb](#)

⁴³ Oxfam, 2019. [Violencia doméstica en Honduras](#)

Tribuna de Mujeres registered 245 instances of femicides in 2020, during the onset of the COVID-19 Pandemic. Subsequently, the Observatorio de Igualdad de Género found 234 cases of femicides in 2021.⁴⁴ Gilda Rivera, director and founder of Centro de Derechos de Mujeres, has stated that Honduras' judicial system has little focus on prosecuting cases of GBV and femicide, given the current rates of prosecution and impunity. Moreover, the UN's Committee on the Elimination of Discrimination Against Women found that "every 23 hours there was one female death in Honduras, and 60 percent of these died at the hands of partners," thus indicating the sustained, systematic violence against women.⁴⁵

Criminal Justice

The Honduran judicial system began embedding gender into its processes in 2010, creating the Gender Unit (established by Acuerdo No.04) to eliminate all forms of gender-based discrimination. This specialized unit supports gender policy and its processes to ensure equal access to the judicial system by both men and women. As early as the 1990s, the Honduran government demonstrated a superficial dedication to protecting women from GBV and discrimination. In 1994, Honduras signed **the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women**, ratified into law by 1995. In the same year, Honduras signed and ratified the **Ley Contra la Violencia Domestica con sus Reformas**, considered the first piece of public policy to prevent and eradicate GBV.

To update the 1995 legislation, President Ricardo Maduro signed and ratified the **Ley contra la Violencia Doméstica**⁴⁶ in 2005. Like its predecessor, the 2005 version provides an overarching framework to safeguard the protection of women facing GBV, such as intimate partner violence. More specifically, the legislation seeks to protect the physical, psychological, patrimonial, and sexual integrity of women against any form of violence on the part of their spouse, ex-spouse, housemate, or any related relationship. After this ratification, the law underwent several reforms in 2013 (**Decree 23 of 2013**)

⁴⁴ Observatorio de Igualdad de Género de América Latina y el Caribe, 2021. [Femicide or feminicide | Gender Equality Observatory](#)

⁴⁵ Office of the High Commissioner for Human Rights, 2022. [Experts of the Committee on the Elimination of Discrimination against Women Commend Honduras on Progress Made on Trafficking, Ask about High Levels of Femicide and Prevalence of Human Papillomavirus](#)

⁴⁶ English translation: Law Against Domestic Violence

and 2014 (**Decree 66 of 2014**). Decree 23 of 2013 adds the concept of femicide to the Penal Code, Title I, Crimes against Life and Physical Integrity. Article 118 in the same decree creates the femicide statute. An essential element of these reforms is translating the law to several indigenous languages, including tawahka, garífuna, and miskito, thus democratizing access to public information for all women.

Unlike the other countries in Latin America, women seeking justice from GBV access the judicial through a non-typical. Instead of a criminal or civil court system. Honduras constructed the **Juzgado Especial Contra la Violencia Doméstica**, specializing in intrafamily and domestic violence complaints in various physical, psychological, and sexual types. The courts provide social services for GBV victims, including psychological services for individuals going through the process and social workers that are integrated into the investigation process. These psycho-social and family services are provided through the Ministry of Health. Currently, the only locations of these specialized courts are Tegucigalpa, San Pedro Sula, and La Ceiba, the country's largest cities. On the surface level, these courts may be inaccessible to rural communities, especially those primarily consisting of indigenous populations. In addition to regional accessibility, time of day is a barrier for women accessing domestic violence courts. These courts only operate one shift daily, Monday to Friday, with no service on the weekend, despite the majority of cases occurring during this timeframe.⁴⁷

Civil Justice

When a region or municipality does not have a court specializing in domestic violence, these cases are brought to a common civil or criminal court. These courts, however, often may not have the capacity to hear additional domestic violence cases due to case overload and tight docket schedules. According to USAID, no additional training related to domestic violence was given to these substitute judges in 2018, even though the Gender Unit of the Supreme Court is a solution for this exact issue.⁴⁸⁴⁹ Considering this,

⁴⁷ Justice, Human Rights, and Security Strengthening (JHRSS) Activity. USAID, 2018. https://pdf.usaid.gov/pdf_docs/PA00WBRH.pdf.

⁴⁸ Justice, Human Rights, and Security Strengthening (JHRSS) Activity. USAID, 2018. https://pdf.usaid.gov/pdf_docs/PA00WBRH.pdf.

⁴⁹Gender-based Violence Analysis for USAID/Honduras. EnCompass LLC, 2015. https://encompassworld.com/wp-content/uploads/2016/10/USAID_Honduras_GBV_Study_Final_Report_Submission.pdf.

civil courts also often serve as entry points for women to begin a case against their abusers.

Despite the widespread GBV incidences of domestic violence, the total number of cases brought to court is small. In 2020, the Juzgados de Letras, which often served as civil judges, received 7,168 cases but only resolved 1,924 in the same year. At the same time, only 2,252 cases have been resolved in the previous years.

Law Enforcement

In theory, women's access to law enforcement should be guaranteed by the protections granted by previous legislation. According to the International Organization of Migration (IOM), the Gender Unit of the National Police aims to "help strengthen their capacity to address human rights violations against women and girls in Honduras."⁵⁰ The issue most affecting women's access to law enforcement is corruption and impunity. Going to the police is the first entry point to starting a case against the perpetrator. Yet, there is a severe lack of resources and personnel to handle GBV-related cases.

On the personnel side, the percentage of women being represented in law enforcement is increasing. Still, given the prevalence of GBV, this may not be sufficient. WOLA estimates that women comprise 20 percent of the National Police, while about 10 percent of graduates of the Universidad Nacional de la Policía de Honduras.⁵¹⁵² For the Instituto Técnico Policial, another training program for police officers, women comprise about 26 percent of graduates.⁵³ These numbers may serve as an insignificant indicator of the progress towards social protections for marginalized women who are victims of GBV and other forms of violence.

Other Forms of Access to the Justice System

Along with these pieces of legislation and additional judicial resources, Honduras introduced **Ciudad Mujer**, a project that serves as a haven for women. The project is

⁵⁰ IOM Combats Gender-Based Violence in Honduras, International Organization for Migration, 2015.

<https://www.iom.int/news/iom-combats-gender-based-violence-honduras>.

⁵¹ Estimates based on 2017 data.

⁵² The Honduran Police Force: Evaluating the Professionalization of the Civilian Police Force. WOLA, 2020.

<https://www.wola.org/wp-content/uploads/2020/09/HN-Police-ENG-8.28.pdf>.

⁵³ Police Reform in Honduras: The role of the special purge and transformation commission. Wilson Center, https://www.wilsoncenter.org/sites/default/files/media/documents/publication/lap_dye_police-english_final.pdf.

modeled after El Salvador's Ciudad Mujer. The initiative currently has six locations across the country in Choloma, Tegucigalpa, Choluteca, La Ceiba, San Pedro Sula, and Juticalpa; a mobile center also operates in San Pedro Sula. Ciudad Mujer provides extensive education, health, economics, and childcare services. Beneficiaries also benefit from guidance through psychological and legal care, police intervention, and justice administration. For instance, site staff assists GBV survivors by filing a case against their perpetrator, such as accompaniment to the police station.⁵⁴

LGBTQI++ Community

The LGBTQI++ community is a highly vulnerable population in Honduras, with rates of hate crimes and homicides remaining high. Access to the civil and criminal justice system remains minimal and, at times, ambiguous for the LGBTQI++ community, especially for transgender individuals. Victims of hate crimes based on sexuality and gender identity have instead used international criminal courts for justice-seeking purposes.

Civil Justice System

Currently, protections for the LGBTQI++ Community exist minimally in Honduran public policy and legislation. **Article 321 of the Honduran Penal Code** provides the overarching law that outlaws LGBTQI++ discrimination. The sanction of violation under this penal code would result in 3 to 5 years of jail with an L30,000 (approx. USD\$1,216.10) fine. Other than this penal code, there is very little access to LGBTQI++ individuals in the civil justice system.

Criminal Justice System

Apart from these protections, individuals have found minimal access to the criminal justice system. According to the Unidad de Estadísticas del CEDIJ, only 19 cases were brought to the Criminal Court of First Instance with National Jurisdiction in Matters of Extortion in 2021, with only two resolutions in the same year. Also, the Justices of the Peace in Matters of Domestic Violence oversaw 66 new cases, with 106 resolutions in

⁵⁴ Ciudad Mujer. <https://www.ciudadmujer.gob.hn/servicios/maprodem/>.

2021 pertaining to individuals who identify as LGBTQI++. Other courts, such as the Criminal Court of First Instance with National Jurisdiction, Trial Courts, and Trial Courts for Children and Adolescents, have found no cases or resolutions related to the LGBTQI++ community.

Law Enforcement

On June 28th, 2022, the National Police released a note for LGBTQI+ Pride Day and stated: “La Policía Nacional, garantiza el libre ejercicio de los derechos de grupos vulnerables y brinda la protección como a todo ciudadano en base a ley.”⁵⁵ However, the relationship between law enforcement and the LGBTQI++ community is ineffective and tumultuous.

Advocacy organizations dedicated to the LGBTQI++ community have reported harassment and discrimination from police units. For instance, the LGTB Rainbow Association, a Tegucigalpa-based LGBTQI+ rights organization, has been targeted by varying units of law enforcement, including investigation officers of the national police, municipal police, and armed forces.⁵⁶

Other Avenues for Justice

The LGBTQI++ Community has found justice to a degree outside the national justice system. The Inter-American Court of Human Rights has been instrumental in validating the presence of hate crimes and violence against the community. The court's first Honduran case in the international spotlight was **Indyra Mendoza Aguilar et al. v Honduras**.⁵⁷ In this case, a member of the Preventative Police kidnapped Nohelia Flores Álvarez, a member of the Cattrachas,⁵⁸ and elicited sexual services at gunpoint, to which she refused; the next day, Alvarez was stabbed 17 times by the same policeman along with two other men. Members of Cattrachas closely followed the homicide and gathered evidence. As a result, they became “objects of threats and acts of harassment

⁵⁵ El Día del Orgullo LGBTQI+, Police Nacional de Honduras.
<https://www.policianacional.gob.hn/noticias/12210>.

⁵⁶ Honduras: Treatment of sexual minorities, including legislation; state protection and support services available (2012–November 2013), Canada: Immigration and Refugee Board of Canada.
<https://www.refworld.org/docid/52ce9e6e4.html>.

⁵⁷ Organization of American States, [Rapporteurship on the Rights of Women :: Precautionary Measures granted by the IACHR](#).

⁵⁸ A LGBTQI++ organization based in Tegucigalpa and San Pedro Sula, Honduras

that place their lives and personal integrity at risk”⁵⁹ from the perpetrators and police force. The Commission required the State to provide protective measures for Indyra Mendoza Aguilar and other members of Cattraches for their security and safety.

Additionally, the **Vicky Hernandez et al. v. Honduras case** highlighted the death of Vicky Hernandez as a result of institutional failure from the State. The context behind the court case was that the streets of San Pedro Sula from June 28 to 29, 2009, were under the control of security forces and law enforcement due to a coup d’état. The role of the police was seen as complicit and led to the impunity of the perpetrator. In essence, the Court recognized the incident as a case of prejudice towards her trans identity and expression. As a result of the court case, Honduras was obliged to provide transgender individuals with the option to change their gender identity in all public documents as well as police training on anti-LGBTQI+ violence, an policy change first of its kind in Central America.

Recommendations

Over the years, Honduras has implemented laws and legislation to safeguard women’s rights against gender-based violence. However, there is minimal implementation or action against perpetrators of GBV. Therefore, strengthening institutions to process and administer the due process for victims of violence, whether that stems from GBV or anti-LGBTQI++ discrimination. Honduras has already established measures to support anti-corruption efforts and strengthen judicial independence.

- **Gender Units:** The Gender Unit under the Secretariat of Security can provide means to support the monitoring and supervision of police enforcement and the National Directorate of Criminal Investigation.
- **Domestic Violence Courts:** DV courts do not typically operate in rural regions, despite the growing need. Expanding the DV court system to rural populations will increase access for marginalized women, including indigenous groups. In addition, DV courts should be equipped with enough resources to handle many cases, allowing judges to handle their dockets timely and effective.

⁵⁹ The Inter-American Human Rights System, https://www.city.ac.uk/data/assets/pdf_file/0015/106431/Inter-American.pdf.

- **Additional Training:** While the National Police have received training to handle cases of GBV for women, police units require additional sensitivity training for LGBTQI++ individuals.

Haiti

General Trends in Haiti

Haiti is a country in the Caribbean Sea bordered by the Dominican Republic. In the early 19th century Haiti became the world's first Black-led republic and the first country independent Caribbean state when it defeated French Colonial control and abolished slavery. However, Haiti has been paying the price for its freedom ever since, given the reparations the country was ordered to pay to former French slave owners. The country has faced crippling debt, corruption, dictatorships, and an onslaught of natural disasters that have brought instability to millions. Women and girls remain the most impacted by Haiti's multiple crises, escalating gang violence, and lack of protection from gender-based violence and harassment. These barriers are similar for LGBTQI+ persons. While there is not a lot of documented evidence for the vulnerabilities of voodooists, there does seem to be a presence of discrimination in the media against this community. Altogether, this case study will explore the ways these marginalized groups experience Haiti's judicial systems while exposing some of the flaws within the judicial practice (i.e staffing, corruption, and access) that make it difficult for marginalized persons to receive justice for crimes against them.

Women

Summary

While there seems to be a groundswell of grassroots support and coalitions for women's protection and accessibility to the courts, women in Haiti tend to experience a myriad of gaps when it comes to accessing justice. Gender-based violence remains chronically underreported. And while legal provisions prohibit certain crimes against women, actual sentencing is less severe. Many cases are not even referred to prosecution creating distrust and apathy toward the courts. Judicial representation remains low in the country, and women who are detained and held in prisons or jails are disproportionately discriminated against in many ways (from care to prolonged detention to violence). In response to these gaps, INL should prioritize programming that reduces harmful biases and discriminatory ideas about women. INL could also further encourage education or job training programs that help prepare women for the legal or policing

sector. Lastly, INL might advocate for more informal or alternative justice systems given the volatile nature of Haiti's politics and court systems in the aftermath of the assassination of President Jovenel Moïse. In the future, to further capture the full range of women's legal experiences, INL should collect data on the crimes committed against women. More data on women who are in custody and are detained is also needed. Lastly, data around the types of cases and how the cases are moved forward in the judicial process will also be necessary to better understand whether women are receiving fair treatment.

Criminal Justice System

Protection from hate crimes

In Haiti, one in three women (15-49) has experienced gender-based violence⁶⁰. Women, local Haitian organizations, and advocates such as the global women's human rights organization and feminist fund Madre, have actively tried to build sustaining coalitions to make revisions to Haiti's penal code, to formally address sexual and gender-based violence. These revisions have included: legalizing abortion in the first 12 weeks of pregnancy, when the physical or mental health of the mother is threatened, or in the case of rape and incest; defining the crime of rape based on consent, including specific codification of marital rape as a crime; and criminalizing sexual harassment⁶¹. Rape wasn't explicitly criminalized until 2005⁶² and the other revisions were set to enter the penal code as of June of this year⁶³. As of 2021, women in Haiti made up 50.7% of the population⁶⁴, however, women's political participation remains among the lowest in the world. This lack of political representation has resulted in a lack of protection for women's rights and safety.

Haiti currently has a constitution that provides equal protection and non-discrimination based on sex, but few other codes or judicial precedents that implement these codes effectively. Haiti is also a signatory and has ratified international and regional treaties that prohibit gender discrimination such as the American Convention on Human Rights, Convention Against All Forms of Discrimination Against Women, International Convention on Civil and Political Rights, Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women and the International Covenant on Economic, Social and Cultural Rights. Gang rape and the rape of men or women are prohibited by law with penalties ranging from 10 years

⁶⁰Chr. Michelsen Institute. "[The long fight against impunity for gender-based violence in Haiti](#)" by Marianne Tøraasen. 2019.

⁶¹Madre. [The Road to Gender Justice in Haiti: Progress on Haiti's Penal Code](#). October 19, 2020.

⁶²Human Rights Watch. [Haiti Events of 2021](#).

⁶³Human Rights Watch. [Haiti Events of 2021](#).

⁶⁴The World Bank. [Databank](#).

to a life sentence, yet actual sentences are far less severe⁶⁵. Spousal rape and domestic abuse or murder are not recognized by the criminal code if committed by a man⁶⁶. A wife who kills her husband under the circumstances such as finding adultery in the home is subjected to persecution⁶⁷. In the aftermath of the 2010 earthquake, gender-based sexual violence increased due to the unsecured displacement camps⁶⁸. Since the assassination of President Jovenel Moïse, the Bureau des Avocats Internationaux (BAI) and the Institute for Justice & Democracy in Haiti (IJDH) have acknowledged that gender-based violence has been chronically under-reported⁶⁹.

In 2010, a group of local organizations reported that they recorded around 500 cases of sexual violence in Port-au-Prince but only 60 to 80 of those cases were referred to prosecution within the following year⁷⁰. 26 of those cases ended up being transmitted from prosecution to a juge d'instruction⁷¹. Only six cases ended up being referred to trial but no trials have taken place⁷². The UN has also corroborated that very few cases of rape are prosecuted and brought to trial⁷³. According to Haiti's National Human Rights Defense Network between 2006 to 2019 Haiti's courts convicted an average of 49 individuals a year for sexual assault. But the Network noted that this number is declining and that sexual assault cases have become increasingly rare⁷⁴.

Access to courts

Lawyers and advocates in the country are particularly concerned with the obstacles that are prevalent at the prosecutor's office⁷⁵. There is a high level of corruption and racketeering that make it challenging for poor women and girls. Cases are often prioritized if bribes are given to judges or clerks on the case⁷⁶. Reporting requirements are misunderstood and confusing at this stage and there is a deep level of gender bias. Many prosecutors continue to hold harmful stereotypes about victims and their behavior. There are also resource constraints in terms of poor women not being able to afford an attorney or pay necessary court fees. Time has also been reported as a restraint as many prosecutors don't communicate when they will be out of office.

⁶⁵The U.S Department of State, Bureau of Democracy, Human Rights, and Labor. [Haiti 2019 Human Rights Report](#) 2019.

⁶⁶The U.S Department of State, Bureau of Democracy, Human Rights, and Labor. [Haiti 2019 Human Rights Report](#) 2019.

⁶⁷The U.S Department of State, Bureau of Democracy, Human Rights, and Labor. [Haiti 2019 Human Rights Report](#) 2019.

⁶⁸Chr. Michelsen Institute. "[The long fight against impunity for gender-based violence in Haiti](#)" by Marianne Tøraasen. 2019.

⁶⁹Human Rights Watch. [Haiti Events of 2021](#).

⁷⁰United Nations Office of the High Commissioner for Human Rights- Haiti. [A Profile of Police and Judicial Response to Rape in Port-au-Prince](#). June 2012.

⁷¹United Nations Office of the High Commissioner for Human Rights- Haiti. [A Profile of Police and Judicial Response to Rape in Port-au-Prince](#). June 2012.

⁷²United Nations Office of the High Commissioner for Human Rights- Haiti. [A Profile of Police and Judicial Response to Rape in Port-au-Prince](#). June 2012.

⁷³Syracuse University Impunity Watch. "[No Prosecution for Haitian Rape Cases](#)" by Stuart Smith. July 2, 2012.

⁷⁴RNDDH. [Massacre à Cité Soleil : Récits glaçants des femmes et filles victimes de viols collectifs](#). August 16, 2022.

⁷⁵The City University of New York Law Review. "[Barriers to Women's Access to Justice in Haiti](#)" by Meena Jagannath. Winter 2011.

⁷⁶Institute for Justice and Democracy in Haiti. [Access to Judicial Remedies in Haiti](#). September 12, 2014.

Other resource constraints include the fact that both police and judges are underpaid and receive insufficient training, further incentivizing corruption and a pay-to-play system⁷⁷.

Language access of marginal groups to the criminal court system

French and Creole are the official languages of Haiti, however, although most of the population in Haiti speaks Creole, judicial proceedings are usually always conducted in French. This is a potential barrier for those who live in rural areas and almost exclusively speak Creole.

Existence of alternative justice systems

Haiti's non-judicial or informal mechanisms for delivering justice and resolving disputes have been historically weak, however religious and international organizations have attempted to create and sustain alternative justice systems. For example, the Mennonite Central Committee has worked with the Haitian organization, Alliance Chrétienne pour la Justice to provide pro bono legal aid and community connections for imprisoned single mothers and parents⁷⁸. MCC also works with another Haitian organization, called Zanmi Timoun. They work together to provide a wraparound support system for children in prison⁷⁹. Haiti has at least 17 prisons, but only one is designated as juvenile detention center, meaning children are often placed in adult prisons. The services provided include legal accompaniment throughout trial, transportation, and family support. USAID Haiti has also attempted to build informal mechanisms for justice including sponsoring the ProJustice Project from 2009 to 2016⁸⁰. The project had four objectives: improving citizen security in selected high-crime areas through more effective justice service delivery by improving judicial productivity, rationalizing equitable use of pretrial detention, and providing legal aid to low-income and marginalized communities; improving non-criminal justice services offered by notaries, community mediators, and land courts; improving the training of judicial system actors and educating the population on their rights and responsibilities, and finally supporting a comprehensive strategy for justice sector reform⁸¹. The free legal services afforded by this project facilitated the advancement of 6,034 women to see their cases through the court system on issues ranging from assault, attempted murder, abandonment of marital home, murder, and sexual harassment⁸².

Treatment during detention/jail and disproportionate application of law

⁷⁷Institute for Justice and Democracy in Haiti. [Access to Judicial Remedies in Haiti](#). September 12, 2014.

⁷⁸Mennonite Central Committee. [Restorative Justice and the Prison System in Haiti](#). August 16, 2018.

⁷⁹Mennonite Central Committee. [Restorative Justice and the Prison System in Haiti](#). August 16, 2018.

⁸⁰USAID. [Improving Justice Service Delivery and Sector Reform in Haiti \(PROJUSTICE\)](#). 2016.

⁸¹USAID. [Improving Justice Service Delivery and Sector Reform in Haiti \(PROJUSTICE\)](#). 2016.

⁸²USAID. [Improving Justice Service Delivery and Sector Reform in Haiti \(PROJUSTICE\)](#). 2016.

Prolonged pretrial detention remain the norm in Haiti resulting in overcrowding and lacking sanitization facilities, proper ventilation, and poor lighting⁸³. There are at least 17 prisons in the country but only one is designated for women, which is the Pétion-Ville Women’s Prison.

In the Pétion-Ville Women’s Prison, back in 2011, of the 243 cases, the ProJustice Project identified, 215 of the cases were in prolonged pretrial detention status⁸⁴. Most of these detainees saw a prosecutor or judge at least once in the early stages of the case but were quickly sent back to jail with no follow-up⁸⁵. Some detainees were in detention for longer than they would be had they been sentenced. The team at ProJustice also witnessed that convicted prisoners were often kept in custody even after serving their sentence due to lost files and prison officials not being able to verify their release date⁸⁶. As of 2021, the National Human Rights Defense Network counted 496 women in prison throughout the country, however, only 10 were convicted and serving sentences, whereas 396 women were in prolonged pretrial detention⁸⁷. While men make up the larger prison population, more women experience prolonged pretrial detention than men. While in prison women face common forms of violence considering that they are in mixed-gender prisons. There have also been reports of prison officers exploiting their positions of power to harass and assault women. Women’s physical, sexual, and reproductive health are not cared for in prison, and they often have to rely on charitable or religious organizations to receive sanitary pads⁸⁸.

Civil Justice System

Representation in courts (judges, lawyers, etc)

In terms of representation, from the 1990s to 2020, women’s judicial representation in Haiti has increased from 2% to 12%, despite years of low representation in decision-making bodies⁸⁹. For example, in parliament, Haitian women make up only 3% of the lower chamber and 4% of the Senate⁹⁰. This difference is distinct because sitting in parliament is done through elections while becoming a judge is done through a selection/appointment process. It is important to note that most women judges are found in the cities of Haiti. Very few women sit on the lower court because most peace tribunals are located in rural areas, with little security protections and more

⁸³Human Rights Watch. [Prisoners in Haiti Still Face Horrendous Conditions](#). June 30, 2021.

⁸⁴USAID. [Improving Justice Service Delivery and Sector Reform in Haiti \(PROJUSTICE\)](#). 2016.

⁸⁵ USAID. [Improving Justice Service Delivery and Sector Reform in Haiti \(PROJUSTICE\)](#). 2016.

⁸⁶USAID. [Improving Justice Service Delivery and Sector Reform in Haiti \(PROJUSTICE\)](#). 2016.

⁸⁷ AyiboPost. [“The prisons in Haiti are horrible, For women, it’s hell” by Laura Louis](#). April 29, 2021.

⁸⁸ AyiboPost. [“The prisons in Haiti are horrible, For women, it’s hell” by Laura Louis](#). April 29, 2021.

⁸⁹Politics and Gender. [“Women’s Judicial Representation in Haiti: Unintended Gains of State Building Efforts” by Marianne Toraasen](#). April 12, 2022

⁹⁰IPU Open Data Platforms. [Women in National Parliaments](#). February 2019.

informal recruitment procedures⁹¹. In Haiti, cases are heard by a single judge, except for murder cases, which require a trial by jury⁹². There have been several campaigns to make gender balance a key judicial reform effort. For example, USAID and the Magistrate school EMA, have worked together to recruit more women to apply and commit to receiving their law degree⁹³. There has also been a larger structural emphasis to open the appointment process to be more inclusionary of women.

Judicial Effectiveness

The judiciary in Haiti is allocated very little money in the state budget as well as given low wages, which limits judges' incentives and ability to do their jobs⁹⁴. The system is also underdeveloped, with few technological advancements to help preserve and analyze forensic evidence or access documents that hinder the deliverance of justice for gender-based violence cases. There is also an intense backlog of cases given that judges do not act promptly.

Law Enforcement

The Haiti National Police and the Sexual Gender-Based Violence unit of the police department are chronically understaffed. In 2012, the United Nations Stabilization Mission in Haiti recognized the vital role that women officers play in society⁹⁵. As such they have sent deployed all-female police units to Haiti to help women feel more comfortable when reporting instances of abuse⁹⁶. Internally, the country celebrated the graduation of 631 police officers last year, and 21% of them were women⁹⁷. There has also been a partnership between Global Affairs Canada and HNP, where the Canadian organization invested more than 3 million Canadian dollars to promote greater integration of women in the police force. The project is to span three years, from 2021 to 2023. The goal is to enhance a gender-sensitive recruitment process and increase the retention capacity among women, helping them feel more empowered to be a part of peace and security initiatives⁹⁸. The overwhelming amount of gang violence in the country has restricted many women from reporting crimes against them and in many areas of the country, gangs outnumber police units.

⁹¹Flammang, Janet A., ed. *Political women: current roles in state and local government*. Vol. 8. SAGE Publications, Incorporated, 1984.

⁹²U.S Embassy in Haiti. [Victims of Crime](#).

⁹³Politics and Gender. [“Women’s Judicial Representation in Haiti: Unintended Gains of State Building Efforts” by Marianne Tøraasen](#). April 12, 2022

⁹⁴Chr. Michelsen Institute. [“The long fight against impunity for gender-based violence in Haiti” by Marianne Tøraasen](#). 2019.

⁹⁵ReliefWeb. [Female Officers Serve Vital Roles](#). January 18, 2012.

⁹⁶MINUSTAH. [Female Bangladeshi Police in Haiti: Making a Difference](#). April 2, 2013,

⁹⁷Haiti Libre. [“Haiti Security: Graduation of 631 police officers including 21% of women”](#). December 18, 2021.

⁹⁸Cowater International. [Project to Support the Better Integration of Women in the Haitian National Police](#). 2020-2021.

Perception of corruption of law enforcement by marginalized communities

The UN has accused the Haitian police of not protecting marginalized communities from gang violence, especially those in impoverished communities. There has also been a steadfast history of police brutality and violence dating back to 1995⁹⁹, however, little information has specifically claimed that the violence included or targeted women.

LGBTQI+ Persons

Summary

LGBTQI+ persons face a considerable amount of challenges and gaps from multiple angles. First and foremost, almost no protections exist in Haiti's legal codes that explicitly prohibit discrimination and hate crimes that target this group. The judicial system systematically fails to investigate crimes against this group, and it remains rare for an LGBTQI+ person to be able to access a lawyer or comprehensive representation and support while navigating the court system. Local groups have been working to combat these barriers and partnerships with these organizations would be a great entry point for INL programming in the future. Police officers are known for both instigating or ignoring violence against LGBTQI+ persons, therefore more training and accountability mechanisms for police officers are necessary. Little information is available on the experiences of LGBTQI+ persons once they are detained, or about their court experiences. This information will become incredibly pertinent for future solutions.

Criminal Justice System

Protection from hate crimes

LGBTQI+ people in Haiti experience high levels of discrimination and there is currently no comprehensive civil law that protects against discrimination. While there is a penal code that prescribes penalties for discrimination or murder/crime motivated by sexual orientation that was put in place in 2020, other anti-LGBGT laws introduced by the Senate in 2017, still await consideration by the Chamber of Deputies¹⁰⁰. One law allows for sexuality as a reason to deny LGBTQI+ persons a certificate of good standing that allows people to apply for jobs and attend universities¹⁰¹. The other law bans same-sex marriage, implementing fines and a prison sentence if reported. It also bans any public advocacy for LGBTQI+ rights¹⁰². As of 2022, reforms to the

⁹⁹Human Rights Watch. [The Human Rights Record of the Haitian National Police](#). January 1997.

¹⁰⁰Human Rights Watch Country Profiles. [Sexual Orientation and Gender Identity: Haiti](#).

¹⁰¹Human Rights Watch Country Profiles. [Sexual Orientation and Gender Identity: Haiti](#).

¹⁰²Human Rights Watch Country Profiles. [Sexual Orientation and Gender Identity: Haiti](#).

penal code were discussed to make LGBTQI+QIA persons a protected group and impose penalties against actors who refuse to service them on the basis of sexual orientation. However, these reforms were met with an intense backlash from the public to the point where the Ministry of Justice determined that there would be a significant delay in the code's implementation¹⁰³. Within Port-au-Prince, where LGBTQI+ persons are more visible with their identities, there have been reports of increasing hostility, where people feel have less trust in the city than they do in rural areas¹⁰⁴.

Access to courts

The Haitian government has historically failed to prevent or investigate violence against LGBTQI+ persons. Advocates have determined that the most prominent barrier to relief through the justice system happens at the law enforcement level. At this stage, there is a structural failure to bring perpetrators to justice. Therefore violence, including corrective rape, discrimination, and hate speech against LGBTQI+ people is chronically underinvestigated. This failure has led to a culture of impunity where police, prosecutors, judges, and lawyers lack understanding and sensitivity training and often hold their own prejudices¹⁰⁵. It is rare for a Haitian lawyer to take on a case representing an LGBTQI+ person, if they choose to do so they are met with barriers all along the justice system¹⁰⁶.

Existence of alternative justice systems

Despite the hostile environment, many LGBTQI+ persons face on a daily and systemic level, grassroots organizations have been vital in combatting violence and advocating for rights. For example, the queer-led nonprofit Kouraj seeks to advocate for more protections, mobilize against discrimination, and secure health (mental and physical) services for those in need¹⁰⁷. However, there remains little evidence of alternative or community-organized justice systems that have led to real change or protections in the lives of LGBTQI+ persons, even on a small scale. Generally, LGBTQI+ persons are reluctant to bring public attention to themselves or to use the justice system to resolve their experiences with violence¹⁰⁸.

Treatment during detention/jail and disproportionate application of law

¹⁰³U.S Department of State. [2021 Country Reports on Human Rights Practices: Haiti](#).

¹⁰⁴U.S Department of State. [2021 Country Reports on Human Rights Practices: Haiti](#).

¹⁰⁵Madre. [Madre and Partners Advance LGBTQI+ Rights in Haiti](#). June 27, 2013.

¹⁰⁶Madre. [Madre and Partners Advance LGBTQI+ Rights in Haiti](#). June 27, 2013.

¹⁰⁷Grassroots International. ["Having Kouraj to Make a Difference in Haiti" by Rebecca Gonsler](#). June 28, 2022.

¹⁰⁸USAID. [Haiti Rule of Law Assessment](#). April 2015.

Despite the fact that prison sentences exist explicitly for LGBTQI+ persons, little information exists that details how many make up Haiti's prison population, let alone the general population. There is also no evidence that LGBTQI+ persons equitably sit as jurors in trials where applicable. Similarly, no evidence acknowledges that LGBTQI+ persons have the ability nor currently sit as judges or lawyers. There is no evidence that Haiti has bias training for judges and legal staff. However, ProJustice has worked with the Magistrates School to train prosecutors and judges on LGBTQI+ rights and appropriate procedures.

Law Enforcement

Local LGBTQI+ rights-based groups report numerous incidents of police discrimination stigmatization leading to arbitrary arrests, resulting in a lack of trust from LGBTQI+ persons. Police officers in Haiti are known for holding their own discriminatory views towards LGBTQI+ persons, and there have been incidents of abuse and lack of professional treatment¹⁰⁹. Officers have refused to help persons they know or perceive to be from the LGBTQI+ community. They have also been reported of partaking in gang-raping persons who identify as lesbian¹¹⁰.

Arab Haitians

Summary

Evidence regarding Arab Haitians as a marginalized group is scant. While this group could be considered a minority population, there is little evidence that suggests Arab Haitians face hate crimes, discrimination, or inaccessibility when navigating the court system in Haiti. Arab Haitian's experiences with law enforcement were also hard to find. In response to these gaps, INL should assess first and foremost if Arab Haitians are a marginalized group. However, based on the astounding lack of evidence, INL might prioritize other marginalized groups given their limited resources.

Arab Haitians are an ethnic minority in Haiti, descending Syria, Lebanon, and Palenstine¹¹¹. Many have adopted French and Creole languages and Haitian citizenship. They have successfully integrated into middle and upper-class society and hold prominent positions in the business sector. While I could not find corroborated information, nearly 300,000 Arabs are

¹⁰⁹International Gay and Lesbian Human Rights Commission. [The Impact of the Earthquake, and Relief and Recovery Programs on Haitian LGBTQI+ People](#).

¹¹⁰United Nations Human Rights Committee. [Fighting for our lives: Violence and Discrimination against women and LGBTQI+ persons in Haiti](#). October 2014.

¹¹¹Washington: GPO for the Library of Congress. ["Haiti: A Country Study"](#) by Richard A Haggerty. 1989.

reportedly living in Haiti¹¹². The division between Arab and Afro-Haitians has been reported, especially in relation to colorism and elitism but those divisions have seemingly improved over time.

While there is no doubt that Arab Haitians are minorities, to call them a marginalized group seems completely inappropriate in this context. No information or published research available points to this population experiencing a lack of legal protections, hate crimes or being subject to inadequate care by the justice system. At the same time, no information available points to representation in the judiciary or law enforcement.

Voodooists

Summary

Understanding Voodooists as a marginalized group is complicated. From some sources, this is a recognized religion with a big portion of the population engaging in the practice in some form. Yet, by other accounts, this practice is still heavily criticized by Haitian elites and other religious sects. It especially seems to be targeted by the media which seems to misrepresent the practice in spite of other evidence. That being said, information is missing about this marginalized group in terms of what their experiences with law enforcement, and the civil and criminal court systems are like. As was mentioned in regard to Arab Haitians, INL should assess first and foremost if voodooists are a marginalized group in the first place. In response to the lack of current and available data, INL might prioritize other marginalized groups given their limited resources.

In Haiti, voodoo is a religion based on ancestral spirits and patron saints, blending Catholicism, and Western and Central African spirituality¹¹³. In 2003 it was recognized as an official religion by then-President, Jean-Bertrand Aristide¹¹⁴. As of 2021, it is reported that more than half of Haiti's 11 million people practice voodoo in some form¹¹⁵. However, this support exists mainly underground. Throughout history, Haitian elites, including Catholic and Protestant leaders have condemned voodoo, leading to a contemporary association with sorcery¹¹⁶. It is a common

¹¹²The Haitian Times. [“A brief history of Haiti as a destination for groups seeking refuge”](#) by Noah Agustin. May 19, 2022.

¹¹³The Conversation. [“What is Haitian Voodoo?”](#) by Guilberly Louissaint. August 21, 2019.

¹¹⁴Reuters. [“Haitians hold voodoo rituals to ancestors amid crisis”](#) by Gessika Thomas. November 2, 2021.

¹¹⁵Reuters. [“Haitians hold voodoo rituals to ancestors amid crisis”](#) by Gessika Thomas. November 2, 2021.

¹¹⁶The Conversation. [“What is Haitian Voodoo?”](#) by Guilberly Louissaint. August 21, 2019.

experience that if someone experiences a financial hardship or a sudden loss of life, voodoo is blamed¹¹⁷.

Despite its cultural importance and historical significance, many voodoo celebrations and practitioners have been targeted with hate crimes. Many factors lead to this including because many LGBTQI+ persons are members of Voodoo societies as they are seen as safe spaces¹¹⁸. Many extreme conservatives also normalized the fear and discrimination among voodoos by blaming this population for the 2010 earthquake and the cholera outbreak that happened after, leading to murder across the country ¹¹⁹. In 2018, authorities openly targeted two voodooists as suspects in a murder involving children¹²⁰. Practitioners argued that voodoo in its original practice is harmless and worried that the media and authorities were not correctly differentiating between the original tenets of voodooism and the harms caused by people who murdered children in the case under a false pretext of the practice.

As of today, there is no evidence outlining special protections or hate crime laws for the Vodouist community in Haiti. Furthermore, there is no evidence that this population of Haitians has alternative justice systems or experiences barriers to the criminal court system. No evidence could be concluded as to whether or not this population has representation in the judiciary nor law enforcement. No evidence could be found in determining the conditions of this population while interacting with prisons and detention centers or whether or not this population regularly expresses grievances towards law enforcement because of hate crimes.

Mexico

General Trends in Mexico

Mexico is a federal republic consisting of 31 states and the Federal District. Mexico's constitution, enacted in 1917, divides governmental power between the executive, legislative, and judicial branches. The Mexican legal system is a civil law system, a system of codified rules and principles in which judges bring forth charges and investigate and establish the facts of a case. In contrast to a common law system, lawyers play a less central role in proceedings. Though lawyers in a civil law system

¹¹⁷The Atlantic. [“The Black Religion that’s been maligned for centuries”](#) by Nadege Green. June 29, 2022.

¹¹⁸The Guardian. [“Vodou is elusive and endangered, but it remains the soul of Haitian people”](#) by Kim Wall and Caerina Clerici. November 7, 2015.

¹¹⁹The Guardian. [“Vodou is elusive and endangered, but it remains the soul of Haitian people”](#) by Kim Wall and Caerina Clerici. November 7, 2015.

¹²⁰WBUR. [“We Are Being Targeted’: Voodoo Believers Fear A Backlash After Crimes Against Children”](#) by Alanna Durkin Richer and Philip Marcelo. February 12, 2018.

advise their clients and prepare pleadings, other legal tasks, like contract drafting and mergers and acquisitions, may be conducted by “quasi-legal professionals” who work with businesses and private individuals who may not be licensed to litigate.¹²¹

The Political Constitution of the United Mexican States is the foundation of all Mexican laws. Articles 94 through 107 of the Federal Constitution and the Organic Law of the Federal Judiciary govern the judicial branch of Mexico. The federal judiciary comprises the Supreme Court of Justice, which has final appellate jurisdiction over all state and federal courts, the electoral court, the federal appeals courts, the criminal appeals courts, and the federal district courts.¹²² The lower courts oversee federal matters, such as drug-related crimes and human trafficking. The federal judiciary has more resources and a larger budget than the state judicial system. It also has jurisdiction over the *writ of amparo*, which bestows private individuals the right to seek federal judicial relief from rights abuses.¹²³ In addition to the federal judiciary, all 31 states have their judicial system. This system consists of the lower courts and appellate courts.¹²⁴

The Criminal Justice System

Before 2016, Mexico’s criminal legal system could be described as a mixed inquisitorial system in which the presiding judge oversees the evidence-gathering process.¹²⁵ In Mexico, the presiding judge organized and analyzed the evidence the prosecution and defense put forth, questioning them and witnesses. Oral testimonies were not a primary component of Mexico’s inquisitorial system, as judges primarily rely on written statements compared to the adversarial system. Because the presiding judge has exclusive control over what information will be presented at trial, litigants have very few

¹²¹ Washington University in St. Louis School of Law. (2014, January 28). What is the Difference Between Common Law and Civil Law? *WashULaw Blog*. <https://onlinelaw.wustl.edu/blog/common-law-vs-civil-law/>

¹²² Ferreyra, G. (2018). Unpacking the Mexican Federal Judiciary: An Inner Look at the Ethos of the Judicial Branch. *Mexican Law Review*, 1(1). <https://doi.org/10.22201/ij.24485306e.2018.1.12511>

¹²³ *Amparo, Writ of* | *Encyclopedia.com*. (n.d.). [www.encyclopedia.com](https://www.encyclopedia.com/humanities/encyclopedias-almanacs-transcripts-and-maps/amparo-writ). Retrieved January 21, 2023, from <https://www.encyclopedia.com/humanities/encyclopedias-almanacs-transcripts-and-maps/amparo-writ>

¹²⁴ Kingman-Brundage, J. (2016). Mexico’s Traditional Criminal Justice System A Layperson’s Guide. *WORKING PAPER SERIES*, 14(4).

https://justiceinmexico.org/wp-content/uploads/2016/03/mexico%E2%80%99s_traditional_criminal_justice_system_laypersonsguide_janebrundage-final-1.pdf

¹²⁵ *Inquisitorial System*. (2019). *Jrank.org*. <https://law.jrank.org/pages/7663/Inquisitorial-System.html>

opportunities to shape their cases. Though judges can allow litigants and other witnesses the opportunity to have their stories heard, this is not common nor enforceable. Under Mexico's inquisitorial system, defendants were rarely allowed to participate in court hearings. Additionally, because the inquisitorial system relied primarily on written affidavits as the primary source of evidence, lengthy and disorganized affidavits could only prolong a defendant's hearing and pre-trial incarcerations. Prosecutors also had significant influence over the outcomes of criminal proceedings and were often accused of corruption themselves.¹²⁶

The Mexican police's role in this criminal justice system was primarily to ensure that accused criminals were arrested and transported instead of investigating crimes and contributing to court proceedings. During Felipe Calderon's presidency, the police became militarized as the administration focused on hamstringing drug syndicates. The police were emboldened to commit murder and used arbitrary detention and disappearances during this time. Recent studies demonstrate that Mexico's war against drug traffickers sharply increased the use of torture when law enforcement detained suspects.¹²⁷ Police learned to rely on coerced confessions to resolve cases, and judges were complicit by allowing evidence procured via torture to be admissible in court.

In 2008, the Mexican Congress passed a series of constitutional and legislative reforms to transition from a mixed inquisitorial legal system to an adversarial system in which defendants could enjoy more legal protection, and criminal procedure would become more efficient. These changes had an eight-year implementation period. According to a 2018 assessment conducted by the World Justice Project, trial procedures have improved significantly. For instance, criminal proceedings have become more transparent.¹²⁸ Recording equipment has been installed in new adversarial-style

¹²⁶ *How Mexico's Justice Reform Might Draw Inspiration From California*. (n.d.). KQED. Retrieved December 5, 2022, from <https://www.kqed.org/news/11767645/how-mexicos-justice-reform-might-draw-inspiration-from-california#:~:text=Under%20the%20old%20%E2%80%9Cinquisitorial%E2%80%9D%20system>

¹²⁷ MAGALONI, B., & RODRIGUEZ, L. (2020). Institutionalized Police Brutality: Torture, the Militarization of Security, and the Reform of Inquisitorial Criminal Justice in Mexico. *American Political Science Review*, 114(4), 1013–1034. <https://doi.org/10.1017/s0003055420000520>

¹²⁸ *Mexico's New Criminal Justice System: Substantial Progress and Persistent Challenges México*. (2020, April 4). https://worldjusticeproject.org/sites/default/files/documents/WJP-NewJusticeSystemMexico_.pdf

courtrooms to help provide an objective record of court proceedings instead of official transcripts that prosecutors could easily access. Seating behind litigants for members of the public, including a defendant's family, has also been installed in these courtrooms so that they can freely observe the proceedings. A court administrator position was also developed to alleviate the administrative burden many judges experienced in the inquisitorial system. Additionally, physical evidence presented in court is admitted into court and no longer described in a written summary. Pleadings have also become more commonplace and have reduced the length of trials for non-violent crimes. Prosecutors can resolve these cases before the trial phase. Cases for more serious crimes like homicide, kidnapping, and robbery were resolved four months faster because of this new approach.

The Civil Justice System ¹²⁹

The civil court system in Mexico has three levels: Courts of First Instance, Courts of Appeal, and Collegiate Federal Courts. Mexican civil proceedings typically begin with a lawsuit. If the court admits the lawsuit, the court grants the defendant a statutory term to file the response and a counterclaim if they so choose. The plaintiff and defendant must provide documentary evidence. The presiding judge will schedule the preliminary hearing once the initial claim and counterclaim are responded to. In addition to providing documentary evidence, the parties may offer a confession, testimonial, or expert evidence. Once the judge decides whether to admit the evidence, they will schedule an evidentiary hearing. Next, the judge will grant the parties time to file the brief of the final allegations before they issue the resolution.

A civil proceeding can take an estimated one to three years to reach the first-instance resolution. If a resolution is appealed, the case can take up to four to six years. The plaintiff and defendant bear the costs of civil proceedings, such as attorney and expert fees and fees associated with filing documents. In some instances, the court may base fees on the percentage of the amount expressly claimed. Mexican law does not prohibit either the plaintiff or the defendant from financing litigation through a non-party. While

¹²⁹ *Litigation 2022 - Civil Law - Mexico*. (n.d.). Www.mondaq.com. Retrieved December 6, 2022, from <https://www.mondaq.com/mexico/civil-law/1190744/litigation-2022>

the law cannot provide a guarantee over legal costs to a party, a judge may order the seizure of assets to guarantee the outcome of a trial at the request of a party.

Constitutional and Judicial Reforms

Criminal justice advocates have criticized Mexican federal and state authorities' abilities to effectively protect citizens due to widespread government corruption, dangerous constitutional provisions, and inadequately trained law enforcement with a limited investigative capacity.¹³⁰

Some of the most highly publicized human rights abuses and violations include the case of the forced disappearance of 43 Mexican students in the state of Guerrero, in which Mexico's former attorney general, Jesus Murillo Karam, was arrested and charged with "forced disappearance, torture, and the obstruction of justice."¹³¹ Furthermore, article 19 of the Mexican constitution permitting pre-trial detention has exacerbated the level of overcrowding in Mexican prisons and disproportionately impacts low-income communities.¹³² While automatic pre-trial detention intends to increase the probability of capturing perpetrators of serious offenses, impunity remains rampant. Femicides are often classified as homicides by local authorities and often remain uninvestigated.¹³³ The prosecution rate of crimes like homicide has remained at approximately 2%.¹³⁴

Journalists have also been the target of violence in Mexico. The Committee to Protect Journalists documented 13 assassinations involving journalists in the first eight months of 2022. These assassinations result in few convictions due to the authorities' delayed responses, ineffective evidence-gathering processes, and alleged collusion with perpetrators.¹³⁵

¹³⁰ *Failing Justice: Mexico's Institutional Weaknesses*. (2018, May 29). Vision of Humanity. <https://www.visionofhumanity.org/failing-justice-mexicos-institutional-weaknesses/>

¹³¹ Mexico missing students: Former top official arrested over probe. (2022, August 20). *BBC News*. <https://www.bbc.com/news/world-latin-america-62614685>

¹³² *In Mexico, the Threats and Failures of Pre-Trial Detention*. (n.d.). NACLA. Retrieved December 4, 2022, from <https://nacla.org/news/2020/01/13/mexico-threats-and-failures-pre-trial-detention>

¹³³ Opinion | In Mexico, Women Break the Silence Against Femicide. (2020, March 6). *The New York Times*. <https://www.nytimes.com/2020/03/06/opinion/international-world/mexico-femicides-amlo.html>

¹³⁴ Felbab-Brown, V. (2022, January 24). *Crime and anti-crime policies in Mexico in 2022: A bleak outlook*. Brookings. <https://www.brookings.edu/blog/order-from-chaos/2022/01/24/crime-and-anti-crime-policies-in-mexico-in-2022-a-bleak-outlook/>

¹³⁵ *In 2022, journalist killings continue unabated in Mexico amid a climate of impunity*. (2022, August 30). Committee to Protect Journalists. <https://cpj.org/2022/08/in-2022-journalist-killings-continue-unabated-in-mexico-amid-a-climate-of-impunity/>

To combat systemic corruption, Mexico established the National Anti-corruption System, or Sistema Nacional Anticorrupcion (SNA), in 2016. The SNA comprises several institutions that collaboratively oversee and implement anti-corruption policies.¹³⁶ A critical component of the SNA is the Citizen Participation Committee which ensures that civil society groups, scholars, and the business sector are included in the policy design and evaluation process.¹³⁷ Though the SNA has helped advance investigations into corruption charges in cases such as the “Estafa Maestra,” one of the largest racketeering cases involving the federal government¹³⁸, and the Citizens Participation Committee has recommended 60 policy priorities for combatting corruption and pushed Mexican authorities to implement the SNA by filing amparos in Mexican courts, state-level obstacles continue to hinder its success.¹³⁹ States were required to establish local SNA systems by July 2017. Unfortunately, low budgets and a lack of technical and administrative independence preclude state anti-corruption prosecutors from selecting the prosecutors and police officers with whom they work. Additionally, anti-corruption prosecutors in several states are nominated by governors or the state’s attorney general, allowing them to become more susceptible to political influence.

Article 19 of the Mexican constitution allows law enforcement officers to imprison individuals accused of offenses such as femicide, forced disappearance, government corruption, and misuse of public funds before a trial has been conducted. Though originally intended to deter violent and more serious crimes, many advocates believe that this strategy has enabled corrupt law enforcement officers and policymakers to punish dissenters and incentivized officers to meddle in investigations.¹⁴⁰ The list of offenses eligible for automatic pre-trial detention was amended and expanded in 2019 in

¹³⁶ *Mexico’s National Anti-corruption System - Statement from OECD Secretary-General Angel Gurría - OECD.* (n.d.). <https://www.oecd.org/newsroom/mexico-national-anti-corruption-system-statement-from-oecd-secretary-general.htm>

¹³⁷ *Misión, Visión y Organigrama.* (n.d.). <https://cpc.org.mx/mision-vision-y-organigrama/>

¹³⁸ Político, R. A. (2022, December 3). *La Estafa Maestra, impune a cuatro años de investigaciones.* <https://www.animalpolitico.com/politica/estafa-maestra-impune-cuatro-anos-investigaciones>

¹³⁹ Washington Office on Latin America (WOLA). (2020, March 30). *What’s Happening with Mexico’s National Anti-Corruption System?* WOLA. <https://www.wola.org/analysis/progress-challenges-corruption-mexico/>

¹⁴⁰ *In Mexico, the Threats and Failures of Pre-Trial Detention.* (2020, January 13).

NACLA. <https://nacla.org/news/2020/01/13/mexico-threats-and-failures-pre-trial-detention>

response to the increase in gun violence.¹⁴¹ The Office of the United Nations High Commissioner for Human Rights (OHCHR) warned that the amendment would only serve to increase the number of innocent people being imprisoned. According to Mexico Evalua, an independent Mexican think tank, only 3 out of 10 individuals in pre-trial detention are ever convicted of a crime.¹⁴² These individuals often wait years in overcrowded and unsanitary conditions and are at risk of being coerced to confess to a crime they did not commit or accept unfair plea deals.¹⁴³ Furthermore, the rate of violent crimes, such as homicide, has continued to climb. Data from 2021 show that there were approximately 26.6 deaths per 100,000 people, resulting in more than 34,000 victims and experts believe that this homicide rate is most likely underestimated.¹⁴⁴ This evidence points to Article 19's inability to deter violent crimes.

Though criminal trial proceedings have improved since the initial transition to an adversarial legal system, the investigative role of the police at the state and federal levels and the prosecutor's office requires further improvement. Federal, state, and municipal police are primarily tasked with patrolling and maintaining public order, preventing crimes, and responding to citizens' calls for help. The federal attorney general oversees the federal and state investigative police divisions.¹⁴⁵ Corruption and abuse of power, primarily caused by poor working conditions, institutional incentives, and low morale, have plagued Mexican police for generations.¹⁴⁶ To combat corruption among police officers, Mexico adopted a "limited discretion model." Under this model, police officers were frequently rotated across different stations, deployed in large groups, prohibited from accessing information, and relieved of many authoritative powers. For instance, ministerial police officers tasked with carrying out warrants were not permitted to

¹⁴¹ Zerega, G. (2019, February 21). *Mexico aprueba la prision preventiva para los acusados de corrupcion, delitos electorales y robo de combustible*. El Pais. https://elpais.com/internacional/2019/02/20/mexico/1550683131_614457.html?event_log=go

¹⁴² Rosales, C. (2022, May 20). *Saldo de la prisión 'preventiva': sólo 3 de cada 10 presos son condenados*. México Evalúa. <https://www.mexicoevalua.org/saldo-de-la-prision-preventiva-solo-3-de-cada-10-presos-son-condenados/>

¹⁴³ Heard, C., Fair, H., (2019, November). *Pre-Trial Detention and its Over-Use*. Institute for Crime and Justice Policy Research. https://www.prisonstudies.org/sites/default/files/resources/downloads/pre-trial_detention_final.pdf

¹⁴⁴ Institute for Economics and Peace. (2022 May). *Mexico Peace Index 2022: Identifying and Measuring the Factors that Drive Peace*. <https://www.visionofhumanity.org/wp-content/uploads/2022/05/ENG-MPI-2022-web.pdf>

¹⁴⁵ Meyer, M. (2014, May). *Mexico's Police: Many Reforms, Little Progress*. Washington Office on Latin America (WOLA). <https://www.wola.org/sites/default/files/Mexicos%20Police.pdf>

¹⁴⁶ Sabet, D. (2010, December 22). *Police Reform in Mexico: Advances and Persistent Obstacles*. The Wilson Center. wilsoncenter.org/sites/default/files/media/documents/publication/Chapter%208-Police%20Reform%20in%20Mexico%2C%20Advances%20and%20PErsistent%20Obstacles.pdf

interview witnesses but instead required to transport witnesses to the public ministers. The ministerial police officers also became burdened with administrative duties. Recognizing the limited discretion model's shortcomings, a newer set of reforms focused on improving compensation, vetting processes, training standards, and oversight was proposed. However, progress has been hampered by conflicting approaches to implementation and citizen-oriented professionalization, and increased militarization.

In addition to reducing the budgets for state and municipal authorities, further weakening the inadequate local law enforcement systems, the Lopez Obrador administration replaced the Mexican Federal Police with the National Guard in 2019.¹⁴⁷ Though the Federal Police was flawed, it comprised a large division of officers with intelligence-gathering capabilities, unlike the National Guard, which is limited in its capacity to conduct investigations and is not intended to respond to calls for help or deter criminals.¹⁴⁸ The dissolution of the Federal Police has led to an estimated 70% reduction in the number of investigators in Mexico.¹⁴⁹ Last fall, President Lopez Obrador pushed to have the Defense Ministry take over operational and administrative control of the National Guard, alarming human rights activists.

Another factor preventing law enforcement from adequately investigating a crime is the outdated digital system used to record crimes and streamline the work of police, forensic departments, and prosecutors.¹⁵⁰ In 2015, the System of Interoperability of Actions and Procedures (SIAP) was launched to help coordinate efforts across different investigative departments via intelligence gathering. However, a recent investigation into its efficacy has shown that the SIAP has contributed very little to police work. Police reports are rarely filed electronically, the georeferencing button in the system does not work, and forensic officers struggle to upload video evidence to the system. An average of 728 cases were initiated on the SIAP from 2015-2019. But many times, information

¹⁴⁷ *Failing Justice: Mexico's Institutional Weaknesses*. (2018, May 29). Vision of Humanity. <https://www.visionofhumanity.org/failing-justice-mexicos-institutional-weaknesses/>

¹⁴⁸ Sheridan, MB., (2022, September 9). Mexico putting civilian-led national guard under military control. (n.d.). *The Washington Post*. <https://www.washingtonpost.com/world/2022/09/09/mexico-national-guard-army/>

¹⁴⁹ Felbab-Brown, V. (2022, January 24). *Crime and anti-crime policies in Mexico in 2022: A bleak outlook*. Brookings. <https://www.brookings.edu/blog/order-from-chaos/2022/01/24/crime-and-anti-crime-policies-in-mexico-in-2022-a-bleak-outlook/>

¹⁵⁰ Dalby, C. (2020, July 1). *A Fractured System - Mexico's Criminal Investigation Network*. InSight Crime. <https://insightcrime.org/news/analysis/a-fractured-system-mexico/>

collected in ongoing criminal investigations is not uploaded into the SIAP and remains on officials' personal flash drives. The SIAP was updated in May 2020 but continues to experience technical issues.

Indigenous Communities

Mexican indigenous communities appear to have the ability to access indigenous justice systems that help resolve criminal and civil disputes in their native language and within a familiar cultural context. However, the Mexican federal government does not seem to support or formally recognize these systems. For instance, article 420 of the National Code of Criminal Procedures prevents indigenous authorities from investigating and hearing cases of violence against women. According to EQUIS Justicia para las Mujeres, indigenous authorities have a limited understanding of the law and lack the formal training necessary to hear cases.¹⁵¹ If an indigenous individual decides to pursue justice through the State's formal criminal justice system, they lack access to interpreters, translators, and indigenous criminal defense attorneys.

In response to these gaps in access to the criminal justice system, the U.S. Bureau of International Narcotics and Law Enforcement Affairs (INL) should consider supporting the grassroots effort to train interpreters in indigenous languages. In terms of arbitrary detention and discrimination at the hands of INM officials and the National Guard, INL should consider partnering with civil service organizations, like the Institute for Women in Migration, to help ensure that agents rely on an equitable and legal method for identifying and detaining migrants. For instance, helping to specify or redefine the "atypical behavior" of an individual that allows INM officials to investigate them. Enhanced regulation and oversight of the INM remain critical.

The Mexican indigenous population

The indigenous population in Mexico comprises 68 indigenous groups with their own distinct native language. According to the 2020 census conducted by the National Institute of Statistics and Geography (INEGI), over 7 million people indicated they spoke a native language. There are approximately 17 million indigenous individuals in

¹⁵¹ EQUIS. (2019, August). *Access to Justice for Indigenous Women*.
https://equis.org.mx/wp-content/uploads/2019/08/Shadow_Report_CERD_committe_extended.pdf

Mexico, representing 15.1% of the total Mexican population.¹⁵² The majority of the indigenous population in Mexico resides in the southern and south-central regions of the country in states like Oaxaca, Yucatan, and Chiapas.¹⁵³

Mexico declared itself a pluricultural nation in 1992 following the signing of the ILO convention 169 in 1989, recognizing Indigenous people's right to self-determination.¹⁵⁴ In 2007, Mexico adopted the UN Declaration on the Rights of Indigenous Peoples. While Mexico has taken steps to establish procedures that recognize and protect Indigenous rights, its Indigenous population continues to face marginalization.

The Mexican indigenous community and the criminal justice system

In 2001, Article 2 of the Mexican constitution recognizing indigenous Mexicans' rights to self-determination and autonomy was adopted. Article 2 states that indigenous Mexicans have "full access to State jurisdiction. [To] protect this right, in all trials and proceedings that involve natives... their customs and cultural practices must be taken into account." And that "indigenous people have... the right to be assisted by interpreters and counsels."¹⁵⁵ Though the right to an interpreter is enshrined in the constitution, Mexico continues to face a lack of indigenous language interpreters. For example, according to AsiLegal, a Mexican legal aid organization, 60% of indigenous prisoners in Oaxaca had no access to an interpreter, and of those who did, 46% expressed that they had not understood the information that they had been given.¹⁵⁶ Indigenous defendants may also feel compelled to state they are fluent in Spanish or reject the help of an interpreter for fear of discrimination or mistreatment.¹⁵⁷ Dialogo y

¹⁵² Mexico - IWGIA - International Work Group for Indigenous Affairs. (n.d.). www.iwgia.org.

<https://www.iwgia.org/en/mexico.html>

¹⁵³ *Indigenous peoples*. (2015, June 19). Minority Rights Group.

<https://minorityrights.org/minorities/indigenous-peoples-4/#:~:text=The%20majority%20of%20the%20indigenous>

¹⁵⁴ *Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)*. (2017). ILO.org.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

¹⁵⁵ *Constitución reordenada y consolidada*. (2015). Unam.mx.

<https://www2.juridicas.unam.mx/constitucion-reordenada-consolidada/en/vigente>

¹⁵⁶ Sarabia, T.L. (2021, March 18). *Indigenous People Can't Wait*. www.opensocietyfoundations.org. Retrieved December 6, 2022, from

<https://www.opensocietyfoundations.org/voices/a-travesty-of-justice-for-indigenous-people-in-mexicos-prisons#:~:text=In%20Oaxaca%2C%20for%20example%2C%2060>

¹⁵⁷ *Indigenizing the courtroom in Mexico with Indigenous language interpreters to defeat "language superiority"* UBC Language Sciences. (2020, October 22). languagesciences.ubc.ca. Retrieved December 5, 2022, from <https://languagesciences.ubc.ca/news-events/announcement-research-news-story/oct-22-2020-indigenizing-courtroom-mexico-indigenous>

Movimiento (DIMO), a local nonprofit based in Campeche, and the National Institute of Indigenous Languages have developed a program aimed at training interpreters in six indigenous languages so that they can help indigenous individuals navigate the justice system.¹⁵⁸ As of September 2022, 22 interpreters have been accredited in the six predominant languages in the Campeche. The Kellogg Foundation sponsors the program, and the Universidad Comunal de Oaxaca provides technical training and support.

Because of the potential for discrimination or wrongful convictions, indigenous legal systems in Mexico have resurged. In Chiapas, Mexico, for instance, the Zapatista autonomous municipalities developed *consejos de honor*, or local councils that mediate conflict between Zapatista and non-Zapatista communities. Unfortunately, unlike in Ecuador and Bolivia where there is more support for strengthening and expanding indigenous legal jurisdictions, indigenous authorities in Mexico exist in a state of ambiguity because there is no law or constitutional amendment declaring their right to establish their own legal system.¹⁵⁹

The Mexican indigenous community and law enforcement

Mexican immigration authorities, or the Instituto Nacional de Migración (INM), have faced accusations of illegally detaining, disappearing, or deporting indigenous and Afro-descendants.¹⁶⁰ Victims of illegal detention or interrogation have expressed that they are forced to carry all related identification documents on their person and provide cultural details about Mexico to prove that they are Mexican citizens during their interactions with INM.¹⁶¹ Immigration authorities often accuse indigenous or Afro-Mexicans of possessing fake voter ID cards or other forms of identification. Victims

¹⁵⁸ Rueda Cruz, E., Fabre Zarandona, A. (2022, September 19). *Mexico: training interpreters in Indigenous Languages*. International Work Group for Indigenous Affairs (IWGIA).

<https://www.iwgia.org/en/news/4906-mexico-training-interpreters-in-indigenous-languages.html>

¹⁵⁹ Sieder, R. (2012). The Challenge of Indigenous Legal Systems: Beyond Paradigms of Recognition. *The Brown Journal of World Affairs*, 18(2), 103–114. <http://www.jstor.org/stable/24590866>

¹⁶⁰ Orem, E. (2020). Addressing Discretion and Discrimination in the Mexican National Migration Institute. *Columbia Human Rights Law Review*. Issue 52.1, 37-79.

¹⁶¹ Duarte, T., Pascencia Gomez, A., Joseph, A., Orem, E. (2020 July). *“Because of the Color of My Skin and the Way I Speak Spanish”: The INM’s Detention and Deportation of Indigenous and Afro-Descendant Mexicans*. IMUMI, Chiapas Indigenous Migrant Coalition, and Mexico Afrodescendancy Project.

<https://imumi.org/wp-content/uploads/2020/11/The-INMs-Detention-and-Deportation-of-Indigenous-and-AfroDescendant-Mexicans.pdf>

of discrimination tend not to report their interactions with INM to law enforcement for fear of being a victim of forced disappearance. During interviews with indigenous Mexicans, the Chiapas Indigenous Migrant Coalition (CIMICH) learned that most illegal INM interrogations occurred during nighttime migration checks of buses in transit and while indigenous Mexicans were traveling between states. Because many INM violations are not reported, and the number of individuals who claim Mexican citizenship before being deported is not tracked and/or published, there are very little data on the detention and deportation of indigenous or afro-descendants. Economic, geographical, and linguistic barriers can make applying for any form of identification a challenge. One of the primary factors that exacerbate the probability of illegal detention by INM is that indigenous and afro-descendant Mexicans live in regions where there are few civil registry offices. The offices issue birth certificates. However, acquiring a child's birth certificate after their first birthday can be quite costly. It is also challenging for parents and grandparents to acquire a child's birth certificate if they do not have one themselves.

In May 2022, the Supreme Court of Mexico ruled in favor of three indigenous Mexicans whom INM officials detained near Queretaro based on their physical and linguistic characteristics. This landmark ruling found that stop-and-search operations on buses and highways are racist, discriminatory, and unconstitutional.¹⁶² Representatives of the victims had met with the Supreme Court ministers to describe the events during the stop and search and to explain the frequency with which these arbitrary searches based on a person's appearance occur throughout Mexico. Mexico's Secretary of the Interior argued that although INM's stop-and-search operations may violate human rights, they are necessary to reduce illegal immigration to Mexico and the United States.

The Mexican indigenous community and the civil justice system

The Mexican Federal Code of Civil Procedure states that any indigenous arbiters, witnesses, plaintiffs, and defendants have a right to an interpreter.¹⁶³ At the time of any resolution, a judge must consider the indigenous defendant or plaintiff's culture and

¹⁶² Lakhani, N. (2022, May 22). *Mexico's migrant checks on buses and highways ruled racist and illegal*. The Guardian. <https://www.theguardian.com/world/2022/may/22/mexico-migrant-checks-racist-illegal-supreme-court>

¹⁶³ Código Federal De Procedimientos Civiles. (2021, June 7). Cámara De Diputados Del Congreso H. Congreso Del Union. (Mex).

customs. Additionally, the Mexican constitution guarantees indigenous communities the right to dictate how their land can be developed and used.¹⁶⁴ Still, indigenous communities have continued to have to fight the Mexican government to protect their land rights because collective property rights established through land reforms had not applied to indigenous communities.¹⁶⁵

Afro-Descendant Populations

Until 2019, Mexican afro-descendants had not been formally recognized as part of the pluricultural composition of Mexico.¹⁶⁶ There is limited published data on the state of afro-descendants and their interactions with the criminal legal system and law enforcement. It appears that although the Mexican constitution has been amended to guarantee the afro-descendant community's right to determination, autonomy, development, and inclusion, afro-descendants are not perceived by a significant proportion of Mexican society as "Mexican." As a result, Mexican afro-descendants are more susceptible to deportation. They are also more likely to work in the informal labor market and live in low-income communities as a result of discrimination.¹⁶⁷

Because it seems that federal and state agencies collect little data on the afro-descendant population, it may be beneficial for INL to identify potential plans or initiatives aimed at collecting qualitative data to learn more about afro-descendants and their interactions with the criminal and civil justice systems. Additionally, INL may consider gathering information about the work that local activists, like Huella Negra, are doing to ensure that states are doing work that is inclusive of afro-descendants, including recognizing, celebrating, and preserving afro-descendant culture.

¹⁶⁴ Calleros, H. (2021, October 7). Mexico's Constitution, Indigenous Rights and the Future. IACL-AIDC. <https://blog-iacl-aidc.org/2021-posts/2021/10/7/mexicos-constitution-indigenous-rights-and-the-future-19894#:~:text=%20Additionally%2C%20Article%20%20recognizes%20the,a%20shift%20in%20judicial%20attention.>

¹⁶⁵ Indigenous Rights in Mexico | Environmental Defender Law Center. (n.d.). <https://edlc.org/>. <https://edlc.org/cases/mesoamerica/indigenous-rights-in-mexico/>

¹⁶⁶

¹⁶⁷ Rangel, J. (2022, July 29). *Infographic: Afrodescendants in Mexico*. Wilson Center. <https://www.wilsoncenter.org/article/infographic-afrodescendants-mexico>

The Mexican afro-descendant population

According to the 2020 census, the first census to include a question about Afro-identity, Afro-descendants represent 2% of the total Mexican population.¹⁶⁸ The 2020 census conducted by INEGI estimates that 50% of the Afro-descendant population resides in six states: Guerrero, Mexico, Veracruz, Oaxaca, Mexico City, and Jalisco. Systemic racism has prevented Afro-descendant from accessing basic services and quality education. Additionally, Afro-descendants have limited opportunities for economic advancement. According to a 2018 survey conducted by the National Council for the Prevention of Discrimination (CONAPRED), a large segment of the Mexican population rejects the idea that Afro-Mexicans exist. In 2019, Article 2 of the Mexican Constitution was amended to recognize Afro-descendant people as “part of the multicultural composition of the nation.” Afro-descendant rights have been recognized in Oaxaca and Guerrero’s constitutions.¹⁶⁹

According to the CONAPRED agency website, very few federal or local government agencies consider the afro-descendent community in their decision-making processes.¹⁷⁰ Specific information on the criminal justice system, law enforcement, or the civil justice system for this group was difficult to find or not published. This implies significant gaps in access, services, and support for Mexican afro-descendants across all categories.

LGBTQI+ Individuals

It appears that the Mexican Supreme Court has taken steps to recognize and protect LGBTQI+ individuals. In 2014 the Supreme Court adopted a protocol that provides guidance to judges when deciding cases related to gender identity and sexual orientation. This guidance helps judges identify and recognize stereotypes and misconceptions about LGBTQI+ individuals that make them vulnerable to discrimination in society and prevent them to equal access to the justice system.¹⁷¹

¹⁶⁸ *Ibid*

¹⁶⁹ Decálogo para el reconocimiento de las poblaciones afromexicanas y sus derechos en la constitución política de la ciudad de México 1 (2016), <http://www.migrantologos.mx/es/images/pdf/reconocimientoafrocdmxfl.pdf>

¹⁷⁰ CONAPRED. (2022). *CONAPRED*. Consejo Nacional Para Prevenir La Discriminacion https://www.conapred.org.mx/index.php?contenido=pagina&id=99&id_opcion=40&op=40

¹⁷¹ IACHR. (2014, August 29). *IACHR Congratulates Mexican Supreme Court for Adoption of Protocol Involving Sexual Orientation and Gender Identity*. [Press Release]. https://www.oas.org/en/iachr/media_center/PReleases/2014/095.asp

However, there is currently no national hate crime law protecting LGBTQI+ individuals. Additionally, LGBTQI+ citizens fear the police and law enforcement officials and believe they are deeply homophobic. Although Mexico's National Human Rights Commission is responsible for investigating crimes against sexual minorities, it does not seem to have publicized information about the outcomes of investigations or program evaluation data about the progress and success of sensitivity trainings it also helps provide to public servants.

INL might benefit from gathering more data about the current bias and sensitivity trainings that have been implemented so far. Additionally, it may be worthwhile to investigate the barriers to expanding and establishing initiatives and procedures mandated by the Mexican Supreme Court, like the administrative process for allowing transgender individuals to change their birth certificates to reflect their gender identity.

The Mexican LGBTQI+ community

INEGI conducted the National Sexual and Gender Diversity survey (Encuesta Nacional sobre Diversidad Sexual y de Genero; ENDISEG) in 2021. INEGI notes that very few Latin American countries have attempted to measure and understand their LGBTQI+ population. Additionally, the National Sexual and Gender Diversity survey will help inform public policy in Mexico as it relates to public health, access to education, socio-emotional wellness, and mental health.¹⁷² According to ENDISEG results, 4.8% or 4.6 million individuals identify as part of the LGBTQI+ community, and 0.9% or 908,600 individuals identify as transgender. Many LGBTQI+ individuals reside in the state of Mexico, Mexico City, Veracruz, Jalisco, and Nuevo Leon.

The Mexican LGBTQI+ community and the criminal justice system

Though all members of the LGBTQI+ experience a high level of discrimination, harassment, and violence, transgender individuals in Mexico are recently facing a higher probability of being victims of violent crimes.¹⁷³ Hate crime laws in Mexico do not apply

¹⁷² INEGI. (2021). *Encuesta Nacional sobre Diversidad Sexual y de Genero 2021*. [PowerPoint Slides]. https://www.inegi.org.mx/contenidos/programas/endiseq/2021/doc/endiseq_2021_resultados.pdf

¹⁷³ Woodman, S. (2016, August 22). Mexican police turn blind eye to murders of transgender women, say activists. *Reuters*.

<https://www.reuters.com/article/us-mexico-transgender-violence/mexican-police-turn-blind-eye-to-murders-of-transgender-women-say-activists-idUSKCN10X1TY>

to gender identity discrimination. According to sociologist Maria Martha Collignon ‘transgender women have become a focal point for hatred because they are often easier to detect.’ In 2021, there were at least 78 murders involving LGBTQI+ individuals, 55 of whom were transwomen.¹⁷⁴ Since 2013, as few as 3% of killings involving LGBTQI+ individuals have resulted in a criminal conviction.¹⁷⁵ The murder of Paola Buenrostro, a Mexican transgender sex worker, happened on September 29, 2016. Buenrostro’s friend and transgender activist, Kenya Cuevas was able to apprehend the man who shot her friend and held him until the police arrived. The man was released from custody days later despite multiple witnesses and video capturing the aftermath. Activists point to the prejudices and biases authorities have against the transgender community to explain the rampant impunity. Alexandra Haas, former director of CONAPRED and current executive director of Oxfam Mexico, has stated that the Lopez Obrador administration is working towards retraining local prosecutors and police in managing cases involving transgender sex workers. However, information about trainings or anti-bias programming could not be found online.

The Mexican LGBTQI+ community and law enforcement

In 2003, the Fox administration passed the Federal Law to Prevent Crime and Discrimination that included sexual orientation as a protected category and which helped create the National Council to Prevent Discrimination (Consejo Nacional para Prevenir la Discriminacion; CONAPRED). This federal agency is responsible for promoting policies and initiatives to guarantee social inclusion and equality.¹⁷⁶ CONAPRED’s 2015 report on the status of the LGBTQI+ community in Mexico is their most recent publication. Using information from the 2010 National Survey on Discrimination (Encuesta Nacional sobre Discriminacion; ENADIS), the agency notes that 42.8% of survey respondents believe that the police are guilty of discrimination and homophobia.¹⁷⁷ In a 2005 survey by the Autonomous Metropolitan University

¹⁷⁴ Crímenes de Odio archivo – LetraEse. (n.d.). <https://letraese.org.mx/crimenes-de-odio-archivo/>

¹⁷⁵ AP. (2019, September 10). Mexico trans women fight for justice as killings go unpunished. *Los Angeles Times*. <https://www.latimes.com/world-nation/story/2019-09-09/mexico-trans-women-murders>

¹⁷⁶ CONAPRED -. (n.d.).

http://www.conapred.org.mx/index.php?contenido=pagina&id=84&id_opcion=142&op=142

¹⁷⁷ Consejo Nacional Para Prevenir La Discriminacion.(2015). *Dia Nacional de la Lucha Contra la Homofobia Documento Informativo*.

http://www.conapred.org.mx/documentos_cedoc/Dossier%20Homofobia_2015_INACSS.pdf

(Universidad Autonoma Metropolitana) investigating the sources of violence experienced by members of the LGBTQI+ community, 42.3% of bisexual and gay men reported having been detained, threatened, or extorted by the police compared to 19% of bisexual and lesbian women. As a result, very few LGBTQI+ members report these abuses of power because they fear they won't be taken seriously or may be blamed for them.

Transgender women face a higher probability of experiencing violent interactions with police due to the nature of how many earn an income. Most transgender women are turned away from jobs, experience discrimination and harassment in the workplace, and are forced out of their homes at a young age by family members.¹⁷⁸ As a result, many resort to sex work to earn a living. Though Mexico moved to decriminalize sex work in urban centers, many sex workers are vulnerable to police harassment, especially transgender women.¹⁷⁹ Transgender sex workers experience physical abuse at the hands of police under the pretext that they are “disturbing the peace” and are arbitrarily arrested.¹⁸⁰ Though not all transgender women are sex workers, many are perceived to be sex workers by police and are targeted on the street and arrested, extorted, or abused by law enforcement. In some cases in which transgender women are apprehended, they face humiliation at the hands of law enforcement who force them to undress in front of them.

According to the police commissioner of Zapopan, Mexico, his department has been providing sensitivity training to promote police empathy towards vulnerable communities, such as the LGBTQI+ community.¹⁸¹ However, according to a recent report by the Advocates for Human Rights, an international non-governmental organization promoting international human rights and the rule of law, first-hand accounts by Mexican LGBTQI+ asylum seekers describe violent and dehumanizing

¹⁷⁸ Baptista, D. (2022, December 12). In Mexico, displaced LGBTQI+ people push for equal, safe jobs. OPENLY. Retrieved December 8, 2022, from <https://www.openlynews.com/i/?id=ad53f28a-1ee6-4ac3-84e8-492a760a184d>

¹⁷⁹ Murray, C. (2019, June 2). Mexico City to decriminalize sex work, eyes steps to cut trafficking. *Reuters*. <https://www.reuters.com/article/us-mexico-sexwork-trafficking/mexico-city-to-decriminalize-sex-work-eyes-steps-to-cut-trafficking-idUSKCN1T300M>

¹⁸⁰ Transgender Law Center at Cornell University. (2016, May). *Report on Human Rights Conditions of Transgender Women in Mexico*. Cornell University Law School. <https://transgenderlawcenter.org/wp-content/uploads/2016/05/CountryConditionsReport-FINAL.pdf>

¹⁸¹ *Ibid*

interactions with Mexican law enforcement.¹⁸² Organizations like ProDiana and Casa de Munecas are pushing for institutional reforms to address and prevent discrimination from all public servants, including the police.

The Mexican LGBTQI+ community and the civil justice system

In 2011, the Mexican Constitution was amended to prohibit discrimination on the basis of sexual orientation as a result of a series of constitutional reforms.¹⁸³ These reforms targeted eleven constitutional articles to enhance human rights protection. Shortly after, Mexico's Supreme Court ruled that all laws declaring same-sex marriage illegal were unconstitutional. Former Mexican President Enrique Peña Nieto proposed amending Article 4 of the constitution to reflect the Supreme Court's ruling; however, the Commission on Constitutional Matters rejected his proposal to include same-sex marriage and adoption rights in the constitution.¹⁸⁴ Twenty-four of the 32 Mexican states have legalized same-sex marriage. Same-sex couples in the eight other states who wish to marry must receive *amparo*.¹⁸⁵ Most recently, the Supreme Court ruled in favor of a lesbian couple in a case in Aguascalientes, allowing one woman's biological child to be registered as a child of both.

Furthermore, the Supreme Court also issued a ruling in 2019 requiring the establishment of clear guidelines on legal gender recognition. Seventeen states have passed laws permitting transgender people to change their names and gender markers on birth certificates; however, some states, like Guanajuato, have yet to align their state laws with the ruling.¹⁸⁶ Human Rights Watch and Amicus DH interviewed trans individuals in Guanajuato to understand the impact of a lack of legal gender recognition

¹⁸² The Advocates for Human Rights. (2022, January 24). *Mexico's Compliance with the Convention Against Torture Suggested List of Issues Prior to Reporting*. 73rd Session of the Committee Against Torture 19 April–13 May 2022. <https://www.theadvocatesforhumanrights.org/Res/Mexico%20CAT%20LOIPR%20FINAL.pdf>

¹⁸³ Ek Colli, V.M., (n.d.). *Improving Human Rights in Mexico: Constitutional Reforms, International Standards, and New Requirements for Judges*. <https://www.corteidh.or.cr/tablas/r30492.pdf>

¹⁸⁴ Mexico: Same-Sex Marriage Constitutional Initiative Rejected. (2016, November 10). Retrieved December 8, 2022, from <https://www.telesurenglish.net/news/Mexico-Same-Sex-Marriage-Constitutional-Initiative-Rejected-20161110-0002.html>

¹⁸⁵ Human Rights Watch. (2021, December 10). Mexico: Events of 2021. Human Rights Watch. <https://www.hrw.org/world-report/2022/country-chapters/mexico>

¹⁸⁶ Mexico: Barriers for Trans People in Guanajuato State. (2022, June 21). Human Rights Watch. <https://www.hrw.org/news/2022/06/21/mexico-barriers-trans-people-guanajuato-state>

procedure in April 2022. They learned that because legal documents could not be amended to reflect a person's gender identity, they faced discrimination and humiliation in the workplace or during the application process for new positions. Similarly to same-sex couples who wish to marry, transgender individuals who want to correct their gender markers on legal documents must initiate *amparo*. However, this injunction procedure can be emotionally taxing for the individual who initiates it. Juan Pablo Delgado, executive director of Amicus D.H. believes it would be easier for the state and its residents to have an administrative procedure for gender recognition in place.

Though Mexico does not have national LGBTQI+ hate crime laws, Mexico City recognizes hate crimes based on sexual orientation and gender identity. Mexico's National Human Rights Commission (Comision Nacional de Derechos Humanos; CNDH) monitors and investigates reported human rights violations against sexual and gender minorities. CNDH is also tasked with promoting human rights through education and programming. The National Council to Prevent Discrimination (Ley Federal para Prevenir y Eliminar la Discriminacion) is responsible for providing bias and sensitivity training to public servants, like the Federal Ministerial Police. Furthermore, victims of hate crimes are eligible for legal assistance and emergency health services.¹⁸⁷

Women

The General Law on Women's Access to a Life Free of Violence allows for the provision of specialized care and legal advice to survivors of intimate partner violence and establishes shelters for survivors and their families.¹⁸⁸ Article 14 of the General Law also states that federal entities must "strengthen the criminal and civil framework to ensure punishment for those who engage in harassment or persecution." Still, the criminal justice system fails women who are victims of violence. Forensic and criminal investigators lack the training and resources to conduct criminal investigations. The perpetrators of violence against women are also law enforcement officials who target

¹⁸⁷ The World Bank. (n.d.). Protection from Hate Crimes.

<https://thedocs.worldbank.org/en/doc/f03e36335f388347d086f66e2a3aac4-0200022021/original/EQOSOGI-139-156.pdf>

¹⁸⁸ Secretaria de Relaciones Exteriores. (n.d.). *General Law on Women's Access to a Life Free of Violence*. http://www.summit-americas.org/brief/docs/Law_on_access_to_a_life_free_violence.pdf

low-income women, female sex workers, and women who do not conform to gender stereotypes. Furthermore, discrimination and harassment in the workplace prevent women from remaining in the formal labor market. Women have to navigate complex legal mechanisms to hold employers accountable.

INL might prioritize addressing the efficacy of the programs and initiatives outlined in the General Law. For instance, investigating gender violence alerts that are intended to mobilize law enforcement during an active crime. Abuse and corruption among law enforcement are rampant, and it may be helpful to review past programs intended to mitigate these issues, like the temporary National Program on Public Security, to understand its efficacy and areas for improvement.

Women in Mexico

Women make up 51.2% of the population in Mexico.¹⁸⁹ Women are increasingly accessing higher education, yet 75% of women with a college degree do not have paid jobs in the formal economy.¹⁹⁰ Women with college degrees who did work full-time earned 66% of men's earnings. Though roughly half of Mexico's Congress are women, and seven out of the 32 governors are women, few hold positions of power in boards and executive committees. Furthermore, the femicide rate increased from 427 reported victims in 2015 to 1,004 in 2021, a 135% increase.¹⁹¹

Women and the criminal justice system

Mexican legislators formed a commission on femicide, the gender-motivated murder of a woman, in the early 2000s following an increase in gender-related murders in the state of Chihuahua in the late 1990s and early 2000s.¹⁹² The General Law for Women's Access to a Life Free of Violence was signed into law in 2007, creating gender violence alerts that direct local, state, and federal authorities to coordinate emergency response

¹⁸⁹ Population, female (% of total population) - Mexico | Data. (n.d.). Data.worldbank.org. <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=MX>

¹⁹⁰ Women in the Workforce - Mexico: Quick Take - Catalyst. (2019). Catalyst. <https://www.catalyst.org/research/women-in-the-workforce-mexico/>

¹⁹¹ Adams, O. (2022, June 6). Understanding the dynamics of femicide of Mexico | Mexico Peace Index. Vision of Humanity. <https://www.visionofhumanity.org/understanding-the-dynamics-of-femicide-of-mexico/>

¹⁹² Sanchez, F. Pesce, F. (2022, December 27). Why Mexico has made little progress on femicide. *PBS NewsHour*. <https://www.pbs.org/newshour/world/femicides-in-mexico-little-progress-on-longstanding-issue>

mechanisms and address biases in access to justice. Femicides have garnered more attention in recent years due to their prevalence and the inability of Mexican authorities to deter and properly investigate them and protect women. Cases like those of Ingrid Escamilla, who was found murdered and dismembered in 2020, and Fatima Cecilia, a 7-year-old who was also murdered that year, culminated in the “Day without Women March” in 2020. A 2018 INEGI survey estimates that 45% of women in Mexico have been victims of intimate partner violence. State prosecutors decide which murders involving women will be investigated and charged as femicides. All 32 Mexican states vary in the type and enforcement of their criminal laws and the capacity of their law enforcement institutions.¹⁹³ Some states have a significantly higher amount of funds allocated to their state prosecutors’ offices compared to others, which may impact their ability to properly investigate femicide. As of 2019, 19 out of 32 state-level entities had a special prosecutor’s office specifically tasked with handling cases of femicide. Studies investigating the impact of a formally designated, specialized prosecutor’s office have found that, on average, states with special prosecutor offices are more likely to conduct femicide investigations compared to similarly violent states that do not. Qualitative findings suggest that special prosecutor offices tend to have more specially trained personnel that can identify femicides and gender-related crimes compared to states without these offices. Successful special prosecutor offices take the time to build the capacity to properly investigate gender-related crimes via specialized trainings and carefully designed data monitoring mechanisms.¹⁹⁴ However, the rate of femicide investigations leading to criminal convictions also largely depends on the efficacy of other law enforcement units, like forensic and criminal investigators.

An investigative report conducted by Amnesty International in 2020 found that authorities repeatedly fail to properly examine crime scenes, secure evidence, or conduct forensic tests resulting in a significant loss of data. Victims’ families often take on the role of investigating their loved one’s murders.¹⁹⁵ According to Juan Antonio Le Clercq, a

¹⁹³ McGinnis, T., Ferreira Rodriguez, O., Shirk, D. (2022,, July). *Analyzing the Problem of Femicide in Mexico*. (Working Paper Vol.19, No. 2). Justice in Mexico Working Paper Series.

https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/220710_FEMICIDE_WKPP_Final.pdf

¹⁹⁴ Fiscalía General de Justicia del Estado de Nuevo León. 2018.

¹⁹⁵ Failings in investigations of feminicides in the State of Mexico violate women’s rights. (2021, September 20). Amnesty International.

researcher at Puebla's University of the Americas, budget cuts for state judicial offices due to the increased militarization of the police have significantly hamstrung murder and femicide investigations.¹⁹⁶

In the state of Mexico, the state's attorney general's office is burdened by an excessive workload. Its personnel also have to pay for investigative materials and equipment themselves, and their office does not have the capacity to securely store evidence.

Women and law enforcement

A qualitative research study published by Amnesty International in 2016 highlighted the myriad ways in which police subject women to physical abuse, threats of rape, and other forms of torture to encourage criminal confessions.¹⁹⁷ A significant portion of the women arrested were single mothers with a monthly income of less than \$260. Female sex workers also face discrimination by police because they are assumed to be criminals. Police attempt to conceal any signs of physical abuse or torture perpetuated by employing methods like near suffocation with a plastic bag, electric shocks, or beatings to certain parts of the body. Women who are detained by police also experience verbal sexual threats and abuse, and psychological abuse. Police also punish women who are perceived as not adhering or conforming to gender stereotypes for their non-conforming behavior. Pregnant women have also reported miscarrying as a result of torture.

While the Mexican constitution and federal law prohibit the use of torture in criminal investigations, critics have expressed that it falls short of international standards. All public servants in Mexico are obligated to report the use of torture and abuse as soon as they are made aware of it, but it seems that is rarely enforced. The National Program on Public Security (2014-2018) was developed to help create protocols to protect vulnerable groups, including women. One of the program's objectives included designing and implementing a public education campaign to eradicate discrimination

<https://www.amnesty.org/en/latest/news/2021/09/mexico-failings-investigations-femicides-state-mexico-violate-womens-rights-life-physical-safety-access-justice/>

¹⁹⁶ Morland, S. (2022, December 2). In Mexico, lack of resources aggravates impunity in gender crimes - group. Reuters.

<https://www.reuters.com/world/americas/mexico-lack-resources-aggravates-impunity-gender-crimes-group-2022-12-02/>

¹⁹⁷ Mexico: Surviving death: Police and military torture of women in Mexico. (2016, June 28). Amnesty International. Retrieved December 4, 2022, from <https://www.amnesty.org/en/documents/amr41/4237/2016/en/>

and gender-based violence in public safety institutions. Unfortunately, monitoring and program evaluation measures were never developed to address the success of these objectives. In 2015, the attorney general's office amended its forensic examination standards to ensure that women are only examined by women or a professional of their choice.

In terms of police accountability, very few complaints of torture at the hands of police have been investigated by the federal attorney general's office. For instance, in 2014, 2,403 criminal complaints were filed, and none resulted in any criminal charges, according to Amnesty International.¹⁹⁸ The organization also suggests that due to the discomfort associated with investigating one's own colleagues, public prosecutors are less likely to rigorously examine cases of police misconduct and accurately review arrest records, carry out site inspections of possible places of torture, or order forensic investigations on police vehicles.

Women and civil justice system

Employment discrimination is pervasive in Mexico and a significant barrier to achieving financial independence and upward mobility for many women. Despite the country's recent efforts to address gender inequality, Mexico still has laws in place that discriminate on the basis of gender. For instance, domestic workers, a job sector comprised of 90% women, are excluded from enjoying the basic labor rights outlined in the Federal Labor Law and the Law on Social Security.¹⁹⁹ These laws contradict the constitution, which states that all workers, including domestic workers, shall enjoy the labor rights bestowed to them in article 123, section A. According to a 2018 report published by the Agency for Sexual and Reproductive Rights, the legal mechanisms available to bring forth a case of discrimination in the workplace are ineffective.²⁰⁰ Depending on the sector, employees have different paths to legal recourse; however, these paths involve different evidentiary standards, procedures, and time frames. For instance, if an individual decides to sue their employer on the ground of discrimination

¹⁹⁸ 33 Figures as of the end of 2014, as published in Amnesty International, Paper promises, Daily Impunity/ Mexico's torture epidemic continues, October 2015 page 5.

¹⁹⁹ See Instituto Nacional de Estadística y Geografía,

²⁰⁰ Area de Derechos Sexuales y Reproductivas. (2018, June). Shadow Report on employment discrimination against women in Mexico.

https://www.ecoi.net/en/file/local/1439681/1930_1533122400_int-cedaw-ngo-mex-31406-e.pdf

in civil court, the plaintiff will likely receive punitive damages, but not be reinstated. In contrast, if an individual decides to sue using labor law, they will likely be reinstated and receive lost wages, but receive nothing for punitive damages. Additionally, private employers are not subject to punitive fines if found guilty of harassment or discrimination. The maximum fine, according to Federal Labor Law, is \$20,000. Another issue involving cases of harassment or discrimination in the workplace involves CONAPRED, the federal agency tasked with investigating cases of discrimination filed against companies, federal institutions, and public servants. Though the agency reported the number of complaints related to employment discrimination that were filed from 2011-2017, it has not published any information regarding the outcomes of these cases. Another relevant issue associated with promoting gender inclusion in the workplace has to do with the voluntary mechanism through which public and private institutions can obtain a certificate that proves they are an equal-opportunity workplace. Businesses and public institutions are not obligated to provide data regarding workforce demographics or salary information but can receive a certification if they express that they will make formal changes to increase workforce diversity. Employers can state they will make changes without providing information about how they will increase the number of women in their company or in leadership positions.

Migrants

The Federal Code of Criminal Procedure allows migrants to report a crime that occurred in a different region and prosecutors to gather evidence in advance if any witnesses cannot stay in a jurisdiction long-term. Migrants who are victims of crime can access resources and help at a special prosecutor's office. There are coordination issues involving prosecutors and state and federal authorities. In some states, federal and state-level authorities refer criminal investigations to one another, delaying the process. Another critical gap to access to justice is the continual abuse of power among local and state police. Authorities have been accused of colluding with cartels to extort migrants.

It may be beneficial for INL to gather more information about the conflict of jurisdiction in investigating crimes against migrants. It appears that cases of crimes against migrants related to organized crime-related offenses are not always sent to the

appropriate department.²⁰¹ Furthermore, there is no standardized communication procedure that helps facilitate coordination between the state and federal police, the INM, and the Attorney General's office. Another issue of concern relates to the lack of transparency involving the INM Beta Groups in charge of forwarding reported crimes to investigation units.²⁰² INL might prioritize revising the information collected by Beta Groups and standardizing the process for communicating crimes.

Migrants in Mexico

Mexico has been experiencing an influx of migrants since 2014. Migrants are typically fleeing from Guatemala, El Salvador, Honduras, and Venezuela.²⁰³ Many migrants enter Mexico through Tapachula, Chiapas where 70% of migrants apply for refugee status.²⁰⁴ Migrants have reported that INM agents attempted to dissuade them from seeking refugee status in Mexico and pressured them to return to their countries. In 2021, an estimated 90,000 people applied for refugee status in Chiapas, and a majority waited months for their applications to be reviewed. While awaiting legal status, they faced discrimination, and many could not secure housing or work. Support programs provided to migrants by UNHCR and the Mexican government are insufficient. The Mexican Commission for Refugee Assistance (COMAR) has a limited budget and does not have the capacity to process the growing number of backlogged refugee status applications.²⁰⁵

Migrants and the criminal justice system

The Mexican government has attempted to address the increased number of crimes against migrants via special prosecutor's offices and investigative units. Chiapas, Oaxaca, Veracruz, Coahuila, Tabasco, Campeche, and Quintana Roo have opened offices tasked with investigating crimes against migrants. A 2017 study sponsored by

²⁰¹ Meyer, M., Knippen, J., Diaz, A., Suarez, X., (2017, July). Access to Justice for Migrants in Mexico. WOLA. https://www.wola.org/wp-content/uploads/2017/07/Access-to-Justice-for-Migrants_July-2017.pdf

²⁰² *Ibid*

²⁰³ Isacson, A. (2022, November 23). Migration, country by country, at the U.S.-Mexico border. WOLA. <https://www.wola.org/2022/11/migration-country-by-country-at-the-u-s-mexico-border/>

²⁰⁴ Mexico: Asylum Seekers Face Abuses at Southern Border. (2022, June 6). Human Rights Watch. <https://www.hrw.org/news/2022/06/06/mexico-asylum-seekers-face-abuses-southern-border#:~:text=Most%20of%20those%20entering%20the>

²⁰⁵ *Ibid*

organizations like the Washington Office on Latin America and Fundar Center de Analisis e Investigacion, revealed police involvement in crimes against migrants, a need for improved sensitivity training and funds to strengthen staff capacity, and a lack of coordination between prosecutors and other state and federal authorities.

The most common crimes against migrants were violent robberies and assaults, some of which were crimes perpetuated by cartels with the assistance of federal and state authorities. Migrants traveling by bus would be stopped by law enforcement, forced off and beaten. Cartel members would then rob, kidnap them, or charge fees to let people continue to travel through Mexico. Interviews conducted by the Migrant Orientation Center also reveal collusion between INM agents and bus drivers who allow migrants to be detained and searched. Due to the fear that all law enforcement officials are colluding with criminal groups, migrants rarely report crimes to the authorities. Additionally, because crimes often happen in isolated areas or while migrants are traveling across state borders, prosecutors claim that it is difficult to efficiently investigate crimes. Another barrier to reporting occurs because civil society organizations have limited or restricted access to migrant detention centers, leaving many to report to INM agents who rarely submit complaints to Mexico's National Human Rights Commission.

The special prosecutors in charge of investigating crimes against migrants are often hired due to nepotism and not because of their qualifications or experience dealing with issues related to migrants. Special prosecutor's offices often have personnel that lack proper training and sufficient financial resources. On the other hand, states like Coahuila provided multiple sensitivity training courses to their staff and awareness-building activities for officials to provide better services to migrants. Furthermore, the Federal Attorney General's Office's Unit for Investigation of Crimes for Migrants (UIDPM) does not have the resources to investigate crimes against migrants perpetrated by transnational criminal networks. While this unit investigates all cases involving migrants, some state attorney generals are unaware that the UIDPM exists. Interviews with migrants and Mexican authorities also revealed that most officials believe criminal investigations do not proceed because migrants do not remain in the location in which they reported a crime. However, according to the Federal Code of Criminal Procedure, prosecutors can gather evidence before a trial if it is likely that a

witness will not be able to appear at a hearing because they live abroad or fear for their life.

Migrants and law enforcement

Human Rights Watch has reported that asylum seekers forced to remain in Mexico face violence and extortion by Mexican police and immigration agents.²⁰⁶ Migrants remaining in Mexico have expressed that Mexican immigration agents or police officers had removed them from buses, or detained them at bus stations, near hotels, or border crossings and threatened deportation or to turn them over to drug cartels if they did not pay them a bribe. These bribes ranged from \$100 to \$6,000 USD.

In 2021, a dozen members of the Special Operations Group (GOPES) were implicated in the murders of 14 Guatemalan migrants and two Mexicans in Tamaulipas.²⁰⁷

Tamaulipas business association had complained of criminal behavior perpetrated by officers in the GOPES unit when they were known as the CAEIT, yet they were ignored. Members of this state police unit had also been under investigation for the murders of eight people in the city of Nuevo Laredo in 2019. Still, only two members were in custody facing criminal charges. Activists claim that it is common practice for federal authorities to change the names of rogue militarized police forces instead of dissolving them.

Migrants and the civil justice system

The Migration Act and the General Population Act regulate Mexico's legal policy on immigration. Other laws governing the rights of migrants in Mexico include the Federal Constitution, the Law of Nationality and Naturalization, and the Refugees and Complementary Protection Law. In January 2021, Mexico implemented a series of legal reforms to protect migrant children.²⁰⁸ Mexico prohibits immigration detention for all migrant children. Immigration cases involving youth are also managed by Child Protection Officers, instead of the INM.

²⁰⁶ Human Rights Watch. (2021, March 5). Mexico: Abuses Against Asylum Seekers at US Border. Human Rights Watch. <https://www.hrw.org/news/2021/03/05/mexico-abuses-against-asylum-seekers-us-border>

²⁰⁷ Pena, A., Stevenson, M. (2021, February 10). *History of abuse for Mexican police unit in migrant massacre*. <https://apnews.com/article/police-mexico-victoria-massacres-texas-ea8622410ccdc3fc9b0eb11dd974b8a8>

²⁰⁸ Key points on access to asylum in Mexico, protections for migrant children, and U.S. cooperation. (2021, March 23). WOLA. <https://www.wola.org/analysis/key-points-migration-march-2021/>

Peru

General Trends in Peru

The Republic of Peru is a constitutional democracy with a presidential system and three branches of government. While the country has 25 regions, Peru is a unitary country with centralized control maintained in Lima. Further, Peru's legal system maintains a civil law tradition, meaning that laws are codified via written statutes and codes rather than created through judicial determinations.²⁰⁹

Peru's constitution provides the right to a fair and public trial with the presumption of innocence for all defendants. Further, the government must promptly detail criminal charges and ensure a speedy trial. Defendants have the right to be present at their trial and the right to an attorney. If a defendant cannot afford an attorney, one is provided at public expense. However, these attorneys often maintain excessive caseloads or receive poor legal training. Additionally, defendants have a right to a trial in their native languages. Judicial corruption is reported as common, threatening judicial legitimacy and equal protection.²¹⁰

Government corruption remains a critical problem in Peru. For instance, many of the country's most senior political officials have been accused of bribery and corruption after Brazilian-based Odebrecht SA was identified as having paid \$780 million in bribes across Latin America.²¹¹ However, law enforcement frequently investigates and prosecutes these allegations.²¹² In December 2022, Peruvian President Pedro Castillo was arrested after declaring a nationwide state of emergency during an attempt to dissolve Congress, which was threatening to impeach him.²¹³ The political and

²⁰⁹ "Research Guides: Peruvian Legal Research: Basic Legal Structure." *Basic Legal Structure - Peruvian Legal Research - Research Guides at Harvard Library*, <https://guides.library.harvard.edu/law/peru>.

²¹⁰ *Peru 2021 Human Rights Report - U.S. Department of State*, https://www.state.gov/wp-content/uploads/2022/02/313615_PERU-2021-HUMAN-RIGHTS-REPORT.pdf.

²¹¹ Chavkin, Fergus Shiel and Sasha, et al. "Bribery Division: What Is Odebrecht? Who Is Involved?" *ICIJ*, 26 June 2019, <https://www.icij.org/investigations/bribery-division/bribery-division-what-is-odebrecht-who-is-involved/>.

²¹² "Peru: Freedom in the World 2021 Country Report." *Freedom House*, <https://freedomhouse.org/country/peru/freedom-world/2021>.

²¹³ Buschschlüter, Vanessa. "Peru's Political Crisis: Jaw-Dropping Twists and Turns." *BBC News*, BBC, 15 Dec. 2022, <https://www.bbc.com/news/world-latin-america-63971274>.

diplomatic state of Peru remains fraught, with widespread protests across the country and neighboring countries opposing his removal as “undemocratic harassment.”²¹⁴

The Peruvian constitution safeguards freedom of expression, including for members of the press.²¹⁵ However, Human Rights Watch notes that threats to freedom of expression in Peru exist, particularly relating to journalists threatened by broad criminal defamation laws.²¹⁶

The Ministry of Women and Vulnerable Populations of Peru is the governing body for national priorities on gender and other marginalized communities. The Ministry has a mission of designing, establishing, promoting, executing, and supervising public policies that support women, girls, children, seniors, people with disabilities, and migrants, among other groups. Further, their work seeks to “guarantee the exercise of their rights and a life free of violence, vulnerability and discrimination within the framework of a culture of peace.”²¹⁷

In March 2020, Peru’s Congress enacted the Police Protection Act (Law No. 31012). This law explicitly revokes a prior decree requiring that the use of force by police be proportionate to the threat. The new law states that police cannot be held criminally liable for injuries or death caused “when fulfilling their constitutional duty” and use of their weapons “in accordance with regulations.” Further, it binds judges to interpret “in favor of the police” when determining whether police actions are “reasonable” under the circumstances and the officer’s perception and knowledge at the time. The law appears to be in controversy with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which states that officers should avoid utilizing force unless other means are ineffective and should only act in proportion to the seriousness of the offense.²¹⁸

²¹⁴ Person, and Marco Aquino. “Castillo Jail Term Extended as Peru Protest Death Toll Hits 15.” *Reuters*, Thomson Reuters, 16 Dec. 2022, <https://www.reuters.com/world/americas/peru-protests-grind-despite-state-emergency-court-mulls-prison-former-president-2022-12-15/>.

²¹⁵ *2021 Country Reports on Human Rights Practices*. <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/>.

²¹⁶ “World Report 2022: Rights Trends in Peru.” *Human Rights Watch*, 13 Jan. 2022, <https://www.hrw.org/world-report/2022/country-chapters/peru#e81181>.

²¹⁷ “Ministry of Women and Vulnerable Populations of Peru.” *Innovations for Poverty Action*, 7 June 2018, <https://www.poverty-action.org/organization/ministry-women-and-vulnerable-populations-peru>.

²¹⁸ “Peru: Law Protects Abusive Policing.” *Human Rights Watch*, 28 Oct. 2020, <https://www.hrw.org/news/2020/05/12/peru-law-protects-abusive-policing>.

Further, conditions within Peruvian prisons are poor due to overcrowding, improper sanitation, corruption among guards, and improper care of prisoners. In 2020, the prison population was identified as 97,345 persons, far exceeding the maximum capacity of 40,300.²¹⁹

Indigenous Communities

Indigenous peoples' in Peru have developed autonomous organizations to fill gaps in criminal justice services, but still face language barriers, discrimination, and disproportionate prosecution within the federal justice system. Further, law enforcement and other state actors have engaged in violence against indigenous peoples for protesting discrimination and environmental concerns.

Peru is home to one of South America's largest indigenous populations with 7.5 million indigenous people in the country of nearly-34 million inhabitants.²²⁰ These millions belong to 55 indigenous groups, speak 47 indigenous languages, and mostly reside in rural, and often remote, areas of the country.²²¹

Peru voted in favor of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.

Criminal Justice System

As adopted in 1993, Peru's constitution provides that "Campesino and Native communities have legal existence and are legal persons. They are autonomous in their organization, communal work, and the use and free disposition of their lands, as well as in economic and administrative matters..." Further, the constitution provides that indigenous communities "can exercise judicial functions within their territory, in accordance with customary law, so long as they do not violate the fundamental rights of people." This, as well as Law 27908, includes legal recognition of the Rondas Campesinas, autonomous rural patrol units that "function relative to communal peace

²¹⁹ Fair Trials. "Commentary: The Response to Covid-19 in Peru's Prisons." *Fair Trials*, Fair Trials, 17 Dec. 2021, <https://www.fairtrials.org/articles/news/commentary-response-covid-19-perus-prisons/>.

²²⁰ Amparo Cruz-Saco, Maria, and Joanne Toor Cummings. *Indigenous Communities and Social Inclusion in Latin America*. United Nations Expert Group Meeting on Families and Inclusive Societies, <https://www.un.org/development/desa/family/wp-content/uploads/sites/23/2018/05/2-1.pdf>.

²²¹ *Indigenous Peoples in Peru*. International Work Group for Indigenous Affairs (IWGIA), <https://www.iwgia.org/en/peru.html>.

and security within their territory.” Thus, indigenous communities can police their territories with constitutionally recognized autonomy.²²²

As previously mentioned, defendants have a right to a trial in their native languages. However, interpretive services are not always available, particularly given the many indigenous languages that exist; 46 native languages are officially recognized by the Peruvian government.²²³ Yet, progress is slowly being made on this front. In 2019, a court in northern Peru made headlines for issuing a ruling entirely in Quechuan, a language native to the Andean region. It was then noted by the ruling magistrate judge that the aim was to “increase inclusion and access to justice for more Peruvians.”²²⁴

In addition to these constitutional provisions, Peru maintains another non-state judicial system for rural communities in criminal matters. Rural Centers for the Administration of Justice are made up of community leaders that hear criminal cases such as domestic violence, assault, and thefts in indigenous languages. Decisions are subsequently recorded in Spanish to ensure legal recognition by the state.²²⁵ Further, a movement between the Ethnic Council of the Kichwa Peoples of the Amazon, the Federation of Native Communities of Ucayali and Tributaries, the Forest Peoples Programme and the Institute of Legal Defense is working to safeguard and preserve indigenous justice by prioritizing “resolution of conflicts through traditional and peaceful mechanisms, and without contemplating violence or other types of aggression that could be used against [indigenous communities], whether through criminalization by the state justice system or other types of harassment.”²²⁶

Like many places, Peru has a history of human rights abuses against indigenous communities. Former President Alberto Fujimori was sentenced to 25 years in prison in

²²² “Peru’s Plurinational Debate on Indigenous Law.” *Opinio Juris*, 11 July 2022, <https://opiniojuris.org/2022/07/11/perus-plurinational-debate-on-indigenous-law/>.

²²³ *The Indigenous World 2021 - International Work Group for Indigenous Affairs*. https://www.iwgia.org/doclink/iwgia-book-the-indigenous-world-2021-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWliOiJpd2dpYS1ib29rLXR0ZS1pbmRpZ2Vub3VzLXdvcmxkLTlwMjEtZW5nliwiaWF0IjoxNjI4ODM5NjM2LjE4IiwiaXNjaW50eX8ve88y6v0vmwDu_51JQ_lwAkM.

²²⁴ Elsewhere..., News from. “Peruvian Court Rules in Language of the Incas.” *BBC News*, BBC, 19 July 2019, <https://www.bbc.com/news/blogs-news-from-elsewhere-49046742>.

²²⁵ “Alternative Justice in Peru.” *IADB*, <https://www.iadb.org/en/news/alternative-justice-peru>.

²²⁶ *New Tool: “Where There Are No Judges or Police: The Administration of ...* <https://www.forestpeoples.org/en/new-tool-for-defending-indigenous-justice-peru>.

2009 for murder, kidnapping, and corruption related offenses, including forced sterilizations of indigenous women. The Peruvian Ministry of Justice reported in 2019 that over 5,000 people have registered as victims of forced sterilization between 1995 and 2001. While he was initially incarcerated for these crimes, Fujimori was subsequently released from prison in 2019. This example, as well slow-to-little progress in the prosecution of other political leaders allegedly responsible for extrajudicial killings, enforced disappearances, and torture, have left indigenous communities feeling cynical of Peruvian criminal justice.²²⁷

Criminal prosecution of indigenous peoples for political protests is common and the government's response is seen as disproportionate. In 2009, members of the Awajun and Wambis communities blocked a road into the Amazonian Forest intended for privatized extraction uses. During a clash with police, 12 police officers and 10 community members were killed. No charges were filed in relation to the 10 indigenous individuals killed, but 24 indigenous and 29 Mestizo men were charged. Some of those accused had not even taken part in the protest. In September 2016, lawyers representing these individuals successfully argued that the arrests were conducted without sufficient evidence and a judge absolved the defendants in the case. However, the hearings were significantly delayed until 2014 due to the court's inability to provide interpretive services to the accused in their native language. During that period of seven years, the men suffered significant injury while incarcerated and one man died while awaiting trial.²²⁸

In addition to these abuses conducted by state actors, indigenous communities are increasingly threatened by violence and hate crimes from natural resource extractors and drug traffickers. State prosecutors and law enforcement are slow to respond to, and sometimes even appear to support, these acts of violence. In 2009, indigenous communities protested laws which allowed private actors to develop their lands without

²²⁷ "World Report 2021: Rights Trends in Peru." *Human Rights Watch*, 13 Jan. 2021, <https://www.hrw.org/world-report/2021/country-chapters/peru>.

²²⁸ *Observations on the State of Indigenous Human Rights in Peru, Prepared for the 28th Session of the United Nations Human Rights Council Universal Periodic Review, March 2017*. Cultural Survival, <https://www.culturalsurvival.org/sites/default/files/Peru%20upr%202017.pdf>.

their approval. After these protests, Peru's Congress unanimously approved the Law on Prior Consultation with Indigenous Communities in August 2011. This historic piece of legislation intended to grant indigenous communities prior consultation and involvement in decision-making processes for development projects which affected their communities and territories.²²⁹ However, conflict is again on the rise. In January 2021, environmental and human rights defenders in the northern region of Lambayeque were harassed and targeted by the police for opposing the development of a hydro dam within the Chaparrí Private Conservation Reserve. Human rights defender Wilson Bautista Sanchez was threatened with arrest without an order for alleged illegal mining and logging. He was attacked and injured by the Environmental Unit of the National Police but not detained.²³⁰ In March 2021, an Ashaninka woman Estela Casanto Mauricio was kidnapped from her home and beaten after receiving threats from persons interested in her land.²³¹ Furthermore, indigenous communities are increasingly threatened by violence from drug traffickers, particularly since the COVID-19 crisis. At least 100 indigenous communities in the central Amazon have been threatened by invading coca farmers and drug trafficking gangs. One such community, Flor de Ucayali, was threatened by drug traffickers for reporting incursions to state authorities and subsequently imposed a three-month curfew on its 265 residents, requiring men to perform night guard duties while women and children slept in the village hall. While the community requested state protection, they were rebuffed by the state given their three-hour distance from the regional capital.²³² A report in 2013 by Front Line Defenders even suggested that agreements exist between the national police and mining companies, contracting police protective services as a private security agency might

²²⁹ "Peru: New Law Granting Right of Consultation to Indigenous Peoples." *The Library of Congress*, <https://www.loc.gov/item/global-legal-monitor/2011-09-27/peru-new-law-granting-right-of-consultation-to-indigenous-peoples/>.

²³⁰ "THREE DEFENDERS KILLED AS ATTACKS ON INDIGENOUS COMMUNITIES INCREASE IN THE PERUVIAN AMAZON." *Civicus*, 9 Apr. 2021, <https://monitor.civicus.org/updates/2021/04/09/three-defenders-killed-attacks-indigenous-communities-increase-peruvian-amazon/>.

²³¹ *Ibid.*

²³² Collyns, Dan. "Peru Drug Traffickers Ramp up Violence against Indigenous Groups." *Context*, Context, 28 June 2022, <https://www.context.news/nature/peru-drug-traffickers-ramp-up-violence-against-indigenous-groups>.

provide.²³³ These crimes targeting indigenous communities have spurred the United Nations to call on Peru to address this development-driven conflict and violence.²³⁴

Information regarding the treatment and prevalence of incarcerated indigenous peoples, the existence of anti-hate crime laws and prevalence of hate crime prosecutions, the existence of bias training for judges and legal staff, and the specific statistics relating to the representation of indigenous persons within court administration and legal profession could not be identified.²³⁵

Law Enforcement

Given that these communities often live in remote areas of Peru, state police are limited in their access to and ability to properly enforce and protect indigenous peoples. As a result, and as previously mentioned, the Peruvian constitution and laws recognize the authority of autonomous rural patrol units known as Rondas Compesinas to maintain peace and security within their territories.²³⁶ These groups are composed of volunteering peasant (often indigenous) men. The groups were initially a response to theft and terrorism perpetrated on rural communities in the 1980s by groups such as the Shining Path. By 1996, there were 5,786 patrol units with 400,360 members across Peru.²³⁷

However, there are numerous historical cases of state law enforcement and indigenous communities clashing in violence. For instance, in June 2009, police officers reportedly attacked a peaceful protest over oil and gas projects in the Amazon to clear a road blockade, resulting in 22 protestors and nine police officers being killed and many others wounded.²³⁸ But recently, conflicts over development issues and COVID-19 disparities have caused a resurgence of clashes. In August 2020, 100 indigenous people

²³³ Peru. Front Line Defenders, 10 Aug. 2022, <https://www.frontlinedefenders.org/en/location/peru>.

²³⁴ "Peru: Land and Environmental Defenders Are at Risk, Says UN Expert." *OHCHR*, 3 Feb. 2020, <https://www.ohchr.org/en/press-releases/2020/02/peru-land-and-environmental-defenders-are-risk-says-un-expert>.

²³⁵ "Latin America: Justice Deserved for Indigenous Prisoners." *Nederlandse Grondwet*, https://www.denederlandsegrondwet.nl/id/vhsrk4zm8az2/nieuws/latin_america_justice_disserved_for?ctx=vhr7fmg2fvvo&start_tab0=580.

²³⁶ "Peru's Plurinational Debate on Indigenous Law." *Opinio Juris*, 11 July 2022, <https://opiniojuris.org/2022/07/11/perus-plurinational-debate-on-indigenous-law/>.

²³⁷ Escalante, Edwar E. *Night Watchers and Terrorists*. *Journal of Economic Behavior & Organization*, 4 Feb. 2020, <https://www.sciencedirect.com/science/article/abs/pii/S0167268119304135>.

²³⁸ "Indigenous Tribes Clash with Police in the Amazon." *The Guardian*, 5 June 2009, <https://www.theguardian.com/world/2009/jun/05/amazon-tribes-police-protest-deaths>.

entered the grounds of Canadian-owned PetroTal's oil drilling operations in Loreto to demand that the company and the government provide support promised to the community when the operations began in 2018. This support was seen as urgently needed during the height of the COVID-19 pandemic, which disproportionately affected Peru's indigenous communities. Further, the group sought to highlight the pollution affecting their community due to oil drilling. The police response to the protest left three indigenous people dead and 17 injured, including six police officers.²³⁹ Furthermore, in June 2022, the Apurimac community in the southern highlands took control of a Chinese-owned copper mine. The indigenous community demanded compensation for the environmental and social harms caused by the mine, claiming that prior promises to the community were not being met. In response, the National Police attempted to clear the protestors from the mine to resume operations, resulting in three injured and 11 arrested.

Information relating to bias and equity training for police officers, the vulnerability of this marginalized population to targeting by organized crime, and specific statistics relating to disproportionate legal penalties levied to indigenous populations could not be identified.

Civil Justice System

In addition to the alternative systems of justice available within criminal matters, indigenous communities maintain "jueces de paz" (justices of the peace) who are elected lay magistrates that act as arbitrators. These magistrates have limited jurisdiction related to matters such as debts or alimony. Peru's Code of Civil Procedure instructs them to apply local culture and practices, but they are also governed by numerous state laws and regulations. Upwards of 4,000 justices of the peace serve nearly half of Peru's population.

Information related to the financial feasibility of indigenous persons accessing systems of justice could not be identified.

²³⁹ "RFN Deeply Concerned after Protests in Peru Leaves Three Indigenous People Dead." *The Rainforest Foundation*, <https://www.regnskog.no/en/news/rfn-deeply-concerned-after-protests-in-peru-leaves-three-indigenous-people-dead>.

LGBTQI+ Individuals

While same-sex sexual acts have long been legalized and transgender persons can access gender-affirming legal recognition, members of the LGBTQI+ community appear to distrust Peru's criminal justice system due to the appearance of targeted prosecution, a lack of enforcement for acts of violence committed against them, and because of discriminatory actions of the judiciary. Justice is often achieved only through access to international courts. These conditions are far more dire for transgender persons.

1.7 million Peruvians identify as LGBTQI+ and 71% of Peruvians believe that the LGBTQI+ community is discriminated against in Peru.²⁴⁰ The country ranks 65th in the world for social acceptance of LGBTQI+ people and has made little improvement in social acceptance between 2010 and 2020, according to a report conducted by the Williams Institute at the UCLA School of Law.²⁴¹ It is one of the few countries in South America where same-sex marriages and civil unions are not lawful.²⁴² In November 2021, the Constitutional Tribunal denied recognition of a same-sex couple that had been married abroad, even though in recent years courts have recognized these marriages entered into abroad.²⁴³

Criminal Justice

Same-sex sexual acts have been legal since the adoption of the 1924 Penal Code. However, there are some instances of prohibitions on “obscene exhibitions and publications” within Article 183 of the Penal code being used as the legal basis for state

²⁴⁰ Bartesaghi Mena, Diego Jesús. *In Peru, LGBTQI+ Rights' Battle Intensifies Following Exclusion in Government Resolution*. Latino Rebels, 28 July 2020, <https://www.latinorebels.com/2020/07/28/perulgtbi/>.

²⁴¹ “Social Acceptance of LGBTQI+ People in 175 Countries and Locations.” *UCLA Law Williams Institute*, 28 Oct. 2022, <https://williamsinstitute.law.ucla.edu/publications/global-acceptance-index-LGBTQI+/>.

²⁴² *Peru*. Outright Action International, <https://outrightinternational.org/our-work/americas/peru>.

²⁴³ *World Report 2021: Rights Trends in Peru*. Human Rights Watch, 13 Jan. 2021, <https://www.hrw.org/world-report/2021/country-chapters/peru>.

prosecution or discrimination of acts such as public displays of affection.²⁴⁴ Additionally, conversion therapy remains legally protected.²⁴⁵

A survey conducted by Peru's National Institute of Statistics in March 2018 identified that over 60% of LGBTQI+ people surveyed had suffered some type of discrimination or act of violence.²⁴⁶ In 2017, the penal code was amended by the executive branch to create aggravating penalties for crimes motivated by a victim's sexual orientation.²⁴⁷ There is conflicting evidence regarding whether these protections exist to this day. It appears that these hate crime laws were quickly repealed by the Congressional Constitutional commission.²⁴⁸ Yet a report published by The Council for Global Equality provides that hate crime protections for sexual orientation exist.²⁴⁹

In 2020, Peru agreed to become a signatory to an agreement between Latin American countries regarding the rights of vulnerable communities to access specialized justice as populations with a higher risk of violence. However, Peru's Executive Council of the Judiciary agreed to sign only if LGBTQI+ individuals were excluded as a vulnerable population. At a protest in 2020, Jorge Chávez Reyes, Director of Movimiento Homosexual de Lima, expressed his displeasure at the Judiciary's decision, stating "There is no trust in the state in general. When you are part of a vulnerable population, your case is accelerated. If we are not included, hate crimes will be forgotten as it often does." After a week of protest, the judiciary retracted their objections and allowed LGBTQI+ populations to be included as a vulnerable population.²⁵⁰ However, the

²⁴⁴ CARROLL, AENGUS, and LUCAS RAMÓN MENDOS. *STATE-SPONSORED HOMOPHOBIA 2017 - A WORLD SURVEY OF SEXUAL ORIENTATION LAWS: CRIMINALISATION, PROTECTION AND RECOGNITION*. International Lesbian, Gay, Bisexual, Trans and Intersex Association (IGLA), May 2017, https://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf.

²⁴⁵ Guzmán, Esteban. *Peru Continues to Lag behind Other Latin American Countries on LGBTQI+ Rights*. Los Angeles Blade, 1 June 2022, <https://www.losangelesblade.com/2022/06/01/peru-continues-to-lag-behind-other-latin-american-countries-on-LGBTQI+-rights/>.

²⁴⁶ *World Report 2019: Rights Trends in Peru*. Human Rights Watch, 17 Jan. 2019, <https://www.hrw.org/world-report/2019/country-chapters/peru#e81181>.

²⁴⁷ *VIOLENCE AND DISCRIMINATION AGAINST LESBIAN, GAY, BISEXUAL AND TRANS (LGBTQI+) PERSONS*. PROMSEX, <https://incidenciainternacional.promsex.org/wp-content/uploads/LGBTQI+inglesPromsex.pdf>.

²⁴⁸ Anderson, Erin. *Peru's Congress Moves to Repeal Hate-Crime Legislation*. Perú Reports, 28 Apr. 2017, <https://perureports.com/LGBTQI+-congress-vote/5284/>.

²⁴⁹ *LGBTQI+ Human Rights Report Card - Prepared for the Summit for Democracy: Peru 2021*. F&M Global Barometers, <https://www.fandmglobalbarometers.org/wp-content/uploads/2021/12/Peru-FM-ReportCard.pdf>.

²⁵⁰ Bartesaghi Mena, Diego Jesús. *In Peru, LGBTQI+ Rights' Battle Intensifies Following Exclusion in Government Resolution*. Latino Rebels, 28 July 2020, <https://www.latinorebels.com/2020/07/28/perulgabi/>.

incident highlights the ongoing tensions regarding the LGBTQI+ community in the Peruvian judiciary and legal systems.

In August 2021, a judge ordered that transgender Peruvians be allowed to change their names and gender markers on national identity documents.²⁵¹ However, Peruvian hate crime laws do not recognize crimes directed at transgender people on the basis of their gender identity.²⁵² While statistics related to the prevalence of violence perpetrated on transgender people in Peru could not be identified, it is noted that 80% of reported homicide of transgender persons across the globe occur in Latin America.²⁵³

Despite legal recognition, as of 2020, there are some reports that transgender persons were facing particularly cruel conditions while incarcerated. A report entitled “Living the Days: Situation of the Female Transgender Population in Lurigancho Prison” detailed how transgender women accused of petty crimes such as theft were being held in overcrowded prison wards intended for cisgender male prisoners accused of sex crimes such as rape and pedophilia. Further, the report provides that 40% of the transgender women interviewed suffered physical violence from other inmates. According to activist Gianna Camacho, “Peru's National Penitentiary Institute (INPE) considers trans people and gays to be sexually deprived.”²⁵⁴

In September 2022, Peruvian prosecutors opened an investigation over the death and torture of a transgender Peruvian man who died in custody while vacationing in Bali, Indonesia. Rodrigo Ventocilla was detained in the airport for allegedly possessing marijuana. Days later, he died from what Indonesia officials described as a “failure of bodily functions.” His death angered the Peruvian LGBTQI+ community, who believe that diplomats are not doing enough to protect transgender Peruvian citizens abroad.

²⁵¹ *World Report 2022: Rights Trends in Peru*. Human Rights Watch, 13 Jan. 2022, <https://www.hrw.org/world-report/2022/country-chapters/peru>.

²⁵² Luhur, Winston, et al. *Research That Matters: PUBLIC OPINION OF TRANSGENDER RIGHTS in Peru*. UCLA Law Williams Institute, June 2021, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Public-Opinion-Trans-Peru-Jun-2021.pdf>.

²⁵³ Unaid.org. *The Injustices Faced by Transgender Women in Peru*. UNAIDS, 26 Apr. 2018, <https://www.unaids.org/en/resources/presscentre/featurestories/2018/april/injustices-faced-by-transgender-women-in-peru>.

²⁵⁴ *Peru Locks up Trans Women in Sex Crime Wards, Report Says*. TeleSUR, 20 Oct. 2020, <https://www.telesurenglish.net/news/Peru-Locks-up-Trans-Women-in-Sex-Crime-Wards-Report-Says-20201020-0003.html>.

An investigation was announced recently only after intense pressure from activists. Indonesian authorities are considering the case as closed.²⁵⁵

Information relating to court access, specific data relating to hate crime prosecutions, the rate of incarceration versus the general population, the ability to access fair trial systems, data relating to the existence of a representative jury or judiciary, and the existence of bias training for judges and court administration could not be identified.

Law Enforcement

LGBTQI+ activists often clash with police during protests calling for greater inclusion of LGBTQI+ persons on the national agenda. In February 2016, gay couples were beaten by police for public displays of affection during a small demonstration in Lima called “Kisses Against Homophobia.” Police had responded similarly to the event five years earlier, as well.²⁵⁶ In 2021, activists feared greater violence from state actors after journalists identified homophobic and transphobic comments made on social media in 2019 and 2020 by then-newly appointed Prime Minister Guido Bellido.²⁵⁷ However, by October 2021, Bellido was forced to resign due to a “cabinet shake-up.”²⁵⁸

In March 2020, the Inter-American Court of Human Rights issued a ruling finding Peru responsible for the rape and torture of a transgender woman at the hands of police officers in northern Peru in February 2008. While detained, police forcibly stripped, beat, and sodomized Azul Rojas Marín with a police baton. Rojas filed a complaint against the police officers two days later. While local prosecutors initially launched an investigation, they later dropped the charges. Rojas appealed their decision, but the case was dismissed by a Peruvian court in January 2009. The Inter-American Commission ordered Peru to “provide medical, psychological and/or psychiatric treatment” to Rojas

²⁵⁵ Rochabrun, Marcelo. *Peru Opens Torture Investigation over Trans Man's Death in Indonesia*. Reuters, 1 Sept. 2022, <https://www.reuters.com/world/americas/peru-opens-torture-investigation-over-trans-mans-death-indonesia-2022-09-01/>.

²⁵⁶ O'Boyle, Brendan. *Peru's LGBTQI+ Community Frustrated by Violence, Presidential Election*. Americas Quarterly, 3 Mar. 2016, <https://www.americasquarterly.org/article/perus-LGBTQI+-community-frustrated-by-violence-presidential-election/>.

²⁵⁷ Lavers, Michael K. *Peru LGBTQI+ Activists Express Concern over Country's New Government*. Washington Blade, 28 Aug. 2021, <https://www.washingtonblade.com/2021/08/03/peru-LGBTQI+-activists-express-concern-over-countrys-new-government/>.

²⁵⁸ *World Report 2022: Rights Trends in Peru*. Human Rights Watch, 13 Jan. 2022, <https://www.hrw.org/world-report/2022/country-chapters/peru>.

in addition to prosecuting the officers. It also directed Peru to track anti-LGBTQI+ violence in the country and develop a national strategy to respond to them.²⁵⁹ In November 2022, the Peruvian government issued a public statement of apology to Rojas in what was considered an unprecedented and positive act by the government. However, in the two years since the Inter-American Commission's order, the government has yet to provide medical or psychological support to Rojas and has made slow progress toward fulfilling the other requirements of the order, such as tracking violence against transgender persons.²⁶⁰

Information relating to representation within law enforcement ranks and the existence of bias and equity training for law enforcement officers could not be identified.

Civil Justice

Sexual orientation is not an enumerated ground of prohibited discrimination under the 1993 Constitution.²⁶¹ However, Article 323 of the Penal Code, adopted in 2017, bans acts of discrimination based on sexual orientation. The law is broad in its definition of discrimination such that its terms apply to employment. Aggravated penalties are available if such discrimination is perpetrated by civil servants or through violent means.²⁶²

Information related to the financial feasibility of LGBTQI+ persons accessing systems of justice could not be identified.

Women

While women representation in government and the judiciary is increasing and the government has developed programs intended to reduce the staggering rate of violence against women, gender-based violence still remains under-prosecuted and

²⁵⁹ Kessler, Jacob. *Peru Officially Apologizes to Transgender Woman for Police Abuse*. Washington Blade, 11 Nov. 2022, <https://www.washingtonblade.com/2022/11/11/peru-officially-apologizes-to-transgender-woman-for-police-abuse/>.

²⁶⁰ *Ibid.*

²⁶¹ *Peru: Country Report for Use in Refugee Claims Based on Persecution Relating to Sexual Orientation and Gender Identity*. University of Toronto Faculty of Law International Human Rights Program, 20 Nov. 2011, <https://ihrp.law.utoronto.ca/sites/default/files/documents/SOGI/Peru%20Report.pdf>.

²⁶² CARROLL, AENGUS, and LUCAS RAMÓN MENDOS. *STATE-SPONSORED HOMOPHOBIA 2017 - A WORLD SURVEY OF SEXUAL ORIENTATION LAWS: CRIMINALISATION, PROTECTION AND RECOGNITION*. International Lesbian, Gay, Bisexual, Trans and Intersex Association (IGLA), May 2017, https://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf.

under-enforced in Peru and incarcerated women face intense discrimination. Further, the United Nations has identified significant human rights violations perpetrated by law enforcement against women during national protests.

Over half of Peru's population are women. However, traditional cultural norms about the roles of women in society and within households often restrict women such that they do not have equal access to positions of power or resources. Women in Peru have disproportionately suffered from poverty and unemployment due to historical discrimination.²⁶³

Criminal Justice

Violence against women is the most widespread form of violence in Peru. According to the United Nations, one in three women in Peru will suffer from physical or sexual violence from an intimate partner.²⁶⁴ More than 60% of women in provincial Peru have experienced sexual violence at least once, a staggering number which represents the highest rate of sexual violence by any country surveyed by the United Nations.²⁶⁵ This violence is experienced across income levels, educational attainment, age, and region.²⁶⁶ Furthermore, this violence intensified during the COVID-19 pandemic, as demonstrated by emergency hotlines for gender-based violence experiencing an 88% increase in calls between 2019 and 2020.²⁶⁷ In addition to the physical and psychological harms caused by gender-based violence, there are social and economic costs borne as women and girls cannot fully participate in social and economic life within their communities. The lost

²⁶³ *Women in Peru*. Project Peru, 28 May 2022, <https://projectperu.org.uk/about-peru/women-in-peru/>.

²⁶⁴ *Combating Gender-Based Violence in Peru: Increasing Awareness and Resources to Prevent Violence against Women*. World Bank, 14 Apr. 2021, <https://www.worldbank.org/en/results/2021/04/13/combating-gender-based-violence-in-peru-increasing-awareness-and-resources-to-prevent-violence-against-women>.

²⁶⁵ Tegel, Simeon. *A Wave of Women Just Swept into Power in the 'Country of Rapists'*. VICE, 10 Dec. 2020, <https://www.vice.com/en/article/jgqj8d/a-wave-of-women-just-swept-into-power-in-the-country-of-rapists>.

²⁶⁶ *Combating Gender-Based Violence in Peru: Increasing Awareness and Resources to Prevent Violence against Women*. World Bank, 14 Apr. 2021, <https://www.worldbank.org/en/results/2021/04/13/combating-gender-based-violence-in-peru-increasing-awareness-and-resources-to-prevent-violence-against-women>.

²⁶⁷ *Women's Access to Justice in a Time of Pandemic: Programa De Las Naciones Unidas Para El Desarrollo*. United Nations Development Programme, 23 Nov. 2020, <https://www.undp.org/es/peru/news/women%E2%80%99s-access-justice-time-pandemic>.

productivity caused by violence against women is estimated to be as high as 3.7% of GDP.²⁶⁸

In 1994, Peru passed legislation which amended the jurisdiction of the police to cover complaints of domestic and sexual crimes to comply with the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (also known as the Belem do Para). Subsequently, these changes also led the Ministry of Women and Vulnerable Populations to establish women's justice centers. These government-funded centers serve as a single point of contact to integrate all steps of the criminal complaint process, bringing together police, legal, and medical services together in one place. Between 1999 and 2014, the number of centers grew to 226, covering all of Peru's regions and nearly all its provinces. Research demonstrates that women's justice centers have increased the reported number of sexual violence cases by 40% and significantly increase the probability of prosecution for sexual assault, femicide, and rape given more timely collection of evidence.²⁶⁹

In 2018, the government of Peru established the Emergence Commission to address this human rights problem with support from the World Bank. Subsequently, the commission found that between 2018 and 2019, Peru doubled its investment into gender-based violence but that most of this investment went toward protection. Only 20% of the country's resources went toward prevention of violence and nearly 75% of those funds focused on programming for adult women, such as programming on self-esteem and economic empowerment. The study further identified drivers and risks of gender-based violence and provided recommendations for prevention and response actions. The government appeared to respond to the study; after its release, the national budget increased funding for preventative measures from 20% to 50%, according to the Minister of Women.²⁷⁰ However, as of December 2020, only 59% of the indicators

²⁶⁸ *Combating Gender-Based Violence in Peru: Increasing Awareness and Resources to Prevent Violence against Women*. World Bank, 14 Apr. 2021, <https://www.worldbank.org/en/results/2021/04/13/combating-gender-based-violence-in-peru-increasing-awareness-and-resources-to-prevent-violence-against-women>.

²⁶⁹ Sviatschi, Maria Micaela, and Iva Trako. *Gender Violence, Enforcement, and Human Capital: Evidence from Women's Justice Centers in Peru*. 21 Dec. 2021, http://www.micelaasviatschi.com/wp-content/uploads/2021/12/Peru_paper_working54.pdf.

²⁷⁰ *Combating Gender-Based Violence in Peru: Increasing Awareness and Resources to Prevent Violence against Women*. World Bank, 14 Apr. 2021,

needed to properly monitor gender-based violence, as identified by UN Women, were available or lacked comparable methodologies for regular monitoring.²⁷¹

In July 2020, the election brought in a wave of women political and judicial leaders and hope that more aggressive action could be taken to reduce gender-based violence and sexism in Peru. Elvia Barrios was elected as president of the judiciary, the first woman to serve in the country's top judicial role. Further, women were elected or appointed to serve as the speaker of Congress, the presidency of the Constitutional Court, the chief prosecutor, and as defense minister.²⁷²

However, significant progress is still needed. Gender-based violence remains under-prosecuted and under-enforced. For instance, in late 2020, a defendant accused of raping a 20-year-old victim was acquitted by a judge in southern Peru on the grounds that the victim wore red lace underwear, suggesting that she was predisposed to sexual relations. The victim was plied with alcohol by the defendant until she lost consciousness; she awoke undressed in the defendant's bed. The Public Ministry and the Ministry of Women denounced the sentence and its stereotyped victim-blaming and called for a new trial. However, cases like these call into question the legitimacy and ability of the judiciary to properly protect women as victims of violence.²⁷³

Women represent over 5% of the prison population in Peru. As previously mentioned, Peruvian prisons are significantly overcrowded. Given that they represent a minority group within these institutions, women prisoners are often subjected to discrimination in that their treatment and healthcare are not properly considered. Compared to male prisoners, female inmates are more likely to suffer from physical and mental health issues due to prison overcrowding, a lack of hygiene, inadequate nutrition, and chronic non-communicable diseases. Furthermore, they are often intimidated and coerced after arrest into signing declarations of guilt and suffer sexual abuse while incarcerated. Peruvian law allows for female inmates to live with their children in prison until the

<https://www.worldbank.org/en/results/2021/04/13/combating-gender-based-violence-in-peru-increasing-awareness-and-resources-to-prevent-violence-against-women>.

²⁷¹ UN Women Data Hub - Country Fact Sheet: Peru. UN Women, <https://data.unwomen.org/country/peru>.

²⁷² Tegel, Simeon. *A Wave of Women Just Swept into Power in the 'Country of Rapists'*. VICE, 10 Dec. 2020, <https://www.vice.com/en/article/jgqj8d/a-wave-of-women-just-swept-into-power-in-the-country-of-rapists>.

²⁷³ *Colegiado Machista Absuelve a Agresor Sexual Argumentando Que Víctima Usaba Ropa Interior Roja*. Peru21, 1 Nov. 2020, <https://peru21.pe/peru/ica-colegiado-machista-absuelve-a-agresor-poder-judicial-noticia/>.

child is three years old.²⁷⁴ In December 2020, 84 mothers cared for 84 children while incarcerated.²⁷⁵ However, the unsanitary conditions along with inadequate diets and housing have significant negative impacts on the children who stay with their mothers.²⁷⁶

Further information related to the existence of alternative justice systems, access to fair trial processes, the existence of a representative jury, specific information related to bias training for judges and court administration, specific information relating to access to female attorneys, and data relating to the gender makeup of lawyers and the judiciary could not be identified.

Law Enforcement

As of 2011, 11% of the National Police of Peru's officers are women. A study conducted by the World Bank in 1998 concluded that female officers are more hardworking, honest, disciplined, and trustworthy than their male counterparts.²⁷⁷ A 2012 public opinion study by Proetica found that 66% of Peruvians view male officers as corrupt compared to 19% for female officers.²⁷⁸ Thus, Peru began increasing its female police forces. 93% of the 2,500 transit officers employed in 2011 were women and women officers across all forces are considered a frontline in combating government corruption. However, women have trouble with promotion outside of transit enforcement and in reaching supervisory posts within police ranks. Only 100 female officers had reached the administrator level within police forces by 2011.²⁷⁹

²⁷⁴ Martínez-Álvarez, B M, and A Sindeev. *Experiences of Incarcerated Mothers Living with Their Children in a Prison in Lima, Peru, 2020: A Qualitative Study*. U.S. National Library of Medicine, 19 Dec. 2021, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8802819/>.

²⁷⁵ Mangelinckx, Jérôme. "Women Deprived of Liberty and Excessive Use of Pre-Trial Detention in Peru." *Penal Reform International*, 26 Apr. 2021, <https://www.penalreform.org/blog/women-deprived-of-liberty-and-excessive-use-of-pre-trial-detention-in-peru/>.

²⁷⁶ Martínez-Álvarez, B M, and A Sindeev. *Experiences of Incarcerated Mothers Living with Their Children in a Prison in Lima, Peru, 2020: A Qualitative Study*. U.S. National Library of Medicine, 19 Dec. 2021, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8802819/>.

²⁷⁷ Karim, Sabrina. "Madame Officer: Peru's Anti-Corruption Gambit." *Americas Quarterly*, 9 Aug. 2011, <https://www.americasquarterly.org/fulltextarticle/madame-officer/>.

²⁷⁸ Tegel, Simeon. "Peru's Secret Weapon against Cop Corruption: Policewomen." *The World*, 7 June 2014, <https://theworld.org/stories/2014-06-07/peru-s-secret-weapon-against-cop-corruption-policewomen>.

²⁷⁹ Karim, Sabrina. "Madame Officer: Peru's Anti-Corruption Gambit." *Americas Quarterly*, 9 Aug. 2011, <https://www.americasquarterly.org/fulltextarticle/madame-officer/>.

In mid-November 2020, protests were widespread across Peru as citizens challenged the legitimacy of the interim presidency of Manuel Merino, as well as communicated social discontent. Peruvian women in Lima took to the streets to call for better access to judicial systems as victims of gender-based violence, femicide, and sexual violence. During these protests, two women were sexually assaulted by police during an arbitrary arrest. The protests continued, with the women of Lima further demanding police reform given this brutality against women experienced during the protests.²⁸⁰ A report from the United National High Commission for Human Rights Mission in Peru found evidence of widespread police brutality during these protests, particularly aimed at women. The report identified five cases of sexual or gender-based violence against women. Two women were stripped naked, molested, and forced to perform exercises while naked. Further, two women who were detained during the protests were kept in solitary confinement for 48 hours without access to running water or sanitary facilities. They later tested positive for COVID-19. The UN Commission determined there were reasonable grounds to believe that human rights violations were committed during the protests in November 2020 and issued recommendations to state authorities to ensure the right of peaceful assembly and expression, the defense of human rights, the limited use of force, and to ensure accountability.²⁸¹

Further, while government programs and legislation have been passed to address gender-based violence, reports suggest that a lack of true infrastructure limits enforcement. Some say it is still too difficult to report acts of violence to authorities and that police often neglect to enforce restraining orders against men for domestic violence. Additionally, unless a victim is deemed injured enough to be incapacitated for 10 days, physical abuse cases are only charged as misdemeanors.²⁸²

²⁸⁰ *Women Take to the Streets to Demand Police Reform in Peru*. TeleSUR, 25 Nov. 2020, <https://www.telesurenglish.net/news/Women-Take-to-the-Streets-to-Demand-Police-Reform-in-Peru-20201125-0009.html>.

²⁸¹ *United Nations Human Rights Office of the High Commissioner - Report of Mission to Peru 17-22 November 2020*. United Nations Human Rights, https://www.ohchr.org/sites/default/files/Documents/Countries/PE/Informe-Mission-Peru_EN.pdf.

²⁸² Godoy, Maria. *The Women of Peru Are Suffering from a 'Shadow Pandemic'*. NPR, 10 Sept. 2020, <https://www.npr.org/sections/goatsandsoda/2020/09/10/910737751/the-women-of-peru-are-suffering-from-a-shadow-pandemic>.

Information relating to existing bias and equity training for law enforcement and data relating to the prevalence of disproportionate penalties versus privileged groups could not be identified.

Civil Justice

Between 1996 and 2000, more than 272,000 rural and indigenous women were sterilized against their will under a family planning program sanctioned by then-President Alberto Fujimori. Criminal prosecution against Fujimori and other high-ranking officials have been overturned or otherwise frustrated by slow-moving courts. However, in 2003, the Inter-American Commission on Human Rights ordered Peru to compensate the family of a woman who died after being forcibly sterilized.²⁸³ Evidence of further monetary compensation to other victims of sterilization was not identified.

Abortion is considered a crime in Peru. Women who seek abortions can serve up to two years in prison, while abortion providers can be sentenced to four years imprisonment. Two exceptions to criminalization of abortion have existed since 1924, to save a woman's life or to avoid serious and permanent damage to her health. However, protocols for utilizing these exceptions were only adopted in 2014; complications and hurdles to receive lifesaving treatment still exist.²⁸⁴ In 2011, the United Nations Committee on the Elimination of Discrimination against Women ruled that Peru must amend its laws to decriminalize abortion for women who are victims of rape and incest. The UN Commission further ordered the country to ensure proper availability of abortion services under circumstances in which abortion is already legal in the country.²⁸⁵ As of 2019, it does not appear that exceptions for rape or incest have been adopted.²⁸⁶

²⁸³ *Tied down and Sterilized: Peru's Dark History of Family Planning*. Los Angeles Times, 29 Oct. 2019, <https://www.latimes.com/world-nation/story/2019-10-29/peru-forced-sterilization-alberto-fujimori>.

²⁸⁴ "Country Case-Study: Sexual and Reproductive Rights in Peru." *Privacy International*, 15 May 2020, <https://privacyinternational.org/long-read/3791/country-case-study-sexual-and-reproductive-rights-peru>.

²⁸⁵ Goldberg, Justin. "U.N. Rules That Peru Must Relax Restrictions on Abortion." *Center for Reproductive Rights*, 15 Dec. 2020, <https://reproductiverights.org/u-n-rules-that-peru-must-relax-restrictions-on-abortion/>.

²⁸⁶ "Peru." *GAPD - The Global Abortion Policies Database*, 19 July 2021, <https://abortion-policies.srhr.org/country/peru/>.

In 2005, the United Nations Human Rights Commission determined that Peru had violated the human rights of a 17-year-old girl for denying her access to a legal abortion in 2001. She was 14 weeks pregnant when doctors recommended an abortion due to an identified fatal birth defect, but the hospital refused treatment given their belief that regulations were unclear regarding the legality of the treatment. As such, the girl was forced to carry the pregnancy to term and the baby died four days after birth. The Commission ordered Peru to pay compensation to the girl in 2005. Yet, Peru did not pay as ordered until 2015 when the case was brought before the Committee by the Centre for Reproductive Rights, the Latin American and Caribbean Committee for the Defense of Women's Rights and the Counselling Centre for the Defense of Women's Rights.

Information related to the financial feasibility of women accessing systems of justice could not be identified.

Case Study Summary Table: Major Gaps in How Marginalized Groups Experience the Criminal Legal System, by Country and Group

Marginalized Group	Major Gaps in How Marginalized Groups Experience the Criminal Justice System	Major Gaps in How Marginalized Groups Experience Law Enforcement	Major Gaps in How Marginalized Groups Experience the Civil Justice System
Peru			
Indigenous Communities	<ul style="list-style-type: none"> • Interpretive services not always available for trials; • History of human rights abuses and slow to little progress in prosecution of political leaders responsible for extrajudicial killings, enforced disappearances and torture of indigenous Peruvians; • Criminal prosecution for political protests (government response to indigenous protest seen as disproportionate); • Exposure to violence and hate crimes from natural resource extractors and drug traffickers with insufficient government protection and response 	<ul style="list-style-type: none"> • State police are limited in their access to and ability to properly enforce and protect indigenous peoples; • Law enforcement and indigenous communities often clash in violence with disproportionate blame and criminal prosecution for acts being focused on indigenous peoples over law enforcement, even when law enforcement is likely to blame for the escalation to violence 	<ul style="list-style-type: none"> • Questionable to what extent indigenous legal alternatives are respected/recognized by the state
LGBTQI+ Individuals	<ul style="list-style-type: none"> • Despite same sex sexual acts being legalized since 1920s, obscenity laws are still often used to prosecute openly affectionate behavior - conversion therapy is legally protected; • Hate crime protection have been enacted and quickly repealed; unclear if they are again in place • Little trust in judicial system, particularly since judiciary attempted to force regional Latin American agreement of protecting vulnerable communities from violence to exclude LGBTQI+ populations; 	<ul style="list-style-type: none"> • LGBTQI+ activists often clash violently with the police; • Torturous acts have gone unprosecuted by state prosecutors and have instead been brought before the Inter-American Commission where they were successfully prosecuted 	<ul style="list-style-type: none"> • Sexual orientation is not an enumerated ground of prohibited discrimination

	<ul style="list-style-type: none"> • Hate crime laws do not recognize crimes directed at transgender people on the basis of their gender identity; • Reports that transgender persons are facing particularly cruel conditions while incarcerated 		
Women	<ul style="list-style-type: none"> • Violence against women is the most widespread form of violence in Peru; 1 in 3 women will suffer from physical or sexual violence from an intimate partner; • Gender-based violence remains under-prosecuted and under-enforced; • Growing but very limited number of women in power to ensure that GBV is properly and swiftly addressed; • Incarcerated women are often subjected to discrimination in that their treatment and health care are not properly taken into account 	<ul style="list-style-type: none"> • Lack of female representation in ranks of police force; • Women are often physically and sexually assaulted by police during protests, confirmed and reported on by the United National High Commission for Human Rights Mission; • Still too difficult to report acts of violence to authorities and police often neglect to enforce restraining orders against men for domestic violence; • Insufficient charging decisions for domestic violence cases where severe physical injury does not result 	<ul style="list-style-type: none"> • Civil money damages ordered to be paid to indigenous women who suffered forced sterilizations may not have been satisfied; • United Nations Committee on the Elimination of Discrimination against Women ruled that Peru must amend its laws to decriminalize abortion for women who are victims of rape and incest. The UN Commission further ordered the country to ensure proper availability of abortion services under circumstances in which abortion is already legal in the country.
Haiti			
Gaps Across Marginalized Groups	<ul style="list-style-type: none"> • For all groups, Haiti's court systems remain constrained by political instability, corruption, technological deficiencies, understaffing, etc; • Accessing a lawyer remains difficult regardless of person. 		<ul style="list-style-type: none"> • Accessing a lawyer remains difficult regardless of person.
Women	<ul style="list-style-type: none"> • More information is needed in assessing women's experiences when detained, while on trial, and during sentencing. 	<ul style="list-style-type: none"> • Law enforcement often perpetuates biases and violence against women and further evidence will need to be collected regarding whether or not female representation in law enforcement is effective 	<ul style="list-style-type: none"> • While there are laws of protection for certain hate crimes against women, perpetrators are rarely convicted or given full sentences for their crimes.

			<ul style="list-style-type: none"> • Biases held within the court systems about women's behavior have been identified leading to unfair rulings and victim blaming.
LGBTQI+QI A Persons	<ul style="list-style-type: none"> • More information is needed in assessing LGBTQI+ persons experiences when detained, while on trial, and during sentencing. • Initial evidence points to significant gaps in experiences with the criminal justice system 	<ul style="list-style-type: none"> • Law enforcement often perpetuate biases and violence against LGBTQI+ persons and further evidence will need to be collected in terms of thinking about whether or not representation is effective. 	<ul style="list-style-type: none"> • Major stigmas and lack of protective laws for LGBTQI+ persons persist in Haiti.
Arab Hatians	<ul style="list-style-type: none"> • More information and robust data collection will be needed to understand the full scope of Arab Haitians as a marginalized group. • Initial evidence points to significant gaps in experiences with the criminal justice system 	<ul style="list-style-type: none"> • More information and robust data collection will be needed to understand the full scope of Arab Haitians as a marginalized group. • Initial evidence points to significant gaps in experiences with law enforcement 	<ul style="list-style-type: none"> • More information and robust data collection will be needed to understand the full scope of Arab Haitians as a marginalized group. • Initial evidence points to significant gaps in experiences with the civil justice system
Voodooists	<ul style="list-style-type: none"> • More information and robust data collection will be needed to understand the full scope of Voodooists as a marginalized group. • Initial evidence points to significant gaps in experiences with the criminal justice system • There have been reported incidents of the media vilifying this population, but understanding their context of marginalization is still needed. 	<ul style="list-style-type: none"> • More information and robust data collection will be needed to understand the full scope of Voodooists as a marginalized group. • Initial evidence points to significant gaps in experiences with law enforcement • There have been reported incidents of the media vilifying this population, but understanding their context of marginalization is still needed. 	<ul style="list-style-type: none"> • More information and robust data collection will be needed to understand the full scope of Voodooists as a marginalized group. • Initial evidence points to significant gaps in experiences with the civil justice system • There have been reported incidents of the media vilifying this population, but understanding their context of marginalization is still needed.
Mexico			

Gaps Across Marginalized Groups	<ul style="list-style-type: none"> • Budget cuts for state judicial offices reduce the investigative capacity of law enforcement, leading to less than half of femicides resulting in convictions. • Lack of appropriate sensitivity training and investment in personnel leads to inadequate response to crimes reported by vulnerable communities • Understaffing issues affect special prosecutor offices' ability to handle the number of crimes reported by vulnerable groups 	<ul style="list-style-type: none"> • Police impunity and corruption leads to inadequate response to crimes • Police violence and abuse of especially vulnerable populations leads to higher rates of distrust by marginalized groups, increased targeting of marginalized groups • Increased militarization of the police has either reduced or eliminated their investigative power and ability to respond to crimes 	<ul style="list-style-type: none"> • Lack of explicit laws in place to protect and recognize the rights of individuals (i.e., afro-descendants, indigenous land rights, gender identity discrimination; workplace discrimination and harassment)
Indigenous Communities	<ul style="list-style-type: none"> • Interpretive services are not available due to a shortage of interpreters, limited training and preparation provided to interpreters; • There is a lack of trust between indigenous groups and government stemming from a history of discrimination and marginalization; • Constitutional amendments and promises for reform that resulted from the Zapatista movement in the 90s have not been fully established; • A sense of betrayal from PRD's decision to pass a "watered-down" version of the San Andres Peace Accords; • A history of stop and search investigations conducted by INM officials were allowed to take place arbitrarily for the sake of safety and security across state borders, few civil liberty violations are reported and investigated. 	<ul style="list-style-type: none"> • INM officers target indigenous individuals traveling by bus across borders based on their appearance and linguistic differences and threaten and extort them • Indigenous activists and leaders have been unlawfully detained and tortured by police and coerced to confess to crimes they didn't commit; few incidences are investigated 	<ul style="list-style-type: none"> • Mexican Federal Code of Civil Procedure related to indigenous legal issues lacks implementation and oversight; for instance, judges are required to consider indigenous customs and culture when deciding a ruling; • Though the Mexican Constitution strictly prohibits discrimination based on ethnicity/ recognizes the rights of indigenous communities to establish regulatory frameworks, the legal traditions and customs of indigenous people are not recognized in Mexico forcing the creation of informal systems of justice; • The government has a history of contesting indigenous land rights despite the Mexican Constitution stipulating that indigenous communities will be asked about how their land can be developed or used

Afro-Descendent Populations	<ul style="list-style-type: none"> • Mexican Afro-descendant communities continue to fight for visibility and recognition; For instance, state-mandated textbooks don't include the history and contributions of Afro-descendants. 	<ul style="list-style-type: none"> • Mexican Afro-descendants face discrimination and racism; Often targeted by INM and are subject to illegal deportation, illegal detention, and forced disappearances. 	<ul style="list-style-type: none"> • The Mexican Constitution does not formally recognize Mexican afro-descendants' rights; afro-descendants only became part of the census in 2015.
LGBTQI+ Individuals	<ul style="list-style-type: none"> • Hate crime laws in Mexico do not apply to gender identity discrimination, making transgender individuals much more vulnerable to discrimination and acts of violence; • Perpetrators of acts of violence against transgender individuals aren't typically convicted of these crimes. 	<ul style="list-style-type: none"> • A large proportion of the LGBTQI+ community believe the police are guilty of discrimination and homophobia; • Bisexual and gay men are often detained, threatened, or extorted by police; • Transgender women face higher rates of discrimination by police; they are often detained, arrested, extorted, and abused by the police; • Data measuring and evaluating bias and sensitivity training for police is not publicized; difficult to assess success and oversee their implementation 	<ul style="list-style-type: none"> • States have been slow to align their state laws with the supreme court ruling requiring states to establish an administrative process that allows transgender individuals to amend their birth certificates to reflect their gender identity; • There are no national LGBTQI+ hate crime laws.
Women	<ul style="list-style-type: none"> • Gender violence alerts, part of a federal program intended to alert local authorities of increasing crimes against women and mobilize them are not effective • Forensic and criminal investigators fail to properly examine crime scenes, secure evidence, or conduct forensic tests; • State prosecutors often lack funding and capacity to investigate femicides; • Budget and the militarization of police negatively impact femicide investigations; • AG offices have to pay for investigative material and equipment themselves; lack storage capacity to securely store crime scene evidence; 	<ul style="list-style-type: none"> • Police subject women to physical and sexual abuse and torture; • Police often detain/ arrest single mothers; • Female sex workers face discrimination by police; • Police also target women who they perceive as not conforming to gender stereotypes; • Public servants are legally obligated to report the use of torture and abuse, but this is rarely enforced; • Lack of monitoring and evaluation of the National Program on Public Security meant to protect vulnerable groups, including women, from police abuse 	<ul style="list-style-type: none"> • Mexico has laws in place that discriminate on the basis of gender; • Legal mechanisms for suing employers suspected of gender discrimination are ineffective; many paths for legal recourse don't protect women; • Private employers are not subject to punitive fines if found guilty of discrimination or harassment; • CONAPRED fails to publicize outcomes of investigations into discrimination or harassment in the workplace;

	<ul style="list-style-type: none"> Women in Mexico are disproportionately impacted by mandatory pre-trial detention 		<ul style="list-style-type: none"> Businesses and public institutions are not obligated to provide data on workforce demographics or salary information
Migrants	<ul style="list-style-type: none"> Crimes against migrants are often committed in isolated areas or while migrants are traveling across state borders, making it difficult for prosecutors to investigate crimes; Special prosecutors in charge of investigating crimes against migrants often lack the qualifications and experience dealing with issues related to migrants; Prosecutor's offices' personnel lack training and financial resources; The Federal AG's unit for investigation of crimes against migrants does not have the resources to properly investigate crimes against migrants perpetrated by transnational criminal networks 	<ul style="list-style-type: none"> Migrants seeking asylum who remain in Mexico are extorted by police and immigration agents; Migrants seeking asylum have reported being forced off buses or detained by police at bus stations, near hotels and border crossings and threatened with deportation; many have alleged that immigration officials also threaten to turn them over to drug cartels if they do not pay a bribe; Rogue militarized police have been implicated in crimes against migrants 	<ul style="list-style-type: none"> Migrants detained on borders are unable to report mistreatment and poor conditions in detention; Limited information about complaint procedures
Honduras			
Women	<ul style="list-style-type: none"> GBV and domestic violence are separated into a different (GBV and DV only) court systems other than the criminal and civil justice system; When DV cases are brought to the criminal courts (as surge capacity for GBV and DV-specific courts), there is a lack of capacity to hear cases in a timely manner, coupled with an overwhelming docket. 	<ul style="list-style-type: none"> Significant impunity rates impact the way the National Police handles cases against GBV and/or domestic violence. 	<ul style="list-style-type: none"> GBV and domestic violence are separated into a different (GBV and DV only) court system other than the criminal and civil justice system; When DV cases are brought to the civil courts (as surge capacity for GBV and DV-specific courts), there is a lack of capacity to hear cases in a timely manner, coupled with an overwhelming docket.
LGBTQI++ Community	<ul style="list-style-type: none"> Minimal legislation or system in place to hear cases involving violence or 	<ul style="list-style-type: none"> No sensitivity training exists for National Police to handle cases involving same-sex discrimination 	<ul style="list-style-type: none"> The consequence for LGBTQI+ discrimination is limited to only a fine;

	domestic crimes within the context of same-sex relationships	or violence within same-sex relationships	<ul style="list-style-type: none"> Minimal laws and protections exist. Current cases involving same-sex relationships are typically handled within the civil court system.
Colombia			
Women	<ul style="list-style-type: none"> Re-victimization by government authorities often occurs when women report gender-based violence crimes to police officers at police stations; Forced displacement due to the internal conflict for women has been proven to have long term psychological effects on them. Nonetheless, this particular crime to women is not typified in the Colombian criminal system, which is why victims have not been recognized. 	<ul style="list-style-type: none"> When women decide to report GBV, street-level bureaucrats, like police officers, are not aware of the GBV reporting process to guide them 	<ul style="list-style-type: none"> When GBV crimes are reported, women face a systematic lack of administrative comprehension about crimes that affect them specifically, even though there are over 30 laws that protect women in Colombia, including National Guides decreed by the executive power.
LGBTQI+ Population	<ul style="list-style-type: none"> Colombia does not have an anti-hate crime, but some laws that can be interpreted as a defense to LGBTQI+ crimes. These laws, like 1010 (2006) and 931 (2004) explicitly mention that discriminating because of sexual orientation is forbidden. But they are mainly focused on health and education access, not hate crimes. 	<ul style="list-style-type: none"> Being arrested is where the discrimination starts. LGBTQI+ individuals are harassed by law enforcement staff, and then when they are in prison, the harassment continues. 	No Information Available
Indigenous Communities	<ul style="list-style-type: none"> Indigenous communities have turned to international courts to overcome a lack of access to, support from, and respect from the domestic justice system; The government fails to protect indigenous territories. The Comisión Nacional de Territorios Indígenas found that there were more killings where 57% of requests for territory formalization were located 	<ul style="list-style-type: none"> A common practice is law enforcement's focus on indigenous individuals during protests; Parties use these candidates to fill the quota, but are aware of their negligible impact 	<ul style="list-style-type: none"> Gender-based violence varies from child marriage, sexual violence, to genital mutilation and several are ignored by the law
Afro-Colombians	Afro-Colombian women are stigmatized as sexual beings, which decreases the value of their statement when reporting GBV	Law enforcement is discriminatory against the black community	Failing to recognize an identity has consequences on the sentences because it does not

	crimes, while increasing the perpetrator's fault, because the crime would have been "her fault"		acknowledge the weight of discrimination against a specific community There are several bills to propose a black quota for representation in the Congress, but none of them have been approved.
--	---	--	--

Conclusions and Recommendations for Further Data Collection

After completing the individual case studies, our team met to discuss key findings across cases. Here, we provide the high-level take-aways that emerged from this discussion, particularly as it pertains to similar findings in more than one case study. Subsequently, we discuss areas of further research to strengthen the findings in this study, including research into other potential marginalized groups and additional data that might be collected.

High-Level Take-Away's

One key point of discussion is that – perhaps unsurprisingly – there are many ways in which **criminal justice systems abroad are creating inequitable outcomes for marginalized groups**. In our team discussions, we explored three concepts:

- First, maintaining these systems ‘as is’ will perpetuate these inequitable outcomes for marginalized groups;
- Second, strengthening these systems without parallel efforts to reduce the parts of the system that create the inequities runs the risk of perpetuating or exacerbating these inequitable outcomes for marginalized groups; and
- Third, if these systems are creating or perpetuating inequitable outcomes, then the systems themselves need to change in order for these inequitable outcomes to change (or at least the parts of the systems that are creating the inequitable outcomes).

These three conclusions create interesting questions for INL programming. Importantly, **how can INL simultaneously strengthen criminal justice systems while altering the elements of them that cause or contribute to inequitable outcomes for marginalized groups?** Interrogating underlying power dynamics that form the context surrounding INL programming is a key first step. See the introduction to this piece for a structure on designing interventions that respond to inequities.

In addition to this systemic-level discussion, we also identified areas of common challenge across case studies.

Common Challenges Across Countries

Gender based violence (GBV). GBV was found to be an important barrier and a root cause of reduced access justice across countries. Throughout the judicial institutions in

the countries of study, there appeared to be an insufficient knowledge of and capacity to respond effectively to the various forms of GBV. While work on this area is ongoing, further attention to institutionalizing knowledge and responses to GBV that prioritize victim safety and health may be needed across judicial and law enforcement institutions. This may include a focus on increasing resources available, integrating new understandings and norms within and across agencies, and strengthening control of bias. Of note, bias within judicial and law enforcement procedures surrounding GBV cases may lead to inequitable outcomes where victims bare disproportionate burdens and do not experience justice.

Insufficient Access Points to the Judicial System. Across case studies, researchers noted that an insufficient number and diversity of access points to the judicial system resulted in decreased access to the justice system for marginalized groups. For example, most countries had few avenues for marginalized groups to seek support or justice, such as through police stations. Research showed that victims from marginalized groups found the punitive nature of these access points to be barriers to engaging with judicial systems, decreasing the frequency through which they engaged and at times increasing the distress of access (particularly in cases of GBV).

Researchers found that models where access points were created around non-punitive actors who had received sufficient training in supporting victims lowered these barriers. This was particularly true for individuals affected by violence or armed conflict. Coupling these access points with support services, and including access to judicial staff that represented marginalized groups may further decrease barriers – as shown by a few interesting example, such as Ciudad Mujer in Honduras or the Centros de Emergencia Mujer in Peru and Colombia. Such centers are currently only located in urban areas to our knowledge, and expanding their prevalence in areas with larger numbers of marginalized groups, and especially in rural areas, may prove beneficial in reducing barriers to access.

Distrust and Corruption. Researchers also noted high levels of distrust in law enforcement by marginalized groups across all of case studies. One major cause of distrust that we consistently found is corruption and public perception of corruption. We hypothesize that this is because corruption leads to a reduction of penalties in a patterned way that disadvantages marginalized groups. There is likely overlap between corruption, quality of legal services, reasonably timely access to judicial systems, and economic disadvantage at play in these disproportionate outcomes where marginalized groups face harsher penalties more frequently than non-marginalized counterparts. Access to (and potentially payment of) officials to reduce penalties, individual wealth and political status, efficient access to the legal system, and the cost of quality legal services, all collectively produce these disproportionate outcomes – alongside other

factors. There may be an opportunity, however, to consider approaches that provide marginalized groups with either improved quality of legal services, or expedited access to legal systems through targeted services and advocates. These approaches may lower barriers to access and increase trust in the judicial system.

Under-Recognition of Afro-Descendant Groups. Across many countries, researchers found little recognition or validation of Afro-descendant groups. In particular, Afro-Mexican, Afro-Peruvian, and Afro-Colombian groups were either under-recognized or not recognized at a societal/cultural level and within institutional frameworks (such as the census). Such under- or lack of recognition (especially at an institutional level) leads to under provision of services and policy to support, protect, and advance a given group of citizens – including within a criminal justice context. The INL might consider how to engage in programming and design decisions for groups that are not reflected (or under-reflected) in formal country data.

Context and History Matter. The historical roots and the legacies of independence and colonialism still influence the countries studied in this report – including their criminal justice systems. While the colonial era has long since passed and each country is fully independent, this history influences how each country experiences its international relationships and its domestic socio-political dynamics, and has influenced how government institutions have developed over time. For example, Haiti’s complex history has permeated every bit of its national economic, social, political and judicial reality – and helps explain the current challenges facing the nation’s judicial systems.

Major Capacity Challenges at Many Points in the Judicial System. Prisons themselves tend to be under-resourced, both in terms of insufficient capacity to hold prison populations and in terms of the conditions of the prisons. Many instances across countries were identified in which prison conditions represented human rights concerns, or even violations. Women in particular remain highly vulnerable to harmful and dangerous experiences within the prison systems as result of insufficient resources and capacity. Insufficient capacity within the judicial system also leads to massive judicial processing backlogs in many countries. We also found a consistent pattern of pre-trial detentions persisting for long time periods, which may be linked to capacity issues as well.

LGBTQI+ Gaps. Researchers found evidence in multiple countries of anti-discrimination laws covering many marginalized groups, including LGBTQI+ people. However, there were often not accompanying anti-hate crime laws that cover LGBTQI+ communities. This sometimes creates a gap in both protections and legal support, as well as tracking and monitoring of related crimes.

Additional Considerations

Missing Marginalized Groups

As noted in our discussion of our research approach, our research built on the prior Diplomacy Lab project which included as a key task the identification of the marginalized groups in each country of study. We largely stuck to these pre-designated groups, but noted that there may be additional marginalized groups worth studying further within these 5 countries to more comprehensively inform INL programming decisions. Future work could determine whether additional groups are marginalized and how they experience the criminal justice system. In addition to a country-by-country assessment, all country cases could be expanded to include how people with disabilities experience the criminal justice system. In Colombia and Peru in particular, the addition of migrant communities (to Colombia and Peru) might also be explored.

Data Gaps for INL to Collect

In our research, we found a number of gaps in access to information. In comparing the types of missing data across countries, we identified areas that are systematically under-collecting data or not collecting data. We believe the following six data streams will be particularly helpful across countries in LAC to better understand how marginalized groups experience the criminal justice system. Additional country-specific efforts may be appropriate to fill particular data gaps in individual countries.

1. Data and info on rural areas
 1. This data will have implications for missing information on indigenous groups who are disproportionately located in rural areas.
2. Longitudinal data on length of time that cases wait from the time of filing to the time of resolution.
3. Data on what the resolution for each case filing was (ex: penalty, dropped, etc.)
4. Data disaggregated by group given that our researchers either found that much data is collected across all groups or with insufficient disaggregation.
5. Data on judicial discrimination such as how judicial actors are trained, selected, how cases are dealt with and transparency challenges.
 1. Data on process (activity); we found little data across countries on outcomes or impacts (results of activity).
6. Representative polling carries burdens organizations from those groups are solicited to poll.

References

2021 Country Reports on Human Rights Practices.

<https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/>.

33 Figures as of the end of 2014, as published in Amnesty International, Paper promises, Daily Impunity/ Mexico's torture epidemic continues, October 2015 page 5.

Adams, O. (2022, June 6). Understanding the dynamics of femicide of Mexico | Mexico Peace Index. Vision of Humanity.

<https://www.visionofhumanity.org/understanding-the-dynamics-of-femicide-of-mexico/>

“Alternative Justice in Peru.” IADB, <https://www.iadb.org/en/news/alternative-justice-peru>.

Amparo Cruz-Saco, Maria, and Joanne Toor Cummings. Indigenous Communities and Social Inclusion in Latin America. United Nations Expert Group Meeting on Families and Inclusive Societies, <https://www.un.org/development/desa/family/wp-content/uploads/sites/23/2018/05/2-1.pdf>.

Amparo, Writ of | Encyclopedia.com. (n.d.). Www.encyclopedia.com. Retrieved January 21, 2023, from <https://www.encyclopedia.com/humanities/encyclopedias-almanacs-transcripts-and-maps/amparo-writ>

Anderson, Erin. Peru's Congress Moves to Repeal Hate-Crime Legislation. Perú Reports, 28 Apr. 2017, <https://perureports.com/LGBTQI+-congress-vote/5284/>.

Andrés Castañeda, Santiago Rodríguez y Érick Romero. (2021). Revictimización y negligencia, una historia de abuso que no termina | Universidad de Bogotá Jorge Tadeo Lozano

AP. (2019, September 10). Mexico trans women fight for justice as killings go unpunished. Los Angeles Times. <https://www.latimes.com/world-nation/story/2019-09-09/mexico-trans-women-murders>

Applegate, Kate. Interview. Conducted by Rene Rosas Escalona. 07 November 2022.

Area de Derechos Sexuales y Reproductivas. (2018, June). Shadow Report on employment discrimination against women in Mexico.

https://www.ecoi.net/en/file/local/1439681/1930_1533122400_int-cedaw-ngo-mex-31406-e.pdf

AyiboPost. “The prisons in Haiti are horrible, For women, it’s hell” by Laura Louis. April 29, 2021.

Baptista, D. (2022, December 12). In Mexico, displaced LGBTQI+ people push for equal, safe jobs. OPENLY. Retrieved December 8, 2022, from

<https://www.openlynews.com/i/?id=ad53f28a-1ee6-4ac3-84e8-492a760a184d>

Bartesaghi Mena, Diego Jesús. In Peru, LGBTQI+ Rights' Battle Intensifies Following Exclusion in Government Resolution. Latino Rebels, 28 July 2020,

<https://www.latinorebels.com/2020/07/28/perulgtbi/>.

BBC Mundo. (2021). Anderson Arboleda: la muerte de un joven negro tras una presunta golpiza policial que desató un debate sobre el racismo en Colombia - BBC News Mundo

Boletines Poblacionales : Población Indígena Oficina de Promoción Social

Buschschlüter, Vanessa. “Peru's Political Crisis: Jaw-Dropping Twists and Turns.” BBC News, BBC, 15 Dec. 2022, <https://www.bbc.com/news/world-latin-america-63971274>.

Calleros, H. (2021, October 7). Mexico's Constitution, Indigenous Rights and the Future. IACL-AIDC. <https://blog-iacl-aidc.org/2021-posts/2021/10/7/mexicos-constitution-indigenous-rights-and-the-future-19894#:~:text=%20Additionally%2C%20Article%202%20recognizes%20the,a%20shift%20in%20judicial%20attention.>

CARROLL, AENGUS, and LUCAS RAMÓN MENDOS. STATE-SPONSORED HOMOPHOBIA 2017 - A WORLD SURVEY OF SEXUAL ORIENTATION LAWS: CRIMINALISATION, PROTECTION AND RECOGNITION. International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), May 2017, https://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf.

Chavkin, Fergus Shiel and Sasha, et al. "Bribery Division: What Is Odebrecht? Who Is Involved?" ICIJ, 28 June 2019, <https://www.icij.org/investigations/bribery-division/bribery-division-what-is-odebrecht-who-is-involved/>.

Chr. Michelsen Institute. "The long fight against impunity for gender-based violence in Haiti" by Marianne Tøraasen. 2019.

Ciudad Mujer. <https://www.ciudadmujer.gob.hn/servicios/maprodem/>.

Codigo Federal De Procedimientos Civiles. (2021, June 7). Camara De Diputados Del Congreso H. Congreso Del Union. (Mex).

Colegiado Machista Absuelve a Agresor Sexual Argumentando Que Víctima Usaba Ropa Interior Roja. Peru21, 1 Nov. 2020, <https://peru21.pe/peru/ica-colegiado-machista-absuelve-a-agresor-poder-judicial-noticia/>.

Collins, Dan. "Peru Drug Traffickers Ramp up Violence against Indigenous Groups." Context, Context, 28 June 2022, <https://www.context.news/nature/peru-drug-traffickers-ramp-up-violence-against-indigenous-groups>.

Combating Gender-Based Violence in Peru: Increasing Awareness and Resources to Prevent Violence against Women. World Bank , 14 Apr. 2021, <https://www.worldbank.org/en/results/2021/04/13/combating-gender-based-violence-in-peru-increasing-awareness-and-resources-to-prevent-violence-against-women>.

Combating Gender-Based Violence in Peru: Increasing Awareness and Resources to Prevent Violence against Women. World Bank, 14 Apr. 2021, <https://www.worldbank.org/en/results/2021/04/13/combating-gender-based-violence-in-peru-increasing-awareness-and-resources-to-prevent-violence-against-women>.

Comisión de la Verdad Colombia El racismo y la discriminación intensificaron la violencia en contra del pueblo negro - Comisión de la Verdad Colombia

Comisión Nacional de Territorios Indígenas. (2022). El Fraude a la "Paz".

CONAPRED -. (n.d.). http://www.conapred.org.mx/index.php?contenido=pagina&id=84&id_opcion=142&op=142

CONAPRED. (2022). CONAPRED. Consejo Nacional Para Prevenir La Discriminacion https://www.conapred.org.mx/index.php?contenido=pagina&id=99&id_opcion=40&op=40

Consejo Nacional Para Prevenir La Discriminacion.(2015). Dia Nacional de la Lucha Contra la Homofobia Documento Informativo. http://www.conapred.org.mx/documentos_cedoc/Dossier%20Homofobia_2015_INACSS.pdf

Constitución reordenada y consolidada. (2015). Unam.mx.
<https://www2.juridicas.unam.mx/constitucion-reordenada-consolidada/en/vigente>

Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169). (2017). ilo.org.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

Corte Interamericana de Derechos Humanos. (2005). Ficha Técnica: Escué Zapata Vs. Colombia

“Country Case-Study: Sexual and Reproductive Rights in Peru.” Privacy International, 15 May 2020,
<https://privacyinternational.org/long-read/3791/country-case-study-sexual-and-reproductive-rights-peru>.

Cowater International. Project to Support the Better Integration of Women in the Haitian National Police.2020-2021.

Crímenes de Odio archivo – LetraEse. (n.d.). <https://letraese.org.mx/crimenes-de-odio-archivo/>

Cultural Survival. (2021). “Pueblos Indígenas de Colombia denuncian violenta represión por parte del gobierno de Duque”.

Dalby, C. (2020, July 1). A Fractured System - Mexico’s Criminal Investigation Network. InSight Crime.
<https://insightcrime.org/news/analysis/a-fractured-system-mexico/>

Dandridge, Ann T. Interview. Conducted by Sharon Ceron Espinosa. 15 November 2022.

DCHA/DRG/HR, USAID (July 2018). Suggested Approaches for Integrating Inclusive Development Across the Program Cycle and in Mission Operations, Additional Help for ADS 201.

Decálogo para el reconocimiento de las poblaciones afromexicanas y sus derechos en la constitución política de la ciudad de México 1 (2016),
<http://www.migrantologos.mx/es/images/pdf/reconocimientoafrocdmxf.pdf>

Departamento Administrativo Nacional de Estadística - DANE. (2019) Población Negra, Afrocolombiana, Raizal y Palenquera. Grupos étnicos información técnica

Departamento Administrativo Nacional de Estadística - DANE. (2022). Mercado laboral de la población LGBTQI+. Mercado laboral de la población LGTB

Duarte, T., Pascencia Gomez, A., Joseph, A., Orem, E. (2020 July). “Because of the Color of My Skin and the Way I Speak Spanish”: The INM’s Detention and Deportation of Indigenous and Afro-Descendant Mexicans. IMUMI, Chiapas Indigenous Migrant Coalition, and Mexico Afrodescendancy Project.
<https://imumi.org/wp-content/uploads/2020/11/The-INMs-Detention-and-Deportation-of-Indigenous-and-AfroDescendant-Mexicans.pdf>

Eades, Lauren. Interview. Conducted by Elina Morrison. 16 November 2022.

Edwin Diego Salcedo ÁvilaEduardo and Paes-Machado. (2018). Victimization y desplazamiento forzado de mujeres en el conflicto armado colombiano. Victimization y desplazamiento forzado de mujeres en el conflicto armado colombiano

Ek Colli, V.M., (n.d.). Improving Human Rights in Mexico: Constitutional Reforms, International Standards, and New Requirements for Judges. <https://www.corteidh.or.cr/tablas/r30492.pdf>

El Día del Orgullo LGBTQI+I, Police Nacional de Honduras.
<https://www.policianacional.gob.hn/noticias/12210>.

El Tiempo. Abuso y sometimiento: el grito ahogado de las mujeres indígenas en Colombia: Mujeres indígenas en Colombia: Víctimas de violaciones en sus comunidades - Otras Ciudades Elsewhere..., News from. "Peruvian Court Rules in Language of the Incas." BBC News, BBC, 19 July 2019, <https://www.bbc.com/news/blogs-news-from-elsewhere-49046742>.

EQUIS. (2019, August). Access to Justice for Indigenous Women. https://equis.org.mx/wp-content/uploads/2019/08/Shadow_Report_CERD_committe_extended.pdf
Escalante, Edwar E. Night Watchers and Terrorists. *Journal of Economic Behavior & Organization*, 4 Feb. 2020, <https://www.sciencedirect.com/science/article/abs/pii/S0167268119304135>.

Failing Justice: Mexico's Institutional Weaknesses. (2018, May 29). Vision of Humanity. <https://www.visionofhumanity.org/failing-justice-mexicos-institutional-weaknesses/>

Failings in investigations of feminicides in the State of Mexico violate women's rights. (2021, September 20). Amnesty International. <https://www.amnesty.org/en/latest/news/2021/09/mexico-failings-investigations-femicides-state-mexico-violate-womens-rights-life-physical-safety-access-justice/>

Fair Trials. "Commentary: The Response to Covid-19 in Peru's Prisons." Fair Trials, Fair Trials, 17 Dec. 2021, <https://www.fairtrials.org/articles/news/commentary-response-covid-19-perus-prisons/>.

Felbab-Brown, V. (2022, January 24). Crime and anti-crime policies in Mexico in 2022: A bleak outlook. Brookings. <https://www.brookings.edu/blog/order-from-chaos/2022/01/24/crime-and-anti-crime-policies-in-mexico-in-2022-a-bleak-outlook/>

Ferreya, G. (2018). Unpacking the Mexican Federal Judiciary: An Inner Look at the Ethos of the Judicial Branch. *Mexican Law Review*, 1(1). <https://doi.org/10.22201/ijj.24485306e.2018.1.12511>

Fiscalía General de Justicia del Estado de Nuevo León. 2018. "NOMBRAN A FISCAL EN FEMINICIDIOS Y DELITOS CONTRA LA MUJER." Fiscalía General de Justicia del Estado de Nuevo León. <https://fiscalianl.gob.mx/noticias/nombran-a-fiscal-en-femicidios-y-delitos-contra-la-mujer/>.

Flammang, Janet A., ed. *Political women: current roles in state and local government*. Vol. 8. SAGE Publications, Incorporated, 1984.

Gender-based Violence Analysis for USAID/Honduras. EnCompass LLC, 2015. https://encompassworld.com/wp-content/uploads/2016/10/USAID_Honduras_GBV_Study_Final_Report_Submission.pdf.
Godoy, Maria. The Women of Peru Are Suffering from a 'Shadow Pandemic'. NPR, 10 Sept. 2020, <https://www.npr.org/sections/goatsandsoda/2020/09/10/910737751/the-women-of-peru-are-suffering-from-a-shadow-pandemic>.

Goldberg, Justin. "U.N. Rules That Peru Must Relax Restrictions on Abortion." Center for Reproductive Rights, 15 Dec. 2020, <https://reproductiverights.org/u-n-rules-that-peru-must-relax-restrictions-on-abortion/>.

Grassroots International. "Having Kouraj to Make a Difference in Haiti" by Rebecca Gonser. June 28, 2022.

Guzmán, Esteban. Peru Continues to Lag behind Other Latin American Countries on LGBTQI+ Rights. *Los Angeles Blade*, 1 June 2022, <https://www.losangelesblade.com/2022/06/01/peru-continues-to-lag-behind-other-latin-american-countries-on-LGBTQI+-rights/>.

Haiti Libre. "Haiti Security: Graduation of 631 police officers including 21% of women". December 18, 2021.

Heard, C., Fair, H., (2019, November). Pre-Trial Detention and its Over-Use. Institute for Crime and Justice Policy Research.
https://www.prisonstudies.org/sites/default/files/resources/downloads/pre-trial_detention_final.pdf

Honduras: Treatment of sexual minorities, including legislation; state protection and support services available (2012-November 2013), Canada: Immigration and Refugee Board of Canada.
<https://www.refworld.org/docid/52ce9e6e4.html>.

How Mexico's Justice Reform Might Draw Inspiration From California. (n.d.). KQED. Retrieved December 5, 2022, from
<https://www.kqed.org/news/11767645/how-mexicos-justice-reform-might-draw-inspiration-from-california#:~:text=Under%20the%20old%20%E2%80%9CInquisitorial%E2%80%9D%20system>

Human Rights Watch Country Profiles. Sexual Orientation and Gender Identity: Haiti.

Human Rights Watch. (2021, December 10). Mexico: Events of 2021. Human Rights Watch.
<https://www.hrw.org/world-report/2022/country-chapters/mexico>

Human Rights Watch. (2021, March 5). Mexico: Abuses Against Asylum Seekers at US Border.

Human Rights Watch. <https://www.hrw.org/news/2021/03/05/mexico-abuses-against-asylum-seekers-us-border>

Human Rights Watch. Haiti Events of 2021.

Human Rights Watch. Prisoners in Haiti Still Face Horrendous Conditions. June 30, 2021.

Human Rights Watch. The Human Rights Record of the Haitian National Police. January 1997.

IACHR. (2014, August 29). IACHR Congratulates Mexican Supreme Court for Adoption of Protocol Involving Sexual Orientation and Gender Identity. [Press Release].
https://www.oas.org/en/iachr/media_center/PReleases/2014/095.asp

In 2022, journalist killings continue unabated in Mexico amid a climate of impunity. (2022, August 30). Committee to Protect Journalists.
<https://cpj.org/2022/08/in-2022-journalist-killings-continue-unabated-in-mexico-amid-a-climate-of-impunity/>

In Mexico, the Threats and Failures of Pre-Trial Detention. (2020, January 13). NACLA.
<https://nacla.org/news/2020/01/13/mexico-threats-and-failures-pre-trial-detention>

Indigenizing the courtroom in Mexico with Indigenous language interpreters to defeat "language superiority" UBC Language Sciences. (2020, October 22). Languagesciences.ubc.ca. Retrieved December 5, 2022, from
<https://languagesciences.ubc.ca/news-events/announcement-research-news-story/oct-22-2020-indigenizing-courtroom-mexico-indigenous>

Indigenous Peoples in Peru. International Work Group for Indigenous Affairs (IWGIA),
<https://www.iwgia.org/en/peru.html>.

Indigenous peoples. (2015, June 19). Minority Rights Group.
<https://minorityrights.org/minorities/indigenous-peoples-4/#:~:text=The%20majority%20of%20the%20indigenous>

Indigenous Rights in Mexico | Environmental Defender Law Center. (n.d.). <https://edlc.org/>.
<https://edlc.org/cases/mesoamerica/indigenous-rights-in-mexico/>

“Indigenous Tribes Clash with Police in the Amazon.” The Guardian, 5 June 2009,
<https://www.theguardian.com/world/2009/jun/05/amazon-tribes-police-protest-deaths>.

INEGI. (2021). Encuesta Nacional sobre Diversidad Sexual y de Género 2021. [PowerPoint Slides].
https://www.inegi.org.mx/contenidos/programas/endiseg/2021/doc/endiseg_2021_resultados.pdf

Infobae. (2022). Por qué las que las mujeres temen denunciar la violencia de género en Colombia

Inquisitorial System. (2019). Jrank.org. <https://law.jrank.org/pages/7663/Inquisitorial-System.html>

Institute for Economics and Peace. (2022 May). Mexico Peace Index 2022: Identifying and Measuring the Factors that Drive Peace.
<https://www.visionofhumanity.org/wp-content/uploads/2022/05/ENG-MPI-2022-web.pdf>

Institute for Justice and Democracy in Haiti. Access to Judicial Remedies in Haiti. September 12, 2014.

International Gay and Lesbian Human Rights Commission. The Impact of the Earthquake, and Relief and Recovery Programs on Haitian LGBTQI+ People.

IOM Combats Gender-Based Violence in Honduras, International Organization for Migration, 2015.
<https://www.iom.int/news/iom-combats-gender-based-violence-honduras>.

IPU Open Data Platforms. Women in National Parliaments. February 2019.

Isacson, A. (2022, November 23). Migration, country by country, at the U.S.-Mexico border. WOLA.
<https://www.wola.org/2022/11/migration-country-by-country-at-the-u-s-mexico-border/>

Juan Miguel Hernández Bonilla. (2022). El Congreso de Colombia aprueba la creación del Ministerio de la Igualdad y la Equidad

Juanita Bernal and Rocio Ocampo. (2020). Diagnóstico sobre situación discriminación de la Población LGBTQI+I en Colombia. Departamento Nacional de Planeación.
Diagnostico-sobre-situacion-discriminacion-de-la-Poblacion-LGBTQI+I-en-Colombia.pdf

Justice, Human Rights, and Security Strengthening (JHRSS) Activity. USAID, 2018.
https://pdf.usaid.gov/pdf_docs/PA00WBRH.pdf.

JUSTICIA &NBSP. (2019). Qué sí y qué no hacer en la atención de un caso de violencia de género

Karim, Sabrina. “Madame Officer: Peru’s Anti-Corruption Gambit.” Americas Quarterly, 9 Aug. 2011,
<https://www.americasquarterly.org/fulltextarticle/madame-officer/>.

Kessler, Jacob. Peru Officially Apologizes to Transgender Woman for Police Abuse. Washington Blade, 11 Nov. 2022,
<https://www.washingtonblade.com/2022/11/11/peru-officially-apologizes-to-transgender-woman-for-police-abuse/>.

Key points on access to asylum in Mexico, protections for migrant children, and U.S. cooperation. (2021, March 23). WOLA. <https://www.wola.org/analysis/key-points-migration-march-2021/>

Kingman-Brundage, J. (2016). Mexico’s Traditional Criminal Justice System A Layperson’s Guide. WORKING PAPER SERIES, 14(4).
https://justiceinmexico.org/wp-content/uploads/2016/03/mexico%E2%80%99s_traditional_criminal_justice_system_laypersonsguide_janebrundage-final-1.pdf

Lakhani, N. (2022, May 22). Mexico's migrant checks on buses and highways ruled racist and illegal. *The Guardian*.
<https://www.theguardian.com/world/2022/may/22/mexico-migrant-checks-racist-illegal-supreme-court>

“Latin America: Justice Deserved for Indigenous Prisoners.” *Nederlandse Grondwet*,
https://www.denederlandsegrondwet.nl/id/vhsrk4zm8az2/nieuws/latin_america_justice_disserved_for?ctx=vhr7fmg2fvvo&start_tabo=580.

Lavers, Michael K. Peru LGBTQI+ Activists Express Concern over Country's New Government. *Washington Blade*, 28 Aug. 2021,
<https://www.washingtonblade.com/2021/08/03/peru-LGBTQI+-activists-express-concern-over-countrys-new-government/>.

Ley # 1257. (2008). Por La Cual Se Dictan Normas Desensibilizacion, Prevención Y Sanción De Formas De Violencia Y Discriminación Contra Las Mujeres, Se Reforman Los Códigos Penal, Deprocedimientopenal, La Ley 294 De 1996 Y Se Dictan Otras Disposiciones. Ley 1257 de 2008. Por la cual se dictan normas de sensibilización, prevención y sanción de formas de violencia y discriminación

LGBTQI+I Human Rights Report Card - Prepared for the Summit for Democracy: Peru 2021. F&M Global Barometers,
<https://www.fandmglobalbarometers.org/wp-content/uploads/2021/12/Peru-FM-ReportCard.pdf>.

Litigation 2022 - Civil Law - Mexico. (n.d.). *Www.mondaq.com*. Retrieved December 6, 2022, from
<https://www.mondaq.com/mexico/civil-law/1190744/litigation-2022>

Luhur, Winston, et al. Research That Matters: PUBLIC OPINION OF TRANSGENDER RIGHTS in Peru. *UCLA Law Williams Institute*, June 2021,
<https://williamsinstitute.law.ucla.edu/wp-content/uploads/Public-Opinion-Trans-Peru-Jun-2021.pdf>.

Madre. Madre and Partners Advance LGBTQI+ Rights in Haiti. June 27, 2013.

Madre. The Road to Gender Justice in Haiti: Progress on Haiti's Penal Code. October 19, 2020.

MAGALONI, B., & RODRIGUEZ, L. (2020). Institutionalized Police Brutality: Torture, the Militarization of Security, and the Reform of Inquisitorial Criminal Justice in Mexico. *American Political Science Review*, 114(4), 1013–1034. <https://doi.org/10.1017/S0003055420000520>

Mangelinckx, Jérôme. “Women Deprived of Liberty and Excessive Use of Pre-Trial Detention in Peru.” *Penal Reform International*, 26 Apr. 2021,
<https://www.penalreform.org/blog/women-deprived-of-liberty-and-excessive-use-of-pre-trial-detention-in-peru/>.

Maritza Paredes. (2015). Representación Política Indígena: Un Análisis Comparativo Subnacional. IDEA Internacional. REPRESENTACIÓN POLÍTICA INDÍGENA

Martínez-Álvarez, B M, and A Sindeev. Experiences of Incarcerated Mothers Living with Their Children in a Prison in Lima, Peru, 2020: A Qualitative Study. *U.S. National Library of Medicine*, 19 Dec. 2021,
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8802819/>.

McGinnis, T., Ferreira Rodriguez, O., Shirk, D. (2022, July). Analyzing the Problem of Femicide in Mexico. (Working Paper Vol.19, No. 2). *Justice in Mexico Working Paper Series*.
https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/220710_FEMICIDE_WKP_P_Final.pdf

Mennonite Central Committee. Restorative Justice and the Prison System in Haiti. August 16, 2018.

Mexico - IWGIA - International Work Group for Indigenous Affairs. (n.d.). www.iwgia.org.
<https://www.iwgia.org/en/mexico.html>

Mexico missing students: Former top official arrested over probe. (2022, August 20). BBC News.
<https://www.bbc.com/news/world-latin-america-62614685>

Mexico: Asylum Seekers Face Abuses at Southern Border. (2022, June 6). Human Rights Watch.
<https://www.hrw.org/news/2022/06/06/mexico-asylum-seekers-face-abuses-southern-border#:~:text=Most%20of%20those%20entering%20the>

Mexico: Barriers for Trans People in Guanajuato State. (2022, June 21). Human Rights Watch.
<https://www.hrw.org/news/2022/06/21/mexico-barriers-trans-people-guanajuato-state>

Mexico: Same-Sex Marriage Constitutional Initiative Rejected. (2016, November 10). Retrieved December 8, 2022, from
<https://www.telesurenglish.net/news/Mexico-Same-Sex-Marriage-Constitutional-Initiative-Rejected-20161110-0002.html>

Mexico: Surviving death: Police and military torture of women in Mexico. (2016, June 28). Amnesty International. Retrieved December 4, 2022, from
<https://www.amnesty.org/en/documents/amr41/4237/2016/en/>

Mexico's National Anti-corruption System - Statement from OECD Secretary-General Angel Gurría - OECD. (n.d.).
<https://www.oecd.org/newsroom/mexico-national-anti-corruption-system-statement-from-oecd-secretary-general.htm>

Mexico's New Criminal Justice System: Substantial Progress and Persistent Challenges México. (2020, April 4).
https://worldjusticeproject.org/sites/default/files/documents/WJP-NewJusticeSystemMexico_.pdf

Meyer, M. (2014, May). Mexico's Police: Many Reforms, Little Progress. Washington Office on Latin America (WOLA). <https://www.wola.org/sites/default/files/Mexicos%20Police.pdf>

Meyer, M., Knippen, J., Diaz, A., Suarez, X., (2017, July). Access to Justice for Migrants in Mexico. WOLA.
https://www.wola.org/wp-content/uploads/2017/07/Access-to-Justice-for-Migrants_July-2017.pdf

Ministerio de Justicia y Derecho. (2018). Justicia con Enfoque Étnico.

Ministerio de Salud Colombia (2021). Comunidades Negras, Afros, Raizales y Palenqueras Vigencia 2020.

"Ministry of Women and Vulnerable Populations of Peru." Innovations for Poverty Action, 7 June 2018,
<https://www.poverty-action.org/organization/ministry-women-and-vulnerable-populations-peru>.

MINUSTAH. Female Bangladeshi Police in Haiti: Making a Difference. April 2, 2013,

Misión, Visión y Organigrama. (n.d.). <https://cpc.org.mx/mision-vision-y-organigrama/>

Morland, S. (2022, December 2). In Mexico, lack of resources aggravates impunity in gender crimes - group. Reuters. <https://www.reuters.com/world/americas/mexico-lack-resources-aggravates-impunity-gender-crimes-group-2022-12-02/>

Murray, C. (2019, June 2). Mexico City to decriminalize sex work, eyes steps to cut trafficking. Reuters.
<https://www.reuters.com/article/us-mexico-sexwork-trafficking/mexico-city-to-decriminalize-sex-work-eyes-steps-to-cut-trafficking-idUSKCN1T3oOM>

Naranjo Aristizabal et al, El fraude a la paz: los pueblos indígenas y las medidas de acceso a tierras y ordenamiento social propiedad rural del Acuerdo Final para terminacion del conflicto y la construccion de una paz estable y duradera, Comision Nacional de Territorios Indigenas Y Observatorio dy Derechos Territoriales de los Pueblos Indigenas, 2022,
https://www.cntindigena.org/wp-content/uploads/2022/12/ODTPI_InformePaz-11_2022.pdf

Nelson, Erica. Interview. Conducted by Sarah DeStefano. 05 December 2022.

New Tool: "Where There Are No Judges or Police: The Administration of ...
<https://www.forestpeoples.org/en/new-tool-for-defending-indigenous-justice-peru>.

O'Boyle, Brendan. Peru's LGBTQI+ Community Frustrated by Violence, Presidential Election. Americas Quarterly, 3 Mar. 2016,
<https://www.americasquarterly.org/article/perus-LGBTQI+-community-frustrated-by-violence-presidential-election/>.

OAS. (2007). Acceso A La Justicia Para Mujeres Víctimas De Violencia En Las Américas. ii. deficiencias en la respuesta judicial en casos de violencia contra las mujeres: obstáculos para cumplir la obligación de debida diligencia y combatir la impunidad

Observations on the State of Indigenous Human Rights in Peru, Prepared for the 28th Session of the United Nations Human

Observatorio de Igualdad de Género de América Latina y el Caribe, 2021.
<https://oig.cepal.org/en/indicators/femicide-or-feminicide>

Opinion | In Mexico, Women Break the Silence Against Femicide. (2020, March 6). The New York Times.
<https://www.nytimes.com/2020/03/06/opinion/international-world/mexico-femicides-amlo.html>

Orduz Gualdrón and Frank Steward. (2015). Victimización Y Violencia Sexual En El Conflicto Armado En Colombia. Redalyc.VICTIMIZACIÓN Y VIOLENCIA SEXUAL EN EL CONFLICTO ARMADO EN COLOMBIA

Orem, E. (2020). Addressing Discretion and Discrimination in the Mexican National Migration Institute. Columbia Human Rights Law Review. Issue 52.1, 37-79.

Oswaldo Ruiz Chiriboga & Gina Donoso. 2014. "Pueblos Indígenas y la Corte Interamericana: Fondo y Reparaciones" El primer caso indígena sometido a la competencia de la Corte fue el caso Aloeboetoe y otros Vs

Oxfam, 2019.
https://cng-cdn.oxfam.org/honduras.oxfam.org/s3fs-public/file_attachments/Violencia%20dom%C3%A9stica%20-%20Caso%20de%20estudio_o.pdf

Pena, A., Stevenson, M. (2021, February 10). History of abuse for Mexican police unit in migrant massacre.
<https://apnews.com/article/police-mexico-victoria-massacres-texas-ea8622410ccdc3fc9b0eb11dd974b8a8>

Person, and Marco Aquino. "Castillo Jail Term Extended as Peru Protest Death Toll Hits 15." Reuters, Thomson Reuters, 16 Dec. 2022,
<https://www.reuters.com/world/americas/peru-protests-grind-despite-state-emergency-court-mulls-prison-former-president-2022-12-15/>.

"Peru" GAPD - The Global Abortion Policies Database, 19 July 2021,
<https://abortion-policies.srhr.org/country/peru/>.

“Peru: Freedom in the World 2021 Country Report.” Freedom House, <https://freedomhouse.org/country/peru/freedom-world/2021>.

“Peru: Land and Environmental Defenders Are at Risk, Says UN Expert.” OHCHR, 3 Feb. 2020, <https://www.ohchr.org/en/press-releases/2020/02/peru-land-and-environmental-defenders-are-risk-says-un-expert>.

“Peru: Law Protects Abusive Policing.” Human Rights Watch, 28 Oct. 2020, <https://www.hrw.org/news/2020/05/12/peru-law-protects-abusive-policing>.

“Peru: New Law Granting Right of Consultation to Indigenous Peoples.” The Library of Congress, <https://www.loc.gov/item/global-legal-monitor/2011-09-27/peru-new-law-granting-right-of-consultation-to-indigenous-peoples/>.

“Peru's Plurinational Debate on Indigenous Law.” *Opinio Juris*, 11 July 2022, <https://opiniojuris.org/2022/07/11/perus-plurinational-debate-on-indigenous-law/>.

Peru 2021 Human Rights Report - U.S. Department of State. https://www.state.gov/wp-content/uploads/2022/02/313615_PERU-2021-HUMAN-RIGHTS-REPORT.pdf.

Peru Locks up Trans Women in Sex Crime Wards, Report Says. *TeleSUR*, 20 Oct. 2020, <https://www.telesurenglish.net/news/Peru-Locks-up-Trans-Women-in-Sex-Crime-Wards-Report-Says-20201020-0003.html>.

Peru: Country Report for Use in Refugee Claims Based on Persecution Relating to Sexual Orientation and Gender Identity. University of Toronto Faculty of Law International Human Rights Program, 20 Nov. 2011, <https://ihrp.law.utoronto.ca/sites/default/files/documents/SOGI/Peru%20Report.pdf>.

Peru. Front Line Defenders, 10 Aug. 2022, <https://www.frontlinedefenders.org/en/location/peru>.

Peru. Outright Action International, <https://outrightinternational.org/our-work/americas/peru>.

Police Reform in Honduras: The role of the special purge and transformation commission. Wilson Center, https://www.wilsoncenter.org/sites/default/files/media/documents/publication/lap_dye_police-english_final.pdf.

Político, R. A. (2022, December 3). La Estafa Maestra, impune a cuatro años de investigaciones. <https://www.animalpolitico.com/politica/estafa-maestra-impune-cuatro-anos-investigaciones>

Politics and Gender. “Women’s Judicial Representation in Haiti: Unintended Gains of State Building Efforts” by Marianne Tøraasen. April 12, 2022

Population, female (% of total population) - Mexico | Data. (n.d.). [Data.worldbank.org. https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=MX](https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=MX)

Por qué las que las mujeres temen denunciar la violencia de género en Colombia - Infobae

Pueblos Indígenas de Colombia denuncian violenta represión por parte del gobierno de Duque | Cultural Survival

Rangel, J. (2022, July 29). Infographic: Afrodescendants in Mexico. Wilson Center. <https://www.wilsoncenter.org/article/infographic-afrodescendants-mexico>

Rapporteurship on the Rights of Women :: Precautionary Measures granted by the IACHR.

RCN Radio. (2021). Mujeres violentadas denuncian que son revictimizadas en las Comisarías de Familia: Mujeres violentadas denuncian que son revictimizadas en las Comisarías de Familia

Relief Web, 2019. Mujeres hondureñas agobiadas por la violencia, el desplazamiento forzado y la impunidad - Honduras | ReliefWeb

ReliefWeb. Female Officers Serve Vital Roles. January 18, 2012.

“Research Guides: Peruvian Legal Research: Basic Legal Structure.” Basic Legal Structure - Peruvian Legal Research - Research Guides at Harvard Library, <https://guides.library.harvard.edu/law/peru>.

Relief Web, Las mujeres afro de Colombia en busca de justicia, 2018, <https://reliefweb.int/report/colombia/las-mujeres-afro-de-colombia-en-busca-de-justicia>

Reuters. “Haitians hold voodoo rituals to ancestors amid crisis” by Gessika Thomas. November 2, 2021.

“RFN Deeply Concerned after Protests in Peru Leaves Three Indigenous People Dead.” The Rainforest Foundation, <https://www.regnskog.no/en/news/rfn-deeply-concerned-after-protests-in-peru-leaves-three-indigenous-people-dead>.

RNDDH. Massacre à Cité Soleil : Récits glaçants des femmes et filles victimes de viols collectifs. August 16, 2022.

Rochabrun, Marcelo. Peru Opens Torture Investigation over Trans Man's Death in Indonesia.

Reuters, 1 Sept. 2022,

<https://www.reuters.com/world/americas/peru-opens-torture-investigation-over-trans-mans-death-indonesia-2022-09-01/>.

Rosales, C. (2022, May 20). Saldo de la prisión ‘preventiva’: sólo 3 de cada 10 presos son condenados. México Evalúa.

<https://www.mexicoevalua.org/saldo-de-la-prision-preventiva-solo-3-de-cada-10-presos-son-condenados/>

Rosember Ariza Santamaría. (2013). Pueblos indígenas de Colombia ante el Sistema Interamericano de Derechos Humanos. Konrad Adenauer.

Rueda Cruz, E., Fabre Zarandona, A. (2022, September 19). Mexico: training interpreters in Indigenous Languages. International Work Group for Indigenous Affairs (IWGIA).

<https://www.iwgia.org/en/news/4906-mexico-training-interpreters-in-indigenous-languages.html>

RW. 2018. “Las mujeres afro de Colombia en busca de justicia”

Sabet, D. (2010, December 22). Police Reform in Mexico: Advances and Persistent Obstacles. The Wilson Center.

wilsoncenter.org/sites/default/files/media/documents/publication/Chapter%208-Police%20Reform%20in%20Mexico%2C%20Advances%20and%20Persistent%20Obstacles.pdf

Sally Palomino. (2022). La violencia contra los hombres gays en Colombia deja dos muertos en menos de 72 horas. Diario EL PAÍS. La violencia contra los hombres gays en Colombia deja dos muertos en menos de 72 horas.

Sanchez, F. Pesce, F. (2022, December 27). Why Mexico has made little progress on femicide. PBS NewsHour.

<https://www.pbs.org/newshour/world/femicides-in-mexico-little-progress-on-longstanding-issue>

Sarabia, T.L. (2021, March 18). Indigenous People Can't Wait.

www.opensocietyfoundations.org. Retrieved December 6, 2022, from <https://www.opensocietyfoundations.org/voices/a-travesty-of-justice-for-indigenous-people-in-mexico-prisons#:~:text=In%20Oaxaca%2C%20for%20example%2C%2060>

Secretaria de Relaciones Exteriores. (n.d.). General Law on Women's Access to a Life Free of Violence. http://www.summit-americas.org/brief/docs/Law_on_access_to_a_life_free_violence.pdf

Senado de la República de Colombia. (2022). Proyecto de Ley "Por medio de la cual se crea el Ministerio de la Igualdad y Equidad y se dictan otras disposiciones.

Sheridan, MB., (2022, September 9). Mexico putting civilian-led national guard under military control. (n.d.). The Washington Post. <https://www.washingtonpost.com/world/2022/09/09/mexico-national-guard-army/>

Sieder, R. (2012). The Challenge of Indigenous Legal Systems: Beyond Paradigms of Recognition. *The Brown Journal of World Affairs*, 18(2), 103–114. <http://www.jstor.org/stable/24590866>

“Social Acceptance of LGBTQI+I People in 175 Countries and Locations.” UCLA Law Williams Institute, 28 Oct. 2022, <https://williamsinstitute.law.ucla.edu/publications/global-acceptance-index-LGBTQI+/>.

Soon Kyu Choi, Shahrzad Divsalar, Jennifer Flórez-Donado, Krystal Kittle, Andy Lin Ilan H. Meyer, Prince Torres-Salazar. (2019). Estrés, Salud Y Bienestar De Las Personas LGBTQI+ En Colombia: Resultados de una encuesta nacional. ESTRÉS, SALUD Y BIENESTAR DE LAS PERSONAS LGBTQI+ EN COLOMBIA Resultados de una encuesta nacional

Suggested List of Issues Prior to Reporting. 73rd Session of the Committee Against Torture 19 April–13 May 2022. <https://www.theadvocatesforhumanrights.org/Res/Mexico%20CAT%20LOIPR%20FINAL.pdf>

Sviatschi, Maria Micaela, and Iva Trako. Gender Violence, Enforcement, and Human Capital: Evidence from Women's Justice Centers in Peru. 21 Dec. 2021, http://www.micaelasviatschi.com/wp-content/uploads/2021/12/Peru_paper_working54.pdf.

Syracuse University Impunity Watch. “No Prosecution for Haitian Rape Cases” by Stuart Smith. July 2, 2012.

Tegel, Simeon. “Peru's Secret Weapon against Cop Corruption: Policewomen.” *The World*, 7 June 2014, <https://theworld.org/stories/2014-06-07/peru-s-secret-weapon-against-cop-corruption-policewomen>.

Tegel, Simeon. A Wave of Women Just Swept into Power in the 'Country of Rapists'. *VICE*, 10 Dec. 2020, <https://www.vice.com/en/article/jgqj8d/a-wave-of-women-just-swept-into-power-in-the-country-of-rapists>.

The Advocates for Human Rights. (2022, January 24). Mexico's Compliance with the Convention Against Torture

The Atlantic. “The Black Religion that's been maligned for centuries” by Nadege Green. June 29, 2022.

The City University of New York Law Review. “Barriers to Women's Access to Justice in Haiti” by Meena Jagannath. Winter 2011.

The Conversation. “What is Haitian Voodoo?” by Guilberly Louissaint. August 21, 2019.

The Guardian. “Vodou is elusive and endangered, but it remains the soul of Haitian people” by Kim Wall and Caerina Clerici. November 7, 2015.

The Haitian Times. “A brief history of Haiti as a destination for groups seeking refuge” by Noah Agustin. May 19, 2022.

The Honduran Police Force: Evaluating the Professionalization of the Civilian Police Force. WOLA, 2020. <https://www.wola.org/wp-content/uploads/2020/09/HN-Police-ENG-8.28.pdf>.

The Indigenous World 2021 - International Work Group for Indigenous Affairs. https://www.iwgia.org/doclink/iwgia-book-the-indigenous-world-2021-eng/eyJoeXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWIiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2Vub3VzLXdvcmxkLTlwMjEtZW5nIiwiaWF0IjoxNjI4ODM5NjM2LjIleHAiOiJlE2Mjg5MjYwMzZ9.z1CuM7PcT5CPkVoevx8ve88y6vovmwDu_5lJQ_lwAkM.

The U.S Department of State, Bureau of Democracy, Human Rights, and Labor. Haiti 2019 Human Rights Report. 2019.

The World Bank. (n.d.). Protection from Hate Crimes. <https://thedocs.worldbank.org/en/doc/fo3e36335f388347d086f66e2a3aaac4-0200022021/original/EQOSOGI-139-156.pdf>

The World Bank. Databank. "THREE DEFENDERS KILLED AS ATTACKS ON INDIGENOUS COMMUNITIES INCREASE IN THE PERUVIAN AMAZON." Civicus, 9 Apr. 2021, <https://monitor.civicus.org/updates/2021/04/09/three-defenders-killed-attacks-indigenous-communities-increase-peruvian-amazon/>.

Tied down and Sterilized: Peru's Dark History of Family Planning. Los Angeles Times, 29 Oct. 2019, <https://www.latimes.com/world-nation/story/2019-10-29/peru-forced-sterilization-alberto-fujimori>.

The Inter-American Human Rights System, https://www.city.ac.uk/__data/assets/pdf_file/0015/106431/Inter-American.pdf.

Transgender Law Center at Cornell University. (2016, May). Report on Human Rights Conditions of Transgender Women in Mexico. Cornell University Law School. <https://transgenderlawcenter.org/wp-content/uploads/2016/05/CountryConditionsReport-FINAL.pdf>

U.S Department of State. 2021 Country Reports on Human Rights Practices: Haiti.

U.S Embassy in Haiti. Victims of Crime.

UN Women Data Hub - Country Fact Sheet: Peru. UN Women, <https://data.unwomen.org/country/peru>.

UN Women. (2022). Status of Women's rights in Colombia. Colombia | UN Women – Americas and the Caribbean

Unaid.org. The Injustices Faced by Transgender Women in Peru. UNAIDS, 26 Apr. 2018, <https://www.unaids.org/en/resources/presscentre/featurestories/2018/april/injustices-faced-by-transgender-women-in-peru>.

Unidad para las Víctimas. (2023). Comunidades negras, afrocolombianas, raizales y palenqueras | Unidad para las Víctimas.

United Nations Human Rights Committee. Fighting for our lives: Violence and Discrimination against women and LGBTQI+ persons in Haiti. October 2014.

United Nations Human Rights Office of the High Commissioner - Report of Mission to Peru 17-22 November 2020. United Nations Human Rights, https://www.ohchr.org/sites/default/files/Documents/Countries/PE/Informe-Mission-Peru_EN.pdf.

United Nations Office of the High Commissioner for Human Rights- Haiti. A Profile of Police and Judicial Response to Rape in Port-au-Prince. June 2012.

USAID, Colombia | U.S. Agency for International Development, <https://www.usaid.gov/colombia>

USAID. Haiti Rule of Law Assessment. April 2015.

USAID. Improving Justice Service Delivery and Sector Reform in Haiti (PROJUSTICE). 2016.

Valoyes Gutiérrez, Klarem. (2020). La Vanguardia. Colombia: cuando el racismo estructural se ensaña contra los afros

Vianchá, Diana Sofía. (2010). Violencia De Género Y Victimización Secundaria “Una falla funcional Institucional” VIOLENCIA DE GÉNERO Y VICTIMIZACIÓN SECUNDARIA “Una falla funcional Institucional” Diana Sofía Nítola Vianchá1 “Las m

VIOLENCE AND DISCRIMINATION AGAINST LESBIAN, GAY, BISEXUAL AND TRANS (LGBTQI+) PERSONS. PROMSEX,

<https://incidenciainternacional.promsex.org/wp-content/uploads/LGBTQI+inglesPromsex.pdf>.

Wallace, Arturo. Colombia le pone numeros a su conflicto armado, BBC Mundo, 2013,

https://www.bbc.com/mundo/noticias/2013/07/130724_colombia_conflicto_armado_cifras_aw

Washington Office on Latin America (WOLA). (2020, March 30). What’s Happening with Mexico’s National Anti-Corruption System? WOLA.

<https://www.wola.org/analysis/progress-challenges-corruption-mexico/>

Washington University in St. Louis School of Law. (2014, January 28). What is the Difference Between Common Law and Civil Law? WashULaw Blog.

<https://onlinelaw.wustl.edu/blog/common-law-vs-civil-law/>

Washington: GPO for the Library of Congress. “Haiti: A Country Study” by Richard A Haggerty. 1989.

WBUR. “We Are Being Targeted’: Voodoo Believers Fear A Backlash After Crimes Agaisnt Children” by Alanna Durkin Richer and Philip Marcelo. February 12, 2018.

William Villa. (2005). Violencia política contra los pueblos indígenas en Colombia (1974-2004) - Semillas

Women in Peru. Project Peru, 28 May 2022, <https://projectperu.org.uk/about-peru/women-in-peru/>.

Women in the Workforce - Mexico: Quick Take - Catalyst. (2019). Catalyst.

<https://www.catalyst.org/research/women-in-the-workforce-mexico/>

Women Take to the Streets to Demand Police Reform in Peru. TeleSUR, 25 Nov. 2020,

<https://www.telesurenglish.net/news/Women-Take-to-the-Streets-to-Demand-Police-Reform-in-Peru-20201125-0009.html>.

Women's Access to Justice in a Time of Pandemic: Programa De Las Naciones Unidas Para El Desarrollo. United Nations Development Programme, 23 Nov. 2020,

<https://www.undp.org/es/peru/news/women%E2%80%99s-access-justice-time-pandemic>.

Woodman, S. (2016, August 22). Mexican police turn blind eye to murders of transgender women, say activists. Reuters.

<https://www.reuters.com/article/us-mexico-transgender-violence/mexican-police-turn-blind-eye-to-murders-of-transgender-women-say-activists-idUSKCN10X1TY>

World Report 2019: Rights Trends in Peru. Human Rights Watch, 17 Jan. 2019,

<https://www.hrw.org/world-report/2019/country-chapters/peru#e81181>.

World Report 2021: Rights Trends in Peru. Human Rights Watch, 13 Jan. 2021, <https://www.hrw.org/world-report/2021/country-chapters/peru>.

World Report 2022: Rights Trends in Peru. Human Rights Watch, 13 Jan. 2022, <https://www.hrw.org/world-report/2022/country-chapters/peru>.

Yamith Mariño Díaz. (2022). Sobrevivir en la cárcel siendo cuir | Cambio Colombia. Cambio Colombia.

Zerega, G. (2019, February 21). Mexico aprueba la prision preventiva para los acusados de corrupcion, delitos electorales y robo de combustible. El Pais. https://elpais.com/internacional/2019/02/20/mexico/1550683131_614457.html?event_log=go