

HUMAN RIGHTS VULNERABILITY AND HIV & AIDS IN THE CARIBBEAN

A Trainers' Manual for Police
Officers



Caribbean
Vulnerable
Communities
Coalition

**HUMAN RIGHTS,
VULNERABILITY
AND HIV & AIDS
IN THE
CARIBBEAN**

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The Caribbean Vulnerabilised Groups Project is a five-year regional project which responds to HIV and AIDS among Caribbean sex workers, men who have sex with men, socially excluded youth, and people who use drugs. The Caribbean Vulnerable Communities Coalition (CVC) have come to implement the project as sub-recipients of a Pan Caribbean Partnership against HIV and AIDS (PANCAP) Grant provided by the Global Fund to Fight AIDS, Tuberculosis and Malaria. For more information, please visit our website at www.focusright.org

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TABLE OF ACRONYMS

AIDS: Acquired immunodeficiency syndrome

GBV: Gender-Based Violence

HIV: Human Immunodeficiency Virus

LGBTI: Lesbian, Gay, Bisexual, Transsexual and Intersex

MSM: Men Who Have Sex with Men

NGO's: Non-Governmental Organizations

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INTRODUCTION

1. Manual Overview

This manual is intended to assist law enforcement institutions and non-governmental organizations (NGOs) in the Caribbean. Its aim is to sensitize and build understanding in police officers regarding the relationship between human rights and HIV and AIDS, with a focus on populations especially vulnerable to HIV, including sex workers and Lesbian, Gay, Bisexual and Transgender (LGBTI) people.

The manual has been developed in the context of *The Caribbean Vulnerabilised Groups Project*, a five-year regional project which responds to HIV and AIDS among Caribbean sex workers, men who have sex with men, socially excluded youth, drug users and prisoners. The Caribbean Vulnerable Communities Coalition (CVC) have come to implement the project as sub-recipients of a Pan Caribbean Partnership against HIV and AIDS (PANCAP) Grant provided by the Global Fund to Fight AIDS, Tuberculosis and Malaria.

2. Who should use this manual?

The manual is intended for trainers of police personnel, whether facilitators in police academies, schools or police training institutes, as well as NGOs working in the area of human rights and HIV prevention, which, in partnership with police forces, support training in this field. It is essential that facilitators using this material have substantial previous experience in training on human rights, international human rights law, police ethics, and methods for protecting human rights during police investigations.

3. How to use this manual

This manual is intended to be used as a flexible tool that can be adapted to different educational contexts and needs. Primarily it is designed for police academies or police schools in training on human rights and vulnerable populations, both for basic training or for continuing professional development of police officers. The manual can also be used by NGOs working in the field of human rights and HIV prevention, to support police institutions in capacity building processes of police personnel through inter-agency collaborations.

Each session has an estimated time for its delivery and the facilitator needs to consider time restrictions and the existing knowledge, experience and training of police officers in human rights issues in order to design a realistic agenda. The approach of the five sections requires an estimated time of 4 days (6 hours per day). If you have less time or want to prioritize a specific topic, we recommend some of these combinations: *(Once validated, we can develop this section)*

4. The structure of this manual

The manual is divided into the following sections:

- Section 1: Introduction to human rights
- Section 2: Stigma, discrimination and vulnerable populations
- Section 3: Vulnerability and HIV risk
- Section 4: Hate crimes
- Section 5: The human rights of people engaged in sex work
- Section 6: The human rights of LGBTI people

Section 1

In this section participants define human rights, including their characteristics, examples, and the commitments of countries to their promotion and protection. This section encourages participants to reflect on the role of the police in respecting and protecting human rights, based on international standards.

Section 2

This section addresses the concepts of stigma, discrimination and vulnerable populations. Through sharing of personal experiences, participants reflect on the relationship between prejudice and social stigma and the effect these have on the vulnerability of those with restricted enjoyment of their human rights.

Section 3

This section introduces basic concepts related to risk and vulnerability to HIV due to stigma, discrimination and restricted enjoyment of human rights. Through group reflection, participants identify police guidelines to help reduce risk and vulnerability to HIV in vulnerable groups.

Section 4

This section explores gender-based violence and hate crimes. Through case studies, participants learn to recognize intolerance and discrimination as the basis for these types of offenses and review guidelines to address them properly.

Section 5

During this section, participants consider the realities of sex work and individual, social and structural factors that lead people to sell sex. Participants are invited to use their personal and professional experience to identify the security needs of this population and to review guidelines in order to ensure respect for human rights while reducing vulnerability for HIV.

Section 6

This section considers sexual diversity and reflects on the human rights of LGBTI persons. Participants identify the main security needs of LGBTI persons and review guidelines for professional conduct of police in the treatment of sexual minorities in order to help reduce their vulnerability to HIV.

Each section is composed of the following elements:

- Introduction
- Learning Objectives
- Practical exercises
- Instructions for the facilitator
- Notes for the facilitator

5. Teaching methodologies used in the delivery of this manual

This manual guides facilitators to use adult participatory learning and action methodologies. This ensures maximum interaction between facilitator and participants and is designed to promote knowledge-sharing and individual and group reflection which draws on personal and professional experience and joint solutions. Each section, in addition to theoretical discussion, proposes a series of exercises based on the following participatory techniques:

- **Brainstorming:** A group of people suggests possible answers to a question or problem. This is done in a “rapid-fire” manner, either orally or through cue cards. For example, participants are asked: “What are the characteristics of a good police officer?” All ideas are considered; criticism or censorship of ideas is not allowed in this activity. Ideally what we learn involves gathering the ideas of the whole group so that the facilitator is able to clarify misperceptions and provide correct information.
- **Discussion:** This is a guided conversation where there is an exchange of ideas about a given topic. For example, “What do you think of the inclusion of women in the police force?” Typically questions are made verbally or placed on cards and a discussion ensues in large groups or sub-groups. The ideas and experiences of individuals help the group to discover key aspects of learning to be achieved. Normally there is a person in the discussion group that moderates the conversation, usually either the facilitator or an assigned participant.
- **Case Studies:** A realistic scenario or a series of real events are presented to the participants, either orally or through the reading of a text for analysis. Case Studies are a useful technique to highlight real situations and to present other points of view help participants understand concepts more completely.
- **Role Playing:** Participants represent roles or people in a particular situation, such as a woman filing a complaint at a police station, but must create their own dialogue in the context of the role and the situation they are asked to represent. This technique is highly recommended if you want to increase the involvement of participants. The facilitator must oversee the process.
- **Question and Answer Session:** This technique provides the opportunity for participants to ask specific questions of a facilitator with extensive expertise.. This is recommended after each session so the facilitator can clarify any confusion or further explain a topic.

6. What resources are needed to deliver this training?

Preparation Time: Facilitators should allocate sufficient time to do background and core reading in preparation for facilitating this training. Each section of this manual provides facilitators with basic information which they can draw on to inform their discussions and develop presentations. Nevertheless, facilitators are strongly encouraged to read the human rights instruments and documents listed under “Further core reading for facilitators” highlighted in each section.

In addition to this, it is important to identify a suitable and comfortable space for the participants. A large space with adequate lighting and ventilation is recommended to stimulate learning. Facilitators should consider, before preparing the session, what equipment or materials are available. The educational sessions proposed by the manual can be developed with basic materials such as flipcharts, pens, tape, blank paper, cardboard and scissors. Ideally the facilitator should have access to audio-visual equipment such as a projector and speakers which allow screenings of movies. These resources make the delivery of the sessions more interactive and dynamic.

Section 1:

Introduction to Human Rights

Introduction

Contents

- 1.1. What are human rights?
- 1.2. What are my country's commitments to human rights?
- 1.3. The police code of conduct and human rights standards

Learning Objectives:

- Achieve a proper understanding of the concept of human rights.
- Know our country's commitments in relation to the promotion and protection of human rights.
- Recognize the role of the police in the defence of human rights.

Objectives of this section:

- To express ideas about human rights based on personal experiences.
- To reinforce the idea of promoting and protecting human rights as part of the international commitments of our country.
- To promote, through group reflection, the group's development in understanding the role of the police in protecting human rights.

Activity proposals:

- 1.a. Brainstorm: What are my rights as a human? - Screening of the documentary The History of Human Rights: A powerful film which defines human rights for everyone
- 1.b. Discussion: True or false? Exploring my country's commitments
- 1.c. Discussion: My experience with human rights

Resource requirements:

- Projector, speakers, and computer with Internet connection (or download the documentary)
- Flip chart paper and crayons
- Blank sheets of paper and pens
- Copies (one per participant) of the simplified version of The Universal Declaration of Human Rights

Estimated time: 2 hours and 30 minutes

1.1. WHAT ARE HUMAN RIGHTS?

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DEFINITION OF HUMAN RIGHTS:

Human rights are universal legal guarantees which protect individuals and groups against government actions that interfere with fundamental rights and human dignity. Human rights law oblige governments to do certain things and prevent them from doing others¹.

CHARACTERISTICS OF HUMAN RIGHTS:

Here are some of the most frequently cited characteristics of human rights, highlighted by the UN Office of the High Commissioner for Human Rights².

- International interest: meaning that human rights are guaranteed by international law.
- Legal protection: a regulatory framework which exists for international and national human rights protection.
- Attention to human dignity: refers to the fact that everyone should be treated with respect, as should their decisions, intentions and expressions of consent.
- Protection of individuals and groups: Human rights apply to both individuals and groups of people with different characteristics (for example, women, immigrants, gays, indigenous people, people with disabilities, among others)
- Obligation for States and State actors: State commitments to human rights extend to all players that offer a public service, for example, law enforcement officials and health care professionals in public hospitals.
- Cannot be deleted or suspended: we are born with human rights; once a human right is recognized by international law, it cannot be removed for any reason.
- Equality and interdependence: all people, regardless of their differences and origins, are born free and equal before the law and with human rights.
- Universality: human rights are based on the inherent dignity of all people, and are held regardless of gender, ethnic or social origin, skin colour, religion, language, nationality, age, sexual orientation, disability or any other characteristic.

WHAT ARE HUMAN RIGHTS?

In 1945 the United Nations was created. Its member countries reaffirmed their commitment to human rights through the **International Charter of Fundamental Rights** (1945) and The **Universal Declaration of Human Rights** (1948) which for the first time outlined 30 fundamental human rights. Below is a Simplified Version of the Universal Declaration of Human Rights:³

1. **We Are All Born Free & Equal.** We are all born free. We all have our own thoughts and ideas. We should all be treated in the same way.
2. **Don't Discriminate.** These rights belong to everybody, whatever our differences.
3. **The Right to Life.** We all have the right to life, and to live in freedom and safety.
4. **No Slavery.** Nobody has any right to make us a slave. We cannot make anyone our slave.
5. **No Torture.** Nobody has any right to hurt us or to torture us.
6. **You Have Rights No Matter Where You Go.** I am a person just like you!

¹ OHCHR (2004)

² OHCHR (2004)

³ Youth for Human Rights

7. **We're All Equal Before the Law.** The law is the same for everyone. It must treat us all fairly.
8. **Your Human Rights Are Protected by Law.** We can all ask for the law to help us when we are not treated fairly.
9. **No Unfair Detainment.** Nobody has the right to put us in prison without good reason and keep us there, or to send us away from our country.
10. **The Right to Trial.** If we are put on trial this should be in public. The people who try us should not let anyone tell them what to do.
11. **We're Always Innocent Till Proven Guilty.** Nobody should be blamed for doing something until it is proven. When people say we did a bad thing we have the right to show it is not true.
12. **The Right to Privacy.** Nobody should try to harm our good name. Nobody has the right to come into our home, open our letters, or bother us or our family without a good reason.
13. **Freedom to Move.** We all have the right to go where we want in our own country and to travel as we wish.
14. **The Right to Seek a Safe Place to Live.** If we are frightened of being badly treated in our own country, we all have the right to run away to another country to be safe.
15. **Right to a Nationality.** We all have the right to belong to a country.
16. **Marriage and Family.** Every grown-up has the right to marry and have a family if they want to. Men and women have the same rights when they are married, and when they are separated.
17. **The Right to Your Own Things.** Everyone has the right to own things or share them. Nobody should take our things from us without a good reason.
18. **Freedom of Thought.** We all have the right to believe in what we want to believe, to have a religion, or to change it if we want.
19. **Freedom of Expression.** We all have the right to make up our own minds, to think what we like, to say what we think, and to share our ideas with other people.
20. **The Right to Public Assembly.** We all have the right to meet our friends and to work together in peace to defend our rights. Nobody can make us join a group if we don't want to.
21. **The Right to Democracy.** We all have the right to take part in the government of our country. Every grown-up should be allowed to choose their own leaders.
22. **Social Security.** We all have the right to affordable housing, medicine, education, and childcare, enough money to live on and medical help if we are ill or old.
23. **Workers' Rights.** Every grown-up has the right to a job, to a fair wage for their work, and to join a trade union.
24. **The Right to Play.** We all have the right to rest from work and to relax.

25. Food and Shelter for All. We all have the right to a good life. Mothers and children, people who are old, unemployed or disabled, and all people have the right to be cared for.

26. The Right to Education. Education is a right. Primary school should be free. We should learn about the United Nations and how to get on with others. Our parents can choose what we learn.

27. Copyright. Copyright is a special law that protects one's own artistic creations and writings; others cannot make copies without permission. We all have the right to our own way of life and to enjoy the good things that art, science and learning bring.

28. A Fair and Free World. There must be proper order so we can all enjoy rights and freedoms in our own country and all over the world.

29. Responsibility. We have a duty to other people, and we should protect their rights and freedoms.

30. No One Can Take Away Your Human Rights.

Further reading for facilitators

- The complete Universal Declaration of Human Rights - <http://www.un.org/en/documents/dhr/>
- Manual on Human Rights Training for the Jamaican Police, A publication of the Independent Jamaica Council for Human Rights, Jamaicans for Justice, and Amnesty International, March 2013
- Human Rights and Law Enforcement: A Trainers Guide for Law Enforcement and the Police, a publication of Office of the High Commission for Human Rights, Geneva and New York, 2004

1.a. Activity:

What are human rights for me?

Objective: During this activity participants identify and describe human rights

Brainstorming: 10 minutes Screening of the video: 10 minutes Plenary: 20 minutes

Instructions

- Ask participants to brainstorm to create two lists of words; a list that describes the characteristics of human rights and another list with examples of human rights.
- Place two flipcharts on the wall, one entitled "Characteristics of human rights" and other "Examples of human rights".
- Ask your participants to list the first thing that comes to mind when they hear these questions:

What are the characteristics of human rights?

What rights do you think all humans should have by virtue of being human?

- In an organized but spontaneous manner, ask the participants to share their ideas. Do not discuss or criticize these ideas. Ask each participant to call out their ideas and move to the next participant.
- Write each answer exactly as the participant expressed it on a flipchart, without comments, notes or questions. For example, in relation to the characteristics, if the participant says, “everyone has them” or “it does not matter where you were born,” write these exact expressions, but shorten them if they are very long.
- Allow approximately 10 minutes for brainstorming until you have about 10 ideas written under each heading.
- When you complete the list, read out loud the definition of human rights that appears in section 1.1 of this handbook.
- Then read out loud the list of ideas from the first flip chart on the characteristics of human rights, and organize the ideas based on the following characteristics of human rights: internationally guaranteed; protected by law; attention to human dignity; protect individuals and groups; obligations of states and government agents to protect human rights cannot be suspended; all persons are equal before human rights, and human rights are universal.
- When reading the examples of human rights on the second flip chart, make reference to the simplified version of the Universal Declaration of Human Rights. Complete the examples that have not been mentioned by the participants.
- To conclude, provide participants with a copy of the simplified version of the Universal Declaration of Human Rights and ask them if they have any questions in relation to the characteristics of human rights and the examples provided.
- If you have access to the Internet, finish this activity with a video screening, “The history of human rights: a powerful film which defines human rights for everyone”⁴ produced by United for Human Rights.
- Introduce the video which provides an overview of how human rights have developed over time and explain its main features and its implications for countries.
- After the video, allow time for reflection and then ask participants to offer their impressions of the video. You can encourage this reflection by using the following questions:

What new things have you learned from this video? What is it that you like best?

Conclude by thanking the participants for their views and continue to Section 1.2 - What are my country’s commitments to human rights?

1.2. WHAT ARE MY COUNTRY’S COMMITMENTS TO HUMAN RIGHTS?

⁴ This video can be streamed online in both English and Spanish at: <http://mx.humanrights.com/#/what-are-human-rights> or you may request a DVD copy of it free-of-charge from *United for Human Rights*.

PARTICIPANTS HANDOUTS

SYSTEMS FOR THE GUARANTEE AND PROTECTION OF HUMAN RIGHTS AT THE INTERNATIONAL AND REGIONAL LEVELS:

Latin America and Caribbean countries respond to two systems of guarantee and protection of human rights:

- a) The International System which involves members of the United Nations Organization.
- b) The Inter-American System created by the Organization of American States.

Both systems have various legal instruments relating to human rights. The main ones are the American Declaration of the Rights and Duties of Man (May, 1948) and the Universal Declaration of Human Rights (December, 1948).

MAJOR HUMAN RIGHTS INSTRUMENTS OF THE UNITED NATIONS:

CHARTER OF FUNDAMENTAL RIGHTS				
Universal Declaration of Human Rights, 1948				
International Covenant on Civil and Political Rights, 1966			International Covenant on Economic Social and Cultural Rights, 1966	
Convention relating to the Status of Refugees, 1951	International Convention on All Forms of Racial Discrimination, 1965	Convention on All Forms of Discrimination against Women, 1979	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, 1984	Convention on the Rights of the Child, 1989

TYPES OF INSTRUMENTS FOR THE PROMOTION, PROTECTION AND DEFENCE OF HUMAN RIGHTS:

- **National Constitutions:** Typically these human rights charters establish the basic principles of equality and non-discrimination for all people equally.
- **Treaties, pacts and conventions:** These instruments are created by countries that undertake these commitments and are binding on the states that have ratified them. When a state signs a treaty or convention it implies a willingness to perform and involves no obligation; however once ratified, it does involve a legal obligation. Ratification involves a commitment to carry out positive actions (such as the enactment of laws or policies) on a national and local level, and to avoid any action that violates human rights. Failure to comply with ratified agreements may result in challenges through regional and international courts.
- **Declarations and resolutions:** These are instruments that express the will to implement public policies in a defined area. These instruments are mandatory however non-compliance is not sufficient reason to initiate legal proceedings for breaching.

- **Protocols:** Some instruments for the defence of human rights involve complementary protocols for the execution of the main instrument.

WHAT IS A HUMAN RIGHTS VIOLATION?

Human rights violations occur when the state defaults on the protection of rights under national, regional or international human rights laws. When we speak of “the state” we refer to all actors engaged in the public service, such as public administration and services, courts and tribunals, and the police and army.

WHAT ARE THE OBLIGATIONS OF THE STATE WITH RESPECT TO HUMAN RIGHTS?

States have dual obligation:

- **Negative obligation:** This means that laws, policies and practices should not interfere with the exercise of human rights. For example, state authorities are prohibited to act in a way that would violate human rights, for example, by enforcing press censorship or “disappearing” political dissidents.
- **Positive obligation:** This means that states should promote conditions for the exercise of human rights. For example, states have a duty to provide effective judicial processes, to protect vulnerable citizens from human rights violations, and to provide healthcare or employment for its citizens.

Further reading for facilitators

- The American Convention on Human Rights
- American Declaration on the Rights and Duties of Man
- The International Covenant on Civil and Political Rights (ICCPR)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Press releases and reports on your country’s human rights situation at <http://www.oas.org/en/iachr/>

1b. Activity:

True or false? Exploring my country’s commitments

Objective: During this activity participants come to understand the State’s commitments in relation to human rights.

Discussion: 15 minutes

Plenary: 20 minutes

Instructions:

In this activity, participants will split into groups of 5-6 people to discuss a series of statements and determine whether a statement is “true” or “false”.

- Divide the participants into groups of 5 or 6 people.

- Give each group a pen and a sheet of paper with the following statements.

1. States are answerable only to their national laws. True False
2. States must meet international standards. True False
3. When a state violates the human rights of a person or group of people, it can start a legal process at the international level. True False
4. Officials in charge of law enforcement, such as police, respond only to national laws. True False
5. When a state fails to protect the human rights of a certain group it is violating human rights of this group. True False

- Ask the participants to appoint a moderator in the group and have them collectively read the statements and decide if it is “true” or “false” and justify why in each case. Allow approximately 10 minutes for this discussion.
- Next, in plenary, ask each moderator to share the results and justify their answer.

Allow 15 minutes for this process.

- Prepare a flipchart with the 4 statements, and according to the responses of each group, include a “T” or “F” according to the responses of the groups.
- Once all the groups have finished, proceed to reveal the correct results to the whole group. Here are some example explanations that can be used:

PREMISE	EXPLANATION
1. States are answerable only to their national laws.	True <input type="checkbox"/> False <input type="checkbox"/> <i>Countries, on becoming state parties to the UN and the OAS, are committed to the international standards of both systems.</i>
2. States must meet international standards.	True <input type="checkbox"/> False <input type="checkbox"/> <i>When a treaty, convention or agreement is signed and ratified it becomes legal obligation to be respected by states.</i>
3. When a state violates the human rights of a person or group of people, victims can start a legal process at the international level.	True <input type="checkbox"/> False <input type="checkbox"/> <i>Failure to comply with regulations and international recommendations can be cause for prosecution at international or regional level.</i>
4. Officials who manage the enforcement of the law, such as police, respond only to national laws.	True <input type="checkbox"/> False <input type="checkbox"/> <i>Officials in charge of law enforcement, including police, act as public officials and as such are state actors. Therefore they are committed to meeting international standards.</i>
5. When a state fails to protect the rights of a particular group it is violating human rights of this group.	True <input type="checkbox"/> False <input type="checkbox"/> <i>States have a “positive obligation” to respect</i>

human rights, which is to establish protective mechanisms, perform investigations of complaints and possible violations of human rights for all people equally.

- Once you are finished with the explanations, ask the group if they have any doubts. To answer their questions you can rely on the information provided in Section 1.2. Use the following key ideas to address the question, “What are the country’s commitments to human rights?”

1.3. POLICE PROFESSIONAL ETHICS AND HUMAN RIGHTS STANDARDS

PARTICIPANTS HANDOUTS

WHAT ARE PROFESSIONAL POLICE ETHICS?

Professional Police Ethics is a set of professional duties that guide the conduct of a police officer, which are created based on more general rules and principles. The main work of a police officer is enforcing the law and maintaining order but this work must be compatible with:

- Compliance and enforcement of the law: including both national and international laws.
- Respect for human dignity: this refers to respect for all people equally, taking into consideration their views, choices and consent.
- Respect for and protection of human rights: respect for the rights that everyone hold of as a human beings

INTERNATIONAL STANDARDS ON HUMAN RIGHTS FOR POLICE

- Code of conduct for officials in charge of law enforcement. (Resolution 34/169 of 1979, the General Assembly of the United Nations).
- Basic Principles on the Use of Force and Firearms by officials in charge of law enforcement (Adoption date September 7, 1990)
- Resolution 1325 of the Security Council of the United Nations on Women, Peace and Security (October 31, 2000 by United Nations Security Council).
- The United Nations Standard Minimum Rules for the Treatment of Prisoners
- The United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules).
- The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules).

TEN HUMAN RIGHTS STANDARDS FOR OFFICERS AND DUTY BEARERS OF LAW ENFORCEMENT⁵

1. Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups.
2. Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy.
3. Do not use force except when strictly necessary and to the minimum extent required under the circumstances.
4. Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.
5. Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others.
6. Arrest no person unless there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures.
7. Ensure all detainees have access promptly after arrest to their family and legal representative and to any necessary medical assistance.
8. All detainees must be treated humanely. Do not inflict, instigate or tolerate any act of torture or ill-treatment, in any circumstances, and refuse to obey any order to do so.
9. Do not carry out, order or cover up extrajudicial executions or “disappearances”, and refuse to obey any order to do so.
10. Report all breaches of these Basic Standards to your senior officer and to the office of the public prosecutor. Do everything within your power to ensure steps are taken to investigate these breaches.

Notes for facilitators

Your country may have specific guidance or policies for police treatment of vulnerable or minorities groups; for example, the Jamaica Constabular Force Policy on Diversity (Force Orders No. 3351 Part I Sub. No. 1 dated 25 August 2011). As facilitator you should identify and review relevant national operating procedures, protocols and policies which guide accountable, human rights-based, and ethical law enforcement and provide these to participants for reference as they work through the cases and role-plays in subsequent modules.

1.c. Activity:

My experience with human rights

⁵ Amnesty International (1998).

Objective: During this activity participants reflect on the role of the police in protecting human rights.

Discussion: 55 minutes

Plenary: 20 minutes

Instructions:

In this activity participants reflect on their personal and professional experiences with human rights and conclude by proposing collective actions to be taken to promote the protection of human rights by the police.

- Ask the participants to gather in groups of 5 or 6 people. Participants can stay in the groups formed in the previous activity or they can create new ones. Ask each group to appoint a moderator or a note-taker.
- Distribute 3 flipcharts or 3 sheets of paper to each group as well as pens with which to take notes.
- Explain to participants that the first discussion group will focus on their personal experience with human rights. Provide each group with a copy of the Simplified Version of the Universal Declaration of Human Rights, with the 30 human rights listed, and a card with the following question:

In your personal experience, have you ever felt that your human rights have been violated? Briefly share your experience with the group.

- For this discussion, allow the group 15 minutes. Ask each group member to relate their experience and remind the note-taker to summarize discussions. If someone does not want to share their experience and would prefer not to participate, respect that decision.
- Focus a second discussion on human rights violations in the professional lives of police.

Provide each group with a copy of the 10 Human Rights Standards for Law Enforcement

Officers and a card with the following question:

In your experience as a police officer, have you ever witnessed the breach of these rules? Briefly share your experience with the group.

- In the event that the participants are students of the police academy, and have not yet had police experience, the following question may be substituted: Have you ever witnessed or heard, through other people, television or newspaper, about the breach of these rules by the police?
- Ask the moderator to read the 10 standards out loud and afterwards allow 15 minutes for discussion while the note-taker takes notes about the experiences of the participants.

- Focus the final group discussion on finding solutions to ensure respect for human rights within the police force. For this, share with each group a card with the following question:

What measures do you think need to be taken to ensure compliance with human rights standards by the police?

- During the 15 minutes of discussion, ask the note-taker to take notes on the feedback from the participants.
- Once the 3 group discussions are completed, allow 10 minutes to organize ideas and appoint a representative who will share the results of the plenary discussions.
- Ask representatives from each group to summarize the results concisely and briefly.
- As facilitator, you should take notes on the main points of discussion, either using 3 flipcharts or taking personal notes in order for you to be able to summarize the points as a conclusion.
- Conclude the activity by highlighting the characteristics of equality before the law and universal human rights which apply to police officers in both their personal lives and in their professional practice.
- Emphasize the importance of respecting human rights standards for officials in charge of law enforcement as a benchmark for professional practice.
- Highlight the existence of codes of conduct for police officers and police rules which take into account the importance of complying with the law, respect for human dignity and respect for and protection of human rights.

Section 2: Stigma and Discrimination

Introduction

Contents:

- 2.1. What is stigma?
- 2.2. What is discrimination?
- 2.3. Defining vulnerable populations

Learning Objectives:

- Achieve a proper understanding of the concept of stigma
- Achieve a proper understanding of the concept of discrimination and its impact on the enjoyment of human rights
- Understand that there are certain groups of people who suffer a higher level of discrimination and human rights violations

This section:

- Helps to create understanding, from personal experience, of the impact of prejudice in personal relationships.
- Identifies different types of discrimination and their impact on human rights.
- Promotes, by means of group reflection, understanding of the heightened vulnerability of some populations to human rights violations.

Activities proposals:

- 2.a. Discussion: What will they think of me and what do I think of them?
- 2.b. Discussion: The consequences of discrimination

Resource requirements:

- Flip chart paper and crayons
- Blank sheets and pens
- Copies of activity 2.a. and 2.b.

Estimated time: 1 hour and 25 minutes

2.1. WHAT IS STIGMA?

PARTICIPANTS HANDOUT

WHAT IS SOCIAL STIGMA?

Stigma is a negative label or association used to identify the characteristics or attributes of a group of people viewed as “undesirables” in the eyes of others. Types of stigma include:

- Cultural: for example, belonging to an ethnic group (Afro-descendants, indigenous, Jews), being a foreigner, or belonging to a religious group.
- Corporal or physical: such as having a determined colour, disability or other aesthetic feature not considered positive in a society.
- Behaviours: such as using drugs, engaging in same-sex relationships, exchanging in sex for money, or representing a particular institution, etc.
- Health: There are certain health conditions especially stigmatized, for example, Sexually Transmitted Infections (STIs), Human Immunodeficiency Virus (HIV), Tuberculosis, and leprosy.

Stigma is intrinsically linked to power. This is to say, it is in the interest of some privileged groups to keep another subordinate because the ultimate goal of stigma is to devalue or discredit a person in the eyes of another.

What is prejudice?

To better understand stigma and its consequences, one must speak of prejudice. Prejudice is to negatively judge things, situations, people or groups, without a complete understanding or without knowing the truth about what is being judged.

The following are examples of prejudice, and even without careful analysis and accurate information, we realize the inconsistencies inherent in them.

- “Immigrants come to steal our work”
- “Black people are lazy”
- “The crippled are grumpy”
- “Homosexuals are mentally ill”
- “A person with HIV has led an immoral life”
- “All police are all corrupt”

2. a. Activity:

What will they think of me and what will I think of them?

Objective: During this activity participants become aware of the influence of prejudice in the development of social stigma.

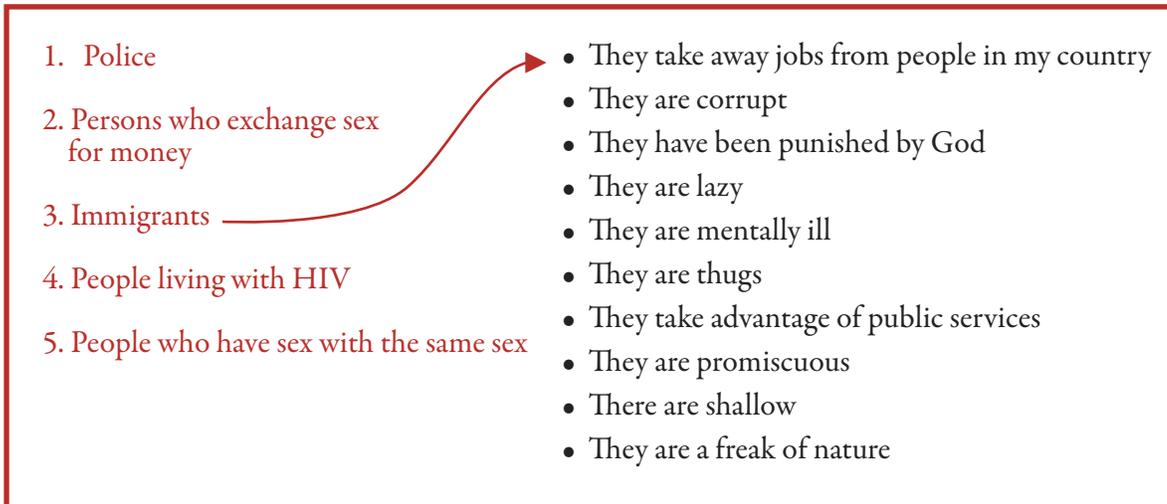
Discussion: 15 minutes

Plenary: 20 minutes

Instructions:

In this activity, participants will reflect on the way prejudice influences the development of social stigma and discrimination. A pre-developed list with a number of prejudices will be used for this activity. In order for the police participants to make a personal connection with vulnerable populations who are subject to stigma and discrimination, they will be included in the activity, along with some negative preconceptions about them.

- First, ask the group to divide into subgroups of 5-6 people. Provide each group with a sheet of paper with the following diagram copied onto it. Ensure there are enough copies for all the groups.



- Introduce the activity by explaining to the group that they will be exploring stigma and discrimination in this session.
- Before starting the group work, as facilitator, read aloud the groups of people who appear in the left column and the statements as they appear on the right.
- Show them the example shown and explain that they should connect groups of people who appear in the left column with judgments or prejudices that appear on the right. This will take into account their personal prejudices and those that exist in society.
- Indicate that in the same way there are negative perceptions regarding other groups, there are also negative perceptions of the police. Each group of people may match up with several prejudices; however no group should stay without prejudice.
- Allow participants 15 minutes to decide on group bias corresponding to each group of people, then a representative from each group will present the results in plenary.
- The connections between groups of people and prejudices can be varied and there is no single formula, however below we present an approximation of possible connections, see brackets beside each prejudice.

1. Police

- They take jobs away from people in my country (3)
- They are corrupt (1)

2. Persons who exchange sex for money

- They have been punished by God (4)
- They are lazy (2/3)

3. Immigrants

- They are mentally ill (2/5)
- They're thugs (1)

4. People living with HIV

- They take advantage of public services (3)

5. People who have sex with same sex

- They are promiscuous (4/5)
- They are shallow (1)
- They are freaks of nature (5)

- As facilitator you will have previously prepared, in a flipchart, a reproduction of the sheet shared with the groups so that during the plenary, you can check off the decisions of each group in prentices as is shown above.
- Once all groups have finished, ask the following question in plenary; write it on a flip chart if necessary:

As future police officers or current police officers, have you ever felt stigmatized? How did you find that experience?

- As facilitator, allow 2 or 3 people in the group to share their experience in relation to the prejudices that other people have about the police. This will take about 10 minutes.
- Then outline the concepts that make up stigma and social prejudice, based on the definitions given in section 2.1. If you feel it is necessary you can use a visual aid such as a flip chart or presentation.
- It is important to signal that prejudices are negative judgments about certain groups without full knowledge or hard facts about what is being judged. You can justify the lack of logic of some prejudices using the following examples:

1. Immigrants contribute to the economies of host countries and are usually vulnerable to being employed in precarious conditions, for example, low pay, insecure contracts, etc.
2. The reasons that lead a person to engage in sex work are varied, and in many cases lack of formal education, discrimination, and violence play a role.
3. Many police enforce the law with professional ethics and under difficult working conditions.
4. HIV is not a divine punishment — lack of information, lack of access to condoms, discrimination and sexual violence can influence the risk of acquiring HIV.
5. Having consensual sex with people of the same sex is a human right.

- To continue, introduce the concept of discrimination and note that certain groups are particularly vulnerable to discrimination and to having their human rights violated, both in the community and in the laws and policies of our countries.
- Conclude by asking the participants if they have any questions about the concepts discussed or if they want to express some additional insight.
- We recommend that you prepare your arguments against prejudice very thoroughly, as some prejudices are very hard to de-construct and challenge. It is advisable to compare prejudices towards vulnerable populations with prejudice against the police, so that they can identify and recognize the inconsistency of their own prejudices.

2.2. WHAT IS DISCRIMINATION?

PARTICIPANTS HANDOUTS

WHAT IS DISCRIMINATION?

Discrimination consists of treating two things that are equal differently. Everyone is different in one way or another, however in the context of human rights all people are equal. When equal treatment does not occur and there is a distinction, exclusion, or a restriction placed on a person or group, there is often discrimination⁶.

Types of discrimination:

Here are some types of discrimination and some beliefs or attitudes that underlie discrimination.

DISCRIMINATION	BELIEF OR ATTITUDE THAT MOTIVATES DISCRIMINATION
Racial discrimination: when people are discriminated against because of their skin colour or the physical features that characterize them as part of an ethnic group.	Racism: belief in the superiority of one racial group or skin colour over another.
Discrimination of foreigners: when people are discriminated against because of their nationality.	Xenophobia: is the rejection, aversion or hatred of non-nationals or foreigners.
Gender discrimination: when people are discriminated against because of their sex or gender. This discrimination is usually directed toward women but also towards transgender people.	Sexism: is the belief in the superiority of one sex over another. Machismo: is the belief in the superiority of men over women. Transphobia: rejection, aversion or hatred towards transgender people.
Discrimination based on sexual orientation: when a person is discriminated against based	Homophobia: is the rejection, aversion or hatred towards men who have sex with men.

⁶ Ministerio de Protección Social y UNFPA (2012)

on their sexual orientation. This type of discrimination is normally directed towards a gay, lesbian or bisexual ⁷ .	Lesbophobia: is the rejection, aversion or hatred towards women who have sex with women.
Discrimination against persons who exchange sex for money: when people (men and women) in sex work are discriminated against.	Whorephobia: is the rejection, aversion or hatred of people who engage in prostitution or sex work.
Discrimination against people living with HIV: when people living with the human immunodeficiency virus (HIV) are discriminated against.	Fear, rejection or hatred of people living with HIV.

WHERE IS DISCRIMINATION SEEN?

Discrimination hurts people who are subject to social stigma, and can be found in the following contexts:

1. **Discrimination in the family/community:** when society or the family excludes certain stigmatized people from activities, or rejects them verbally or with certain acts that may become violent. For example, when a family rejects a family member due to their sexual orientation or HIV status.
2. **Institutionalized discrimination:** happens in institutional settings - particularly at work, when accessing health services, in educational institutions, institutions of justice and defence, and prisons. For example, denying health services to persons engaged in sex work or not allowing children living with HIV to attend school is institutionalized discrimination. This also refers to discrimination codified in operating procedures, policies, and laws. For example, the criminalization of same-sex relations, or prohibitions on people living with HIV from entering countries are forms of institutionalized discrimination.

RIGHT TO NON-DISCRIMINATION:

International law guarantees human rights for all without distinction as to race, colour, sex, language, religion, political opinion, national or social origin, property, birth, sexual orientation or other status. Denying someone their human rights because of a characteristic which that person cannot change (such as skin colour, ethnicity or sexual orientation) violates international human rights principles.

States are obligated to take measures to guarantee the rights of everyone to be free from being discriminated against. Discriminatory laws that facilitate human rights abuses and deny equal access to justice should be repealed by the State. States must also provide effective protection against violence in the community. The laws and institutions of the state must address the root causes of discrimination, and not act on or encourage this behaviour.

2. b. Activity:

The consequences of discrimination

Objective: During this activity participants reflect on types of discrimination and the consequences of discrimination for people who face it.

During this activity, participants will reflect on the types of discrimination and the consequences for those who suffer discrimination.

Chain Reading: 10 minutes Discussion: 20 minutes Plenary: 20 minutes

Instructions:

In this activity, participants will reflect on different types of discrimination and its consequences.

- First, ask participants to read out loud the below list of phrases, narrated in the first person, about different people who have suffered discrimination.
- Put participants into groups and provide them with a copy of the the below list. Ask them to discuss the reasons for discrimination and its consequences in terms of human rights limitations.

1. *I am a single mother with no money to support my two children, who was fired from my last job for being pregnant again.*
2. *I am a boy who never finished high school because I was bullied and called a faggot (battyman, anti-man, etc).*
3. *I am a sex worker working on the streets because nobody wants to hire a transgender woman.*
4. *I am a sick immigrant living under a bridge because healthcare does not cover foreigners.*
5. *I lost my last job due to a routine medical checkup at work where an HIV test was done and I tested positive.*
6. *We are the parents who buried our daughter long before her time because she was raped and murdered by a group of men for being a lesbian.*
7. *I am a sex worker and a survivor of violence who went to make a complaint to the police and was ridiculed and sent home.*
8. *I am a woman who died when the paramedics stopped treating me upon learning that I was a transgender person.*
9. *I am a soldier serving my country who cannot reveal my sexual orientation because being gay is not allowed in the military.*
10. *I am a man who stopped attending church, not because I stopped believing, but because they closed the doors on me when they found out that I use drugs.*

- Ask for a volunteer to begin by reading the first sentence out loud: “I am a woman abandoned by her husband who has no money to support her three children because I was fired from my last job for being pregnant” then pass the paper to the next person and ask them to read the second phrase; continue this until all 10 phrases have been read.

- As facilitator, ensure that participants read fluently and if someone refuses to read out loud, he /she is free to do so by passing the sheet to the next person.
- Once you have completed the collective reading, ask them to form groups of 5 or 6 people.
- Give each group a copy of the list of sentences to read aloud and then ask them to re- read the list of sentences in sub-groups. Afterwards, answer the following questions as a group. If necessary, you can appoint a note-taker to write down the answers:

What type of person can you identify based on their characteristics? What do you think these people have in common?

Have you ever had a similar experience personally, or do you know people that have had any of these experiences?

- Leave about 20 minutes for discussion, and once participants have finished ask a representative from each group to present in plenary the results of the first two questions.
- As facilitator, use three flip charts pasted on the wall to write the responses of each group to the first two questions. Here's an example of some of the answers they might give.

Flipchart 1

- *Homosexuals*
- *Prostitutes*
- *An immigrant*
- *A pregnant woman*
- *Etc.*

Flipchart 2

- *Have been attacked*
- *Have been rejected*
- *Have died*
- *Etc.*

- Once all groups have finished, allow 2 or 3 volunteers to answer the third question by sharing their experiences.
- Once volunteers have shared their personal experiences, explain that there are different types of discrimination and human rights violations towards distinct groups of people.
- Make a visual or oral presentation on the concept of discrimination, types of discrimination, where discrimination occurs and vulnerable populations – you can use material from Sections 2.2 and 2.3.
- To enhance your presentation, exemplify some of the human rights violations that we provide in the table in section 2.3. As this guide is focused mainly on reducing discrimination against LGBTI people and sex workers, we advise you to stress these groups.
- Once you've finished the presentation, give participants the opportunity to ask any questions they have and provide them with answers.

2.3. VULNERABLE POPULATIONS

PARTICIPANTS HANDOUT

WHO ARE VULNERABLE POPULATIONS?

Vulnerable populations or “vulnerabilized” populations are groups who face high levels of stigma and discrimination and have low enjoyment of their human rights, which in turn increases their vulnerability for HIV. The term “vulnerabilized” recognizes that groups such as sex workers, men who have sex with men, youth, people who use drugs, and migrants are not inherently ‘vulnerable’ but instead are put at increased risk for HIV and STI’s due to structural conditions such as gender inequality, homophobia and systematic and institutionalized stigma and discrimination, as well as other rights abuses. For example, men who have sex with men and sex workers are less likely to access health services and reveal their sexual behaviour to their doctor because their sexual behaviour is criminalized.⁸ In the field of public health, vulnerable populations are also sometimes called “key populations” or “most at-risk” populations.

Stereotype

Popular beliefs about the attributes or features that characterize a group

Prejudice

Negative pre-conceived opinion, intolerance or hatred towards a particular group.

Social stigma

Is an attribute, behavior, or reputation which is socially discrediting in a particular way: it causes an individual to be mentally classified by others in an undesirable, rejected stereotype rather than in an accepted, normal one.⁹

Discrimination

Refers to any distinction, exclusion, or restriction of a person on these grounds which has the purpose or effect—whether *de jure* or *de facto*¹⁰—of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of human rights and freedoms, taking into account the social and cultural attributes that have been built around certain groups of people.

⁸ UNDP (2012)

⁹ Goffman, Erving (1970)

¹⁰ Discrimination *of jure* refers to laws or regulations that undermine the enjoyment or exercise of human rights, while *de facto* is discrimination in terms of institutional practice, social or interpersonal.

VULNERABILIZED POPULATIONS	EXAMPLES OF DISCRIMINATION AND HUMAN RIGHTS VIOLATIONS
Immigrants	<p>Immigrants are discriminated against at work, when accessing health services, in educational institutions, when accessing housing and other social services. Sometimes immigrants are extorted by police and immigration agents and sometimes they are detained in detention centres or prisons. Sometimes they are victims of trafficking. Although imprisonment is the last option by international standards, migrants are routinely detained without proper legal advice. Detention facilities are often overcrowded, lacking access to health, nutrition, sanitation, drinking water or separation between men and women. There is a tendency to criminalize migration which is a human rights violation. Xenophobic sentiments and discriminatory behaviour are present in many societies and reinforced by laws and policies that restrict or criminalize migration.</p>
Women	<p>Women and girls make up half of the global population of people living with HIV. Inequality towards women and girls is prevalent in many laws and policies related to citizenship, health, education, marriage, work, sexual and reproductive rights, child custody, children, inheritance and property rights. Violence towards women also denies women and girls their decision-making power and personal power. All these factors limit women and girls' ability to protect themselves from HIV infection.¹¹</p>
Gay, lesbian, bisexual and transgender people (LGBTI)	<p>LGBTI and gender non-conforming people often face discrimination and violent attacks based on their sexual orientation and gender identity. In over 70 countries, same-sex relationships are criminalized and being LGBTI (or being perceived to be LGBTI) exposes people to the risk of arrest, detention, imprisonment and often torture or the death penalty. LGBTI people face discrimination in health care, education, work, and security institutions and are subject to expressions of violence and rejection in the community, sometimes leading to violent attacks (verbal, physical and sexual) and even murder. Many of these abuses are committed by security forces and police.</p>
Sex workers	<p>People who engage in sex work suffer discrimination in health services, social services and the justice system. Laws that penalize or criminalize sex work make people who sell sex more vulnerable to police abuse, which includes threats, physical violence and verbal coercion to have</p>

¹¹ UNDP (2012)

	sex, extortion, arbitrary arrests and detainments, and confiscation of documents. Often when sex workers are assaulted, the police are negligent in the investigation and treatment of these cases. Sex workers also experience high levels of stigma in the community which is often expressed through acts of violence. ^{12 13 14}
People living with HIV (PLHIV)	People living with HIV are often discriminated against at work, in educational institutions and health services. Policies such as requiring an HIV test to enter a country or gain employment are discriminatory. People living with HIV in prisons do not always have access to necessary health services (for example condoms or antiretroviral therapy) and in these contexts are victims of violence. In the community and the family PLHIV are rejected and driven from their peer groups. In many cases, when people living with HIV disclose their status they are subjected to violence from the community or their partners.
Detainees	Detainees, especially women, men who have sex with men, and transgender people are vulnerable to many kinds of violence in prisons. This violence can be perpetrated by other inmates or themselves, or by guards or police during arrest and detention. The environments of prisons sometimes are inadequate to the specific needs of women prisoners and lack separate areas for men and women, HIV prevention methods and other specific diseases or treatments.
People who use drugs	People who use drugs, especially intravenous drug users (IDU's) are discriminated against in policies and laws that omit or specifically prohibit strategies for detoxification, rehabilitation and reintegration. For example, in some Caribbean countries methadone as medicated assisted treatment for heroin users is specifically prohibited in law.

12 UNDP (2012)

13 Human Rights Watch (2004)

14 CVC (2012)

Section 3:

Risk and Vulnerability: the Human Immunodeficiency Virus (HIV)

Introduction

Contents:

- 3.1. The Basics: HIV and AIDS
- 3.2. HIV risk behaviors
- 3.3. Vulnerability to HIV

Learning Objectives:

- Learn basic concepts about HIV and AIDS and the HIV transmission routes and prevention measures.
- Identify HIV risk behaviors and key vulnerabilities to HIV.
- Police identify behaviors that contribute to reducing vulnerability and risk to HIV.

This section:

- Allows participants to acquire basic concepts about HIV and AIDS.
- Promotes, through group reflection, identification of HIV risk behaviors and factors that make certain populations more vulnerable to HIV and AIDS.
- Allows groups to establish guidelines for reducing risk and vulnerability to HIV and AIDS for police and vulnerable populations.

Proposed activities:

- 3.a. Brainstorm: What do we know about HIV and AIDS?
- 3.b. Discussion: With risk or no risk?
- 3.c. Discussion - Video Projection: How can we help prevent HIV in our work as police officers?

Resource requirements:

- Projector and computer with internet access (or video download Act 3.c.)
- Flip chart paper and crayons
- Blank sheets and pens
- Pictures (or cards) 3.b exercise
- 3.c. exercise news items
- Scissors

Estimated time: 2 hours and 25 minutes

3.1. BASICS CONCEPTS ABOUT HIV AND AIDS

PARTICIPANTS HANDOUT

WHAT IS HIV?

The Human Immunodeficiency Virus, known by its acronym HIV, is a type of virus that infects cells of the immune system or defence system. When we say that the virus causes an immunodeficiency we mean that our defence system, which under normal circumstances protects us against infection, is weakened and the body cannot fight against certain organisms that exploit this weakness and progress in our body and cause illnesses.

WHAT IS AIDS?

Acquired Immunodeficiency Syndrome (AIDS) is a set of signs and symptoms associated with a weakened immune system due to HIV. It refers to one of the most advanced stages of HIV infection which shows opportunistic infections or HIV-related cancers.

HOW IS HIV TRANSMITTED?

For the transmission of HIV to occur, there must be three conditions:

1. HIV must be present, that is, the person must live with HIV.
2. Sufficient quantity of the virus in bodily fluids: infectious fluids are blood, semen, vaginal fluids, and breast milk; other bodily fluids do not contain sufficient quantity of the virus for transmission, such as, urine, feces, tears or sweat.
3. A route of entry into the blood, such as wounds, mucous membranes of the vagina or penis, mouth or eyes. HIV cannot enter through skin that is healthy and without wounds.

WHAT ARE THE DIFFERENT FORMS OF HIV TRANSMISSION?

- Unprotected sex (without a condom)
- Sharing of syringes or sharp objects (tattoos, piercing, etc.), blood transfusions or from mother-to-child through pregnancy, childbirth or breastfeeding.

HOW IS HIV NOT TRANSMITTED?

It is important to recognize that HIV is **NOT** transmitted through:

- Daily contact at home, school or work. HIV is transmitted through unprotected sex or sharing sharp objects, i.e. where there is exchange of blood or infectious fluids.
- Physical contact such as hugging, shaking hands and kissing. Saliva, tears and sweat do not transmit HIV.
- Sharing objects such as bath or kitchen utensils (cups, plates, etc...). HIV is destroyed easily with products like soap, bleach or alcohol.

- By air or food. HIV barely survives outside of the human body.
- Contact with sneezes or tears. These fluids do not transmit HIV.
- Mosquito bites. HIV is destroyed upon contact with the saliva of the mosquito.

IS THERE A CURE FOR HIV?

HIV has no cure, but there are medicines called antiretrovirals which allow people living with HIV to lead many years of healthy living without developing AIDS.

HOW CAN YOU TELL IF SOMEONE HAS HIV?

You can not tell if a person has HIV by looking at them. HIV is only detected through a blood test (test of Elisa or Western Blot) done in medical laboratories.

HOW CAN YOU PREVENT HIV?

- Preventing sexual transmission of HIV: the only way to completely prevent sexual transmission of HIV is abstinence (not having sex with anyone), but you can reduce the risk of acquiring HIV through the proper use of male or female condoms, reducing the number of sexual partners, mutual fidelity (knowing in advance whether or not your partner has HIV) or delaying sex.
- Preventing the non-sexual transmission of HIV: demanding safe blood when getting a blood transfusion, not sharing needles if using drugs or injectable medications or other sharp objects (scissors, knives, needles for piercing and tattoos, etc..) Transmission from mother-to-child is prevented through treatment to reduce perinatal transmission (ARV treatment, caesarean section at 38 weeks and formula milk for breastfeeding).

Further reliable sources of information on HIV and AIDS:

The Body: <http://www.thebody.com/>

The Planned Parenthood Federation:

<http://www.plannedparenthood.org/health-topics/stds-hiv-safer-sex/hiv-aids-4264.htm>

3. a. Activity:

What do we know about HIV and AIDS?

Objective: During this activity, participants share their ideas and clarify doubts about HIV and AIDS.

Brainstorming: 10 minutes

Plenary: 20 minutes

Instructions:

In this activity, through brainstorming, participants share their ideas about HIV and AIDS, and as a facilitator you unravel and de-construct doubts about the basic facts about HIV and AIDS.

- Provide each participant with 3 blank cards or stick-it notes and a pencil or pen
- Next, we recommend that you introduce the activity as follows:

Many things are said about HIV and AIDS and people living with HIV (PLHIV). For example, it is often said: “You can catch HIV by shaking hands with someone” or “If you have HIV you will die very soon.” I want you to write on the card 3 of the things you have heard said about HIV.

- Ask each participant to write one idea on each of the 3 papers/sticky notes you have provided; allow them 10 minutes. It is important to note, the ideas are anonymous and there is no need to put names on the notes.
- Ask participants to hand you their sticky notes when they are finished. Paste them on a flip-chart and read them out loud.
- When you read the notes do not refer to any particular person.
- Using flipcharts or powerpoint, make a presentation on the basic facts about HIV and AIDS using information from Section 3.1 of the manual.

What is HIV? What is AIDS?

How is HIV transmitted?

What are the forms or routes of HIV transmission? How HIV is not transmitted?

Is there a cure for HIV?

How to tell if someone has HIV? How to prevent HIV?

- After your presentation, return to the sticky notes and analyze some of the participants’ misconceptions or myths about HIV with reference to scientific information in your presentation. For example:

If one of the ideas is “HIV is death”, you can dismantle this myth in your presentation by explaining that HIV is not death, because the current advances in medicine have resulted in medicines that enable people living with HIV (PLHIV) to live healthfully for many years.

3.2. HIV RISK BEHAVIOURS

WHAT DOES HIV RISK MEAN?

HIV risk is the probability of acquiring HIV with certain conduct or behaviour. For example, when we speak of risk for sexual transmission of HIV, it is important to determine what sexual practices are unsafe and which are safer.

Safer sexual practices are those which do not expose us to the risk of acquiring HIV, i.e. where there is no contact with infectious fluids such as semen, vaginal secretions or blood. This includes sex with a correctly applied condom.

Risky practices are those in which if you have direct contact with HIV through blood, semen, or vaginal secretions. Some examples are:

Unsafe sex	Unprotected anal penetration	Unprotected anal penetration is one of the highest risk practices. Risk is higher for the person who is penetrated because anal skin can tear, facilitating HIV entry if the penetrating person is HIV infected. In the event that the HIV infected person is the receiver, there is also significant risk to the penetrator.
	Unprotected vaginal penetration	If an infected man's semen comes in contact with the vaginal tissue of a woman or if the vaginal fluids of an HIV positive woman come into contact with the penis, there is risk of transmission. In this practice, a woman is biologically more at risk of contracting HIV.
	Oral sex (mouth to penis, mouth to vagina and mouth to anus)	This practice is less risky than penetrative sex but there is a risk that the semen or vaginal fluids infected with HIV may enter the body through the mucous of the lips, mouth or throat. If sores are present in the mouth or gums are bleeding, there is greater risk.
* In all these cases risk for HIV increases when one of the two people has a sexually transmitted infection (STI). If the person with HIV has another STI, HIV is more likely to be transmitted, and if the uninfected person has an open wound caused by an STI, there is a greater opportunity for the virus to enter the body.		
Risky non-sexual practices	Sharing needles or sharp objects	This practice is high risk because the already contaminated blood from one person can be directly introduced into the bloodstream of another through a needle or sharp objects. For example, sharing used needles for drug use or getting a tattoo or piercing with unsterilized needles is a high risk practice.
	Natural childbirth by a woman living with HIV	During natural childbirth, a new-born is exposed to the blood of the mother who is infected with HIV. With treatment, the risk of mother-to-child transmission can be significantly reduced.
	Breastfeeding by an HIV positive mother	During lactation the baby is exposed to the virus via breast milk contaminated by HIV.

WHAT CAN WE DO TO REDUCE THE RISK OF SEXUAL TRANSMISSION OF HIV?

1. Abstinence is the only 100% safe way to prevent sexual transmission of HIV but is an unrealistic long-term choice for most people.
2. Correct use of condoms every time you have sexual intercourse significantly reduces the risk of HIV.
3. Reducing the number of sexual partners limits exposure to HIV

WHAT CAN WE DO TO REDUCE THE RISK NON-SEXUAL TRANSMISSION OF HIV?

1. Facilitate access to programs to reduce perinatal transmission of HIV-positive pregnant women; including HIV testing, antiretroviral therapy, caesarean section at 38 weeks and milk formula substitute.
2. Facilitate access to new needles and syringes for people who inject drugs.

3. b. Activity:

Risky or not risky?

Objective: During this activity participants analyze the main routes of HIV transmission.

Group work: 15 minutes

Plenary: 30 minutes

Instructions:

- In this activity participants will analyze the main routes of HIV transmission.
- Prepare a series of 12 photographs, 6 of them correspond to behaviours or situations of risk of transmission of HIV, and 6 relate to conduct or situations that do not pose a risk for HIV transmission. An example of these images can be:

Risk of HIV transmission:

1. Intercourse or vaginal penetration
2. Pregnancy
3. Blood transfusion
4. Oral sex
5. Sharing needles
6. Intercourse or anal penetration

No risk of HIV transmission:

1. Sharing cookware
2. Hugging
3. Using the same bathroom
4. Mosquito bites
5. Using a male condom or condom
6. Kissing

- If you cannot obtain photographs, alternatively write these behaviours or situations on a card or sticky notes.
- Identify a large space in the room, move chairs and tables if needed, and draw a line on the ground with chalk or paper that divides the space into two.
- On one side of the divide place a sign that says, “HIV transmission risk”, on the other side of the divide place a sign that says, “No risk of HIV transmission.”
- Put all the cards or pictures on the floor and ask the participants to spontaneously put each image / card along the spectrum of risk, depending on whether they consider it risky behaviour or not.
- Once they have finished, review the placement of the cards using the table above and ask the participants:

Do you agree with how the cards/images have been placed?

- As facilitator, you begin with a card/picture and continue with the others. If one is placed in the wrong place, an explanation should be given based on the ideas that are developed in Section 3.2 of this manual.
- Take the opportunity to explain the concept of risk and different routes of transmission, analyzing risky sexual practices and non-sexual risky practices such as transmission from mother-to-child/transmission through needle sharing, etc.

3.3. VULNERABILITY TO HIV

VULNERABILITY TO HIV

Vulnerability to HIV is a combination of individual behavioural factors such as sexual practices, drug use, or number of sex partners, and structural factors such as poverty, gender inequality and violence, homophobia, and stigma and discrimination. In the Caribbean, people who are sex workers and men who have sex with men are particularly vulnerable to HIV. Let's learn some facts¹⁵:

Did you know that...

- The first case of HIV was diagnosed in the Caribbean in 1982.
- Now the Caribbean has an HIV prevalence of 1 percent; 1 in 100 persons in the general population lives with HIV.
- It is the region with the second highest proportion of people living with HIV, after Sub-Saharan Africa.
- Across the Caribbean, infection remains concentrated in vulnerable groups - Men who have sex with men, sex workers and young people
- HIV prevalence is as high as 27 percent among sex workers in some countries¹⁶
- HIV prevalence is 32 percent among MSM in Jamaica, and 20 percent in Trinidad. In Caribbean countries where homosexual sex is not criminalized, HIV prevalence is lower; for example in the Dominican Republic where it is 11 percent¹⁷
- Young people, ages 15 to 24, account for the highest number of new infections
- A recent global study found HIV prevalence in transgender women engaged in sex work to be 27 percent¹⁸
- Less than half of Caribbean people who need antiretroviral treatment, medicine which allows people living with HIV to live healthy lives, have access to it

¹⁵ UNAIDS (2009)

¹⁶ UNAIDS (2009)

¹⁷ UNAIDS (2009)

¹⁸ Baral et al (2013)

This table shows how different types of discrimination infringe on human rights and increase risk for HIV.

Type of Discrimination	Human right violated	How does it increase vulnerability to HIV?
Discrimination in health services	Right to health	When health workers discriminate against men who have sex with men, people who are unclean or homeless, or sex workers, they deny these groups access to services. This in turn limits access to diagnostic tests for STIs or HIV and entry to care, treatment and support that would allow a person to live a healthy life. For example, in the Dominican Republic half of young HIV positive people who belong to a vulnerable group feel they have been discriminated against when attending HIV-related care and treatment services. ¹⁹
Discrimination at work	Right to work	When work is denied to a person based on their skin colour, nationality, HIV status, sexual orientation, or other characteristic they are denied options for economic livelihood. Sometimes this results in the discriminated person engaging in higher risk sexual practices, such as sex without a condom in exchange for money or goods as a means of earning an income.
Discrimination in education	Right to education	When access to education is denied to a person based on their skin colour, nationality, sexual orientation, HIV status or other characteristic they are denied the opportunity to access education regarding sexual reproductive health, and often denied opportunities to work in the formal economy. For example, in the Dominican Republic many transgender or gender non-conforming children are bullied at school resulting in early drop-out and early initiation in sex work. ²⁰
Gender discrimination and gender-based violence Police Abuse	Right not to be wrongfully Right to be free from torture or cruel, inhuman or degrading treatment or punishment	Global evidence shows that domestic and sexual violence puts women at especially increased risk for HIV. Without the ability to exercise control over their bodies, protect themselves from violent sex, or negotiate condom use, HIV can enter the body easily through injury of the vulva or anus. When rape is committed by law enforcement or police officers victims often cannot or do not report the crime or seek legal redress. Because the link between violence and HIV is not always acknowledged, survivors often fail to access HIV and health services in a timely

¹⁹ Red Nacional de Jovenes Viviendo con VIH/SIDA (2012)

²⁰ CVC (2012)

		<p>manner, including post-prophylaxis treatment which can reduce the risk of contracting HIV.²¹ A study in Trinidad showed that 23 percent of Hispanic, migrant sex workers had had sex with police to avoid arrest.²²</p>
Discriminatory laws and policies	Right to protection and equality before the law	<p>Global evidence shows that in many countries, laws dehumanize many of those at highest risk for HIV: sex workers, people who use drugs, transgender people, men who have sex with men, and migrants. Punitive laws which criminalize homosexuality, sex work and drug use increase vulnerability to discrimination and violence, dual factors that predispose to HIV risk behaviours.²³ A study by the Harvard School of Public Health showed that the Caribbean has more laws, policies and regulations that hinder effective HIV prevention, treatment, care and support for vulnerable sub-populations than any other region in the world.²⁴</p>

3. c. Activity:

How can we help prevent HIV in our work as police officers?

Objective: During this activity participants identify personal and professional strategies to reduce risk and vulnerability to HIV.

Group Discussion 1:

15 minutes Screening of the video: 4 minutes Discussion 2: 20 minutes

Plenary: 30 minutes

Instructions:

In this activity participants identify strategies to reduce risk and vulnerability to HIV in their personal and professional experiences. They also reflect on a news story and discuss police strategies to reduce risk for HIV in vulnerable populations.

- Ask participants to gather in groups of 5-6 people and give each group a pencil and paper. Ask each group to appoint a note taker.
- Allow them 15 minutes to debate the following question:

What do you think you can personally do to reduce the risk of HIV?

- When finished, ask the rapporteur to share a summary of the discussion in plenary; as a facilitator you should write these answers on a flipchart.

²¹ UNDP (64:2012)

²² CVC(2012)

²³ UNDP (8: 2012)

²⁴ Gruskin (2008)

- Once you have finished, carefully observe and classify the responses using these topics:
 1. Measures to reduce the risk of sexual transmission of HIV
 2. Measures to reduce the risk of non-sexual HIV transmission (mother-to-child and through the sharing of needles)
- Based on the information shown in Sections 3.1 and 3.2 identify incorrect answers and select those responses that are based on myths about HIV and AIDS and correct them using scientific information.
- Next, screen the video Human Rights Watch “Cops arrest sex workers for carrying condoms”²⁵
- If you do not have access to video media you can use a segment of the news published by Human Rights Watch: Police practices encourage HIV epidemic among sex workers’²⁶
- Introduce the video or the news article, explaining that it is an actual event that occurred in the United States, reported by Human Rights Watch.

²⁵ Cops Arrest Sex Workers for Carrying Condoms [Online] Available
<http://www.hrw.org/node/117429>

²⁶ US Police Practice Fuel HIV Epidemic:
<http://www.hrw.org/news/2012/07/19/us-police-practices-fuel-hiv-epidemic>

HUMAN RIGHTS WATCH

US: Police Practices Fuel HIV Epidemic

Sex Workers at Risk From Condom Policy

JULY 19, 2012

(Washington, DC) – Police in New York, Los Angeles, Washington, DC, and San Francisco are confiscating condoms from sex workers and transgender women, undermining health department campaigns to reduce HIV, Human Rights Watch said in a report released today.

The 112-page report, “*Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities*,” documented in each city how police and prosecutors use condoms to support prostitution charges. The practice makes sex workers and transgender women reluctant to carry condoms for fear of arrest, causes them to engage in sex without protection, and puts them at risk of HIV and other sexually transmitted diseases. The report was released prior to the 19th International AIDS Conference, in Washington, DC, starting on July 22, 2012. The US response to the epidemic will be in the spotlight before 20,000 delegates gathered from around the world. The four cities investigated are among the hardest-hit in the US, with over 200,000 people living with HIV among them.

“Sex workers in each city asked us how many condoms it was legal to carry,” said **Megan McLemore**, senior health researcher at Human Rights Watch. “One woman in Los Angeles told us she was afraid to carry condoms with her and sometimes had to use a plastic bag instead of a condom with clients to try to protect herself from HIV.”

- Ask the participants to assemble themselves in groups of 5-6 people and after watching the video or reading the news article as a group ask them to appoint a note-taker and give them 20 minutes to respond to the following questions:

Who are the persons appearing in this video/article? What problems do they have?

How do the police actions impact their ability to protect themselves from HIV?

What actions do you think you can take as a police officer to reduce the HIV risk for other officers and citizens?

- After the discussion, ask a representative from each group to publicly share their responses.
- Once each group finishes summarize the responses by relating them to the following information:

QUESTIONS	ANSWERS
1. Who are the people featured in this video / article?	<ul style="list-style-type: none"> • Transgender women engaged in sex work • Researcher at Human Rights Watch (HRW)
2. What problem do they have?	<ul style="list-style-type: none"> • Police retain condoms as evidence to charge them with prostitution • Transgender women are threatened and harassed by the police

3. <i>How are they affected by the conduct of the police in their ability to protect themselves from HIV?</i>	Sex workers carry fewer condoms to avoid being charged. Sex workers have unprotected sex with customers, exposing them to an increased risk of acquiring HIV.
4. <i>What actions do you think could be taken to reduce their HIV risk?</i>	According to the HRW researcher, prosecutors or the police department can send the message “ <i>Condoms are important for HIV prevention and public health, do not take them away from sex workers</i> ” Other ...

- Once you have shared the summaries of the answers, share the data on the HIV epidemic in the Caribbean and use some examples about how different forms of discrimination and violation of human rights increase the vulnerability of Gay, Bisexual and Transgender people and sex workers, as explained in Section 3.3 of this manual.

Section 4: Gender-based violence (GBV) and hate crimes

Introduction

Contents:

- 4.1. What is gender-based violence?
- 4.2. What are hate crimes?
- 4.3. Police conduct to address gender-based violence and hate crimes.

Learning Objectives:

- Achieve a proper understanding of the concept of violence
- Recognize the characteristics of hate crimes towards vulnerabilized populations
- Identify guidelines for adequate police conduct for investigations and documenting hate crimes.

This section will help us:

- Understand, from personal experiences, the concept of gender-based violence.
- Identify hate crimes towards specific populations using case studies.
- Promote the establishment of guidelines for the care of victims of hate crimes.

Proposed activities:

- 4.a. Brainstorming: Defining gender-based violence
- 4.b. Case Study: What do crimes have in common?
- 4.c. Role Playing: Getting into someone's shoes: paying attention to a hate crime.

Resource requirements:

- Flip chart paper and crayons
- Blank sheets and pens
- Exercise cards 4.a.
- Copies 4.b. exercise case studies
- Copy instructions 4.b. role playing exercise

Estimated time: 2 hours 15 minutes

4.1. WHAT IS VIOLENCE?

PARTICIPANTS HANDOUT

DEFINITION OF VIOLENCE:

Violence is the intentional use of physical force or power over another person, either as a threat, failure to help, or action that has a high likelihood of resulting in injury, death, or psychological harm (in the case of boys/girls and adolescents) or deprivation of basic needs and human rights.

WHAT IS THE DIFFERENCE BETWEEN VIOLENCE AGAINST WOMEN AND GENDER-BASED VIOLENCE?

The term gender-based violence (GBV) has been gradually replacing the concept of violence against women. The latter was mainly concerned with violence by men against women, whether domestic violence in the sphere of the family or sexual harassment towards women in the workplace. The term gender-based violence recognizes that violence is not limited to unequal power relations between men and women, but also manifests when men and women do not follow the expectations of gender or the norms of heterosexuality. Therefore, although gender-based violence is exerted mainly against women and girls, it is not exclusive to them. Perpetrators of this violence can be members of the family, the community, political, religious, educational institutions, employment or health services, and the state.

REASONS FOR GENDER-BASED VIOLENCE²⁷

GBV is a way of perpetuating the notion that women have an inferior position in society. This is a form of disenfranchisement of women even before the law comes into play, which is why equality policies or the laws punishing violence encounter major obstacles to ensure equity between men and women. An example of these obstacles is when a woman attempts to take legal action having suffered violence at the hands of her partner, often a police officer does not take her complaint seriously and recommends that she goes home to settle the matter privately. In this case we have two expressions of gender-based violence, the action of the husband and the failure of the police officer assume a duty of care.

In the case of LGBTI people who are gender-non conforming, gender-based violence is often an attempt to control and “correct” what is seen as “abnormal” behaviour. The severity of punishment exercised towards men who do not act according to the demands of male roles or to women who do not act according to female roles is related to fear that these behaviours will become usual or the norm in society. Examples of these expressions of gender violence toward LGBTI people are “corrective” rape on lesbian women by men, or the brutal sexual assaults on gay men and transgender by other heterosexual men.

HOW IS GENDER-BASED VIOLENCE EXPRESSED?

Physical violence:	This refers to wilful harm through physical force or use of some type of weapon that can cause visible external injuries (burns, cuts, scratches, bruises, etc...) or internal which are not seen at first sight (bruises, trauma, haemorrhage, etc.)
Verbal violence:	Includes comments or jokes about the “inferiority” of women, or women are presented as sex objects. The LGBTI community suffers verbal abuse related to sexual orientation, gender identity and expression which can cludederogatory terms such as “batty-man” or “anti-man.”

27 Council of Europe (2008)

Psychological violence:	Any act or omission that causes damage to the person’s self-esteem. Examples include constant criticism, manipulation, threats or blackmail, isolation and the marginalization of people by their groups or origin.
Sexual Violence:	Any act by means of physical force, blackmail or psychological pressure that forces a person to perform a sexual act against their will. Sexual violence can occur in both private (in a couple or family) and public (on the street, in large crowds etc.) It includes sexual harassment at work (including in sex work), rape as punishment or torture, and sexual exploitation. ¹
Socio-Economic Violence:	Includes denial of access to education, employment, health services, and other social, economic and cultural rights. Criminalization of homosexuality and sex work are also types of structural violence.

4. a. Activity:

Expressions of gender-based violence

Objective: After this activity participants understand the concepts of gender-based violence and its expressions.

Brainstorming: 15 minutes

Plenary: 20 minutes

Instructions:

In this activity participants will share their ideas about gender-based violence and its expressions. You will clarify the concept and GBV and examples of it through a presentation.

- Hand out 3 blank cards or sticky notes and a pencil or pen to each of the participants.
- Share cards and ask participants to write on each card:

Card/sticky note 1. A word that defines violence
Card/sticky note 2. The typical victims of gender-based violence
Card/sticky note 3. An example of gender-based violence

- Ask each participant to write one idea on each of the 3 papers/sticky notes you have provided; allow them 10 minutes. It is important to note that the ideas are anonymous and there is no need to put names on the cards.
- Ask participants to hand you their stick-it notes when they are finished. Paste them on a flip-chart and read them out loud.
- When you read the cards do not refer to any particular person.
- Using flipcharts or power point, make a presentation on GBV using the information below:

What violence?

What is the difference between violence against women and gender-based violence? How is gender-based violence expressed?

- Before doing the presentation, review the misconceptions or myths about gender-based violence expressions given by the participants, especially the idea that violence is just violence against women or for example that violence is only physical. Here is an example:

If one of the ideas is “Violence is licks”, explain that violence can be physical, such as hitting, or verbal, such as shouting or threats, or psychological, like blackmail, or sexual coercion to have sex with someone.

- You can use the following scheme to explain the characteristics of gender-based violence:

GENDER-BASED VIOLENCE (GBV)	
What is it?	<p>The intentional use of physical force or power, either threatened or actual, that causes or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation.²⁸</p> <p>It is related to social expectations and gender.</p> <p>It is related to non-compliance with socially assigned gender role.</p>
Against who is it exercised?	<p>Women and girls</p> <p>LGBTI People</p> <p>Other vulnerable groups</p>
How is it expressed?	<ul style="list-style-type: none"> • Physical violence • Sexual violence • Psychological violence • Economic violence • Socio-cultural violence
Who perpetrates it?	<p>Anyone. The most common perpetrators are:</p> <ul style="list-style-type: none"> • Partners • Community • Family • Authorities and institutions • States

4.2. WHAT ARE HATE CRIMES?

OMS (2002)

DEFINITION OF HATE CRIME²⁹

This is any criminal act or offense against a person, property or social group, motivated (wholly or partly) by a prejudice based on race, national or ethnic origin, religion, sexual orientation, gender identity or disability. Hate crimes are devastating to the victims, families and communities where they occur. Hate crimes have two characteristics:

1. They are an offense in criminal law
2. They are criminal acts based on prejudice

Importantly hate crimes also occur in countries without legislation on hate crimes. This term is used to describe a phenomenon, not a legal concept. Some states do not acknowledge that hate crimes happen in their countries, and hold that no action is needed to combat them, but there is ample evidence to suggest that hate crimes occur in every country in the world.

WHAT ARE THE “CLASSIC” HATE CRIMES?

Although the type of criminal offense varies depending on the local context, generally hate crimes are directed against people and property. Among the crimes against people you find:

1. Verbal abuse in public
 - Threats and harassment
 - Extortion
 - Coercion and blackmail
 - Physical assaults
 - Sexual assault
 - Arbitrary arrests
 - Torture and ill-treatment in prisons
 - Murder
 - Omission of care required by the authorities

Among property crimes are:

- Theft
- Vandalism (grafitti)
- Damage to other property (Vehicles, workplace, etc...)
- Fire

DEFINITION OF INCIDENTS MOTIVATED BY HATE

This deals with acts motivated by prejudice against a particular group, ranging from offenses to crimes that have not been proven. Although hate incidents do not always become crimes, these incidents often precede, accompany or create the context for the crime to occur.

Hate motivated incidents according to the group they are intended for:

²⁹ Adapted from OSCE/ODIHR pp 15

<i>Homophobic incidents:</i>	Include all acts motivated by hatred toward people or groups because of their actual or perceived sexual orientation or gender identity and expression. Violence can take multiple forms in these cases, and can include threats, repeated harassment etc.
<i>Lesbophobic incidents:</i>	Target bisexual or lesbian women, based on sexual orientation, gender identity and expression.
<i>Transphobic incidents:</i>	Are motivated by hatred of people because of their gender identity or gender expression.
<i>Whorephobic Incidents:</i>	Are based on hatred of sex workers or women who exchange sex for money in public and / or private.
<i>Xenophobic incidents:</i>	Are based on hatred of foreigners or specific ethnic characteristics.

HOW TO IDENTIFY A HATE CRIME

PFLAGS provides a number of clues to identify a crime motivated by hate:

1. Recognition by the victim: those directly affected, victims and witnesses, recognize these acts of violence motivated by prejudice or hatred towards a particular group (LGBTII, immigrants, sex workers, etc..)
2. Use of language and symbols of prejudice: before, during or after the offense the offender uses language or symbols that indicate prejudice or hatred towards the characteristics of a particular group. E.g. an attacker of a Jewish man wears a t-shirt with a Nazi symbol.
3. Environment surrounding the aggressor: a number of indicators of hatred or rejection are demonstrated by the aggressor, such as belonging to a group holding an extreme religious fundamentalist ideology.
4. High brutality to the victim: this is characterized by extreme brutality and cruelty to the victim as opposed to attacks motivated by robbery or theft.
5. Site selection for the attacks: the place where the aggression occurs E.g. gay bars, or immigrant community spaces
6. Selecting specific dates for the attacks: the violent act takes place in events of celebration or demonstration by assaulted populations. For example during the celebration of gay pride day.
7. The victim is clearly identified with a group: the violence is directed towards people who can be identified at first glance as belonging to a particular group. For example, two men walking down the street holding hands, or two women kissing
8. The victim is a human rights defender: the person to whom violence is directed is a defender/ human rights activist for vulnerable populations (LGBTI, people living with HIV, immigrants, etc.)

4. b. Activity:

What do these crimes have in common?

Objective: During this activity participants are able to adequately understand the concept of a hate crime and identify its characteristics.

Case Study Analysis: 20 minutes

Plenary: 30 minutes

Instructions:

In this activity and by doing an analysis of case studies, participants can identify rejection, prejudice or hatred as the main reason for hate crimes. Participants will discuss the characteristics of hate crimes and learn to identify them.

- Firstly, ask the participants to gather in groups of 5-6 persons and to appoint a note-taker. Give each group a copy of one of the 4 cases (below); each group should work with a different case.

CASE 1

On October 7, 1998, Aaron McKinney and Russell Henderson took Matthew Shepard to a remote area east of Laramie where he was physically and sexually tortured. Matthew was tied to a fence, where he was beaten and left to weather a merciless cold autumn night. Nearly eighteen hours later he was found by a cyclist who initially mistook him for a battered doll. Matthew died on October 12 at 12:53 am at a hospital in Fort Collins, Colorado.³⁰

CASE 2

March 30, 2011, Monchina, 26, was strangled with a sheet and found dead in a London hotel restaurant. Monchina earned a living as a sex worker on Avenida Ortega and Gasset. This particular night he informed a colleague that he would be with a client and that after they left the location where they were going to be together he would call the colleague. The perpetrator, who was a regular customer of these sexual services in the area, claimed that his violent reaction was because he "thought he had hired a woman."³¹

CASE 3

Phoebe S., 49, owns a house in St. Thomas, where she has lived alone for five years. The men in her community called her "sodomite" pressuring her to have sex with them, and spying on her when she showers. She says "Men try to be friendly, they tell me that I've lived alone too long and I need some sex." She is determined to sell her home "because some men know that I am a lesbian and want to rape me." Phoebe has been raped three times, sometimes wonders if it's because she refuses to have sex with men.³

³⁰ http://en.wikipedia.org/wiki/Matthew_Shepard

³¹ Perez (2010)

CASE 4

In Trinidad, a lesbian had to flee her Caribbean country as a result of acts of violence and intimidation towards people due to their sexual orientation. When the community where she lived became aware of her sexuality in 2000, groups of people armed with knives attacked her house and threw bottles and stones, and both her family and her community ostracized her. The victim was too afraid to report the incident to the police for fear of reprisals by gangs or fear of unfair treatment by the police. Shortly thereafter, a local gang kidnapped the girl and threatened to rape her, and later ordered her to be a drug carrier. The gang detained the girl for two weeks and told her they would burn her mother's house if she refused to transport the drugs. During this time, she was the victim of physical and sexual assault.³³

- Allow the group 20 minutes to analyze the cases based on the following questions:
 1. Identify the victim and the perpetrators of the crime.
 2. Identify the expressions of violence.
 3. Take account of whether the criminal code of your country defines these incidents as criminal offenses, and if so what type?
 4. What do you think is special about this crime or incident?
 - After the discussion, ask a representative from each group to present their responses in plenary. Start with the group who worked on case 1, then 2 and so on.
 - Take note of the case in a different flipchart that you've prepared in advance.
 - After all groups have presented, analyze group responses as shown in the table below.

We recommend that as a facilitator that you prepare these answers before the activity.

QUESTIONS	ANSWERS CASE 1
<i>1. Identify the victim and the perpetrators of the crime</i>	<ul style="list-style-type: none"> • Victim: A man named Matthew Shepard • Perpetrators of the crime: Two men named Aaron McKinney and Russell Henderson
<i>2. Identify the expressions of violence.</i>	<ul style="list-style-type: none"> • Physical violence, torture • Sexual violence
<i>3. Take account of the criminal laws of your country and find out whether it is defined as a crime, and if so what kind of crime?</i>	<ul style="list-style-type: none"> • Kidnapping • Physical aggression (torture) and sexual • Murder

- 4. What do you think is special about this crime or incident?*
- The cruelty to the victim
 - Matthew was killed for being gay
 - Conclude by explaining that these cases deal with hate crimes or bias against LGBTI people, also called homophobic crimes and lesbophobic or transphobic incidents.
 - As facilitator, define what constitutes a hate crime as described in Section 4.2 of this manual and emphasize especially how to identify a hate crime.

4.3. POLICE CONDUCT IN RESPONSE TO HATE CRIMES

CARE FOR THE VICTIM OF A HATE CRIME

The attitude of the police to a hate crime can vary from supportive to abusive to indifferent. The latter may create obstacles for the victim to properly report the hate crime. It is important that a crime of this nature is reported as soon as possible, even if the victim is afraid or it presents difficulties for the victim. After the report the victim must be guaranteed protection using the state resources that are available. Some tips to support the victim are³⁴:

1. If needed, seek medical help immediately.
2. Write down every detail you can remember about the perpetrator(s): Gender, estimated age, race, estimated height/weight, clothing, distinguishing characteristics, any comments made, any actions made.
3. If you can, take pictures of any damage or injuries you have sustained.
4. File a report.
 - a. *Local police report*
 - I. Get the responding officer's badge number and name. Write it down for your records.
 - II. Make sure the incident is filed and assigned a case number. If this is not done immediately, go to the station afterward and ask for a copy of the report to ensure it has been filed.
 - III. Urge the officer to check the "hate/bias-motivation" box if you feel you are the victim of a hate crime based on your actual or perceived characteristics
 - IV. If you feel that your local law enforcement is unable or unwilling to investigate your case and you are the victim of a violent hate crime, notify local organizations that work with vulnerable groups about the crime to help raise awareness in your community and help with formulating an appropriate response.

THE ROLE OF THE POLICE WHEN FACED WITH A HATE CRIME

The police have a key role in responding to hate crimes. When communicated effectively, their response sends a powerful message that hate crimes will not be tolerated, but rather investigated and prosecuted to the fullest extent of the law. Each country may have different protocols or policies for responding to hate crimes, but ideally, several steps should be followed after the police arrive at the scene of a possible hate crime³⁵:

1. They must secure and preserve evidence at the location where the crime occurred.
2. They must immediately attend to the victim and request medical attention if necessary.
3. The officers who respond to the crime should collect and photograph all evidence that would suggest a hate crime occurred. For example, threatening letters, hate literature, and symbolic objects used by hate groups (e.g., swastikas) should be noted.
4. Upon stabilizing the crime scene, a police officer must conduct a preliminary investigation with the victim along with all witnesses at the scene of the crime. The confidentiality of all individuals interviewed must be maintained whenever possible.
5. If there is a language barrier, translators should be requested.
6. After all relevant information is gathered from those present at the crime scene, officers are instructed to neither confirm nor deny that the incident was a hate crime. That determination will be made at a later stage in the investigation.
7. Should further assistance be required due to limited resources within the local police departments or due to local law enforcement's refusal to investigate the case, senior forces should be involved.

Your country may have specific policies or operating protocol which must be adhered to for dealing with crimes where it is established that an individual or group was victimized based on religion, ethnicity, sexual orientation, class, and creed or political ideology. For example, The Jamaica Constabulary Force uses the following Operating Protocol³⁶:

1. If the initial report is made at a police station, a sub-officer must be informed immediately. The sub-officer will cause the full report and statement(s) to be collected in private and a report along with the case file forwarded to the divisional commander.
2. The divisional commander will cause the file to be assigned for full investigation. The investigator will ensure the privacy and security of the victim and try to bring an early closure to the investigation.
3. The investigator will update the victim as to the progress of the investigation on a timely basis.
4. In cases where the initial report is made to members working on the street, the matter must be immediately brought to the attention of the supervisor by secure communication. The supervisor will ensure the safety and security of the victim while he or she is being taken to the station for the report to be taken in privacy.
5. The same protocol at (1) to (3) will be followed until the conclusion of the case.
6. At no time should public statements be made or information divulged to the media about the case under investigation, without the approval of the divisional commander.
7. Members will treat cases of diversity with alacrity, professionalism, sensitivity and dignity.
8. In cases where the complaint is about a member of the police force who refuses to take a report, or treats the complainant in a disrespectful manner, or is tardy in the investigation of the matter, the sub-officer in charge of the station will report the matter to the divisional commander who will cause the necessary disciplinary action to be taken and the case reassigned for investigation.
9. The divisional commanders will cause a record to be made for statistical purposes of all diversity cases reported, the nature of the reports and the outcome of investigations. This data is to be forwarded to the Statistics Unit on a monthly basis.

³⁶ The Jamaica Constabulary Force Policy on Diversity, Force Order 3351

4. c. Activity:

Putting ourselves in the shoes of others: Attention to a hate crime

Objective: During this activity participants identify guidelines for carrying out a process of investigation and attention to a hate crime.

Role Playing: 20 minutes

Plenary: 30 minutes

Instructions:

This activity will be done through role playing. The participants will identify police guidelines for investigation and treatment of hate crimes. Through a plenary discussion, the group will reflect on the most appropriate guidelines.

- Ask participants to do a role play. Allow them 10 minutes to read the case presented below and to practice the role-play. Ask them to go outside the classroom to prepare and return.
- Select volunteers to perform to the wider group. It does not matter if the volunteers are a different sex than the role they are playing; they can still act out the role.

Making a complaint at the police station:

Jasper and Marlon come to the police station to file a complaint. That afternoon they had walked down a busy street in New Kingston and passed Danny, Jasper's neighbor, accompanied by two friends. For a year Danny had bothered Jasper in different ways, the first time he hung a used condom on the door of Jasper's house and a note saying "For you faggot/battyman/fish." Jasper also found various notes and damage to his driveway (scratches at the door, broken pots, etc.) and received anonymous calls with someone insulting him based on his sexual orientation and even making death threats. Although Danny has never been identified, Jasper always recognized his voice. This afternoon when they passed Danny and his friends, who were drunk, they began to insult Jasper and Marlon saying, "damn battyman that want to be women". Jasper and Marlon tried to avoid them and then ran away but Danny and his friends caught up and started kicking them. One of attackers took off his belt and began to whip them causing a deep wound on Marlon's head.

Role-play: Jasper and Marlon arrive to make complaint at the police station and are attended by Sergeant Campbell and Officer Knight.

Characters: Sergeant Campbell and Officer Knight, Jasper and Marlon, two young gay men. Preparation time: 10 minutes. Role-play time: 10 minutes

Examples of appropriate behaviours

- The officer was respectful and kind to the victims
- He offered immediate medical attention

Examples of misconduct

- The sergeant asked the victims intimate questions about their sexual orientation.
- The official was cold and distant or uninterested

- Before you begin the role playing, tell the group to pay close attention because afterwards they will be expected to discuss whether the police conduct was proper or improper.
- After 10 minutes of role-playing, thank your volunteers and ask them to stay on stage.
- Pose the following questions to the group, one after another allowing time for responses:
 1. What did you see?
 2. What is the complaint about?
 3. Do you think the sergeant and the officer acted properly? Justify your answers.
- Allow 3 people to respond to questions 1 and 2, then open up the discussion and allow others to contribute to enrich the conversation. When participants answer question 3 insist that they focus on assessing the sergeant and officers conduct, not that of the victims.
- Prepare two flip charts, one entitled, “appropriate behaviour” and another entitled “inappropriate behaviour.”
- After 20 minutes, analyse the responses emphasizing the following aspects described in Section 4.3. of this manual:
 1. Attention to a victim of a hate crime
 2. Role of the police to a hate crime
 3. What if the police commit a hate crime?

Section 5: Human Rights of People involved in Sex Work

Introduction

Contents:

- 5.1. Basic questions about sex work
- 5.2. Major security needs of people engaged in sex work

Learning Objectives:

- Understand the concept of sex work and the influencing factors that lead people into sex work.
- Recognize the main security needs of people engaged in sex work.
- Identify the guidelines for proper police conduct in interaction with sex workers.

This section:

- Understand, through testimonies of sex workers, specialists, and activists, more about sex work and sex workers' vulnerability to HIV.
- Identify the major security needs of people engaged in sex work.
- Promote, through group reflection, established guidelines for ethical behavior of police interaction with people engaged in sex work.

Proposed activities:

- 5.a. Film Forum: The reality of sex work
- 5.b. Case Study: The police conduct in the protection of human rights of people engaged in sex work

Resource requirements:

- Projector and computer with internet access (or download the documentary)
- Copies of exercise 5.b.
- Flip chart paper and crayons
- Blank sheets and pens
- Copies (one per participant) of the ten basic rules of human rights officers enforce the law.

Estimated time: 1 hour 45 minutes

5.1. BASICS: SEX WORK

DEFINITION OF SEX WORK

Sex work is a term used to describe what is known traditionally and legally in the Caribbean as “prostitution.” Sex work carries less social stigma, attracts less judgment and implies more respect than any term popularly used.³⁷ Both prostitution and sex work deal with the exchange of sex for money or other valuables, such as food, clothing, school materials, or drugs. This exchange can occur regularly or occasionally in response to varying situations, including economic necessity or hardship.

ABOUT SEX WORKERS

Sex work or exchanging sex for money can be practiced by anyone including:

- Women who exchange sex with men or other women.
- Men who have sex with men or women.
- Transgender people, normally transgender women who have sex with men.

REASONS THAT PEOPLE ENGAGE IN SEX WORK

There are many varied reasons that people exchange sex for money; as a means of subsistence, behavioural reasons, and personal and life situations. Sometimes people who sell sex do so because of limited educational or work opportunities, poverty, and gender inequality. Sometimes people willingly choose to engage in sex work as a preferred job option. It is important to consider all these aspects to better understand people involved in sex work. Here are some examples:

Life situations:	<ul style="list-style-type: none"> • A pregnancy at puberty or adolescence • Poverty or economic needs • Lack of work or job opportunities • Insufficient or low salary that cannot cover expenses • Illiteracy and low educational level that reduces employment opportunities • Employment discrimination based on prejudices. For example, discrimination based on gender identity (e.g. being transgender), sexual orientation (being gay) or xenophobia (being immigrant).
Behavioural factors:	<ul style="list-style-type: none"> • Consumption and heavy use of drugs and alcohol • Low self-esteem or self-love
Personal motivations:	<ul style="list-style-type: none"> • Women dissatisfied with social norms that establish a kind of sexuality for women where women should not sell sex. • People who choose to sell sex to improve their quality of life (e.g., buying a home, educate their children, attend college, etc...) • Some men who have sex with men engage in sex work to substitute income, others just do it because they enjoy what they do. • Transgender women who engage in sex work do so to afford expensive hormonal treatments or sex reassignment

³⁷ Kempadoo (2010)

5.2. SAFETY NEEDS OF SEX WORKERS

CRIMES AGAINST SEX WORKERS

People who engage in sex work experience high levels of violence regardless of the type of sex work they engage in (street-based, home-based, club-based, escort). Some forms of violence to which they are exposed are: ^{38 39 40 41}

1. Physical assaults
2. Coercion to engage in sex work
3. Kidnapping
4. Labour exploitation
5. Sexual Violence
6. Coercion into drug use
7. Theft
8. Murder

These offenses or crimes can be committed by customers, managers, colleagues, family, friends, regular partners, among others. Transgender sex workers and migrant sex workers are particularly vulnerable to these types of violence.⁴²

POLICE ABUSES AGAINST SEX WORKERS

Sometimes violence is exercised by officials and law enforcement officers and this is also a crime. The main types of abuse are:

9. Physical violence or threats
10. Sexual violence, including coercion to obtain sexual services
11. Arbitrary arrest and detention
12. Failure or inability to investigate allegations of violence, coercion or extortion.
13. Planting of false evidence
14. Removing or tampering with documents
15. Extortion

³⁸ *Open Society Foundation.*

³⁹ *Hasbun, J et al (2012)*

⁴⁰ *Human Rights Watch (2004)*

⁴¹ *UNDP (2012)*

⁴² *Hasbun, J. et al (2012)*

16. Threats to remove their children

5.a. Activity:

Film Forum: The reality of sex work

Objective: During this activity participants will reflect on the phenomenon of sex work, influencing factors, security issues and vulnerability to HIV.

Video Projection:

32 minutes (Buscándomela) or 17 minutes (A Right to Be) Discussion: 30 minutes

Instructions:

During this activity, through a Film Forum, participants reflect on the phenomenon of sex work, determining factors, security issues and their vulnerability to HIV. The Film Forum is a video projection and subsequent group discussion around some key questions. For this activity we recommend the screening of the documentary produced by the organization COIN 'Buscándomela'⁴³ or the documentary produced by the organization CVC 'A Right to Be.'⁴⁴

We recommend that you begin this activity by explaining to participants that they should pay special attention to the film and encourage them to take notes or write down questions they have in preparation for a group discussion. You can provide them with the following information to introduce the films:

Buscándomela (Getting By):

Is a documentary about sex work in the Dominican Republic produced by COIN.

A Right to Be:

is a documentary about the sex work across the Caribbean produced by CVC.

In both documentaries we hear views of activists, doctors, representatives of international organizations and testimonies of people engaged in sex work.

- Once you have screened the film, allow participants 30 minutes to discuss what they saw using the following questions as a guide.
 1. *What is the documentary about?*
 2. *Who are the people involved in sex work?*
 3. *What leads a person to engage in sex work?*
 4. *What are the main problems they face?*
 5. *How are the police portrayed in the film?*
 6. *What strategies were discussed in the film to reduce sex workers' vulnerability to HIV?*
 7. *How do you think the police should act to ensure sex workers' human rights?*

⁴³ Buscandomela:

[Online] <http://www.youtube.com/watch?v=KVZ8zdaDWdk>

⁴⁴ A Right to Be:

[Online] http://www.youtube.com/watch?v=pLX1DHFu64&feature=player_embedded

- As facilitator, guide the discussion in an organized manner.
- Write down the key responses provided by participants on flip-chart paper.
- Do not allow participants to take too much time to respond, estimate about 3 minutes per response.
- After you have finished the discussion, summarize the main ideas from the flip-chart paper and use the information we provide in Sections 5.1 and 5.2 of this manual to clarify any misconceptions.

5.a. Activity:

Police conduct in the protection of human rights of people engaged in sex work

Objective: During this activity participants identify guidelines for the protection of human rights of people engaged in sex work.

Case Study: 15 minutes

Discussion: 20 minutes

Instructions:

In this activity, through reading cases⁴⁵, participants will identify appropriate and inappropriate police conduct when interacting with persons engaged in sex work.

- First ask participants to gather in groups of 5-6 persons and appoint a note-taker. Provide each group with one of the four cases that we provide below, a copy of *the Ten Human Rights Standards for Law Enforcement Officers* ⁴⁶ and several sheets of flipchart paper and markers to record their responses.

CASE 1

Making a complaint

A sex worker goes to the police station to lodge a complaint of theft and assault. Her face shows signs of having been hit in the eye and mouth and her top torn at the shoulder seam. The woman explains that she had sex with a man who stole her purse and struck her head and face with a gun. Upon hearing the testimony of the woman, the police begin to joke and laugh, and after a while without taking note of her complaint tell to her to go home and leave the street unless she wants to end up cut into pieces.

CASE 2

A raid on the street

On Sunday night a police van passed through an area where sex workers gather. They stopped the vehicle and a group of armed police officers stormed the area. They berated a group of 10 women, one of the women ran, and a police officer caught up with her and hit her in the head with a gun. They boarded all the women into the van and insulted them. When the police arrived at the station, they guided all the women to a cell. One of the women, who is transgender, was put in a cell with other men. There she was sexually harassed and forced to perform oral sex on one of the detainees.

⁴⁵ These cases are fictitious, but based on common situations faced by sex workers and police

⁴⁶ Amnesty International, December 1998.

CASE 3

Working on the street

A transgender woman sex worker had just finished a job, but when she attempted to come out of her client's car two police officers appeared and forced them both to exit the vehicle. Following the usual procedure for requesting documentation, one of the police officers threatened to take them to the police station if they did not give him money. The client did not hesitate, handed money over to the police office and was allowed to drive off, leaving the sex worker alone with the police officers. The same police officer began to mock the sex worker and insult her based on her gender identity and expression. Finally, he said if she liked to be with men so much she should perform oral sex on him to avoid arrest. The second police officer was very disturbed by the attitude of his colleague, insisted that he stop, and then left to file a complaint with his supervisor about what happened.

CASE 4

A raid on a nightclub

On Friday night a night club was raided. The stated purpose was to identify cases of sexual exploitation. The owner was informed of the raid and the contracts of the women employed as dancers and waitresses were requested. They noted some irregularities in recruitment so respectfully requested that the owner and a group of five women who were working at the club go to the police station to make a statement. Once there they let everyone make a phone call to report their whereabouts and each of the women was interviewed by a female police officer to establish the facts of their presence in the club.

- Allow each group 15 minutes to analyze their assigned case, making reference to Ten Human Rights Standards for Law Enforcement Officers. Provide them with the following questions to guide their discussion:

Do you consider the behaviour of the police to be correct? (Explain your answer) What do you think would be proper police behaviour in this case?

- After the group discussion, allow each group 15 minutes to present the analysis of their case to the wider group. Ask each group to stick their flip-chart notes on the wall.
- As facilitator, take notes and when all the groups have finished, make a summary of the responses and strengthen them with your answers. Below are some examples of how you can provide case analysis.

CASE	CASE ANALYSIS
Case 1	<p>Improper police conduct: According to Basic Standard 1, every person, including people who sell sex, are equally entitled to the protection of the law against violence. According to Standard 2 the victim should be treated with dignity and respect and have their integrity and security protected. None of these principles were considered by the police in this case. She was also not provided with immediate medical attention to address her injuries.</p> <p>Recommendations :</p> <ul style="list-style-type: none"> • Proceed with the complaints procedure • Provide care and medical evaluation • Start the research process • Ensure the safety of the victim and witnesses.

<p>Case 2</p>	<p>Improper police conduct: According to Standard 3, force should not be used unless necessary and only to the extent required under the circumstances. According to Standard 6, arrests should not be made without legal basis or without complying with procedures. In this case no legal grounds for detention were raised. According to Standard 7, those arrested are entitled to make a call and communicate with family and a lawyer and seek medical care. According to Standard 8, all detainees must be treated humanely. This was not observed in the case of transgender sex worker which was subjected to degrading treatment and exposed to sexual violence.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Only make arrest with a legal basis • Use force only when needed (in this case it was not) • Treat detainees with respect • Establish separate areas for men and women, including transgender women to avoid attacks by men.
<p>Case 3</p>	<p>Improper police conduct: According to Standard 6 police can only exercise powers under the law, in this case, coercion, extortion and sexual abuse is a crime punishable by law.</p> <p>Correct Police Conduct: In this case the second police officer acted according to human rights standards under Standard 8 by refusing to obey orders to inflict torture or inhumane treatment and meeting Standard 10 by reporting their colleague's behaviour to the supervisor.</p>
<p>Case 4</p>	<p>Proper police conduct: In this case there is proper policing because:</p> <ul style="list-style-type: none"> • According to Standard 6 inspection and detention has a legal basis of “investigation into sexual exploitation.” • According to Standard 8, both victims were treated and detained with compassion and respect. • According to Standard 7 provisions were made for detainees to make a phone call • There was no use of force because it was not necessary (compliant with Standard 3)

Section 6: Human Rights of LGBTII People

6.1. SEXUAL ORIENTATION, AND GENDER IDENTITY AND EXPRESSION AS HUMAN RIGHTS

SEX AND GENDER DIFFERENCES

Biological Sex: Refers to the biological characteristics that make us male, female or intersex (chromosomes, genital organs, reproductive capacities and anatomical, physiological and genetic characteristics.)

Gender: a concept coined in the 1970s to distinguish the biological dimension from the social dimension based on the principle that there are males and females in the human species but that the way to be a man and a woman is determined by the culture. Thus, gender means that men and women are the product of the social and cultural realities and not a consequence of the anatomy of their bodies.

Sexuality: This refers to a central part of being human. It includes a person's biological sex and gender. It also includes the way a person feels and lives, their biological sex and gender, which sex or sexes they are attracted to, their sexual excitement, love or emotional connection, and their potential for reproduction.

Sexual orientation, gender identity and gender expression are fundamental components of people's private life. The Inter-American Commission for Human Rights has highlighted that the right to private life guarantees spheres of privacy in which the State or anyone cannot intrude, such as the ability to pursue the development of one's personality and aspirations and determining one's identity, as well as those spheres of everyone's own and autonomous activities.

The Inter-American Commission for Human Rights, through its Unit (now Rapporteurship) for Lesbian, Gay, Bisexual, Trans and Intersex Persons (LGBTI) has adopted the following terminology for referring to and categorizing issues of sexual orientation, gender identity and expression.⁴⁷

Gender Identity refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.⁴⁸

Transgenderism (trans persons) is an umbrella term which includes the subcategory of transexuality and other variations. It is used to describe the different variants of gender identity, whose common denominator is that the person's biological sex and the gender identity

⁴⁷ LACHR (2014)

⁴⁸ Yogyakarta Principles (2007)

traditionally assigned to that sex do not match. A trans person can construct his/her identity regardless of surgical interventions or medical treatment. There is a certain degree of consensus concerning the referents and self-referents used for and by transgender persons: a *transwoman* is when the biological sex is male and the gender identity is female; a *trans man* is when the biological sex is female and the gender identity is male; a *trans person* or *trans* is when the person's conviction is to self-identify outside the male/female classification.

Transsexual persons (transsexualism) feel and perceive themselves as belonging to a gender that is not the one socially or culturally associated with their biological sex and who opt to have medical treatment –hormonal, surgical or both- to adapt their physical-biological appearance to their mental, spiritual and social sense of self.

Transvestites In general terms, it could be said that transvestites are persons who express their gender identity –either on a permanent or temporary basis- by wearing articles of clothing and adopting the deportment and mannerisms of the gender opposite to the one socially and culturally associated with their biological sex. This may or may not include body modifications.

Cross-dressers - persons who occasionally wear clothing of the opposite sex

Drag queens - men who dress as women, exaggerating feminine traits, generally on festive occasions

Drag kings - women who dress as men, exaggerating male traits, generally on festive occasions

Gender expression has been defined as “the outward manifestations of the cultural traits that enable a person to identify himself/herself as male or female, according to the patterns that, at a particular moment in history, a given society defines as gender appropriate.” (*Rodolfo y Abril Alcaraz, 2008*) The International Commission of Jurists (ICJ) has indicated with respect to gender expression that “[t]he notion of what properly constitutes male or female norms has been a source of human rights abuses against individuals who do not fit or conform to the stereotypical models of masculine or feminine. Personal deportment, mode of dress, mannerisms, speech pattern, social behavior and interactions, economic independence of women and the absence of an opposite-sex partner are all features that may subvert gender expectations.” (ICJ, 2009)

The term **Intersex** refers to “all those situations in which an individual's sexual anatomy does not physically conform to the culturally defined standard for the female and male body” (Mauro Cabral, 2005). The understanding of this specific biological identity has historically been identified with the mythological figure of Hermaphroditus, a person born with “both sexes; in other words, with a penis and a vagina” (Mauro Cabral, 2005). At the present time, the term *intersex* is considered more technically correct both by the LGTBI movement and in the medical and legal literature.

SEXUAL ORIENTATION

Sexual orientation has been defined as each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

Heterosexuality is a term that refers to a person's capacity for profound emotional, affectional and sexual attraction to a person of a different gender and to the capacity to maintain intimate and sexual relations with that other person.

Homosexuality is a term used to make reference to a person's capacity for profound emotional, affectional and sexual attraction to a person of the same gender and to the capacity to maintain intimate and sexual relations with that other person. It is preferred to use the term *lesbian* to make reference to female homosexuality and *gay* to make reference to male or female homosexuality.

Bisexuality is a term that refers to a person's capacity for profound emotional, affectional and sexual attraction to a person of a different gender and of the same gender, and to that person's capacity to maintain intimate and sexual relations with these persons.

6.a. Activity:

Do you know these people?

Objective: During this activity participants explore and understand the concepts of gender identity and sexual orientation.

Case study: 15 minutes

Plenary: 30 minutes

Instructions:

In this activity, through reading stories, participants reflect on their personal experiences of identities and sexual orientation. Subsequently through a presentation by the facilitator, participants learn theoretical aspects of these categories.

- First as facilitator, ask the participants to gather in groups of 5-6 persons and to appoint a rapporteur. Deliver each group a flipchart or blank pages and a pen, and a copy of one of the four stories that we present below. Each group will work with a different case.

STORY 1

Mary does not feel like a woman in the same way that her family, her friends or fashion magazines think women should be, and is not considered a typical "female woman." She does not like the clothes that most of the girls her age wear (tight jeans, low-cut shirts, high heels, etc...) and has very short hair. She is not sexually attracted to men, she likes women.

STORY 2

Carmela was born a "boy" according to her parents, but from an early age she was more a girl, a girl in adolescence and later a woman. She feels that her body and her biological sex do not match what she is: a woman. She has begun to take hormone treatment that will gradually reduce some of the male physical traits (body hair, deep voice, among other things) but in the future she would like to undergo surgery to have female genitalia.

STORY 3

Marco goes to college and works at a computer repair centre. His family and neighbourhood describe him as an “exemplary boy.” He feels like a man, likes sports and has always helped his family financially. From a young age he began to feel physical attraction to guys like him, and has even fallen for a college roommate.

STORY 4

John is a young man who by day works in a bank, is happily married and has two daughters. From a young age he felt the desire to wear his mother’s clothes and dress up like singers and actresses. Currently he works nights doing shows where he is famous for doing covers of great female singers.

- Allow the group 15 minutes to analyse the cases based on the following questions:
- In your work or personal life have you ever met someone like the people portrayed in these stories? What was your relationship with that person like?
- What do you think are some of the challenges that people like those portrayed in these stories face?
- After the discussion, ask a representative from each group to present the responses. Start with groups who worked on Story 1, then 2 and so on.
- Conclude by explaining that these cases represent sexual diversity; define them based on section 5.1 of this manual and prepare a visual presentation on the categories of sexual orientation and gender identity. Here is how you can summarize this information:
- After your presentation discuss the stories presented.

STORY 1	Mary’s gender expression does not correspond with socially constructed norms of ‘female.’ She is sexually attracted to women and so is a lesbian.
STORY 2	Carmela’s gender identity and expression do not correspond with her sex. She has plans to change her sex to match her gender identity and expression. She is a transgender woman.
STORY 3	Marco’s identity and expression are typically masculine but he is attracted to men, making his sexual orientation homosexual. He may or may not identify socially as gay.
STORY 4	John is tranvestite and could be a cross-dresser or drag queen; to know fully how John identifies one would have to ask him! He is heterosexual because he is attracted to wife who is of the opposite sex.

To conclude this discussion you might emphasise the following:

- Many people may have strong feelings and opinions about sexual orientation. It is important for police officers to examine and understand their own personal cultural and religious or spiritual values and attitudes about sexual orientation and gender identities/sexual identities. This is so that they can give fair, non-judgmental, caring, support to the public.

- A person's sexual behavior does not always match with his or her sexual orientation. Not all individuals who have had same-sex/same gender identity sexual experiences would think of themselves as homosexual. In the same way not all individuals who have had sexual experiences with members of the other sex/gender identity would think of themselves as heterosexual. For example, individuals who have same-sex/same gender identity sexual activity might not be exclusively attracted to members of their own sex/gender identity. Some married people have same-sex/ same gender identity sexual activity outside of marriage and consider themselves to be heterosexual.
- Sexual orientation is not something a person can change by trying. No scientifically valid studies have shown that people can change their sexual orientation by wanting to do so. An individual's sexual orientation, however, might change naturally over a period of time.

6.2. HUMAN RIGHTS AND SEXUAL DIVERSITY

LGBTI RIGHTS AND INTERNATIONAL LAW

International law requires states to eliminate discrimination against LGBTI people and to protect citizens against violent crimes. The Universal Declaration of Human Rights states *"It is universal and applies to everyone equally, no matter who you are, whatever your physical appearance or with whom you share your life"*.

There are different human rights monitoring and protective mechanisms through the United Nations and Inter-American Systems for Human Rights, which require States to commit to report on the human rights of LGBTI people and allow for civil society groups to present reports, petitions, and request hearings.

The Yogyakarta Principles⁴⁹ are a set of principles on the application of international human rights law in relation to sexual orientation and gender identity. They were compiled during a meeting of experts in Yogyakarta (Indonesia). The Yogyakarta Principles address the broad range of human rights standards and their application to issues of sexual orientation and gender identity. The Inter American Commission on Human Rights views the Yogyakarta principles as an important source of legal understanding for gender identity and expression issues. The principles are as follows:

PRINCIPLE 1. The Right to the Universal Enjoyment of Human Rights

All human beings are born free and equal in dignity and rights. Human beings of all sexual orientations and gender identities are entitled to the full enjoyment of all human rights.

PRINCIPLE 2. The Rights to Equality and Non-discrimination

Everyone is entitled to enjoy all human rights without discrimination on the basis of sexual orientation or gender identity. Everyone is entitled to equality before the law and the equal protection of the law without any such discrimination whether or not the enjoyment of another human right is also affected. The law shall prohibit any such discrimination and guarantee to all persons equal and effective protection against any such discrimination.

⁴⁹ *The Yogyakarta Principles (2007)*

Discrimination on the basis of sexual orientation or gender identity includes any distinction, exclusion, restriction or preference based on sexual orientation or gender identity which has the purpose or effect of nullifying or impairing equality before the law or the equal protection of the law, or the recognition, enjoyment or exercise, on an equal basis, of all human rights and fundamental freedoms. Discrimination based on sexual orientation or gender identity may be, and commonly is, compounded by discrimination on other grounds including gender, race, age, religion, disability, health and economic status.

PRINCIPLE 3. THE RIGHT TO RECOGNITION BEFORE THE LAW

Everyone has the right to recognition everywhere as a person before the law. Persons of diverse sexual orientations and gender identities shall enjoy legal capacity in all aspects of life. Each person's self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom. No one shall be forced to undergo medical procedures, including sex reassignment surgery, sterilisation or hormonal therapy, as a requirement for legal recognition of their gender identity. No status, such as marriage or parenthood, may be invoked as such to prevent the legal recognition of a person's gender identity. No one shall be subjected to pressure to conceal, suppress or deny their sexual orientation or gender identity.

PRINCIPLE 4. THE RIGHT TO LIFE

Everyone has the right to life. No one shall be arbitrarily deprived of life, including by reference to considerations of sexual orientation or gender identity. The death penalty shall not be imposed on any person on the basis of consensual sexual activity among persons who are over the age of consent or on the basis of sexual orientation or gender identity.

PRINCIPLE 5. THE RIGHT TO SECURITY OF THE PERSON

Everyone, regardless of sexual orientation or gender identity, has the right to security of the person and to protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual or group.

PRINCIPLE 6. THE RIGHT TO PRIVACY

Everyone, regardless of sexual orientation or gender identity, is entitled to the enjoyment of privacy without arbitrary or unlawful interference, including with regard to their family, home or correspondence as well as to protection from unlawful attacks on their honour and reputation. The right to privacy ordinarily includes the choice to disclose or not to disclose information relating to one's sexual orientation or gender identity, as well as decisions and choices regarding both one's own body and consensual sexual and other relations with others.

PRINCIPLE 7. THE RIGHT TO FREEDOM FROM ARBITRARY DEPRIVATION OF LIBERTY

No one shall be subjected to arbitrary arrest or detention. Arrest or detention on the basis of sexual orientation or gender identity, whether pursuant to a court order or otherwise, is arbitrary. All persons under arrest, regardless of their sexual orientation or gender identity, are entitled, on the basis of equality, to be informed of the reasons for arrest and the nature of any charges against them, to be brought promptly before a judicial officer and to bring court proceedings to determine the lawfulness of detention, whether or not charged with any offence.

PRINCIPLE 8. THE RIGHT TO A FAIR TRIAL

Everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal

established by law, in the determination of their rights and obligations in a suit at law and of any criminal charge against them, without prejudice or discrimination on the basis of sexual orientation or gender identity.

PRINCIPLE 9. THE RIGHT TO TREATMENT WITH HUMANITY WHILE IN DETENTION

Everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Sexual orientation and gender identity are integral to each person's dignity.

PRINCIPLE 10. THE RIGHT TO FREEDOM FROM TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Everyone has the right to be free from torture and from cruel, inhuman or degrading treatment or punishment, including for reasons relating to sexual orientation or gender identity.

PRINCIPLE 11. THE RIGHT TO PROTECTION FROM ALL FORMS OF EXPLOITATION, SALE AND TRAFFICKING OF HUMAN BEINGS

Everyone is entitled to protection from trafficking, sale and all forms of exploitation, including but not limited to sexual exploitation, on the grounds of actual or perceived sexual orientation or gender identity. Measures designed to prevent trafficking shall address the factors that increase vulnerability, including various forms of inequality and discrimination on the grounds of actual or perceived sexual orientation or gender identity, or the expression of these or other identities. Such measures must not be inconsistent with the human rights of persons at risk of being trafficked.

PRINCIPLE 12. THE RIGHT TO WORK

Everyone has the right to decent and productive work, to just and favourable conditions of work and to protection against unemployment, without discrimination on the basis of sexual orientation or gender identity.

PRINCIPLE 13. THE RIGHT TO SOCIAL SECURITY AND TO OTHER SOCIAL PROTECTION MEASURES

Everyone has the right to social security and other social protection measures, without discrimination on the basis of sexual orientation or gender identity.

PRINCIPLE 14. THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

Everyone has the right to an adequate standard of living, including adequate food, safe drinking water, adequate sanitation and clothing, and to the continuous improvement of living conditions, without discrimination on the basis of sexual orientation or gender identity.

PRINCIPLE 15. THE RIGHT TO ADEQUATE HOUSING

Everyone has the right to adequate housing, including protection from eviction, without discrimination on the basis of sexual orientation or gender identity.

PRINCIPLE 16. THE RIGHT TO EDUCATION

Everyone has the right to education, without discrimination on the basis of, and taking into account, their sexual orientation and gender identity.

PRINCIPLE 17. THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH

Everyone has the right to the highest attainable standard of physical and mental health, without discrimination on the basis of sexual orientation or gender identity. Sexual and reproductive health is a fundamental aspect of this right.

PRINCIPLE 18. PROTECTION FROM MEDICAL ABUSES

No person may be forced to undergo any form of medical or psychological treatment, procedure, testing, or be confined to a medical facility, based on sexual orientation or gender identity. Notwithstanding any classifications to the contrary, a person's sexual orientation and gender identity are not, in and of themselves, medical conditions and are not to be treated, cured or suppressed.

PRINCIPLE 19. THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

Everyone has the right to freedom of opinion and expression, regardless of sexual orientation or gender identity. This includes the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or any other means, as well as the freedom to seek, receive and impart information and ideas of all kinds, including with regard to human rights, sexual orientation and gender identity, through any medium and regardless of frontiers.

PRINCIPLE 20. THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

Everyone has the right to freedom of peaceful assembly and association, including for the purposes of peaceful demonstrations, regardless of sexual orientation or gender identity. Persons may form and have recognised, without discrimination, associations based on sexual orientation or gender identity, and associations that distribute information to or about, facilitate communication among, or advocate for the rights of, persons of diverse sexual orientations and gender identities.

PRINCIPLE 21. THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

Everyone has the right to freedom of thought, conscience and religion, regardless of sexual orientation or gender identity. These rights may not be invoked by the State to justify laws, policies or practices which deny equal protection of the law, or discriminate, on the basis of sexual orientation or gender identity.

PRINCIPLE 22. THE RIGHT TO FREEDOM OF MOVEMENT

Everyone lawfully within a State has the right to freedom of movement and residence within the borders of the State, regardless of sexual orientation or gender identity. Sexual orientation and gender identity may never be invoked to limit or impede a person's entry, egress or return to or from any State, including that person's own State.

PRINCIPLE 23. THE RIGHT TO SEEK ASYLUM

Everyone has the right to seek and enjoy in other countries asylum from persecution, including persecution related to sexual orientation or gender identity. A State may not remove, expel or extradite a person to any State where that person may face a well-founded fear of torture, persecution, or any other form of cruel, inhuman or degrading treatment or punishment, on the basis of sexual orientation or gender identity.

PRINCIPLE 24. THE RIGHT TO FOUND A FAMILY

Everyone has the right to found a family, regardless of sexual orientation or gender identity. Families exist in diverse forms. No family may be subjected to discrimination on the basis of the sexual orientation or gender identity of any of its members.

PRINCIPLE 25. THE RIGHT TO PARTICIPATE IN PUBLIC LIFE

Every citizen has the right to take part in the conduct of public affairs, including the right to stand for elected office, to participate in the formulation of policies affecting their welfare, and to have equal access to all levels of public service and employment in public functions, including serving in the police and military, without discrimination on the basis of sexual orientation or gender identity.

PRINCIPLE 26. THE RIGHT TO PARTICIPATE IN CULTURAL LIFE

Everyone has the right to participate freely in cultural life, regardless of sexual orientation or gender identity, and to express, through cultural participation, the diversity of sexual orientation and gender identity.

PRINCIPLE 27. THE RIGHT TO PROMOTE HUMAN RIGHTS

Everyone has the right, individually and in association with others, to promote the protection and realisation of human rights at the national and international levels, without discrimination on the basis of sexual orientation or gender identity. This includes activities directed towards the promotion and protection of the rights of persons of diverse sexual orientations and gender identities, as well as the right to develop and discuss new human rights norms and to advocate their acceptance.

PRINCIPLE 28. THE RIGHT TO EFFECTIVE REMEDIES AND REDRESS

Every victim of a human rights violation, including of a violation based on sexual orientation or gender identity, has the right to effective, adequate and appropriate remedies. Measures taken for the purpose of providing reparation to, or securing adequate advancement of, persons of diverse sexual orientations and gender identities are integral to the right to effective remedies and redress.

PRINCIPLE 29. ACCOUNTABILITY

Everyone whose human rights, including rights addressed in these Principles, are violated is entitled to have those directly or indirectly responsible for the violation, whether they are government officials or not, held accountable for their actions in a manner that is proportionate to the seriousness of the violation. There should be no impunity for perpetrators of human rights violations related to sexual orientation or gender identity.

These Principles and Recommendations reflect the application of international human rights law to the lives and experiences of persons of diverse sexual orientations and gender identities, and nothing herein should be interpreted as restricting or in any way limiting the rights and freedoms of such persons as recognised in international, regional or national law or standards.

Further reading for facilitators:

The Yogyakarta Principles: Principles on the Application of International Human Rights Law in relation to sexual orientation and gender identity. Available at http://www.yogyakartaprinciples.org/principles_en.htm

CRIMINALIZATION OF HOMOSEXUALITY AND THE CONSEQUENCES

In 2010 there were 70 countries with laws used to criminalize people for their sexual orientation or gender identity. 11 Caribbean countries criminalize same-sex relations. Such laws, including so-called “sodomy laws” generally prohibit certain types of sexual activity or any type of intimacy or sexual activity between persons of the same sex. Penalties range from short prison sentences to life imprisonment and even the death penalty.⁵⁰

The criminalization of consensual private homosexual relations is a violation of individual rights to privacy and non-discrimination and a violation of international human rights standards. Laws or policies may have a direct effect on the discrimination faced by LGBTI people, in many cases justifying violence towards them, and create barriers to health services.^{51 52}

6.b. Activity:

Film Forum: *‘Love is not a crime’ or ‘Men without identity’*

Objective: Participants reflect on the rights of LGBTI people

Video Projection: 2 minutes Discussion: 20 minutes Plenary: 10 minutes

Instructions:

- In this activity, through a Film Forum, participants reflect on the rights of LGBTI people and their vulnerability to HIV.
- The Film Forum is a video screening and subsequent group discussion around some key questions.
- For this activity we recommend the screening of the film produced by Amnesty International *Love is not a crime*⁵³ or *Men without Identity*
- We recommend that you begin the activity by explaining that a short film will be screened to which they should give special attention because they will discuss it as a group afterwards. To give more specific information about both documentaries, you can use the following information:

Love is not a crime: A short produced by the organization Amnesty International Spain as part of its campaign to highlight LGBTI rights.

- Once you have completed the screening, ask participants to discuss the video for 20 minutes, using the following questions as a guide to their discussion:

⁵⁰ ILGA (2011)

⁵¹ UNDP (2012)

⁵² Human Rights Watch (2004)

⁵³ *Amar no es delito*. [Online] Available:

<http://www.es.amnesty.org/temas/diversidad-afectivo-sexual/>
(11 February 2014).

1. What happens in this video?
2. Do you think the human rights of the men in the video are being respected? (Explain your answer)
3. How do you think human rights violations increase the vulnerability of gay, bisexual and transgender people to HIV?
 - As facilitator, guide the discussion in an organized way. To start the conversation, read aloud the first question and give turns to the participants who raise their hands. For each question, we recommend you allow 4 people to speak and then move onto the next question.
 - Take note of responses in each flipchart, but only the key ideas.
 - Prevent participants from taking too much time to respond; estimate about 3 minutes per response.
 - Next, analyse the group's responses with reference to the information on human rights and sexual diversity provided in Section 6.2 of this manual and the information used in Section 3.3 which highlights why human rights violations increase vulnerability to HIV.

6.3. MAJOR SAFETY NEEDS OF LGBTI PEOPLE

COMMON CRIMES AGAINST LGBTI PEOPLE

Homophobia or discriminatory treatment of gay, lesbian, bisexual, and transgender (LGBTI) people may constitute torture or cruel, inhuman or degrading treatment. The State can be directly responsible for these human rights violations when it creates, supports, or institutionalizes an environment in which homophobia or discriminatory treatment is allowed by both state and non-state actors.

Some examples of the most common security problems experienced by LGBTI persons are:^{54 55}

1. Verbal abuse in public
2. Threats and harassment
3. Property Damage
4. Robbery and extortion
5. Coercion and blackmail
6. Physical assaults
7. Violation of confidentiality and privacy
8. Sexual assault as punishment or "corrective" rapes
9. Torture and ill-treatment in prisons
10. Murder

Police abuse towards LGBTI people can include:

1. Disrespect
2. Inhuman treatment
3. Extortion
4. Arbitrary arrests
5. Physical abuse
6. Torture and ill-treatment
7. Breach of duty of care

6.c. Activity:

Police conduct in protecting the human rights of LGBTI people

Objective: During this activity participants identify policing standards for the protection of human rights of LGBTI people.

Case Study: 15 minutes

Discussion: 30 minutes

Instructions:

In this activity, through reading cases, participants will identify appropriate and inappropriate police conduct in interactions with LGBTI people.

- First as facilitator, ask the participants to gather in groups of 5-6 persons and to appoint a note-taker. Provide each group with a copy of 1 of the 3 cases presented below, a copy of the Ten Human Rights Standards for Law enforcement Officers 56 and a pair of flip charts and pens to write down their answers, so that each group works with a different case.

CASE 1

Four men were arrested near the airport in Kingston, Jamaica, in November 1996 and charged with “gross indecency.” The men, two of whom were partially clothed, were forced to remove all their clothes and held naked in public view at the airport police post until the following day. An angry mob gathered, allegedly in response to incitement by police officers, and threatened the men. The four were then driven to the Rape Unit where they were allegedly sexually assaulted before being transferred to the Remand Centre where they were forced to clean other inmates’ cells and toilets with their bare hands. Police also incited other inmates to assault the men and left their cells unlocked so that other inmates could enter and beat them.⁵⁷

CASE 2

Four police officers came into a club and kicked off the doors. A group of men went to their car in the parking lot and the police came to the car and told them to get out. Two of them pushed one man with a gun and slapped him in the face. They told him to leave the area now “battyboy.” Another hit him with a baton. They told the men to run and then they ran after them on the road with batons and pepper spray. Patrons of other clubs nearby began to throw rocks and bottles at them, calling them gay. The group of men ran into an abandoned building to try and call a cab to escape. The police found them and gave them several kicks. The man asked the officers in the pick-up, “If you are doing this to us what do you expect others to do?” There were 4 pick-ups and one big truck in all, with over 20 police officers.⁵⁸

⁵⁶ Amnesty International, December 1998.

⁵⁷ Amnesty International (2001), pp 12

⁵⁸ Report made to The Jamaica Forum of Lesbians, All-Sexuals and Gays (J-FLAGS), 2012

CASE 3

Two women were approached by staff members, who informed them that they were making other patrons at the beach uncomfortable. After an hour or so, and having since stopped the “inappropriate behavior,” two policemen approach them and asked them their names. When the women asked why the officers asked for their names, one of them was taken by an officer to the police car and told to get inside. When the woman asked the officer why she must get into the car and what was going on, the officer became frustrated and began shouting at her to get in the vehicle. The woman felt unnecessarily threatened and began to lose her temper with the officer, who responded by grabbing her by the neck and forcing her into the back of the car. A struggle ensued and the woman received bruises on her foot from the officer repeatedly stamping on it. The woman’s friend approached the car and asked her to stop and said she would join her going to the station. They ask to be transferred to another car as they were uncomfortable riding with the officer who had just mistreated them. After complaining about the incident on the ride to the station, the female officer driving them pulled her holster and told them to shut up until they’d reached the station. The woman told her story to several officers at the station, but no official report was ever filed. She was given a court date but the charges were never made clear.⁵⁹

- Allow the group 15 minutes to analyze the assigned case with reference to the document Ten Human Rights Standards for Law Enforcement Officials. (If your country has specific guidelines or policies for police to safeguard the rights of sexual minorities, you should also provide participants with a copy of that policy. For example, the Jamaica Constabular Force Policy on Diversity (Force Orders No. 3351).

- Provide them with the following questions to guide their discussion:

Do you consider this correct behaviour police? (Explain your answer) What do you think would be proper police behaviour for this case?

- After the group discussion, ask each group to present their case analysis. Start with groups doing case 1, case 2 and so on. When they are finished presenting ask each group to hang their flipcharts on the wall.
- Take notes of the answers in your notebook, and when all the groups have finished, make a summary of the responses and strengthen them with your answers. Below are some suggested ways to help officers analyse their cases.

CASE	CASE ANALYSIS
Case 1	<p>Improper police conduct: According to Standard 3 force should not be used unless absolutely necessary. Standard 7 ensures communication with relatives, lawyers and medical care. Standard 8 states all people will be treated humanely and not be tortured and Standard 10 requires all breaches of Basic Standards to be reported to a senior officer and the public prosecutor.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Follow established procedures for detention, including the legal basis for the arrest. • Treat detainees with respect • Provide medical care, call family and / or lawyer. • Do not use force without reason • Report abuse and torture of supervisors.

<p>Case 2</p>	<p>Improper police conduct: According to the basic Standard 3, force should not be used unless necessary and to the minimum extent under circumstances where it is warranted.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Make arrests only under a legal basis. • No use of force when not needed (in this case it was not) • Do not encourage hatred or violence. • Report the misconduct of fellow supervisor.
<p>Case 3</p>	<p>Improper police conduct: According to Standard 2, detainees should be treated with dignity and respect. According to Standard 3 force should not be used unless absolutely necessary. Standard 6 states there should be no detention without legal basis and must conform to the procedures established by law. Standard 7 ensures communication with relatives, lawyers or medical care. Standard 8 requires detainees to be treated humanely. Standard 10 requires detainees to be informed of any violation of these basic rules.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Follow established procedures for detention, including the legal basis for the arrest. • Treat detainees with respect. • Provide medical care, call family and / or lawyer. • No use of force without reason. Report abuse and torture of supervisors.

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A TRAINERS' MANUAL FOR POLICE OFFICERS

HUMAN RIGHTS VULNERABILITY AND HIV & AIDS IN THE CARIBBEAN