CONSULTING FOR THE PREPARATION OF STATE OF THE ART
ON THE RESPONSE OF STATES TO VIOLENCE DUE TO PREJUDICE AGAINST LGBTIQ+ PEOPLE IN
LATIN AMERICA AND THE CARIBBEAN

The Network of LGBTI Litigators of the Americas, the Network SIn Violencia LGBTI, Synergía – Initiatives for Human Rights and Akahatá join forces due to the need to have systematized and comparable information on the response that the States of the region have given to the violence due to prejudice towards LGBTI+ people.

1. OBJECT
Contract the services of professionals and/or consulting teams for 4 (four) research consultancies in the following areas: 1) South America, 2) Mexico and Central America, 3) The Caribbean and 4) Brazil, to prepare the State of Art associated with the following topics, also looking for good practices.

a. Information systems. Determine the existence of information systems on violence, either with data disaggregated by SOGIESC or in relation to LGBTI persons, etc. Detail all the relevant information about them, identifying whether they are State and/or civil society systems.

b. Prevention. Identify guidelines or policies for the prevention of gender violence, identifying whether it includes SOGIESC. Review the existence of training and/or awareness programs, care guidelines, campaigns against prejudice, etc.

c. Sanction. Determine in each country if there is regulation that sanctions violence against LGBTI persons, identify if the regulation responds to the understanding of violence due to prejudice, identify how it is sanctioned (specific classifications in the Penal Codes or aggravated sentences or other forms), in which areas it is sanctioned (criminal, administrative, etc.). Also identify if there is a state registry of reported cases, under investigation, filed and sentenced, identifying relevant sentences.

d. Repair. Determine the reparation mechanisms provided for these cases. What types of reparation exist? Are comprehensive/structural repairs planned? Review special regulations in criminal proceedings, transitional justice, among others.

e. Research. Determine if there are guidelines, protocols, criminal and forensic policies, training programs, etc. for the investigation of crimes against LGBTI persons or if they are subsumed in guidelines with a gender perspective, or if they are of another nature.

f. Specific protocols for investigating violence against LGBTI persons in the region. Gather information on research protocols, review them and include all relevant information about them. Include the Sexual Violence Investigation Protocols in the review to see how LGBTI people are or are not included.

g. Judgment. Determine in each country the existence of protocols or guidelines for judging with a gender perspective and whether or not these include sexual, bodily and gender diversity. Likewise, identify if there are training programs for judges with these perspectives.

h. Instances or Specialized Units. Are there specialized prosecution, forensic and/or investigation units for these cases? Are they specialized in gender? Or LGBTI? Or what type are they? How are they organized?

i. Analysis Categories. Review in the Penal Codes, as well as in the jurisprudence, judicial plenary agreements and any document of Judicial and prosecutorial work or other competent national instances (e.g. Ministry of Women, Ministries of Justice): What categories of analysis do they use? Eg Violence due to Prejudice, Hate Crimes, others. How do you define them?

j. Femicide, Transfemicide and Transvesticide. What categories are used in the countries (Review Penal Code, jurisprudence, plenary agreements, among others)? Are there bills on its regulation? What do they propose? Does the criminal law include or not trans women within the femicide criminal category according to the regulatory text or by judicial interpretation? Identify whether and how the type of femicide
was applied to cases of trans women, trans men or trans people assigned female at birth, etc. Review plenary agreements, jurisprudence, regulations, bills or legislative initiatives.

k. **Review of comprehensive laws or national plans on gender-based violence:** Assess whether national policies or comprehensive laws on gender-based violence include LGBTI persons and, particularly, identify whether when referring to women they include those who are trans and intersex.

2. **ACTIVITIES**

2.1. Review the legislation, judicial or fiscal pronouncements, and the relevant doctrine (writings, articles, and reports from human rights organizations and institutions) on the subject in the assigned countries.

2.2. Identify the documents produced for the Universal Human Rights System (Treaty Committees and Human Rights Council) related to alternative reports from civil society and national human rights institutions, as well as recommendations addressed to the assigned countries on the subject.

2.3. Hold working meetings with the national organizations of the countries in order to receive guidelines, information or technical details.

3. **PRODUCTS**

The products must be approved by an evaluation group of 4 people representing Akahatá, Synergía, La Red de Litigantes and La Red Sin Violencia, respectively. Which may request adjustments and modifications to them, such as generating general guidelines on their structure.

3.1 **Schedule of Activities and Work Proposal.** Schedule of activities and work proposal for the consultancy, indicating how the methodological proposal established for the 4 consultancies will be executed.

3.2 **Document of the State of the Art addressing the issues that are the object of the consultancy.** The document will have a chapter per country inquiring about each aspect. It must be accompanied by a compilation of the findings, as annexes.

4. **REQUIREMENTS**

The professional person or those who make up a consulting team who are interested in any of the 4 geographical areas: 1) South America, 2) Mexico and Central America, 3) The Caribbean and 4) Brazil must:

I) **PRESENT A METHODOLOGICAL PROPOSAL FOR THE COLLECTION AND PROCESSING OF INFORMATION AND II) YOUR RESUME THAT PROVE THE FOLLOWING:**

(1) **Education:** Undergraduate Law and relevant postgraduate degrees will be taken into account.

(2) **Experience:** Demonstrate experience in researching the subject matter of the consultancy, or in discrimination and/or violence towards LGBTIQ+ people.

(3) **Language Requirement:** Spanish. Knowledge of French and English will be valued where required, depending on the geographical area being worked on. In the case of Brazil, fluency in Portuguese is required.

(4) Be a national of one of the chosen countries/subregion or demonstrate solid knowledge of the legal system of the countries where the research will be carried out.

This information should be sent to the mail karen.anaya@colombiadiversa.org with the **Subject: Application Regional Consultancy Violence due to prejudice until March 22.**

5. **RUNTIME**

The contract will be signed on March 2022 and will last until June 30, 2022. This consultancy is for products. The consulting team or person may organize itself in the way it deems pertinent, taking into account that the value of the contract will **NOT** change, nor will the delivery dates.
5.1 Selection, Evaluation and Pre-contractual Stage

c. Interviews. From March 28 to 31, 2022 by an Evaluation Committee.

5.2 Execution of the Contract

a. Schedule/Work Plan. Present it within the first week after signing the contract.
b. Research. It is carried out in accordance with the common methodology established for the 4 consultancies.
c. Drafting of final report. Its drafting must be completed by the end of June 2022.
and. Training/Talk. July or August
f. Closing of the Contract. In July, after the Reports have been approved, the corresponding payments and everything associated with the liquidation of the contract will be approved.

6. PAYMENTS AND VALUE

The Contract will have the values in USD\(^1\). The value may vary at the time of trading with the international bank and will fluctuate according to the corresponding exchange rates, taxes and withholdings (see footnote 2). Payments will be made as follows:

1. 50% with the signing of the contract and the presentation of an execution plan/schedule.
2. 25% with the final approval of the prepared documents.
3. 25% with the execution of the virtual seminar or conference held.

| CONSULTANCY N° 1: Brazil (VALUE: 3,000 USD) |
| CONSULTING N° 2: South America\(^2\) (VALUE: 3,000 USD) |
| CONSULTING N° 3: Mexico and Central America\(^3\) (VALUE: 3,000 USD) |
| CONSULTANCY N° 4: El Caribe\(^4\) (VALUE: 2,000 USD) |

7. EVALUATION

An Evaluation Committee of 5 people, from the contracting organizations and networks, will be formed. A first selection of the 3 best resumes of professionals or consulting teams will be made for each of the 4 (four) geographical consultancies, based on the criteria of:

1. Experience in the investigation of the subject subject of the consultancy or similar
2. Academic training relevant to consulting
3. Previous experience of working with Social Organizations related to Women, Gender, and/or LGBTI People. The work of regional articulation is considered ideal.

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1 Clarifications on the monthly value of the contract.
1. Change in value. The value can oscillate by the exchange rate between the dollar and the foreign currency on the day of the payment negotiation each month. As it may also vary by the rates that are generated between Colombian pesos and the currency of the bank account where you will receive the payment. Networks and organizations will not assume positive or negative differences caused by exchange rates.
2. Bank Fees for International Transfers. Organizations and networks will not bear the costs for international transfers and will be charged to the monthly sum.

2 Must include: Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela, Suriname and Guyana
3 Must include: El Salvador, Guatemala, Honduras, Nicaragua, Panama, Costa Rica, Cuba (Spanish Caribbean) and Dominican Republic (Spanish Caribbean)
4 Should include: Belize (Central English-speaking America), Antigua and Barbuda, Bahamas, Barbados, Dominica, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, and Trinidad and Tobago
In case of interviews, they will be evaluated based on the following criteria:

1. **Knowledge related to Academic Research and/or Litigation/Advocacy. 5 points.** It will be evaluated the knowledge related to LGBTIQ+ people, research, and document production.
2. **Specific knowledge:** access to justice, criminal law, justice systems. 5 points.
3. **Profiles of those who present themselves. 5 points.** We expect to know the career paths
4. **Other matters on which the Committee decides to inquire. 5 points.**

Whoever wins the interview will win the process.

8. **INTELLECTUAL PROPERTY AND COPYRIGHT**

Copyright and intellectual property are recognized to the authors in the Final Reports that are the product of the consultancy. The intellectual property rights and other property rights, including patents, copyrights and trademarks with respect to products or documents and other materials that have a direct relationship with or are produced, prepared or obtained as a result of or in the course of this consultancy are of the Networks and organizations that convene this consultancy.

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9. **CONFIDENTIALITY**

The contractor consultant undertakes to keep the confidentiality of the content of all the information and documentation to which he has access, keeping it private, which cannot be extracted from the institution, less disclosed in its total or partial content and at the end of the work. Likewise, the final files must be delivered in digital format with all the annexes, tools and other documents relevant to the study.