

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-38/2021 English

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I/A Court H.R. Protecting Rights

HONDURAS IS RESPONSIBLE FOR VIOLATING THE RIGHT TO LIFE OF A TRANSGENDER WOMAN

San José, Costa Rica, June 28, 2021. In the Judgment of the *Case of Vicky Hernández et al. v. Honduras*, notified today, the Inter-American Court of Human Rights declared that the State of Honduras is responsible for the death of Vicky Hernández, a transgender sex worker woman and well-known activist at the “Colectivo Unidad Color Rosa”, that took place in San Pedro Sula, on June 28, 2009. The official summary of the Judgment can be accessed [here](#) and the Judgment’s full text can be accessed [here](#).

On the night of June 28, 2009, Vicky Hernández was out in public with two companions in San Pedro Sula during a curfew that had been declared in the context of a *coup d’état* that took place that day. A police patrol tried to arrest them, upon which they fled and disappeared. The next day, Vicky Hernández was found shot and dead. Up to this day, her death has not been solved by the authorities, and the case remains in impunity.

In its Judgment, the Court found that there were various indications of participation by State agents that point to State responsibility for the violation of Vicky Hernández’s right to life and to personal integrity, in the context of violence against LGBTI persons, and particularly against trans women sex workers.

The State partially recognized its international responsibility in the understanding that the authorities did not conduct the investigation into the murder of Vicky Hernández with due diligence. The Court pointed out that during the investigation, the authorities did not consider the context of discrimination and police violence against LGBTI persons and trans women sex workers.

The Court also found that her murder and the investigation of it, as well as the general legal context of discrimination, violated Vicky Hernández’s rights to juridical personality and non-discrimination, as well as her right to gender identity.

At the same time, the Court found that the right of the victim and her relatives to a life free of violence was violated, considering that the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women also applies to situations of gender-based violence against trans women.

The Court also found that Vicky Hernández’s relatives were affected by the suffering caused to them by her death; the permanent situation of discrimination to which she was subjected; and the situation of impunity surrounding the murder.

Based on these violations, the Court ordered the State to undertake a variety of measures of reparation, including the following: i) promote and continue the investigations into the murder

of Vicky Hernández; ii) perform a public act of recognition of international responsibility; iii) produce an audiovisual documentary on the situation of discrimination and violence experienced by trans women in Honduras; iv) establish a Vicky Hernández educational scholarship for trans women; v) create and implement a plan for providing regular training to State security forces agents; vi) adopt a procedure for recognizing gender identity that allows persons to change their identification information in identification documents and in public records to match their-self perceived gender identities; vii) adopt a protocol for investigations and administration of justice in criminal proceedings for cases of LGBTI persons who are victims of violence; and viii) design and implement a system for collecting data and statistics on cases of violence against LGBTI persons.

Judge Elizabeth Odio Benito and Judge Eduardo Vio Grossi informed the Court of their individual dissenting opinions. Judge Patricio Pazmiño Freire informed the Court of his individual concurring opinion.

The composition of the Court for issuing this judgment was as follows: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Patricio Pazmiño Freire, Vice President; Judge Eduardo Vio Grossi (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eduardo Ferrer MacGregor (Mexico); Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Ricardo Pérez Manrique (Uruguay).

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