Reviewer’s report

Title: Sexual and Gender Minorities Rights in Latin America and the Caribbean: A multi-country evaluation

Version: 0 Date: 01 Apr 2019

Reviewer: Julie Mooney-Somers

Reviewer's report:

This paper presents an analysis of the legal rights of LGBTI people in Latin America and the Caribbean. It is an important and valuable piece of work that both captures change over time and variations across the region. I would like to see it published and have provided comment and suggestions that I think will make this possible.

Throughout the article please be precise about exactly who among LGBTI are discriminated / criminalized / protected by a law. This is not a homogeneous group. For example, some laws are specific to sex between men, so are not relevant to LB women. Terms like "LGBTI couples" are inaccurate when referring to same sex marriage as LGBTI includes people in opposite sex relationships. A more problematic (and major) issue is that while people with intersex variations are included throughout the article in the acronym LGBTI, there is no mention of the specific issues facing them. Chief among these is the right to bodily autonomy, for example, children not being subject to coercive 'correct' surgery. At the same time, many intersex people identify as heterosexual and so issues around same sex marriage or adoption may not be relevant to them. The first few paragraphs of the introduction in particular need to be reviewed to add in these nuances. In general. I would suggest rarely using the acronym - make it clear which group you are referring to each time.

The background needed to provide more context for the analysis. I wanted to see some definitional work - who are LGBTI people and what broad areas of law affect them, taking account of the differences in L/G/B/T/I. What are the effects of legacy laws from colonial powers (that may not actively be prosecuted) and new laws? I think the content under "Social Movements and LGBTI Rights" might work better here. The current intro presents some examples of laws in specific countries, this foreshadows the results; while compelling it is not especially illuminating.

Methods. Please provide substantially more detail on the analysis strategy (para at the top of page 7). The documents you used were to identify specific laws in each country - what quality assessment did you do - how did you decide the document accurately reflected the state of the law in each country? What "gaps" were you looking to identify (I could not see how this question followed through to the results section). Please expand how you determined "best practice" - it sounds like you planned to use a standards framework from IACHR but I can't see any evidence of this in the analysis. The results figures have three time points but there is no mention of why you chose 20 years or why the three points; this needs to explained in the methods.
Results figure - the figures are the key piece of evidence but they are hard to understand and there is no direct connection to the results text. What do the number on the vertical scale indicate, there is no key. How were the 'scores' calculated and what do they represent; this needs to go in the methods. I guess higher scores are better but the text in the results does not engage with the figures or the findings specifically (e.g. there is no mention of the 'scores'). Where have the categories along the horizontal scale come from? It looks like this is a framework from literature - this approach needs to be explained in the methods. None of the categories obviously capture intersex rights especially around coercive surgery for intersex children (see previous comment).

Results - the questions raised in the methods are not answered in the results section (e.g. gaps, best practice). Please revise.

Page 7 ln139 - what does "more common" mean, how have you determined this quantitatively. I can't understand how to read this finding off the figure.

Page 8 ln157 - around this point the results shift from reporting finding to interpreting the consequences of these laws. I think all of this work should be saved for the discussion (what are the consequences of findings).

Page 4, ln74 "Inter-American Court of Human Rights (IACHR) of the Organization of American States (OAS)" - I am not familiar with this organisation, can you please explain its status, what kind of power it wields.

Discussion / conclusion - I was not convinced the analysis as presented provides sufficient grounding for the subsequent discussion on violence. There needs to be a more significant connection between the results of your desk review and the argument in your discussion.

Are the methods appropriate and well described?
If not, please specify what is required in your comments to the authors.

No

Does the work include the necessary controls?
If not, please specify which controls are required in your comments to the authors.

No

Are the conclusions drawn adequately supported by the data shown?
If not, please explain in your comments to the authors.

No

Are you able to assess any statistics in the manuscript or would you recommend an additional statistical review?
If an additional statistical review is recommended, please specify what aspects require further assessment in your comments to the editors.

Not relevant to this manuscript

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Please indicate the quality of language in the manuscript:

Acceptable

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