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LATIN AMERICA'S GAY RIGHTS REVOLUTION

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The legalization of same-sex marriage in Argentina on 22 July 2010 dealt a serious blow to Latin America's longstanding reputation as a bastion of machismo. Only the tenth country in the world to do so, Argentina is today a member of a select group of nations regarded as being on the cutting edge of homosexual rights.¹ But even before the enacting of Argentina's landmark "gay"² marriage law, a gay-rights revolution in Latin America was well underway.

In 2007, Uruguay became the first Latin American country to enact nationwide legislation permitting gay civil unions, and in 2008 Colombia's Constitutional Court, in another Latin American first, granted gay couples full rights of insurance, inheritance, immigration, and social-security benefits.³ Mexico City upped the ante in 2009, when city officials started issuing marriage licenses to gay couples against the wishes of the federal government, which launched a failed constitutional challenge. The Mexican Supreme Court not only affirmed the constitutionality of gay marriage for residents of the Mexican capital, it also legalized gay adoptions.

More discreet advances are no less impressive. With the reformation of the penal code legalizing same-sex relations in Nicaragua and Panama in 2008, all Spanish-speaking countries in Latin America plus Brazil have completely decriminalized homosexuality, and anti-gay discrimination laws are now on the books in Brazil, Ecuador, and Peru.

It is tempting to explain the surge of gay rights in what historically has been one of the most hostile environments for homosexuals in the Western Hemisphere as a by-product of social and economic modernization.⁴ According to postmaterialist theory, extending legal protections to sexual minorities is predicated on a "cultural shift" in public

attitudes induced by society having satisfied basic needs such as food, shelter, and education.⁵ It is questionable, however, whether any Latin American nation, including relatively well-off Argentina, has reached the postmaterialist age. Ironically, the struggle for marriage equality in Argentina began in earnest in the midst of a wrenching economic crisis in 2002, with the creation of same-sex civil unions in Buenos Aires. Between September 2001 and March 2002, the Argentine economy had contracted by about a third, and millions of so-called “new poor” found themselves hungry, homeless, and unemployed.

More compelling is the view of Latin America’s gay-rights revolution as indicative of a spillover effect of the maturity of the gay movement in the developed world; in other words, as evidence of transnationalism at work. After all, same-sex civil unions and gay marriage are cultural exports of the United States and Western Europe. Especially influential across Latin America was the case of Spain, which in 2005 became the first Catholic-majority country to legalize gay marriage. When Argentine legislators sat down to draft a gay-marriage bill, it was the Spanish law that they used as a blueprint. But it would, of course, be wrong to expect that “Western” influences regarding homosexuality will always translate into something positive for homosexuals in the developing world, as African countries have distressingly shown. Earning it worldwide condemnation, Uganda’s parliament in 2009 debated a bill that would have imposed the death penalty on gay Ugandans and prison sentences of up to seven years on family and friends who failed to report them to the authorities. In rationalizing the need for such a law, Uganda’s ethics minister, James Nsaba Buturo, argued that the law was necessary to counter foreign influence since “homosexuality is not natural in Uganda.”⁶

In the end, what mattered most to the gay-rights revolution in Latin America was an innovative and effective campaign by gay activists that belies the institutional weakness of the region’s gay-liberation movement. This activism had exquisite timing, benefiting from several domestic and international trends, including the rebirth of civil society that followed the end of authoritarian rule, the example set by the gay-liberation movement in the United States and Western Europe, the rise of human-rights discourses in international bodies and nongovernmental organizations, and a regionwide leftward turn in governance during the 2000s that has given rise to unprecedented gay-left political alliances. Bluntly put, the gay-rights revolution in Latin America represents more of a political victory than a social transformation, and therein resides both the good and the bad news about the capacity of legally recognized gay rights to deepen democracy in the region.

The primacy of politics in the making of the Latin American gay-rights revolution suggests that civil society activism and strategizing can make a significant difference in incorporating gay rights into any

nation's legal fabric. This is heartening for gay activists in other parts of the developing world who hope to emulate the Latin American example. And yet, gay rights have been attained in most parts of Latin America without broad popular acceptance of homosexuality—a situation that raises doubts about the long-term viability of these rights and their potential for enhancing democracy. As long as hostility toward homosexuals remains widespread, gay rights will stay vulnerable to a backlash or a reversal, and might even bring about unintended consequences that could harm the very lives these rights are intended to benefit. This explains a paradoxical trend in Latin America in recent years: rising anti-gay violence in the midst of a gay-rights boom.

Gay Rights Are Human Rights

Latin America's gay-rights advances over the last decade offer a compelling case for the idea that the capacity of social movements to advance their agendas depends not only on conventional signs of strength—longevity, membership levels, and financial resources—but also on the ability of their leaders to think strategically and act creatively. Nothing demonstrates this better than the decision by Latin American gay activists to frame the search for equality for gays not as a legal matter but rather as a human-rights issue. “The free exercise of sexuality is a human right” in 1984 became the inaugural motto of the Comunidad Homosexual Argentina (CHA), one of the first gay groups to emerge in Latin America in the posttransition era.⁷

Promoting gay rights as human rights in Latin America predated the acceptance by the international community of the popular argument that “gay rights are human rights.”⁸ This view holds that gays are entitled to freedom from discrimination by virtue of being human; accordingly, what is being advanced with gay rights is humanity rather than a “gay agenda.” Adoption of human-rights arguments also signaled a strategic shift for gay activists (both in Latin America and elsewhere), who began favoring a new kind of activism that, while hardly conformist, advocated the integration of gays into the community by presenting gays and lesbians as similar to everyone else. This new strategy pointedly rejected the radicalism of the first wave of gay activism in Latin America in the late 1960s and early 1970s—afforded by the relative political openness of the era—which questioned the nature of sexual identity and the value of assimilating gays into mainstream society. “We don't have to liberate the homosexual, we must liberate the homosexual in everyone,” was the stance of the Frente de Liberación Homosexual (FLH), the radical gay organization that was active in Argentina in the early 1970s before being crushed by the military regime that seized power in 1976.

Both necessity and opportunity drove Latin America's gay activists to embrace a human-rights strategy. Despite formal political democrati-

zation, the region's gays continued to be denied the most basic civil and political rights, even in countries such as Argentina that decriminalized homosexuality in the late-nineteenth century. Until 1990, a law (albeit unenforced) was on the books in Buenos Aires Province to bar gays from voting. Gays' rights to associate freely and form organizations of their own were also severely limited. It was not until 1992, nearly a decade into the new democracy, that the Argentine government saw fit to grant the CHA *personería jurídica* (legal recognition), a status required to lobby state agencies and raise money. For years, the country's democratic governments, supported by the Supreme Court, the Catholic Church, and the medical community, refused legal recognition to the organization, believing that its activities posed a threat to the nation as a whole and the family as an institution. Likewise, the police had routinely raided public places suspected of serving as gathering spots for gays. It was one such raid on a Buenos Aires bar in April 1984, involving two-hundred arrests, that prompted the birth of the CHA.

Arguing that gay rights are human rights allowed the gay community in Latin America—especially in Argentina, the first Latin American country to successfully prosecute the military on charges of human-rights abuses—to capitalize on flourishing human-rights discourses at home and abroad. The CHA's earliest publicity campaign explicitly sought to weave its portrayal of discrimination and violence against gays into a larger narrative about the old regime's repressive practices.⁹ Published in the daily *El Clarín* on 28 May 1984, the CHA's first paid advertisement bore the headline "With Discrimination and Repression There Is No Democracy." The ad stated: "There will never be a true democracy in Argentina if society permits the existence of marginalized sectors and the methods of repression that are still in place." It concluded by noting that more than 1.5 million Argentine gays are "preoccupied with the national situation" and that "they experienced with the rest of the nation the hard years of dictatorial rule."

During the 1990s, alongside the post-Cold War ascendancy of human rights in international politics, Latin American gay activists began to lobby regional and international organizations about the need to end discrimination against sexual minorities. The results were impressive. Brazil's delegation to the UN Commission on Human Rights proposed the 2003 resolution "Human Rights and Sexual Orientation," which called for the protection of the human rights of all persons regardless of their sexual orientation. In August 2007, the Southern Cone Common Market (MERCOSUR), South America's free-trade association, approved a statement intended to eradicate discrimination against gays in member and associated states. The document called for the creation of civil unions or equal access to marriage for same-sex couples. In June 2008, the Organization of American States (OAS) approved a resolution that, for the first time in the body's history, recognized the human-rights

violations faced by people due to their sexual orientation and gender identity. The resolution committed member states and the OAS itself to organizing a special session to discuss how to apply inter-American human-rights principles and standards to matters of sexual orientation and gender identity.

On 17 September 2010, the Inter-American Court of Human Rights (IACHR), an autonomous body within the OAS, ruled that Chilean judge Karen Atala had suffered discrimination when she lost custody of her three children in 2004 for being in a relationship with another woman. This case echoed the European Court of Human Rights' landmark ruling on *E.B. v. France* (2008), which held that in order to fully guarantee equality and freedom from discrimination a single lesbian woman could not be denied the right to adopt a child due to her sexual orientation, and that same-sex couples should have the same rights to adopt as heterosexual couples and single parents. The IACHR ordered Chile to compensate Atala and recommended that the Chilean government adopt "policies and directives to eradicate discrimination on the basis of sexual orientation in every aspect of the exercise of public power."

Fittingly, Argentina's human-rights tradition helped to propel the gay-marriage bill. Not only had gay activists since the democratic transition made gay rights part of the national human-rights agenda, they had also labored to cultivate support for their cause within the country's large human-rights community. Some of the same human-rights organizations that had led the fight for justice for the victims of the military dictatorship played a prominent role in legitimizing the argument that legalization of gay marriage would represent an advance for the cause of human rights. No fewer than 73 human-rights organizations, including the famous Madres de la Plaza de Mayo (which became world-renowned during the 1980s for its protests against the "disappearances" of the military dictatorship's "Dirty War") joined in support of the gay-marriage bill. In a joint letter to legislators, these groups argued that "the new law needed to be adopted in order to end the restrictions of rights derived from marriage, like inheritance, the treatment of conjugal assets, custody of children, adoption and widow's pensions and other benefits."¹⁰ For that reason, the human-rights groups rejected civil unions as an alternative: "Denying marriage on the grounds of sexual preference is a form of discrimination prohibited by the national constitution, and creating a separate institution is a flagrant violation of human rights," the letter concluded.

During the congressional debates, many legislators who backed gay marriage spoke about Argentina's notable history of human-rights struggles since the demise of military rule. Peronist senator Norma Morandini directly compared the discrimination that closeted gays face to the oppression imposed by Argentina's dictatorship decades ago. "What defines us is our humanity, and what runs against humanity is intoler-

ance,” she said on the floor of the Argentine Senate.¹¹ President Cristina Fernández de Kirchner, who staked her political reputation on passing the gay-marriage legislation, also evoked human rights when she signed the bill into law. “We are a more humane and equitable society this week than last week,” noted the president, adding that “thousands of Argentines have conquered rights I already had.”¹²

The Weapons of the Weak

A new rhetorical strategy of human rights was paired with old-fashioned protest and even civil disobedience to achieve some of the first victories in the fight against anti-gay discrimination. During his official visit to the United States in 1991, Argentina’s then-president Carlos Menem was basically shamed into legalizing the CHA after a coordinated campaign of protests between Argentine and U.S. gay activists. Activists from the Aids Coalition to Unleash Power (ACT UP), the U.S. National Lesbian and Gay Task Force, and the World Congress of Gay and Lesbian Jewish Organizations accosted Menem for his government’s anti-gay stances. In 1996, when the Buenos Aires city council approved an antidiscrimination charter that left out discrimination based on sexual orientation, gay activists—armed with enlarged photos of Carlos Jáuregui, the country’s most prominent and respected gay activist and the first president of the CHA, who had died of AIDS only a week earlier—stormed the building where city officials met. The activists, accompanied by members of the press and television crews, succeeded in tracking down the members of the commission responsible for writing the new municipal charter and excoriated them for failing to protect the local gay population. A few days later, Buenos Aires became the first Latin American city to include sexual orientation in its antidiscrimination charter.

Gay-pride marches constitute a very different type of activism. Since the early 1990s, this American export has become commonplace in most major Latin American metropolitan areas, led by São Paulo, whose gay-pride parade in 2007 drew a crowd of 3.5 million people—the largest of all gay-pride parades held around world, according to Guinness World Records. Because of their outrageous displays of camp and sexuality, gay-pride marches have been criticized, even by some gay people, as frivolous and even counterproductive from the standpoint of advancing gay acceptance. Yet it cannot be denied that they have been effective vehicles for affirming gay identity and mainstreaming gay culture. Indeed, it is the celebratory and nonthreatening aspect of gay-pride marches—which marks a sharp contrast to the confrontational stances and angry denunciations of other kinds of mass mobilizations in Latin American politics (most notably strikes)—that explains not only their popularity in contemporary Latin America but

also the willingness of public officials to accommodate and even promote them.

Facilitating the success of São Paulo's gay-pride march is generous financing from the city and state governments in recognition of its contribution to the city's economy and from Brazil's leading business corporations, including Petrobras, the state oil company. Together with the march, pride festivities include myriad cultural events, making the occasion a magnet for tourists. An estimated 400,000 foreign visitors attended the 2009 pride celebrations in São Paulo. But it would be a mistake to overlook the political nature of these massive demonstrations. "Vote against homophobia," a not-too-thinly veiled attempt to influence Brazil's 2010 presidential race, was the central theme of São Paulo's 2010 pride parade.

Gay activists have also been exploiting new media to create a gay cyberspace of almost boundless benefits. In countries such as Argentina and Colombia, where the Internet reaches almost half the population, being gay has become a less isolating experience. The comparatively low cost of email, blogs, websites, and social networks has allowed a multitude of gay organizations to develop an online presence that depends for its existence on relatively few material and human resources and that affords the gay community a wealth of services—from archives of gay history to AIDS counseling to chat rooms in which gays can interact with each other without fear of being ostracized or attacked. The Internet has also functioned as a postbureaucratic universe of interest representation that allows gay activists to get their message across when "old" media outlets such as television and newspapers prove reluctant to do so.

As in the United States, websites such as YouTube have become popular venues for spotlighting acts of violence against homosexuals. In March 2010, Natalia Noemí Gaitán, a 27-year-old Argentine lesbian, was shot in cold blood with a rifle by her girlfriend's stepfather, who objected to his stepdaughter leaving home to live with Gaitán. The woman's murder triggered a national discussion about violence against gays after activists posted details of the incident online and organized a round of protests. Gay activists have also used the Internet to expose and exploit the hypocrisy of anti-gay forces such as the Catholic Church. In Brazil, allegations of pedophilia against Monsignor Luiz Marques Barbosa of the diocese of Penedo generated huge headlines, mass awareness, widespread condemnations of the Church, and even a congressional investigation only after a videotape of the 83-year-old priest in bed with a 19-year-old spread quickly online. Mexico's gay activists took to the Internet to denounce that country's top cardinal, Norberto Rivera Carrera, for allegedly protecting a priest accused of molesting children in California just as Mexico City officials were about to vote on legalizing same-sex unions. The cyber-

attack kept the cardinal on the defensive as the fate of same-sex unions was being decided.

Gay activists also turned the liberalization of Latin American economies that began in the early 1990s (a process generally resisted by other left-wing social movements) into a bonanza for combating discrimination and affirming gay identity. Working closely with the gay caucus of the U.S. Chamber of Commerce, which includes such economic behemoths as Google, Motorola, Intel, IBM, and American Airlines, gay activists in Latin America have developed analogous groups. This has been critical to the advent of antidiscrimination laws in the workplace and the creation of a gay market that acts as a means for increasing gay visibility and leveraging endorsements from business corporations. In explaining why businesses—whether U.S., European, or Latin American—should aim some of their advertising at homosexuals, gay leaders in Latin America have shamelessly copied the U.S. gay community, arguing that gays have more disposable income than do straights. “The gay market has more money to spend. There are families without children and families with few children and this impacts how spending decisions are made,” according to Pablo de Luca, president of Argentina’s LGBT Chamber of Commerce.¹³

Oddly enough, the tipping point in the emergence of a gay market in Argentina was the economic collapse of 2001. In response to the acuteness of the economic crisis, the government devalued the national currency, giving a major boost to Buenos Aires’s claim to have replaced Rio de Janeiro as South America’s biggest draw for gays. With Argentina a relative bargain for Western tourists, gay business groups, Buenos Aires city officials, and gay international-travel organizations have endeavored to make the Argentine capital one of the hot-spots on the international gay-friendly tourist circuit by hosting such events as the international gay soccer World Cup and the international gay tango competition. Indeed, it was estimated in 2007 that around 20 percent of the city’s “tourists . . . are gay—300,000 a year—and they spend US\$600 million [there] annually.”¹⁴

The “Post-Left Leftists”

Last but not least, Latin American gay activists, understanding the critical value of political affiliations and believing that gay rights transcend the left-right dichotomy, have assiduously sought to forge ties, especially at the city and state level, with political parties and politicians of every stripe. This willingness to work across the political spectrum stands in striking contrast to the trend among other Latin American social movements (unions, feminists, and neighborhood associations) of keeping a rigidly antipolitical stance and working mainly outside the political system, and has earned gay activists the moniker “post-left leftists.”¹⁵

In Argentina, gay groups became allied with Buenos Aires mayor Mauricio Macri, a businessman turned conservative politician, to help enact gay civil unions. Much to the surprise of gay activists, when a

For the gay movement, an association with the left has meant acceptance into the political mainstream and increased political clout with which to influence social policy and end discrimination against gays.

court ordered the city to recognize the civil union of a gay couple as “marriage,” Macri chose not to appeal the decision. In Mexico City, gay groups have created a tight alliance with Mayor Marcelo Ebrard of the left-wing Democratic Revolutionary Party (PRD) to turn the city into a beacon of social progressivism in the Americas. Capitalizing upon Mexico’s federalist system, which grants officials of the capital city the power to pass local laws,

the city legislature has legalized abortion through the first twelve weeks of pregnancy, liberalized divorce laws, introduced a form of euthanasia, and authorized gay marriage and gay adoptions. In 2006, Bogota’s Mayor Luis “Lucho” Garzón, who has described his political orientation as “Marxist-Lennonist—Marxist for the Marx Brothers and Lennonist for John Lennon,” inaugurated South America’s first gay and lesbian center after gay groups convinced the mayor that the center would help to advance his antipoverty campaign.

In the remote Mexican state of Coahuila in the northeastern part of the country, gay groups persuaded governor Humberto Moreira Valdés of the Institutional Revolutionary Party (PRI) to sign a civil-union bill in 2006. With an eye toward keeping things as nonthreatening as possible, the bill was fashioned after France’s “pact of civil solidarity,” which offers marriage-like protections to both straight and gay couples. To provide political cover to the governor, gay groups cultivated the support of Raúl Vera, the progressive Catholic bishop of Saltillo, the state capital. They stressed that their efforts were not an attack on traditional values and argued that support for civil unions was a conservative position that would help to end the libidinous ways of gays. The governor and the prelate had no objections to the bill as long as it stopped short of calling for marriage.

At the national level, gay political alliances have been most prominent with left-wing parties, which since the late 1990s have enjoyed a robust renaissance in Latin America. For the gay movement, an association with the left has meant acceptance into the political mainstream and increased political clout with which to influence social policy and end discrimination against gays. Homophobia within political organizations in Latin America has hardly been limited to the right; the mere suspicion of being gay has historically been grounds for expulsion from

leftist groups, due to the perception that homosexuality was “alien” and “suspect.”¹⁶ The lack of any significant progress on gay issues in Cuba and Venezuela, the last two bastions of orthodox left-wing politics in Latin America, points to the left’s historic aversion to homosexuality.

Numerous factors explain the left’s newfound affection for the gay community, including the desire to be socially inclusive. This appears to be the case in Brazil, where gay activists have found a welcoming home in the Workers’ Party (PT). The party’s greatest accomplishments in the realm of gay rights have come at the local level, where many PT officials have championed gay civil unions and the extension of social benefits to gay couples. The party has been less successful in pushing gay rights at the national level. A PT-sponsored bill granting same-sex couples the same rights as married heterosexuals has stalled in the Brazilian Congress for more than a decade, despite a renewed commitment to gay rights by PT head and former Brazilian president Luiz Inácio “Lula” da Silva. At the first National Conference of Gays, Bisexuals, Transvestites and Transsexuals, held in 2008 in Brasilia, Lula branded homophobia “a perverse disease” and called on the Brazilian Congress to act on pending legislation to legalize same-sex civil unions and criminalize homophobia.¹⁷

For other left-wing parties, adopting gay rights is meant to restore the aura of radicalism lost with the embrace of bourgeois-capitalist democracy. A case in point is Uruguay’s Broad Front (FA), a coalition of left-wing parties that best embodies progressive social values in Latin America. José Mujica, the FA’s leader and current president of Uruguay, has been described in the media as “a roly-poly former guerrilla, who . . . grows flowers on a small farm and swears by vegetarianism.”¹⁸ Since its rise to power in 2004, the FA has positioned Uruguay at the vanguard of gay rights in Latin America. The legalization of gay unions in 2007, which granted rights similar to those of married couples on matters such as inheritance, pensions, and child custody, was followed by laws permitting gay adoptions, repealing a ban on gays serving in the military, and allowing transgender youth as young as twelve to change their names. It is widely expected that Uruguay will follow Argentina in legalizing gay marriage.

Yet for other left-wing parties in Latin America, the appeal of embracing gays is more opportunistic and rests on bringing into their political tent not only gays but also those who might be sympathetic to their cause—liberals, intellectuals, and younger voters among them. The case of Argentina’s Justicialist Party (the Peronist party), speaks most loudly to this point. President Fernández de Kirchner’s conversion into a gay-rights crusader did not happen until after her governing coalition lost its majorities in Congress and her popularity with urban voters took a dive, especially in the all-important province of Buenos Aires. Progressive lawmakers had repeatedly tried to bring about a vote on the issue

of gay marriage without any overt sign of support from the president. So the conventional wisdom among some political observers is that the president's support for gay marriage was a play for the cosmopolitan vote of Buenos Aires (one of the provinces that she did not win during her presidential run). "Kirchner doesn't care about the gay community," said opposition leader Elisa Carrió of the Civic Coalition to a reporter when asked about the president's actions.¹⁹

To her credit, however, the president and her closest advisors spared no resource available to them see the bill enacted into law, including waging a public war of words against the still-powerful Catholic establishment. When Buenos Aires cardinal Jorge Mario Bergoglio characterized the gay-marriage bill as "a destructive attack on God's plan," the president accused the Cardinal of "possessing attitudes reminiscent of medieval times and the Inquisition."²⁰ As the final vote was nearing, the president flew to China on a trade mission and took with her several senators who for political reasons did not wish to take a stand on gay marriage. From China, the president commanded her political forces with remarkable skill by sidestepping many of the traps set by her enemies, such as proposals to create gay civil unions and to put the issue of gay marriage to a national referendum.

A Weak Social Foundation

That the gay-rights revolution represents a significant step in the deepening of democracy in Latin America is undeniable. The extent to which minorities are protected by the law has traditionally been a reliable marker of the quality of democracy. Yet because gay-rights gains in Latin America have rested largely on innovative politics and strategic alliances rather than on the broad acceptance of homosexuality, it remains to be seen whether gay rights will prove viable in the long term and how much they will do to deepen democracy. As the Table on page 115 shows, save for a few exceptions, the incidence of intolerant attitudes toward homosexuals remains disturbingly high in Latin America. This situation is at odds with recent legal advances intended to extend equality to gays, and with efforts by the gay community to battle homophobia. Indeed, in some countries it is hard to avoid the impression that when it comes to gay rights, the law appears to have outpaced social attitudes.

Among the broad findings of the 2008 AmericasBarometer survey of the Latin American Public Opinion Project (LAPOP) is that levels of tolerance toward homosexuality are highly correlated with levels of education. The more educated a country's population, the higher the level of tolerance and vice versa. The survey also found that religious people are less likely to profess tolerance of homosexuality than nonreligious types. We can only speculate about what this might mean for tolerance toward homosexuality in Latin America. Although in recent decades

TABLE—TOLERANCE TOWARD HOMOSEXUALITY IN THE AMERICAS

PERCENTAGE OF SURVEY RESPONDENTS DEMONSTRATING “HIGH TOLERANCE” OF HOMOSEXUALITY					
Above 50%	50–40%	40–30%	30–20%	20–10%	10–0%
Argentina	Brazil	Colombia	Bolivia	El Salvador	Haiti
Canada		Costa Rica	Dominican Republic	Guatemala	Jamaica
United States		Mexico	Ecuador	Guyana	
Uruguay		Nicaragua	Panama	Honduras	
		Venezuela	Paraguay	Trinidad & Tobago	
			Peru		

Source: 2008 AmericasBarometer (LAPOP)

Note: This survey documented national impressions about tolerance toward homosexuality in 23 countries based on the following question: “How strongly do you approve or disapprove of homosexuals being permitted to run for public office?” This question was analyzed using a response scale of 1 to 10, with responses of 7 and higher deemed “high tolerance,” responses between 4 and 6 deemed “medium tolerance,” and responses of 3 and below deemed “low tolerance.”

there has been a noticeable fading of Catholicism, the ever-increasing population of so-called non-Catholic Christians (Protestants, Evangelicals, Mormons, and Jehovah’s Witnesses) is significantly less tolerant toward homosexuals than are Catholics. In almost all Latin American countries, but especially in Brazil and across Central America, non-Catholic Christians are the fastest-growing religious group. Thus, to the extent to which Latin America becomes less Catholic but more non-Catholic Christian in the future, levels of intolerance are likely to remain high and may possibly grow even higher than they are today.

Latin American gay activists take the sanguine view that the recent surge in legal protections for gays will serve as a catalyst for engendering more positive views about homosexuality within the general public. “Official recognition ends up influencing privately held views,” notes Edward MacRae, a longtime observer of the Brazilian gay movement.²¹ He cites as evidence the gradual but real difference that legislation has made in fighting racial discrimination in Brazil. But laws protecting gays can also embolden those who oppose such protections, as suggested by the U.S. experience. Since 2004, when the state of Massachusetts legalized gay marriage on orders from the state’s supreme court, some thirty states have amended their own constitutions to ban gay marriage and in some cases civil unions. In 2008, a referendum overturned California’s same-sex marriage law.

So far, the recent Latin American experience gives plenty of reason to worry. A backlash against gay rights was already afoot even before the historic events in Argentina in 2010: In 2005, Honduras passed a law banning gay marriage and adoptions, and the Dominican Republic

enacted a similar law in 2009. Ecuador inserted a clause in its 2008 constitution defining marriage as the union between a man and a woman.

More distressing is rising violence against gays, a counterbalancing trend to the explosion of gay rights. The picture is especially ugly in Brazil and Mexico, the countries that offer the most reliable statistics. According to UNAIDS, a branch of the United Nations that tracks the spread and treatment of AIDS around the world, every two or three days a person is killed in Brazil in violence related to his or her sexuality.²² In Mexico, the reported figure is nearly two murders per week. A broader snapshot of anti-gay violence in Brazil is provided by Grupo Gay da Bahia (GGB), Brazil's oldest gay organization, whose data on gay violence has been relied on by both the Brazilian government's National Secretariat for Human Rights and the U.S. State Department.²³

Between 1980 and 2008, GGB counted 2,998 anti-gay killings in Brazil, a horror that the organization calls a veritable "homocaust." The organization's 2008 "Annual Report on Murders of Homosexuals" declared Brazil the "champion of homophobic crimes" in the Americas, owing to 198 gay killings, followed by Mexico with 35 murders of gays, and the United States with 25 such killings. The report notes that 64 percent of the victims are gay males, 32 percent are transvestites, and 4 percent are lesbians; 13 percent of all the victims were under the age of 21, and the majority were sex workers. A disturbing trend noted in the report is that the number of gay slayings has continued to climb over the decades despite impressive legal and political advances won by gays across Brazil. Five homosexual or transgender city councilors have been elected in Brazil, for example, and all the major Brazilian cities have passed laws banning discrimination against gays.

The source of anti-gay violence in Latin America is hotly disputed, especially in countries such as Brazil, where overall levels of crime and social violence are high. But there is little doubt that the battle for gay rights has placed many gay activists on the firing line. In 2008, the president of São Paulo's gay-pride association, Alexandre Peixe dos Santos, was gagged, hooded, beaten, and left unconscious at his place of work by an unknown number of attackers. In 2010, Cynthia Nicole, a well-known leader in Colectivo Violeta, a Honduran gay-rights organization, was murdered—one of some twenty gay killings in Honduras over the last five years. It is also apparent that anti-gay violence—often a direct response to gay-rights advances—is fanned by opponents of the gay community. In Brazil especially, an emerging religious right anchored in a thriving evangelical-fundamentalist movement espouses a virulent anti-gay agenda. In 2004, the Rio de Janeiro state legislature debated a bill introduced by evangelical legislators that would have provided financing for "gay conversion" therapy based on the premise that "homosexuality is an illness" and that "it is possible to correct the abnormality."

Less apparent is the issue of gay discrimination. According to a 2005

study by Grupo Arco-Iris, a Rio de Janeiro–based NGO that has had enormous success in getting city and state authorities to pass an abundance of legislation banning discrimination against gays, 64 percent of lesbian, gay, bisexual, or transgendered residents of Rio de Janeiro have suffered some form of discrimination because of their sexual identity. According to Arco-Iris officials, gay discrimination in Rio takes many forms, ranging from the bullying of gay teens at school to threats and name-calling in the street or workplace to denial of access to public or semi-public spaces such as restaurants and bars. The NGO suspects that the picture is the same in other Brazilian cities and perhaps even worse in towns and villages.

Widespread violence and discrimination against gays weighs heavily on the minds of Latin American gay activists. In Brazil, some activists argue that their focus should not be on passing an Argentine-style gay-marriage law, but rather on battling sexual discrimination through education and legislation. These activists are pinning their hopes on Brasil sem Homofobia (Brazil Without Homophobia), a program designed by the federal government and gay NGOs to train gay activists, incorporate material on homosexuals into school curricula, and create a network of support centers to overcome homophobia. The program remains in congressional limbo owing to a dispute about who is to fund it—the federal government or local and state governments—although it may get a boost from the explosion of a homemade bomb in Largo do Arouche, a plaza in central São Paulo, that injured 21 people during the city’s 2009 pride celebrations. Gay rights on the books, gay activists contend, will mean nothing if gay people are being killed in the streets simply for being gay.

NOTES

1. As of 2010, Argentina, Belgium, Canada, Iceland, the Netherlands, Norway, Portugal, South Africa, Spain, and Sweden have enacted nationwide gay-marriage legislation.

2. In this essay I use the word “gay” as a shorthand term for the more politically correct label “lesbian, gay, bisexual, and transgender” (LGBT).

3. For a broader view of these developments, see Javier Corrales and Mario Pecheny, eds., *The Politics of Sexuality in Latin America: A Reader on Lesbian, Gay, Bisexual and Transgender Rights* (Pittsburgh: University of Pittsburgh Press, 2010).

4. A host of social factors account for Latin America’s traditional hostility toward homosexuality, including the hegemonic influence of Catholicism, the centrality of the family, and “the cult of masculinity that is called machismo.” See Stephen O. Murray, *Latin American Male Homosexualities* (Albuquerque: University of New Mexico Press, 1995), xi.

5. Ronald Inglehart, *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies* (Princeton: Princeton University Press, 1997).

6. Katherine Houreld, “Death Penalty for Gays? Uganda Debates Proposal,” *Guardian*, 9 December 2009; available at www.guardian.co.uk/world/feedarticle/8848172.

7. This and other information about the history of the Argentine gay movement is taken from Stephen Brown, "Con discriminación y represión no hay democracia": The Lesbian and Gay Movement in Argentina," *Latin American Perspectives* 29 (March 2002): 119–38.

8. It was not until December 2008 that the United Nations High Commission for Human Rights made this case with the signing of a historic statement, endorsed by 65 nations, against the criminalization of homosexuality.

9. During the years of military rule in Argentina, it was routine for gays to be singled out by death squads. Regrettably, no account of the repression of gays is included in *Nunca Más*, the official report on the human-rights abuses committed under military rule.

10. Marcela Valente, "Being Gay No Longer a Bar to Marriage," IPS News, 15 July 2010, available at www.ipsnews.net/news.asp?idnews=52175.

11. Michael Warren, "Argentina Approves Same-Sex Marriages," Associated Press, 15 July 2010; available at <https://infoarea.mrecic.gov.ar/index.php/imprimir/novedades/ver/8848>.

12. Gisele Sousa Dias, "Cristina promulgó la ley de matrimonio homosexual en un clima de festejos," Clarín.com, 22 July 2010, available at www.clarin.com/sociedad/titulo_0_302969766.html.

13. Silvia Naishita, "Empresarios de EE.UU. que apuestan al mercado gay," Clarín.com, 23 July 2010; available at www.clarin.com/sociedad/Empresarios-EEUU-apuestan-mercado-gay_0_303569767.html.

14. Alexei Barrionuevo, "In Macho Argentina, a New Beacon for Gay Tourists," *New York Times*, 3 December 2007.

15. Javier Corrales, "Latin American Gays: The Post-Left Leftists," *Americas Quarterly* Blog; available at www.americasquarterly.org/gay-rights-Latin-America.

16. Edward MacRae, "Homosexual Identities in Transitional Brazilian Politics," in Arturo Escobar and Sonia Alvarez, eds., *The Making of Social Movements in Latin America: Identity, Strategy, and Democracy* (Boulder, Colo.: Westview, 1992).

17. Tony Grew, "Brazil's President Backs Same-Sex Unions," PinkNews, 19 September 2008.

18. "The Mystery Behind Mujica's Mask," *Economist*, 22 October 2009; available at www.economist.com/node/14700728.

19. Uki Goñi, "Defying Church, Argentina Legalizes Gay Marriage," Time.com, 15 July 2010; available at www.time.com/time/world/article/0,8599,2004036,00.html.

20. Mariano Obarrio, "La Presidenta lleva a China a opositoras del matrimonio gay," LaNación.com, 10 July 2010; available at www.lanacion.com.ar/nota.asp?nota_id=1283380.

21. Author's interview, 7 October 2010.

22. UNAIDS, "HIV Prevention Hampered by Homophobia," 13 January 2009; available at www.asylumlaw.org/docs/sexualminorities/BrazilHIV011309.pdf.

23. This data is available at GGB's website at www.ggb.org.br/direitos.html.