

# Recovering the Lost Memories of Bravery (1): Latin American Non-Normative Sexualities in the 21st Century

**Alejandra Sardá-Chandiramani (2)**

This article attempts the impossible: to provide an overview of the situation of 'LGBTI' individuals, communities and movements in Latin America at the turn of the 21st century's first decade. Why this attempt is impossible is a reason for pride and celebration: because the richness and variety of experiences and struggles, and the speed with which they change is such that capturing it in its entirety lies well beyond the capacities of any individual. So, this article's purpose can be more adequately stated as a humble attempt to convey some of the realities pertaining to the lives of those who live their sexual preferences, gender identities and gender expressions in non-normative ways in those parts of the world known as Latin America.

## Terminology

'Latin America': the criteria to be used for this article will be more cultural than geographical. Thus, the Dominican Republic and Cuba will be considered as part of the region due to their cultural similarities with the countries extending from Mexico to the South of Chile and Argentina, while Guyana, Suriname, French Guiana and Belize will not be discussed, as culturally they belong more to the English-French-Dutch speaking Caribbean than to Latin America.

'LGBTI': The realities faced by each of the letters in this all-too-famous acronym are quite different and so they will be discussed separately. A few groups and individuals in the region use the term *transgénero* - the Spanish translation of *transgender* - to describe themselves, but that term is a recent addition to the rich history of non-conforming gender expressions and identities in the region. The most popular term is *travesti*, which is not a translation of transvestite: Latin American *travestis* live fully in their gender of choice mostly since early adolescence, have undergone cosmetic surgeries and take hormones regularly. Many *travestis* do not want to undergo genital surgery while others simply lack the resources to do it. The term *transsexuales* (transsexuals) is mostly applied by/to those who have undergone genital surgery or are embarked in the process of doing so. Practically all *travestis* have a feminine gender expression. Trans men call themselves *hombres trans*.

## Introduction

Compared to other regions, Latin America seems to be experiencing a privileged time in terms of social, institutional and legal recognition for non-normative sexualities. Legal advances are happening everywhere in the region and - what is even more important - the presence of individuals and relationships (including families) embodying those alternative choices is very strong not only in the media and in cultural products (films, books, Internet spaces) but also in the streets of the big cities. The silence about the existence of same-sex desires and practices, and the identities built around them, has long been broken.

The region also has a large number of highly visible and active organisations, groups and networks. There is not a single country without groups organised around non-normative sexualities. The unique feature of Latin American organising in this area is their fruitful dialogue and engagement with other social actors, mostly women and feminist movements, but also youth, anti-globalization, ethnic-racial movements and the left.

But the opponents are powerful and they are far from defeated. The catholic church, joined in recent years by the christian evangelical churches and allied to right-wing conservative parties throughout the region, as well as the deep machismo ingrained in Latin American cultures pose permanent and serious challenges.

This article will start by briefly describing the political and social context in which the struggle for recognition of non-normative sexualities is taking place in Latin America, including references to the movements behind it. The next two sections will provide an overview of the achievements in terms of laws and policies, but also of cultural visibility. The last section will be devoted to the challenges facing gender expression, gender identity and sexual orientation movements in the region.

## The Context

Some of the defining features of the Latin American political context at the beginning of the 21st century include:

- Formal democracy has been achieved throughout the region. The military coups that were quite common in the nineteenth and twentieth centuries are no longer a possibility. This change has turned concepts like 'democracy', 'participation' and 'human rights' into social values. Particularly in South America, there is a strong movement from formal to substantive (some would call it 'radical') democracy that means more direct involvement by the people in state mechanisms and concrete measures to address economic and social disparities. But the confrontation with the conservative sectors is fierce and even though progressive governments seem to prevail at least for the time being, it is impossible to say for how long that trend will remain. (3)
- Most of the legal and social achievements of the LGBTI movement have been won under centre-left governments. Everywhere in the region, activists have strong links to centre-left political parties and social movements supporting centre-left governments.

- 196
- The claims of the movement have also been mostly articulated through a human rights framework and language. Thus, the fate of the LGBTI movement is quite tied to the fate of the centre-left/progressive tendencies in the region, and it might suffer greatly if a conservative backlash ensues.
  - The influence of the USA, which used to be very strong is much weaker today, except in two countries that are considered strategic by the USA: Mexico and Colombia. Latin American countries are now looking for alliances in other regions of the world and, even though this could seem quite positive at first glance, that is not always the case.
  - An example might illustrate the relationship between the Latin American centre-left governments and the shifting world powers: the Brazilian government became the hero of the LGBTI (and other) movements when it rejected conditions imposed by the USA on funding from the Global Fund to Fight AIDS. Later on, while signing a commercial treaty with Egypt on behalf of Mercosur, Brazil negotiated the participation of ABGLT (Brazilian Association of Gays, Lesbians and Trans) in the Durban+10 Review, though with the condition demanded by Egypt that the organisation did not address topics related to sexual orientation. (4)
  - But the fact that Latin America is the region where wealth is most unequally distributed in the world can never be put aside. Latin American societies are deeply divided along class lines - and, like elsewhere, classes always have colours, that is, most of those who are economically disadvantaged are also Afro-Descendants or Indigenous Peoples. The urban/rural polarity is also very present. Some of the most bitter confrontations taking place today in Latin American societies are linked to race (as in Bolivia) and/or to class (like all the urban upheaval about 'security' and the 'threat' embodied by the dark-skinned urban poorer communities that need to be 'kept away').
  - Social and racial inequalities are also reflected in the LGBTI movement, whose leadership is mostly white, urban, middle/upper class and male. There are powerful and well organised *travesti* and trans networks and also quite a strong resistance on the part of lesbians to that hegemony but still most of the resources are managed by the privileged few. This also means that the legal achievements benefit mostly the LG middle-class, while *travestis* as well as Afro-Descendants/Indigenous and lower income gays and lesbians fill up the statistics related to extrajudicial killings, arbitrary arrests, lack of access to health care, work and education, etc. As street sex-workers, most *travestis* are also targets of middle-class campaigns for 'cleaner cities' and 'more security'.
  - The catholic church hierarchy has been historically linked to the economic and social elites in the region and it continues to be a very strong force against change. There have always been and there still are (liberation theology) dissidents inside the church, but they have far less power, and in many cases are silenced by the church itself. The impressive growth of USA-financed christian evangelical churches everywhere in the region has added another actor to the conservative camp. These churches mobilize millions of people and have also managed to penetrate the political system - they hold seats in Parliament, act as advisers to Presidents, etc. These two churches lead the attacks against any legal and social advancement for LGBTI people - and women's reproductive rights - in the region.
  - In most South American countries the catholic church has lost social appeal precisely because of its allegiance to right-wing governments. This has helped the LGBTI move-

ments enormously in their confrontation with the church. But, again, it must be noted that this might change if the overall context shifts more to the right. What has not changed, though, is the deep-seated fear of the church as a powerful social actor in the minds of political leaders. This explains why marriage and adoption are barriers that social recognition of same-sex couples will not breach. As a 'new' actor, the evangelical churches are much harder to counteract, and their strong appeal in large sectors of the population should never be underestimated.

## Legal Advances and Struggles

### *At the Regional Level*

In the Regional Preparatory Meeting to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance (Santiago, 2000), activists managed to include a reference to discrimination based on sexual orientation as one of those 'related forms'. Since then, advocacy in regional (and sub-regional) spaces has never stopped and it has been very successful, as illustrated by the passing of the resolution on 'Human Rights, Sexual Orientation and Gender Identity' by the Organisation of American States (OAS) in May 2008. (5) This resolution - the first on this topic by a regional human rights system outside Europe - is also unique because it establishes 'gender identity' as a protected category against discrimination, something for which trans activists and their allies have lobbied extensively as 'sexual orientation' on its own does not refer to the reasons why they are discriminated against. A distinctive feature of Latin American (and Caribbean) advocacy at the regional level is that it has been done by a large coalition of national and regional organisations without the patronage of international organisations. (6) Activists have also been successful in sub-regional spaces like Mercosur (7), where governments have committed to improving the situation of LGBT communities nationally but also to take a stand on this issue in international fora. Unfortunately, this latter promise has not always been fulfilled, as governments tend to prioritize their commercial interests linking them to some of the most homophobic members of the United Nations.

### *Discriminatory / Anti-discriminatory Laws*

- In most Latin American countries non-procreative/same-sex consensual relationships were never illegal. The few countries that maintained such legislation (Chile, Ecuador) repealed it without problem in the early 90s. The exception to this rule is Nicaragua, which passed a 'sodomy' law in 1992 and repealed it only in 2007. Trans identities are still explicitly criminalised at the state level in countries like Argentina (where some provinces still criminalise 'those who wear clothes of the opposite sex') and indirectly through the many local and state-level ordinances against 'public scandal', 'moral outrage', 'indecent', etc. that are enforced by the police in a discriminatory fashion everywhere in the region.

- 198
- Strong resistance is presented by the religious right-wing forces (catholic and evangelical) to marriage and adoption rights for same-sex couples. Unfortunately, this has also affected initiatives related to non-discrimination as they are seen as the key that would open the door to marriage in the future. However, progress in terms of 'sexual orientation/preferences' has been made in countries like Ecuador (through the Constitution), Uruguay and Peru (through the Criminal Codes), Mexico and Venezuela (through comprehensive anti-discriminatory laws).
  - A historic achievement has been the recently sanctioned new Ecuadorean Constitution, the first in the world that forbids discrimination based on 'gender identity'. The Mexican Law to Prevent, Eradicate and Punish all Forms of Discrimination (2003) also includes discrimination based on 'physical appearance, dress, manners of speech, mannerisms'.
  - A strategy used by activists everywhere in the region has been to push for legal changes at the local and state level, where it is easier to overcome resistance by right-wing/religious forces. This strategy has been very successful and in a significant number of cities and provinces/states (mostly in Brazil, Argentina, Peru, Colombia and Mexico) discrimination based on sexual orientation has been prohibited. Some of the Peruvian cities include the category of 'dress' in their ordinances, to protect *travestis* as well.

#### *Same-sex couples/Families*

- Again, due to the fierce resistance of the right wing/religious forces, the only country where civil unions for same-sex couples exist at the national level is Uruguay, where the secular tradition has historically been the strongest in the region. (8) The new Ecuadorean Constitution opens up the possibility for such recognition, but it still needs to be regulated. At the local and state level, same-sex unions have been recognized in big cities of Argentina, Brazil and Mexico.
- It is worth noticing that most of the local and state regulations are still discriminatory, as couples need to prove that they have had a stable relationship for at least five years. This restriction affects bi-national couples in particular.
- Adoption and marriage seem to be boundaries that are not to be crossed - set by the religious right wing and obeyed by the states which do not dare to defy them. The new Ecuadorean Constitution explicitly leaves both possibilities out of consideration for same-sex couples. There have been a few positive judicial verdicts on individual adoption cases and there are many de-facto adoptions taking place everywhere in the region.
- Medically assisted reproduction is not regulated in the region, which is to the advantage of lesbian couples that - mostly in large cities of countries like Argentina, Brazil or Mexico - are able to access these services at private facilities. A lesbian couple recently went to court in Argentina to demand that their health insurance provider covers the cost of the procedure.

#### *Gender Identity*

Sex-reassignment surgeries are illegal in most countries. Where they are legal (like in Chile or Brazil), most of the services are provided by private clinics with little or no supervision by the state

(and unaffordable by most trans people). Nowhere in the region is there a national law that would make changing one's name and sex in ID papers a simple procedure, not even for those who have undergone genital surgery. It is usually done through a costly and lengthy judicial process, involving medical examinations that often become humiliating, and the final result is left to the deciding judge's criteria. Trans activists have been pushing for laws that allow name and sex change in ID papers without demanding genital surgery and/or sterilization, to ensure full respect for the reproductive rights of trans persons. (9)

A strategy that has been implemented very successfully by *travesti* and trans organisations in Argentina, Brazil, Colombia, Chile and Mexico, is to work directly with public hospitals to produce guidelines for care that would ensure non-discriminatory treatment. These guidelines usually prescribe the use of the *travesti*/trans person's social name instead of her/his legal one and have been very effective in increasing their access to health services. Similar agreements have been made with some educational institutions. In Argentina and Brazil there are also state-sponsored cooperatives where *travestis* can earn their living through means other than sex work/prostitution.

## In Culture

Political organising around non-normative sexualities started in Latin America in the early seventies, went underground or ceased in countries affected by military dictatorships in the mid-late seventies and early-eighties, to resurface in the mid-eighties in full force. Nowadays, there are organisations and groups working on a wide variety of populations and issues related to non-normative sexualities in every single country in the region and not only in the main cities but also in smaller towns and even rural areas. It can be argued that one of the soundest achievements of the movement has been its high degree of cultural visibility. Gays and lesbians, and also *travestis* are seen, heard and talked about throughout the region, all year around, because of their activism but also because of the many initiatives that are using artistic expressions to break the barrier between 'mainstream' and 'queer'. The latter include cultural festivals, street performances and interventions.

It is also worth noticing here that Latin America is home to the 'largest Pride Parade in the world' (Sao Paulo, five million people in attendance in 2008) and one of the reasons why the Parade is so large is because the organisers have actively encouraged and sought participation by allies, including families of LGBT people as well as other social movements. Pride Parades - large and small - take place everywhere in the region, and not all of them happen in June, as some movements (like the Argentinean) have decided to hold them on dates that have national relevance. The Day Against Homophobia (May 17), the Lesbian Visibility Month in Brazil and the recently declared Day of Lesbian Rebelliousness (October 13) are also occasions for intense displays of visibility.

Many universities across the region have queer studies programs under various names and there is a sound corpus of fiction, poetry and non-fiction works by trans, lesbian, bisexual and gay writers, academics and activists.

As mentioned in the first section, an outstanding feature of the movement/s in Latin America are their strong links to other social movements. It all started with the feminist movements that, in countries like Argentina, Brazil, Mexico or Peru, took to the streets

in the seventies/eighties together with the gay and lesbian activists who were for the first time raising the issue of the 'right to free sexual orientation'. Many lesbians were also feminist activists, and many gay men found in feminist theory and practice the best tools to confront patriarchal societies. The dialogue with other social movements, including feminism, was not always easy and it is an ongoing process that can never be considered 'done'. However, from the initial difficulties and tensions it is possible to see remarkable changes today. Alliances are happening with indigenous (Ecuador, Bolivia) or afro-descendants (Brazil, Colombia) movements, and *travestis*, lesbians and gays who are also indigenous or afro-descendants are playing a leading role in that process. In Colombia, the Dominican Republic or Paraguay, lesbian groups/activists have been part of broad civil society processes to draft and lobby for anti-discriminatory laws and, in that process, they have forged strong alliances with other movements including those representing youth and persons with disabilities. In Costa Rica or Mexico LGT groups have been engaged in massive struggles against privatization of national resources, working with unions, progressive political groups and thousands of ordinary citizens. Centre-left and left-wing parties have a long tradition of offering a place in their electoral lists to gay, lesbian and *travesti* activists - some of whom have been elected city councillors and mayors of small towns or districts (particularly in Brazil and Colombia).

*Gay Parade, São Gonçalo (Rio de Janeiro), 2006 - © Washington Castilhos, Grupo Liberdade LGBT São Gonçalo*



And, last but not least, the number of young men and women who acknowledge their same-sex desires to their families, friends and colleagues is growing every day. Some call themselves 'gays' or 'lesbians', while others choose the label 'pansexual' to reflect the fluid nature of their desires, but what matters is that they feel entitled to do that and that the consequences are, in many cases, positive.

This visibility and sense of entitlement is also evident in the *travesti*, transsexual and transgender communities, including trans men who were practically invisible ten years ago and now are organising themselves and claiming their rights. Unlike their older counterparts, young *travestis* and transgenders now find a whole generation of activists who can provide them with invaluable advice and who have fought (and keep fighting) to open spaces for them as citizens. *Travesti* and trans activists in the region have mastered political organising in quite a few years. Their work on HIV/AIDS prevention - for which they still have to fight for space with some funders that insist on allocating resources to gay-male led organisations only - is a model of success that includes a woman with trans experience holding a government post in Brazil (10) and a sub-regional meeting of Health Ministers and trans leaders to discuss prevention strategies held in Lima in 2007.

Intersex people have also started to organise themselves and there are already groundbreaking experiences of work with health and law professionals to put an end to compulsive 'corrective' surgery on intersex children.

## Challenges and Questions

In spite of the many positive developments, of which we have mentioned but a few here, some challenges remain, including the following:

- The situation in Central America (with the exception of Costa Rica) is harder than in South America and Mexico. The religious right is stronger, economic conditions are worse, progressive forces are weaker and the attacks against civil society are vicious. Activists are doing incredibly courageous and effective work, but the forces they are facing are considerable.
- Effective strategies to counteract the religious right-wing - and to prepare for the eventuality of its accessing to power in many countries in which there are progressive governments right now - need to be further developed and shared. The strong alliances between the non-normative sexualities' movements and other social movements that exist everywhere in the region will play a key role in this respect.
- The commonality in language among the Spanish-speaking countries has made the region somewhat insular, and this includes a not always fluid communication with the only non-Spanish speaking country in the region, Brazil. This insularity needs to be overcome, because Latin America has much to share with other regions in terms of lessons learnt, achievements and strategies. The positive side of this is that Latin American movements have always looked to themselves for solidarity and support, and not so much to 'international' organisations, which has allowed the region a great deal of autonomy in terms of setting their own agendas and building relationships (confrontational and coopera-



ative, in different moments and circumstances) with their institutions, which is one of the underlying factors explaining the legal achievements at the national and regional level.

- Funding is another big challenge. With some exceptions, most *travesti* and lesbian organisations across the region operate on non-existent to small budgets, and the large organisations are still mostly gay-male led. Government funding, which has been a long-standing feature of the Brazilian movement, is now also becoming available in other countries at national or city levels, raising a whole range of concerns about boundaries, autonomy, etc. A final concern is the landing in the region of some funders who do not respect the organising and political process of the region and impose specific modalities and agendas as a pre-condition for financial support.
- Overcoming gender identity, gender expression, racial-ethnic and economic disparities inside the movements (in terms of resources, access, agenda-setting, decision-making, etc.) that echo those operating in the broader society. This will be the best way to guarantee that legal and social achievements do not contribute to make the 'privileged but...' even more privileged, but contribute to a genuine radical democracy where gender, racial and economic hierarchies are dismantled.

*Alejandra Sardá-Chandiramani is the Senior Program Officer-Women's Funds for Mama Cash Fund for Women. Previously she coordinated Mulabi-Espacio Latinoamericano de Sexualidades y Derechos, a regional Sexual Rights organisation and represented it in the Sexual Rights Initiative - a cross-regional coalition advancing sexual rights and gender issues in the UN Human Rights Council - and also in the coordinating committee of the Coalition of LAC organisations working on gender expression, gender identity and sexual orientation issues in the Interamerican system. She has been an activist in the women's / feminist and LGBT movements for almost twenty years. Alejandra has degrees in Clinical Psychology and Literary Translation, is a vegetarian and a firm believer in the need to move beyond 'human-only rights' into affirming the interdependence of all living beings and their rights to live with dignity.*

## Notes

- (1) This expression (*recuperar la perdida memoria de la audacia*) comes from the discourse pronounced by one of Latin America's most renowned writers, Eduardo Galeano, during the inauguration of 'Diversity Square' in Montevideo, Uruguay.
- (2) The author wishes to thank Marcelo Ferreyra for his help in updating her information on legal advances and Radhika Chandiramani for her help with English proof-reading.
- (3) As this article was being written, in Brazil and in Chile the ruling centre-left governments lost mid-term elections, while in Argentina, Bolivia and Ecuador the conservative forces were embarked in prolonged and very militant efforts to boycott the ruling progressive parties at every level.
- (4) The UN conference against racism, racial discrimination, xenophobia and related forms of intolerance was held in Durban in 2000. As with all UN conferences, it is to be followed by two 'reviews' - five and ten years later - to assess governments' compliance with the commitments made at the original conference. Sexual orientation

as a form of discrimination was a contested topic in Durban but not at the regional pre-conference for the Americas, or during the ten years' review of the regional pre-conference (Brasilia, 2008) where not only was sexual orientation acknowledged but also gender identity. This negotiation between the Brazilian and the Egyptian government about what an NGO can and cannot address in the UN creates a very worrying precedent not only for the LGBTI movements but for civil society as a whole. And it sadly also marks the limits of the Latin American centre-left allegiance to non-discrimination as a value.

- (5) AG /RES-2435(XXXVIII-O/08).
- (6) The relationship within this coalition of partners is a relationship of equals where decisions are made by consensus, and national/regional organisations have the final say. It differs widely from the traditional model in which international organisations 'train' and 'bring' local/national/regional activists from the South to international, or even regional, spaces.
- (7) Mercosur started as a trade agreement between Argentina, Brazil, Paraguay and Uruguay, with Chile and Bolivia (and later, Venezuela) as associate members, and has been slowly but steadily evolving towards a sub-regional bloc with agreements in areas like human rights, culture and governance.
- (8) There are also law proposals being considered in Argentina, Chile, Costa Rica and Cuba.
- (9) There are law proposals being considered in Argentina, Brazil, Chile and Cuba.
- (10) Barbara Graner, who defines herself as 'a woman with transsexual experience' is the NGO Liaison for the National AIDS Program run by the Brazilian Federal government.

# 'A Common Agenda Requires an Authentic and Open Mind'

**Monique Doppert**

The colours yellow and orange are dominating the city of Amsterdam. It is autumn when we meet Belissa Andía Perez, a sportive though elegantly dressed woman, with a relaxing sense of humour. We meet in De Balie - the centre for culture and politics - where the bi-annual Transgender Film festival takes place.

'We should have a place like this in Lima. That would be great.' Belissa feels at home in this centre. Belissa was born in 1953 in Atico, a small town in the south of Peru. Now she lives in Lima, Peru's capital and largest city. With its more than nine million inhabitants and almost no high rise buildings the urbanisation of Lima is widespread.

Belissa's family moved to Lima when Belissa was three years old. The capital offered more opportunities for work and education. The family - Belissa has one sister and three brothers - settled in San Miguel, a middle-class district. Belissa still visits Atico regularly. To spend her holidays but also to conserve the property she inherited from her grandparents: a small farm with some land.

Belissa was the second child of the family. Her parents were calm people, but very active. Her mother was always busy with the children and the household, too busy to fulfil Belissa's need for affection. Her father was a worker for the Parliament and a political socialist activist for the Popular Action Party. He always left home at seven o'clock in the morning only to return home around ten at night.

During junior school Belissa experienced religious feelings for the first time. 'This is very intense. It intervenes in everything you do and think. These religious feelings were added on the guilt I felt because of my desire for men. Already at a very young age I experienced this desire. I remember that the awareness of my sexual orientation and my gender identity occurred almost at the same time. It was a difficult, painful and sometimes violent process. The religious influence combined with my sexual orientation caused a paralysing sense of guilt. Therefore I kept silent and felt very isolated during my childhood.'

Belissa tried to reshape her attitude to the roman catholic religion. In her own words: 'I tried to deconstruct myself.' Belissa stopped trying 22 years ago when she realised a healthy relationship between her and the church was impossible.

To Belissa her homosexuality - and also her transgenderism - was obvious. She had her first sexual experience at an early age with a boy from the neighbourhood. Her parents reacted violently against her friend. This made her feel guilty and confused. She did not understand the madness against everything linked to sex and pleasure. When she was between twelve and seventeen years old she experienced social pressure from her family, school and the neighbours. They looked upon her homosexual tendency as an adolescent phase. Nobody took it very serious. Belissa found it very difficult to express herself as a child because at

that age one still depends on one's father and mother. 'Growing older the pressure became stronger. One day my mother decided my hair was too long. Long hair was not very unusual because it was the time of the hippy movement. But after cutting my hair I looked even more feminine. So that was clearly not a solution. I was eighteen years old when I just told them - during dinner time - that I was homosexual. My mother was sad because the news was an eye opener to her. Later on she tried to accept it as a part of life. My brothers and sister cried and blamed me for our parents' suffering. But in the end they were fine with it. As long as my behaviour did not lead to scandalous facts. And that never happened.'

Belissa went to the University of Lima to study biology. A turning point in her life was the attack in the park by a group of fifty homophobic youngsters. They beat, stamped and kicked her with extreme violence. Luckily she was freed by two men passing by. This experience made her even more cautious. Belissa did not trust anybody anymore and became even more inwardly. 'I struggled to get over this nasty experience and to find a comfortable way of living for myself. I found my own strength and ways to overcome social pressure and those years of oppression. Looking back the experience in the park made me the person I am now: an activist with a focus on human rights.'

During her time at university Belissa became more and more political active in the leftist parties fighting for economical justice and the demands of the working-class. 'I struggled and searched but nobody did anything for my transgender demands.' She began to name herself Belissa when she was thirty years old. Unfortunately until now she has not yet succeeded in changing her legal name in her ID and passport.

After leaving university she earned little money working on small jobs. She was not attracted to noisy bars and discos. Therefore it took a while before she met other gays, lesbians and transgenders. Belissa was 35 years old when she made her first gay and lesbian friends. Around this age she also got to know other transgenders. 'Linking up with them meant finding new ways and new affections. Lima has changed a lot in the past twenty years but still many people live in the closet. There are places exclusively for gays, places where lesbians can meet and others for transgender people. There are some mixed discos but they only accept trans people once a week and it is not very popular yet.'

Meanwhile Belissa moved up in politics. In 2006 she appeared in the political arena as a candidate for the New Left Movement in the Peruvian Parliament. The political agenda of her party gave priority to sexual rights, anti-discrimination law and education. Especially discrimination is a common practice in the community, she explains. 'It was not possible for me to obtain a job apart from certain types of jobs; for instance hair styling, cooking or sewing.' Belissa did not win enough votes to become a Member of Parliament. But she got a lot of - mostly positive - media attention and her presentations were mentioned in newspapers, on television, and radio channels and on the Internet. Of course, now everybody knows she is a transgender.

Peru is a very religious country. Because of the dominant role of religion Belissa experienced the denial of pleasure and felt the rejection of the average Peruvians. She knows all about the hypocrisy of her own society. 'The church will defend the concept of family, marriage and fidelity in a way it intrudes every level of daily life in Peru. But we know of scandalous cases of pederasty that are kept hidden at all costs by high clergymen.'

To establish a real separation between state and church Belissa sees as the biggest challenge for the near future. 'The state subsidizes the catholic church. This interference reinforces the power that the churches have. Their influence is determining since they are strategically located in Peruvian policies.'

The religious holy days like for example christmas have lost their meaning for Belissa. She calls herself agnostic. 'These days have turned into other practices like joining family, close relatives and friends to celebrate the friendship. We have good dinner parties and exchange gifts. Christmas still is a nice moment to pay attention to feelings and loved ones.'

Belissa sees a big difference in the experience of discrimination or violence for gays, lesbians, bisexuals and for transgenders. 'It is completely different. Homosexuals can protect themselves against discrimination by not breaking down the masculine stereotype. Although they have to pay a high price for repressing their desire for another man, trans people can arouse a frontal rejection with their gender expression. Discrimination can lead to social exclusion and to serious difficulties in getting access to education, health and housing. For a transgender it is very difficult to find a proper job. In many cases this can lead to becoming a sex worker.'

Belissa is amongst others one of the founders of the Red Carnation Collective that participates in the Peruvian Network of LGBT organisations. 'I do not only participate in LGBT organisations as it is important to also build alliances with other civil society organisations. Discrimination against transgenders is a practice that occurs in the whole society and it also occurs within human rights', women's and sexual diversity organisations. Therefore we have to sensitise and present our common agenda, which requires an authentic open mind. Only in this way we can contribute to creating a culture of peace, justice and respect.'

Belissa lived near her parents after leaving university and established a good relation with them. She has a partner, already for more than 22 years. 'We have constructed a life together. He had a previous heterosexual relationship out of which he has a son and two daughters. Today all three have formed their own families. I have a good friendship with my sons in law and have also a fraternal friendship with my partner's former wife. We like to go to the movies together. We organise family meetings on Sundays at home, as well as trips and holidays. This is an exceptional situation that breaks the rules of a very discriminatory society.'

Belissa Andía Perez is active in the Trans secretariat of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), a worldwide network of national and local organisations and groups dedicated to achieving equal rights for lesbian, gay, bisexual, trans and intersex people everywhere.

*Monique Doppert is programme officer ICT & Media at Hivos and freelance journalist.*

# Gender Identity and Extreme Poverty

**Marcelo Ernesto Ferreyra**

The close relationship between the identity and/or expression of gender in Latin America and the incidence of poverty is illustrative of the iron mechanisms of exclusion and marginalization. The many communities of transvestites in search of a marginal means of survival in the prostitution circuits of major urban centres are the most obvious result of these social processes. It is for these reasons that we seek to understand the relationship between extreme poverty and gender expression in Latin America by focussing on its transvestite community. (1)

In the Latin American context, transvestites are defined as people assigned the masculine gender by birth who express themselves in ways natural to femininity. They may or may not modify their body through hormonal and/or surgical procedures. For many transvestites, the transvestism constitutes an identity in itself. The emergence of transvestism as a gender, defined in its own terms, is related to the politicization of the transvestite experience of activist and academic transvestites of the region.

To be a transvestite with money is not an easy task; the reality for the majority of transvestites is a hard struggle to survive with limited resources in a society that does not recognize them and which creates innumerable obstacles to their personal development.

It is necessary to examine extreme poverty in the context of human rights, including freedom of gender expression. The Yogyakarta Principles, developed by a group of experts in human rights, contain principles on the application of international human rights law in relation to sexual orientation and gender identity that states are obliged to adhere to and implement. In particular, Principle 3, which is about the right of recognition as a person before the law, is also about freedom of expression and, ultimately, about the freedom of being. It is equally important to recognize the other principles. The right to education (Principle 16), the right to work (Principle 12), the right to adequate housing (Principle 15), the right to the enjoyment of the highest attainable standard of health (Principle 17) and especially, the right to life (Principle 4) are applicable in this sense. (2) The acts of discrimination against the transvestite community are the results of a system that does not recognize these rights.

The definition of extreme poverty includes notions of social inclusion/exclusion, equity and participation. Transvestites have been socially excluded from areas of work, education, medical services, legal protection, etc. These obstacles have deeply affected the transvestite community, in an even more serious way than the rest of the population. The promotion of equity, and equality, should expand opportunities for this disadvantaged group. Participation by transvestites in the political or institutional systems of their respective countries is small or almost non-existent, and their influence in the struggle for human rights is incipient. Transvestites are therefore particularly vulnerable to violence and maltreatment, without resources for protection. Above all, this becomes manifest in aggressive forces that try to make transvestites invisible, and that's why, for them, the struggle for visibility is also the struggle for survival.

The concept of extreme poverty covers issues such as scarcity of income, lack of human development, and social exclusion. Lack of human development refers to the possibility of living a life that could be valued as the freedom of 'being'. (3) Transvestites are particularly victim to this type of poverty. As access to possibilities of personal development is blocked, scarcity of income is the result.

### **The Right to Education**

In Latin America, many transvestites assume their identity and begin to express it when they are very young. A survey by the *Asociación de Lucha por la Identidad Travesti-Transexual* (ALITT) in Argentina showed that more than half of the participants took up their transvestite identity between fourteen and eighteen years of age. For that reason these child and adolescent transvestites face many difficulties in their own homes with their families, and in school. Because of the aggression of other students or of the school authorities, many transvestites stop studying, either by choice or because they are denied direct entry to educational institutions. Of the transvestites who participated in the ALITT survey, 45 % dropped out of secondary school. Of all the groups surveyed, only 2.3 % completed college. (4)

In a survey recently carried out by the International Gay and Lesbian Human Rights Commission (IGLHRC), Silvia Martínez of Nicaragua declared, '... with regard to education, the majority of us had to leave it because we did not know where we fitted, what we were, why we were treated with humiliation by directors and teachers (women) who were the ones who imposed the "Machista Model" the most'. (5)

Martínez added that in schools there is too much discrimination against the transvestites. The failure of educational institutions to be inclusive for transvestites, gays and other 'invisible' people indicates a lack of respect for human rights, because it does not include these groups as part of society. Also, the 'Machista Model' refers to attitudes about gender in Latin American culture, which influences much of the reactions of relatives towards transvestites. When they assume their identity as transvestites their family sees this as a rejection of masculinity and their role as men in the family and society. Upon being open about their identities to their families many transvestites are thrown out of their parents' homes, and have to seek employment instead of studying.

### **The Right to Work**

The lack of education makes it difficult to find employment, because without education there are few jobs available for a transvestite apart from prostitution or the hairdressing salon. There are no labour laws that promote equal opportunities for the transvestites. The majority of employers therefore discriminate when selecting personnel without facing any consequences.

Where it is possible to obtain work outside of prostitution, there is no protection against discrimination. In Quito, Ecuador, a transvestite called Carla explains that in her work in a business '... they hired us to work but they sent us to the back'. (6) The majority of transvestites realize that they make more money as prostitutes than in a job where they are stigmatized.

Rayza of Bolivia tells of her experience: 'As a trans it affects me a lot not to be able to get work as I travel from one place to another with the newspaper, never getting anything. Just because I was a trans, work was denied to me. I never thought I would work in the streets; that is why I tried to obtain a worthy and honest job but society propelled me into the night life where I got money more times than not... but that was not my vision. I had many other dreams but all my hopes were frustrated and I could not realize myself as a professional.' (7)

That frustration is common in the transvestite community, which has a great deal of potential but no options to realize it. A 2000 report in Argentina showed that 80% of the transvestites interviewed were working as prostitutes because of the lack of other opportunities. (8) The many consequences include lack of security and risk of infection with HIV and other sexually-transmitted diseases. 77.5 % of transvestites in Argentina who work as prostitutes said they would leave prostitution if they had other options. (9)

The attitudes of the state towards prostitution greatly affect transvestites who are prostitutes. In a prohibitionist system, prostitutes have to take many precautions to avoid being arrested. In the hands of the police, the prostitutes who are transvestites cannot protect themselves from violence or abuse, and have no access to legal services. The system applies sanctions to prostitutes but not (or not at a comparable level) to the people who solicit sexual services, and therefore oppression and punishment of transvestites continues. In a regulated system, the transvestites who work as prostitutes can do so in specified areas and so do not run the same risk of arrest.

### **The Right to Adequate Housing**

Transvestites are not acceptable tenants for leases. They are openly excluded on the basis of their appearance, or because they lack the required documents. Transvestites working as prostitutes, who are the majority, have no documents indicating their expenses or those that suffice as proof of employment. In many countries there are more restrictions. For example, in Argentina tenants are required to have people who serve as guarantors for the rental cost. (10) The transvestites who have left the homes of their families do not know anybody who owns a house and can fulfil this role. The majority of transvestites in Argentina are therefore lodgers in hotels where they pay three times more than people who are not transvestites. (11) Those who request access to emergency shelters are rejected on the grounds that the other residents of the shelter feel 'uncomfortable'. As a result, there are many homeless transvestites in Latin America.

### **The Right to the Highest Attainable Standard of Health**

In many cases, transvestites do not have access to adequate medical treatment. In health institutions they are harassed because of their appearance and are not guaranteed confidential information about their HIV status. Thus they don't seek medical attention when needed. In addition, the lack of options for sexual transformation surgeries leads them to expose themselves to life-threatening procedures.



The treatment they receive at public health facilities is highly discriminatory and aggressive both for themselves and for their families. They are bypassed from the very moment of their admission. Male nurses, female nurses, medical and non-medical personnel mock their gender identity, making insulting remarks even though their condition might be extremely delicate. If they ask for better care they are told that the doors of the hospital are open for them to leave. Angela Vanni, an Argentine lawyer who was representing a transvestite client who went to a hospital after being stabbed by her boyfriend, says 'the doctors gave her a bed but not medical care because of her looks; she died of her wounds'. (12) In Costa Rica in 2005, a transvestite was discriminated against when she tried to get treatment at the St John of God Hospital because of her appearance and for being a sex worker. Another problem is lack of respect for the names used by transvestites. (13) Silvia Martinez says that in Nicaragua doctors do not ask how you want to be referred to and use her male name instead of her stated name. (14) In this way, by calling them by the name they were given at birth in contradiction to their appearance, they are exposed to the mockery of other patients and doctors.

From the time they enter a hospital, transvestites know that they are exposed to systematic violence, neglect and malpractice. They therefore try to avoid hospitals preferring any remedy that does not expose them to humiliation, though in the long run this leads them to die alone in their homes. The report published by the Mothers of the Plaza de Mayo *The gesture of your own name 2006* reveals that: 'Seventy percent of the transvestite population does not attend hospitals and the average life of this population is 32 years.'

The lack of respect for confidentiality in the health institutions also generates problems. For the transvestites who work as prostitutes, the risk of contracting HIV is very high. However, when they go to health institutions to take the test for HIV/AIDS, in many cases there is no respect for their privacy. Only 72 % of transvestites in Argentina go for regular health checkups. (15)

Proper medical service is crucial after an act of violence. Many transvestites who need immediate medical care face refusal. In Honduras in 2004, a transvestite was arrested by the police for being a prostitute, was brutally beaten and was denied adequate medical care. (16)

The transvestites who modify their bodies need health care services for these operations to be safe. In Argentina, 81.3 % of transvestites in the ALITT survey modified their bodies. (17) In cases where there is no adequate care, the transvestites do these operations under conditions that can result in serious health problems and even death.

## The Right to Life

The right to life refers to a life free from violence, abuse and maltreatment. Above all, transvestites have the right to be visible in society, and to participate in and contribute to state policy formulation processes that affect them. The socio-cultural forces that make transvestites invisible are a form of violence, in particular symbolic violence.

The ALITT survey in Argentina revealed that over 90% of transvestites interviewed had suffered some kind of violence. Of that percentage, 64.5% were victims of physical abuse. (18) In Costa Rica, and especially in the city of San José, there have been many cases of transvestites being killed. For example, at the beginning of 2003 the police in San José said that '... several

transvestites were attacked with gunfire in the streets ... by groups of transphobic youths, who were never identified'. (19)

The transvestites are victims of police brutality, or brutality from those who have the responsibility to protect them. A survey in Buenos Aires in 2000 revealed that 86% of the transvestites interviewed had suffered abuse by police. (20) Vanesa Ledesma was a transvestite and prostitute who was arrested in a violent manner, and later died in jail. (21)

Transphobia is a visible force in all the rights abuses that have been discussed above. The fear and hatred are united to ban access to education, work, housing, medical services, and finally to a full life. Tolerance is not an acceptable solution, if it is offered without respect and inclusion.

## Conclusions

Lack of access to resources create negative dynamics and consequences for transvestites. Being confined to low-income employment, with no opportunities to participate in public policy formulation, transvestites are forced into poverty. Strategies are required to address this problem (the provision of services for a specified population, legislation, etc.). Transphobia also has its role. Attitudes and opinions regarding 'irregular' sexuality, identity, and above all unusual gender expression impede the struggles of the transvestite communities against poverty. In many respects, there is a need for education against transphobia. In addition, violence against transvestites is in many cases carried out by the authorities (police, etc.), who victimize transvestites informally. It is necessary to implement sensitization initiatives for public officials and measures of protection (hate crimes legislation, etc.).

It is necessary to examine three crucial aspects of social exclusion: relativity, the officials and dynamics. (22) Relativity refers to the experiences of transvestites who experience more exclusion than people who are just as poor but are not transvestites. In addition, officials such as house owners, employers, service deliverers, and the police are key elements in their exclusion. Finally the dynamics and characteristics of this exclusion have confined the transvestites in extreme poverty.

Transvestites are not included in the design and implementation of government strategies so the strategies developed do not cater for the needs and interests of this group. In particular, there is not enough involvement in ensuring access to secure medical facilities, policies regarding shelter, protection from violence and harassment in public places and services, and access to work.

Organisations working for the elimination of poverty must ensure that the voices of transvestites are heard and that they can represent themselves.

*Marcelo Ernesto Ferreyra (MA) is Programme Coordinator for Latin America and the Caribbean of the International Gay and Lesbian Human Rights Commission (IGLHRC). He earned a B.A. in Architecture from the Moron University and a Masters in Projects Design and Management from Buenos Aires University and from the Polytechnic School of Milan, Italy. He has been a gay activist in Argentina since 1988 and is a founding member of Biblioteca Gay Lésbica Travesti Transexual Bisexual and Gays y Lesbianas Por Los Derechos Civiles (1991-2000), an NGO devoted to protecting and*

212 *advancing the human rights of sexual minorities. His work at that organization resulted in the inclusion of sexual orientation as a protected category in the Buenos Aires City Constitution of 1996.*

## Notes

- (1) Clarification: Any of the following terms used for naming identities should not be imposed from outside, but should respect how each person experiences it in each case.
- (2) 'Los Principios de Yogyakarta', 2007, [http://www.yogyakartaprinciples.org/docs/File/Yogyakarta\\_Principles\\_ES.pdf](http://www.yogyakartaprinciples.org/docs/File/Yogyakarta_Principles_ES.pdf)
- (3) 'Informe del Experto Independiente en la Cuestión de los Derechos Humanos y la Extrema Pobreza' (2008).
- (4) Hiller, R., Moreno, A. & Mallimaci, A., *Cumbia, Coleteo y Lagrimas*, Asociación de lucha por la identidad Travesti-Transexual, Buenos Aires, 2007, p. 67.
- (5) Martinez, Sylvia, Interview with Joanna Hoffman, by e-mail, New York, 18 August 2008.
- (6) Zambrano, Margarita Camacho, *Diversidades Sexuales: Exclusión social y inserción laboral en Quito*, UASB Ecuador, 2007, p. 30.
- (7) Rayza, Interview with Joanna Hoffman, by e-mail, New York, 18 August 2008.
- (8) IGLHRC, 2001, 'The Rights of Transvestites in Argentina', [http://www.iglhrc.org/files/iglhrc/reports/Argentina\\_trans.pdf](http://www.iglhrc.org/files/iglhrc/reports/Argentina_trans.pdf)
- (9) Hiller et al, 2007, p. 99.
- (10) IGLHRC, 2001, p. 9.
- (11) *Idem*.
- (12) IGLHRC, 2001.
- (13) Defensoría de los Habitantes, Informe Período 2005-2006, Exp. 19904-22-2005.
- (14) Martinez, 2008.
- (15) Hiller et al, 2007, p. 111.
- (16) Amnesty International, 'Honduras: Human Rights Violations Against LGBT (Update II)', AMR 37/001/2004, (Feb. 14, 2004), [http://action.web.ca/home/lgbt/alerts.shtml?x=52759&AA\\_EX\\_Session=30c054b3d8d7a103ce52433cdef808e6](http://action.web.ca/home/lgbt/alerts.shtml?x=52759&AA_EX_Session=30c054b3d8d7a103ce52433cdef808e6).
- (17) Hiller et al, 2007, p. 111.
- (18) *Idem*, p. 123.
- (19) Immigration and Refugee Board Of Canada, CRI41373.E, 15 de Mayo de 2003.
- (20) IGLHRC, 2001.
- (21) *Idem*.
- (22) Atkinson, Tony. In 'Informe del Experto Independiente en la Cuestión de los Derechos Humanos y la Extrema Pobreza', 2008.

## Self-portrait

### Hazel Fonseca Navarro

When I discovered that I felt attracted to someone of the same sex I was about 25 years old. I really didn't feel uneasy or uncomfortable, I didn't question myself about what I was feeling, I simply felt good and as such I assimilated. I think that talking about one's sex life is a very personal decision because it has to do with something that is very private, regardless of one's sexual preferences. I personally have never had problems tackling the subject with my friends, parents, other family members or others. I have actually had to approach this subject publicly and because of that I have taken it on, one crux of working in my job environment is to ensure respect for sexual diversity and the rights of sexual minorities.

Evidently, many people with lesbian sexual preferences appear to be emotionally effected by rejection. I have not found myself in a similar situation, of needing emotional or any other type of support. In reality I have never needed support from anyone, evidently at the times that I have needed it I have always been able to count on the support and solidarity of friends and family.

Ever since I realized what my sexual preference was, I have been clear about what that meant, of course, and when I realized that I was lesbian, I accepted it for what it was, and began to educate myself regarding the concepts of homosexuality, bisexuality, transgender, intersex, or being queer, and I have done well at conceptualizing them. Identifying myself with the terms homosexual, lesbian bisexual, transgender, intersex or queer has not been anything new; I'm a lesbian. In the social realm I don't experience greater prejudices from being recognized as such, because my sexual preference is not what stands out in my social relationships, it is my qualities and defects that allow me to conduct myself socially. I don't go around making it public now either, but I am asked and I don't have a problem responding, no matter who is asking. I am a public woman. I don't restrict myself from visiting public places, where I generally run into other homosexuals, lesbians, bisexuals, transgender, intersex, queer persons, I don't hang out in closed circles, because I don't feel the need to do so.

On the other hand, speaking of the role that religion and / or traditions play with respect to my sexual preference in the social arena, in reality this has not affected me even though I was educated in religious schools, but this situation helped me to be more analytical and it made me more confident in my decisions. In my particular case it doesn't play any role, as I currently don't practice any religion. I maintain my religious commitments according to my reality.

The subject of discrimination or violence toward those who have sexual preferences other than that which is socially acceptable (heterosexual) is inevitable because it is seen as something unnatural. Also, in this patriarchal society, discrimination and violence is different for

214 everyone, because being homosexual is not the same as being lesbian or transgender; relations between homosexuals are more accepted than lesbian relations. On the other hand, I think that wanting to change the way other people think is somewhat complex, I simply don't try to be accepted, I am known for my qualities and defects, just like any human being. I belonged to an LGBTI organization, in which we aspired to generate change within the population, and in a way we were successful, the subject is currently approached with more freedom and less prejudices, there is more tolerance, it is approached in the media, something that was impossible years ago. We are contributing to the change of the vision that was held regarding sexuality. I now have a normal life with a partner, the difference between this and a heterosexual couple is one of legality, other than that I have no problem.

With my dreams regarding my lesbian condition, they are not bound to my sexual preference. My dream has nothing to do with my sexual choice, but with my feminist philosophy, that is not separate from my identity as a woman, my gender situation, my condition of being a woman of mixed race from an underdeveloped country where many social injustices exist, because my vision of life is not based on my sexual preference, it is based on my social condition. I have a social human and political vision, in which my sexual preference is not predominant, because my sexual preference is very minor in comparison to my philosophy of life.

*Hazel Fonseca Navarro is Executive Director of Fundación Xochiquetzal. Xochiquetzal is a non-governmental organisation dedicated to promote sexual education, and to the prevention of HIV/AIDS. Xochiquetzal coordinates its activities with diverse organisations of civil society and government, which work with the issue of AIDS and human rights of minorities, and participates in several Latin American networks. It also participates actively in the Latin American feminist movement and in the movement of lesbian women. The target population is made up of persons living with HIV/AIDS, homosexuals, lesbians, prisoners, sexual workers and youth people. Xochiquetzal's focus on AIDS combines the public health point of view with ideological-cultural perspectives.*

## Self-portrait

### Jorge Bracamonte Alláin

In the mid-seventies I attended the most popular public school in my neighbourhood in Lima. There, at the age of fourteen, between play and homework, my schoolmate and I discovered sexuality. My first experience happened unexpectedly, without forethought, in a very surprising and pleasant way. Nothing I had experienced in my life up to that point compared.

My first feelings of pain, and all the difficult questions, did not come until much later when I was attending university. I fell in love with a person of the same sex when I was eighteen. It was a relationship in which desire got mixed up with a world full of books, music, film, male and female friends and political ideologies. The courtyard of the university's Faculty of Language and Literature was our meeting point before we set off on the path of love. After that I was constantly bothered by feelings of guilt and questions that disturbed my conscience: why must I do this? Why do I feel different from the others? What happens if others find out? And what of my family? In those days, my strategy to resist my own fears and fantasies was to disguise my first love as friendship.

At the same time I discovered my first friends from the 'circle' on weekends, in clubs and discotheques, on the volleyball field and during furtive meetings. We were a small group of youths, radically committed to being different, when we first heard of the existence of the *Movimiento Homosexual de Lima* (MHOL), the first LGBT group established in Peru.

In the mid-eighties, political violence increased in Peru and the actions of *Sendero Luminoso* (S.L.) (1) shifted the war from the countryside to the city (Lima). This civil war divided the country. Left-wing politically-active university students got caught between two fires: the one of the state which regarded everybody with a college ID card suspect, and the one of the S.L. who viewed us as fierce enemies because of our choice for democratic change.

As if that were not enough, at the end of the decade we found out that for a long time both the Shining Path and the MRTA (2) had been selectively persecuting, torturing and eliminating homosexuals in the areas where they were in control. This is how we slowly became aware of the abominations of the war, which wiped out our dreams of justice and change.

At about the same time another disaster occurred: the AIDS epidemic. The first stories were going around about persons in our immediate environment who were infected with HIV. Fearfully, and after elaborate discussions, our entire group requested the help of MHOL to conduct the first HIV/AIDS tests. One of us was found to be HIV positive. Our reaction was very immature, as we did not know what to do. We were afraid of the possibility of 'contamination'. Our selfishness prevented us from thinking about our positive comrade. In subsequent years the cases multiplied and death spread amongst our friends and prospective partners.

At the beginning of the nineties, with a Bachelor's degree in my pocket, the prospect of unemployment, broken dreams of justice and an epidemic hanging like a dark cloud over my environment pushed me to emigrate and continue my education. Mexico has not only given

me a chance to get my master's degree followed by my doctorate, but also to take distance from my country and heal my wounds. Between the nights of Tepito, my comrade Omar, the *Collegio de México* (University of Mexico), the well-known *Plaza de Coyoacán*, the uprising of the *Zapatistas* (3) and the gay activism in Mexico, my views and a broken spirit started to heal.

My return to Peru at the end of 1999, took me back to the college classrooms, but this time as a teacher. Together with Mema Mannarelli, Ana Gúezmes and Willy Nugent, and with the support of Manuel Burga, we developed the Gender Studies programme of the National University of San Marcos. This programme introduced the theme of sexual diversity to the university, but not in accordance with the traditional, biomedical or psychological approaches. In 2001, on behalf of the university and in cooperation with MHOL, I organised an important seminar to foster debate on the problematic relationship between sexual diversity, human rights and citizenship.

My return coincided with the final fall of the Fujimori dictatorship. (4) During the citizen's demonstrations in the streets in 2000, I was also reunited with my old left-oriented comrades and young and old LGBT activists. It was a period of hope in which we all felt equal as citizens and advocates of democracy. Soon, I decided that I had to become politically active with regard to my being sexually different. I discovered that, compared to some ten years before, LGBT activism had enriched itself, which was made possible due to democratic changes. This was manifest in the form of new leadership, new agendas and groups. At the same time, new strategies were developed. These were complicated because they expressed renewed respect for politics and an orientation towards the government, but also to criticism and cultural protest. And naturally the Gay Pride demonstrations commenced.

We are faced with important problems and challenges at this point. We have to confront a poorly informed political and homophobic, transphobic and lesbophobic class that is unable to pass a single law that recognises and warrants the citizenship of LGBT persons. In Latin America, we are among the countries with the least progress with regard to politics and policy. We are also confronted with the public interference of the hierarchy of the catholic church, which resists any recognition of rights of LGBT persons. In 2005, for instance, the episcopal conference pressured the Peruvian state to remove mention of these persons in the National Plan for Human Rights.

The legal situation of these LGBT persons is extremely difficult. With regard to human rights, all vulnerable population groups in Peru can count on a specific normative framework for the protection and benefit of their rights, with the exception of LGBT-persons and communities. For years the Congress of the Republic has systematically resisted any form of recognition of the human rights of LGBT communities. In 2006, when the Penal Code was amended and extended to cope with specific forms of discrimination, the principle of sexual orientation was explicitly excluded. And recently, when the law for equal opportunities for women was approved, again the principle of sexual orientation was not included.

This is not all. In some cases, there are discriminating norms and/or norms that encourage violence. Amongst several native population groups in the Amazon community, regulations apply that penalise homosexual men and women. Some local governments have also enacted

regulations that restrict their freedom of movement in the historical centres of the towns in which they live.

It should be noted that there have been numerous situations where the LGBT movement did not pay enough attention, being diverted in the struggle between the pro-government political lobby and the lobby of cultural resistance. We have not been able to identify ourselves in the experience of LGBT persons, marked by a history of injustice and oppression and/or based on identity, age, region, culture, gender and/or class.

The apparent existence of a 'universal LGBT person' has made it difficult to develop answers to the problems of violence against lesbian women and the struggle for autonomy over their bodies, the shock effect of the HIV-epidemic for the GBT population, the exemplary punishments and hate crimes against transsexual persons and gays in regions where the state is hardly present, and the forms of extreme violence and vulnerability that transgender persons experience.

We therefore have to be on the alert for arrogance. Nothing in LGBT activism has any meaning or ethical basis if the LGBT movement loses its capacity for indignation and emphatic bonding with the experiences of LGBT persons for whom a respected and dignified life is not guaranteed. Our movement will only survive if it is continuously able to dream, to recognise itself in its diversity, its power to resist, the power to assimilate, and to optimistically look to the horizon of another possible world with justice, joy and passion for everybody.

### *Legal*

According to the International Lesbian and Gay Association (ILGA), same-sex relationships are legally permitted in Peru and discrimination on the work floor based on sexual orientation is prohibited.

*Dr. Jorge Bracamonte Allain is coordinator of the Programme for the Promotion and Protection of Human Rights of LGBT-persons at MHOL. He is the former chairman of the Movimiento Homosexual de Lima (MHOL). See: <http://www.mhol.org.pe>.*

### **Notes**

- (1) The Shining Path, a Maoist guerrilla movement in Peru.
- (2) Revolutionary movement Tupac Amaru, a rival guerrilla movement in Peru.
- (3) Revolutionary movement that strives for autonomy of the Indian population and resists the neo-liberal globalization.
- (4) Fujimori was president of Peru from 1990 till 2000.



# Non-Heterosexual Parenthood in Latin America (I)

**Juan Marco Vaggione**

Adoption by LGBTQ persons or couples is one of the most controversial modern desires because the presence of minors instigates social prejudices and phobias with regard to sexual diversity. The discussion about adoption by LGBTQ persons or couples is a discussion about the legitimacy of humans as procreators, and simultaneously a criticism to the narrow concept of the family as exclusively heterosexual. Religious, scientific, moral and legal arguments are combined to prohibit the legitimacy of parenthood for non-heterosexual persons. As far as it is possible, the aversion is even greater than that against legal recognition of same-sex marriages. If same-sex couples face the dominant discourse and deepen the distinction between sexuality and reproduction, then fatherhood and motherhood of LGBTQ persons can make a connection between sexuality and reproduction from a *position of dissidence*. Persons and couples from whom it is assumed that sexuality is not reproductive, do reproduce. Adoption, artificial insemination, third parties, former relationships and so on are ways to make reproduction possible from an 'impossible' situation.

In the case of Latin America, the resistance against non-heterosexual parenthood becomes stronger because of the great historical and socio-political influence of the catholic church. The rights of LGBTQ persons, in particular the right to adoption, have become an obsession to the church that claims them as a new threat to the family. The catholic church - or actually its national and international hierarchy - insists that adoption of children by homosexuals is not only an immoral act and in violation with the Convention on the Rights of the Child, but also an act of violence against minors because 'the absence of the sexual bipolarity would obstruct the normal development of children that grow up in these engagements'. (2) The catholic church in Latin America has succeeded in making its definition of family predominant, and as a result there is no room for the pluralism necessary for the recognition of the rights of LGBTQ persons. On the one hand, the state based its legislation on catholic doctrine so that what is claimed by the church is ratified by law. The national family and the catholic family were presented as part of the same reality and any attempt to amend catholic principles was - and still is by various sectors - considered an attack against the state. On the other hand, the century-long influence of the catholic church on the population of Latin America has led to an ideological process in which the patriarchy and the hetero-normativity is proposed and experienced as natural and legitimate.

Nevertheless, Latin America has started its slow but inevitable path towards legitimacy and legality of the rights of LGBTQ persons. Along this path the issue regarding the right to adoption has arisen. Because of civil society, in particular because of feminist activism and the movement for sexual diversity, the debate concerning the forms of regulations of the

family has taken on a public character. The issue of non-heterosexual parenthood is starting to become a point of discussion in the region and the publication of the three books reviewed in this article is an expression of that. Against a society that, to a great degree, is still dominated by symbolic constructions in which fatherhood is mainly linked to heterosexuality, the publication of these books mean a process of visualization of non-heterosexual parenthood and its problems as well as the existing arguments to the benefit of the rights of LGBTQ persons to adoption. The three books have in common that they favour adoption by LGBTQ persons and that they use arguments from various disciplines in support of this. Two of them are a collection of articles, including other subjects as well. The third book is exclusively about the issue of adoption and homosexuality. All three were published in 2007, two in Brazil and one in Argentina, and combined they are the most systematic and complete attempt to understand the complexity of the connections between sexuality and parenthood in Latin America.

The two volumes with articles contain various analyses regarding non-heterosexual parenthood and adoption from various disciplines. The common starting point is breaking through the premise that reproduction is a monopoly exclusively reserved for heterosexuality. Various articles in *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis* aim to visualize the various forms of non-heterosexual parenthood, the way these identities are formed and the social pressure they are under. Florencia Herrera (3) gives some reflections on the situation of lesbian mothers in Chile and Spain, a reality in which 'the marginal identity of lesbian' is combined with 'the traditional identity of mother'. (p. 223) The author focuses on 'the other mother' in particular. In other words, the partner of the biological mother who lacks legal protection and is forced to find other informal strategies to justify her role as mother other than according to the biological definition. Another article of this book (4) discusses the social pressure that the prevailing family model (nuclear and heterosexual) bears on lesbian couples with children, which 'serves as a reference to them, mainly for their own family structure as homosexual parents'. (p. 297) The article of Fernanda Cardozo (5) shows a group that generally does not receive a lot of attention, both in research as in politics: the situation of transvestites. In particular she analyses different ways the transvestites of Florianópolis in Brazil shape relations, including the presence of children. This confirms that the relations are constructed in a flexible way, since 'being a mother, a father, a brother or an aunt are forms that are realised and which are negotiated by those who are themselves involved within that context'. (p. 244)

Two other articles in this book review the way the mass media, newspapers in particular, deal with non-heterosexual parenthood. The article of Elizabeth Zambrano (6) studies the dealings of homosexual parenthood as a social issue in the Brazilian newspaper, *Folha de San Pablo*, by means of an analysis of authors and articles. She confirms that the discussions focus on medical (psychological health) issues, legal issues (rights or not) and moral issues (in general, religious morality), that homosexuality is understood as 'something that is part of the essence of the individual' (p. 337-338), although the author also puts forward that the LGBTQ activists are, to an increasing degree, present in these discussions and bring a much broader (constructivist) view on sexuality. The article of Micaela Libson (7) studies the arguments in the letters that were sent in by the public and published in the Argentinean daily,

*La Nación*. In that section numerous readers have ventilated their opinion about homosexual parenthood and their resistance against this possibility is clear since it is considered 'not natural or normal'..., or it is assumed that this probably will cause psychological damage to the children..., or even that if it is accepted it is not so because of the couple's desire to become parents but because of the affective needs of the children. (p. 357)

The other collection of articles, *Homoparentalidades Nuevas Familias*, belongs to the category of theoretical works that aim to put forward new disciplinary views on the phenomenon of homosexual parenthood. The book that is compiled by Eva Rotenberg, although it is interdisciplinary, emphasises the psychological and psychoanalytical arguments that plead for parenthood of and adoption by LGBTQ persons. The psychology and psychoanalysis are strong disciplines for the essence of the debates regarding these subjects because they are considered legitimate and 'allowed' to identify the risks for children that grow up in 'non-heterosexual families'. Therefore, it is notable that the specialists of these disciplines revise the hetero-normative contents of their own theories. In her article, Mariam Alizade (8) insists that minors that grew up in non-heterosexual families question 'certain classical ideas of the psychoanalysis regarding the association with sexual differences in the structuring of the human psyche'. (p. 78) As a result, psychoanalysis now faces the challenge to comprehend a new symbolic order of the family, or as Pablo Ceccarelli (9) claims, 'using psychoanalysis for the sake of the argument that there is only one proper parenthood, based on the most common form of social organisation is similar to making suppositions of what is symbolic and that is at least perverted'. (p. 149) This way, the various articles in the book rephrase central concepts for these disciplines such as sexuality, sexual and gender identity, the desire to be a parent and relationships, from a positive position towards non-heterosexual parenthood.

Finally, the book *Homosexualidade e Adoção* contains, in addition to other aspects, an analysis of the judiciary as an important domain for the legalisation of non-heterosexual parenthood. The judges have become an important target for the claim of extension of sexual and reproductive rights in Latin America. Against the difficulty to create changes from the legislature stands the possibility of interpretations by different judges that can lead to adjustments in jurisprudence, which although a minority follows it, increases the legal room for adoption by LGBTQ persons. The author bases her argument empirically and the book contains numerous interviews with psychologists, social workers, ombudsmen and judges as well as an analysis of eight adoption processes in which the requesting party was homosexual, although seven of the analysed cases were from men. The author confirms that in the region of Rio de Janeiro in Brazil, the adoption processes by homosexuals were authorized, which suggests 'a complexity with regard to the connection between parenthood and sexual orientation' (p. 136). Still, it is important to note that the positive attitude of the judges does not necessarily mean a critical point of view towards hetero-normativity as the dominant system because the recognition of the rights of gays and lesbians goes hand in hand with a confirmation of certain social stereotypes and prejudices. In the analysed legal cases, for example, the right of homosexual men to adopt is recognised whereby the importance of the maternal features of these men is emphasized so it is easier to present 'a family without female presence'. (p. 200)

The publication of these three reviewed books is an indication of the progress in Latin

America concerning the non-heterosexual parenthood issue. The demand of LGBTQ persons to be recognised as procreators has become a more public point on the agenda in various Latin American countries, although currently, legal realisation is still minimal. What was once an invisible issue - minors raised by LGBTQ persons or couples - has now become a political, scientific and legal issue. The discussion about the right of LGBTQ persons to adoption, as it is substantiated in the three reviewed publications, is a discussion about the way the family is interpreted in today's society with a plea for more multi-form interpretations. Nonetheless, it is of importance to recognise that the risk that goes with these type of demands is that the family as an institution of social control is reinforced with an extension of its definition and with the addition of at least partial 'new' subjects - generally gays and lesbians - at the cost of reinforcing the exclusion of the rest, like transgender persons. Rights are an important producer of subjectivity and identity, and as a result much 'progress' with regard to sexual diversity goes with the price of institutionalising sexual constructions that are strongly reduced to their essence and that are at risk to reinforce hetero-normativity as the dominant ideology. The challenge is not enabling gay men and lesbian women to adopt by integrating them into the definition of the family, but to disintegrate the traditional family concept so it becomes conceivable for all varieties.

After word: In September 2009 Uruguay has become the first country in Latin America to legalize adoption for registered same-sex couples. This case may set the example for other countries in the region where same-sex couples have some legal rights such as Mexico, Argentina and Colombia.

*Prof. dr. Juan Marco Vaggione is a sociologist working at the Universidad Nacional de Córdoba. He is also a researcher at the Argentinean Board for Scientific and Technical Studies (CONICET) and a research consultant at Católicas por el Derecho a Decidir, Córdoba in Argentina.*

## Notes

- (1) This is a review of the following three books: Grossi, Miriam, Anna Paula Uziel y Luiz Mello (eds.), *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*, Editora Garamond, Rio de Janeiro, 2007, as well as: Rotenberg, Eva y Beatriz Agrest Wainer (eds.), *Homoparentalidades. Nuevas Familias*, Lugar Editorial, Buenos Aires, 2007, as well as: Anna Paula Uziel, *Homossexualidade e Adoção*, Editora Garamond, Rio de Janeiro, 2007.
- (2) 'Considerations with regard to the projects for legal recognition of the commitments between homosexual persons', prepared for the Congregation of the Faith of la Fe, 2003.
- (3) 'La otra mamá: Madre no biológicas en la pareja lésbica', in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.
- (4) 'Nao podemos falhar: a busca pela normalidade en Familias Homparentais', by Marcos Roberto Vieira Garcia, André Guimaraes Wolf, Eliane Vieira Oliveira, Janaína Tizeo Fernandes de Souza, Luana de Oliveira Gonçalves en Mariana de Oliveira, in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.
- (5) 'Performatividades de Género, Performatividades de parentesco: notas de un estudio com

travestis e suas famílias na cidade de Florianópolis/SC', in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.

- (6) 'Do privado ao público: A homoparentalidade na pauta de jornal Folha de São Paulo', in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.
- (7) 'Yo opino... Construcciones discursivas sobre la homoparentalidad', in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.
- (8) 'Homoparentalidades', in: *Homoparentalidades. Nuevas Familias*.
- (9) 'Configuraciones edípicas contemporáneas: reflexiones sobre las nuevas formas de paternidad', in: *Homoparentalidades. Nuevas Familias*.