

What Drove Argentina's Emergence as an LGBT Rights Leader

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Editor's Note: This article is part of an ongoing WPR series (/series/20/lgbt-rights) on LGBT rights and discrimination in various countries around the world.



A person in costume poses for a portrait during the annual LGBT pride parade, Buenos Aires, Argentina, Nov. 15, 2014 (AP photo by Natacha Pisarenko).

Since becoming the first Latin American country to approve gay marriage in 2010, Argentina has continued to be a leader on LGBT issues, moving forward with an expansion of transgender rights at home while pushing for LGBT rights generally on the world stage. In an email interview, Javier Corrales (<https://www.amherst.edu/users/C/jcorrales>), the Dwight W. Morrow 1895 professor of political science at Amherst College, explains the factors that have fueled the country's enthusiastic embrace of pro-LGBT policies.

WPR: What were the primary factors that led to Argentina moving, in less than two decades, from a country that outlawed LGBT organizations to the first country in the region to legalize gay marriage?

Corrales: A number of factors explain how Argentina moved so quickly to become a leader on LGBT rights. Some of these factors are common to other countries that are LGBT champions, such as high levels of educational attainment and urbanization, and strong civil society movements. Others are more specific to Argentina.

The first is soft religiosity. While reporting on Argentina's LGBT policies often foregrounds its status as a Catholic country, it's important to note that church attendance is low, with less than a quarter of the population attending weekly services. This made the Catholic Church's opposition to LGBT rights less influential than it has been elsewhere. Also, there are relatively few evangelicals in Argentina compared to other countries in the Americas. Evangelicals worldwide have emerged as one of the most vocal opponents of LGBT rights. So having a small evangelical sector makes adopting LGBT policies easier.

The second is the right institutions. When it came to changing laws, Argentine LGBT activists were savvy in navigating the domestic institutional and legal landscape, for example by encouraging gay couples to

request marriage licenses that were authorized by judges even before same-sex marriage became the law of the land. Argentina also has a strong tradition of transnational legalism, through which rights and norms enshrined elsewhere can be imported into Argentine law.

Argentine LGBT activists also resisted proposals to submit the question of gay marriage to a referendum, knowing that as a minority they would face steep odds of success.

WPR: Since the legalization of gay marriage in 2010, what other progressive pro-LGBT legislation have Argentine authorities pursued?

Corrales: In 2012, the Argentine legislature approved

(<https://www.advocate.com/politics/transgender/2012/05/11/argentina-passes-comprehensive-transgender-rights-law>) one of the most advanced transgender rights laws in the world. It allows individuals to change their legal name and gender upon request, without having to undergo judicial, psychiatric and medical procedures beforehand. The law also mandates that public and private health plans cover gender confirmation surgery and hormone therapy.

In addition, the government of the province of Buenos Aires mandated that 1 percent of public employees must be trans people.

Argentina has also conducted a number of public campaigns among the citizenry and public officials—including law enforcement agents, civil servants and teachers—on issues pertaining to sexual orientation and gender identity. Some cities in Argentina also work with LGBT movements, including the Argentina Gay and Lesbian Chamber of Commerce, on joint campaigns to promote tourism.

Argentina has also strengthened hate crime laws.

Finally, Argentina has become an international advocate of LGBT rights. It actively supports international pro-LGBT initiatives such as the Global Equality Fund and the appointment of an independent United Nations expert (<https://www.hrw.org/news/2016/06/30/un-makes-history-sexual-orientation-gender-identity>) on issues of sexual orientation and gender identity.

WPR: How have local LGBT activists differed in strategy from their American counterparts, and who were some of their allies in advancing LGBT rights?

Corrales: There are many similarities and differences. In both countries, LGBT movements faced relatively indifferent and even hostile governments in the 1980s and 1990s. This prompted them to try new approaches and to be creative. In their efforts to trigger policy change, they tried similar experiments,

including raising public awareness through coming out; shaming anti-LGBT officials and other anti-LGBT voices; health-related campaigns; recruiting support from other, larger organizations; presenting legal challenges in courts; and identifying subnational governments that were more amenable to change and doing more work in those locations.

But there are important differences. In Argentina, the rising conservative party, the PRO, in the 2000s was not as hostile to LGBT rights as conservatives in the U.S. were. This party controlled the city of Buenos Aires. LGBT groups started to work with this party in a more fruitful way than LGBT groups have ever been able to do with the GOP in the U.S., enabling progress in Buenos Aires even though it was ruled by an otherwise conservative party. To be sure, not every member or leader of that party was welcoming, and it was hard to get the party to be fully on board, but in terms of tolerance, the Argentine conservative party has been far more supportive than the GOP in the United States. The support came late, but it did materialize.

Once the bigger leftist party, the Peronists, noticed that there was competition coming from the right, it decided to fully support LGBT rights. Argentina thus looks more like England and Ireland in that LGBT movements have been able to find allies in both conservative and nonconservative parties. Because of this support beyond a single party, change in Argentina has happened not just through courts but also through the legislature. In Latin America, only Uruguay has the same level of legislative involvement in LGBT issues as Argentina.

Part of the reason that the conservative party in the U.S. has remained so hostile to LGBT rights has to do with its ties with the Christian right. But in Argentina, the equivalent to a U.S.-style Christian right hardly exists or is too weak, and so conservative parties aren't governed by the same ideology.

Another difference is that Argentina's activists found important allies at home within the country's strong network of pro-human rights and feminist groups that emerged from years of dictatorship. Argentina has one of the strongest pro-human rights networks in the Global South. LGBT movements in Argentina were able to forge ties with these groups, and that added muscle and fuel to their cause.