

EXPLORATORY STUDY ON LGBTI+ PEOPLE AND THEIR RIGHTS IN MUNICIPALITIES OF SOUTH AMERICA'S GRAN CHACO REGION

SUMMARY

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This document lays out the main findings and recommendations of the 2020 exploratory study on LGBTI+ people and their rights in municipalities of South America's Gran Chaco region (Argentina and Bolivia). Based on 77 interviews with key spokespersons and actors in the region, it addresses issues that map the current status of LGBTI+ rights in the region.



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Full report (in Spanish)

Estudio Exploratorio sobre vulneración y promoción de derechos de la población LGBTI+ en municipios del Gran Chaco Sudamericano

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INTRODUCTION

This document summarizes two qualitative exploratory studies for the purpose of understanding the situation of the LGBTI+ population in ten localities of Gran Chaco in South America: Juan José Castelli and Presidencia Roque Sáenz Peña (Chaco); Santiago del Estero and La Banda (Santiago del Estero); Las Lomitas and Ingeniero Juárez (Formosa); Oran, Tartagal and Salvador Mazza (Salta) and Yacuiba in southern Bolivia.

During the information gathering process and documentation analysis, key actors, spokespeople and/or representatives were identified in the following areas: public policy and state institutions; initiatives of activists

and/or social organizations; people belonging to the LGBTI+ community; churches and faith-based organizations (FBO). Between July and September 2020, a total of 77 interviews were conducted, most of them individual and some in groups.

The exploratory studies were carried out in preventive and mandatory social isolation due to the COVID-19 pandemic, so the interviews were conducted virtually. The direct approach with key actors was complemented with reading and citing of bibliographic material, online communication media, institutional documentation, prior research and digital content created by organizations and groups.

SITUATION OF THE LGBTI+ POPULATION: infringement, access, and rights advocacy

The violation of the rights of the LGBTI+ population is occurring in societies in which a large sector of the population struggles to exercise human rights. Therefore, it is necessary to consider how LGBTI+ exclusion reinforces and deepens poverty and limits their possibilities of accessing basic rights such as education, employment, and housing. The situation in these 10 municipalities varies. Some of the larger cities are more open, while in small towns social interactions are highly regulated. In some ethnically diverse localities, it is necessary to understand coexisting conditions of inequality.

EDUCATION

In the 10 localities where the studies were carried out, the educational system was mentioned as a space of prejudice, ridicule, violence and discrimination. Respondents retell their school journey as a story of suffering. Educational disruption depends on when people come out with their gender identity or sexual orientation.

“Education is exclusive, it expels people who are different (...) Especially based on visible characteristics. Discrimination leads to isolation” Trans woman, Chaco.

Hiding gender identity or sexual orientation is used as a strategy for achieving inclusion, a way to avoid discrimination. Retreating to the private sphere was mentioned especially in the educational journeys of gay, lesbian and trans male people.

Gays and lesbians tend to have higher educational attainment and maximum level of education. The flipside of this is closeting and the lack of freedom to live one's identity and sexuality. Trans women report early dropout from school. Sometimes, dropping out was mentioned as part of the process of being kicked out of the home. The studies also highlight the lack of institutional policies or spaces that address expulsion from the home, which exposes those who are thrown out to losing their support network and social circles.

Two important issues emerge from the studies. First, the importance of support strategies for educational reintegration, especially of trans people: if given the opportunity, adults go back to school. Younger trans women finish high school and want to continue their studies. There are cases in which, with sustained support from social organizations, some trans women make it to college.

Second, comprehensive sex education is viewed as an important issue. The exploratory studies show the scarce or nonexistent implementation of the Argentine Comprehensive Sex Education Law (ESI) in the studied areas, sometimes

meeting the open opposition of administrative and teaching staff, who prioritize their personal, moral and religious perspective regarding sexuality.

“College changes the life of trans people and the presence of trans people at colleges also changes the life of society”

Trans woman, Chaco.

HEALTH

2.2

Accessing health care and receiving respectful treatment seems to be the exception for LGBTI+ people. Lack of adequate care, stigma, and a hostile health care system often lead to preventable deaths. The stories sketch a panorama of lack of protection, exclusion and brutality against the trans population, particularly trans women.

“Here in the north we are not equipped to treat a trans girl, they practically let them die” Tartagal.

Healthcare teams lack information, and greater awareness and training on the rights of the LGBTI+ population are needed. In turn, the studies indicate health problems associated with peoples' experiences with discrimination, which can even affect their mental health.

With the exception of Santiago del Estero, in the towns under study, no accessible health care services or spaces were found for the LGBTI+ community. On the contrary, care for LGBTI+ people and gender diversity are not even on the agenda: there have been no trainings or training opportunities for healthcare teams. Sometimes there is so much erasure that people say care for LGTB people is not a problem. On the other hand, where inclusion exists, the demand appears.

In several municipalities (Sáenz Peña, Orán), infectious disease doctors are recognized as key professionals for the LGBTI+ community. And sometimes they spur action beyond therapy or care, establishing links with gender nonconforming organizations. In such adverse contexts, creating specific care

spaces (such as inclusive clinics for sexual diversity) is an effective strategy to promote access to health services for the LGBTI+ population. However, the long-term horizon is that all people can receive comprehensive health care at any institution or service.

“By opening the inclusive clinic, it is not that discrimination was eradicated, what we are saying is that it has decreased (...) There is already a certain respect...”

Trans woman, Santiago del Estero.

EMPLOYMENT

2.3

The territories in which the exploratory studies were carried out are vexed by structural poverty and unemployment. In these contexts, access to employment and working conditions of the LGBTI+ population is different for gay, lesbian, and transgender people. The inquiry into the employment situation of gays and lesbians takes into account that they generally have a better chance of integrating because they tend to have more education, at the personal cost of having to hide their sexual orientation. However, when their orientation is revealed, differential treatment and discrimination are common. For trans men and women, access to sustainable employment is one of the most urgent problems.

Additionally, LGBTI+ rejection and discrimination spurs mobility towards larger urban centers, such as territories with greater work opportunities and/or engaging in sex work. Subsistence is difficult: *“Finding a job is very complicated, so they have to leave town.”* (Interviewee OSC, Castelli).

Covid-19 travel restrictions seriously affected those who perform sex work, risking their basic survival. In border areas, such as Salvador Mazza-Yacuiba, the situation was worsened by the closure of the borders, affecting people who engage in cross-border commercial activities such as *bagayeras* (people who work on the Argentine-Bolivian border transporting goods from one side to the other).

Strategies for employment inclusion of the transgender population:

From the social organizations, partnerships with the State to include the trans community among beneficiaries of social welfare involving direct payments as a strategy for giving up sex work. However, the amounts are meager, and many have to keep up sex work in order to survive. Inclusion in welfare programs also faces administrative obstacles that fail to take into account the particular needs of the group.

Vocational training is another demand that the group raises as a tool that helps for finding job opportunities for those who have not completed required levels of education. However, the State does not offer this option specifically for this group. Education for the transgender population is rare and comes at the cost of much suffering.

ACCESS TO HOUSING

2.4

In several of the studied areas, difficulties in accessing housing are a generalized problem. Exploratory studies identify that for trans people and especially trans women, hazardous working conditions, discrimination, frequent expulsion from the home and challenges completing education worsen the housing problem.

Trans homelessness, especially among trans women, appears frequently in the stories from several localities (Chaco, Tartagal, Yacuiba, Santiago de Estero). Faced with this reality, local organizations are under pressure to create “Trans shelters”. The Covid-19 pandemic has led to picnic areas and other

*“...their only option is to be on the street
...There are no shelters for trans people...”*

Trans woman, Chaco.

initiatives to be used as containment spaces for transgender people living on the street.

Discrimination based on their identity is rampant when it comes to rental housing: landlords refuse to rent to them, ask for

extra security deposit, or charge above-market prices. Faced with these challenges, they often resort to occupying empty, vacant spaces that are often unsuitable as housing, such as train cars or abandoned houses. Homeownership is rare, and if it happens, it is usually inherited.

ACCESS TO JUSTICE AND RELATIONSHIP WITH LAW ENFORCEMENT

2.5

The exploratory studies gather many experiences that reveal heavy challenges in accessing advocacy through the judicial system, where LGBTI+ people often avoid conflicts involving their rights. In the studied areas, the judicial system is rife with prejudice and traditional patterns that lead to discrimination, exclusion and criminalization.

Together with police abuse, the judicial system is considered an indifferent and inaccessible institution for the LGBTI+ population. While some jurisdictions have specific judicial units to deal with gender-

based violence (Courts and Public Prosecutor's Offices, Public Defenders, Offices), there is still no answer to the problems facing the LGBTI+ population. Several interviewees mentioned that, while there have been some advances in the judicial approach to gender violence in heterosexual couples, it is lacking when the violence is between gay, lesbian and trans couples.

*“The judicial system always turns its back
on us”* Trans woman, Chaco.

In those places where there are organizations that bring the LGBTI+ community together, people often resort to these spaces when their rights are violated. State Diversity Offices were also mentioned as spaces for finding guidance or advice in situations of discrimination. The lack of answers from the judicial system is a constant in the testimonies gathered.

As with other issues, the trans population encounters serious problems and reports police abuse and discrimination, especially those who practice sex work or bagayeras in border regions. The interviewees reported serious disrespect for gender identity, blaming, speechifying and re victimization, abuse, and physical and sexual assaults. *“When you were arrested, if you wanted to be released, you had to let the police abuse you.”* (Tartagal).


An important flaw identified in the judicial system is that hate crimes against people in the LGBTI+ community and trans homicides are not identified as such and go unpunished. In turn, pressing charges is hampered by different factors: lack of lawyers in many localities, high costs, prejudice and discrimination.

PUBLIC POLICIES FOR RIGHTS ADVOCACY

The presence of agencies or public policies specifically aimed at advocating for the rights of LGBTI+ people varies in the studied territories. Some provinces and municipalities have gender agencies or offices; others address issues or problems related to gender nonconformity as part of their work (generally thanks to pressure from organizations); and there are territories in which the situation and the rights of this group are invisible and denied at the public and/or state level.

Towards the end of 2019, diversity agencies or offices were created in several provinces that answer to the Secretary of Human Rights, such as in Salta, Santiago del Estero and Chaco. In some cases, provincial agencies promote the creation of diversity areas at the municipal level. Often the coordination or direction positions in these agencies are held by

members or spokespeople of LGBTI+ organizations. In addition, it is common for the social organizations themselves to promote inclusion of members of the group and adaptation of general public policies based on particular needs. It is also common that these areas do not have their own budget and their members' positions are tenuous.



The presence of members of the LGBTI+ community in areas of public policy development enables the inclusion of views, experiences and knowledge by design, which cannot be substituted or replaced by just any specialist.

CHURCHES AND FAITH-BASED ORGANIZATIONS

Sexual diversity activists and organizations highlight churches generally as responsible for many of the efforts against the rights of the LGBTI+ population. On this note, we note the challenge in obtaining interviews with church representatives for the studies, who for the most part refused when they learned about the subject of the inquiry.

“I do not want to change, I know who I am and what I want, I want a Church that accepts me as I am, because God accepts us all and the Church should think the same”

Tartagal.

Many gathered testimonies identify churches as spaces that were once safe, but once they identified as gay, lesbian or trans, they became places of conversion or exclusion. However, many people keep their faith, consider themselves believers and live out their beliefs from their own individuality.

In some territories and compared to evangelical churches, the LGBTI+ community's perception of the Catholic Church is more open. These

churches' repeated rejection of LGBTI+ people has consequences for homes and communities, often encouraging expulsion: *“...there are trans girls from Wichi communities who are expelled due to the influence of the churches...”* (Trans woman, Ingeniero Juárez). Although accounts of intolerance and violence predominate, there are isolated comments suggesting more inclusive perspectives.

LGBTI+ SOCIAL AND COLLECTIVE ORGANIZATIONS

The level of organization found in the studied localities varies. In some, there is strong organization, history and development around LGBTI+ rights, and in others, there are more grass-roots or less formalized processes. There is a broad trans presence in the composition of these groups. Similarly, there are many social and community organizations that are not specific to LGBTI+ people, but that work with this population on related issues, that establish specific gender and diversity spaces within them or have LGBTI+ people among their members and spokespeople. In the two towns in the province of Formosa, the LGBTI+ community had no organized presence.

Of special note is the organizations' reaction to the COVID-19 pandemic. Even when isolation measures limited their activities, the reaction was fast and flexible, responding to the most urgent issues and building new channels for expressing themselves.



Wherever there is strong organization, militancy and activism, there has been greater recognition, guarantee of rights, and advocacy on the public policy agenda.

RECOMMENDATIONS

The discrimination and violence experienced by the LGBTI+ community require specific support and protection actions and policies to ensure their rights. Below are a series of recommendations resulting from the two studies and the synthesis performed by the consultants in dialogue with the CWS team.

General recommendations for developing policies and actions

- ✓ Plan and design a timeline of priority issues and actions for the LGBTI+ community together with the organizations and spokespeople in each locality.
- ✓ Include LGBTI+ groups and/or people in designing the actions.
- ✓ In some of the localities studied, in designing the initiatives aimed at the LGBTI+ population, it is important to include a perspective that considers inter-ethnic inequalities.
- ✓ Provide support and protection against all forms of violence and follow through on the organizational processes of the LGBTI+ community and its spokespeople.

Housing

- ✓ Demand the creation of specific public policies for the LGBTI+ population to effectively access housing.
- ✓ Promote the creation of shelters or housing that allow people of the LGBTI+ community in situations that lead to homelessness and loss of their support networks.

Education

- ✓ Encourage comprehensive sexual education to build school environments that are more open and respectful of gender nonconformity and raise awareness about sexuality and identity as cultural constructions.
- ✓ Promote projects that support reintegration and educational attainment of the LGBTI+ population. Scholarships, awareness and advocacy for rights in their educational institutions are critical to the effectiveness of these actions.
- ✓ Support organizations to take ongoing action to achieve reintegration and educational attainment for the LGBTI+ population at all levels.

Childhood

- ✓ Raise awareness about the existence of trans children and their rights to provide respectful spaces, recognition and support in different areas (family, community, education, health, etc.).

Access to employment

- ✓ Promote vocational and workforce training especially for the transgender population.
- ✓ Support business that employ the LGBTI+ population.
- ✓ Provide support enforcement and oversight processes and actions for compliance with the Trans Labor Quota Law 27.636.

Surveys and population studies

- ✓ Demand that the municipal and provincial governments perform quantitative and qualitative population studies to better understand the socioeconomic situation of the LGBTI+ community, including organizations, groups, and academic institutions in their design and implementation.
- ✓ Support diagnostic actions for a better understanding of the reality of gender diversity among indigenous peoples, and the feelings and social representations held in native communities.

Health

- ✓ Promote awareness and training for health teams to provide quality and respectful care for the LGBTI+ population. Disseminate existing guides (Federal Ministry of Health) on comprehensive health care for LGBTI+ people.
- ✓ Promote the inclusion of people from the LGBTI+ community on health care teams and health institutions as a strategy for including experiences and knowledge that favor access, quality of care, awareness of health personnel and non-discrimination.
- ✓ Support the creation of inclusive care spaces through existing experiences and best practices.

To the churches, faith communities and FBOs committed to justice, non-violence and human rights in Gran Chaco, South America¹

- ✓ Stay informed on current legislation on the human rights of LGBTI+ people and review institutional policies and practices as appropriate (personnel policies, communication, institutional youth protection policies, non-discrimination policies, etc.).
- ✓ Promote an appropriate understanding of the new faiths and religious fundamentalism in the region (their profile, complexity, rhetorical strategies, capacity for local, national and continental cooperation) as well as their many impacts on the life and rights of their communities, families and people.
- ✓ Remember the importance of avoiding reductionism and simplification that lead to labeling every Evangelical/Pentecostal or Catholic religious activist as fundamentalist.
- ✓ Work with communities and groups interested in addressing LGBTI+ inclusion on training and awareness-raising.
- ✓ Develop theological projects that promote the formation of Catholic and evangelical leaders who oppose the advance of religious and political fundamentalism.
- ✓ Listen, dialogue and reflect together with young people, who tend to show understanding and attitude of genuine compassion, humanity and a willingness to include nonconformists and minorities.

¹ CWS makes these recommendations based on the findings of exploratory studies informed by over 20 years of cooperation with FBOs and CSOs in Gran Chaco and inspired by the document. "Fundamentalism, crisis of democracy and threats to human rights in South America" (2020).