

Women Leaders as Advocates for Equality and Inclusion of LGBTI Persons

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Remarks by Ms. Alba Rueda, Undersecretary for Diversity Policies, Ministry of Women, Genders and Diversity, Argentina¹

1. The perspective of diversity allows women, lesbians, gays, transvestites, trans, bisexuals, intersex and other gender identities to have a major role in the construction of a more just and egalitarian society. This premise has been expressed in the legislative and public policy body: today in Argentina, to speak about genders necessarily implies speaking about diversity. This extension of the notion of equality is, in great measure, an effect of transfeminist demands and women and diversity movements in the country. An example of this is the debate on the name of the National Women Conference. This is a federal event that has been organized annually since 1986. Since its 33rd edition, in 2018, a modification of the name has been established as Plurinational Conference of Women, Lesbians, Transvestites, Trans and non-binary persons.

That LGBTI+ persons also become defenders of equality and inclusion of diversity signifies that beneficiaries of these policies have their own voice. Transfeminist action is based on promoting the amplification of the voices of these beneficiaries, who have historically been marginalized from public administration, the economy and politics. **Thus, beneficiaries become political actors.**

In the last decades, the **advancements in legislative and public policies with a gender and diversity perspective in Argentina** are exemplary. Topics such as gender-based violence, women's political participation, lesbians, transvestites, trans, gays, bisexuals, non-binary persons and other gender identities, sexual and reproductive rights, care duties and the rights of LGBTI+ people have all been included in the political agenda thanks to the strength of the feminist, transfeminist and sexual diversity movements.

2. Among the most important advancements in legislative matters is those legislative and political developments that form a same legacy and political construction around the exercise of rights:

- Signing on to **CEDAW** in 1985;
- Signing on to the **Belém do Pará Convention** in 1994;
- Adoption in 2009 of the National Law 26.485 on **Comprehensive Protection to Prevent, Punish and Eradicate Violence against Women** in spaces where they develop their inter-personal relationships;
- Law 26.510 of 2006 on **Comprehensive Sexual Education** that establishes the right of students to receive comprehensive sexual education in all educational establishments;

¹ Original text in Spanish, unofficial translation.

- Adoption of Law 26.618 of 2010 on **Marriage Equality**, making Argentina the first country in Latin America to recognize the right to marry between same-sex persons at the national level;
- Law 26.743 of 2012 on **Gender Identity** that establishes the right of every person to be recognized and to be addressed according to their gender identity and, in particular, to be identified as such in the documents that confirm their identity in respect to their name at birth, image and sex, without the requirement of administrative or judicial authorization. The Gender Identity Law is a reference at the regional level and a fundamental tool for the protection and promotion of the rights of trans children and adolescents in the country. We are creating a new generation and it greatly depends on the State's policies, but also on a society committed to Human Rights and, especially, to the rights to gender identity and expression;
- Law 27.412 of 2017 on **Gender Parity** for the lists of candidates for elections of national senators and deputies and parliamentarians for Mercosur;
- Law 27.499 of 2018 known as **Micaela Law** establishing mandatory training on gender and diversity issues for all people working in the public sector;
- The recent approval of Law 27.610 on **Voluntary Interruption of Pregnancy** of all pregnant persons, recognizing the rights and autonomy of women, lesbians, trans men and non-binary persons;
- And the Law 27.611, **National Law on Attention and Comprehensive Care of Health during Pregnancy and Early Childhood.**

In the consolidation of the national commitment to equality, in 2019 the Ministry of Women, Genders and Diversity of the Nation is created, with the objective of transforming the gender and diversity policies into State policies that transcend government administrations.

These developments are understood as a response to the historic demands of transfeminisms and sexual diversity movements, as well as to the accepted commitment to building a more equal society that promotes the comprehensive autonomy of all persons.

3. The diversity perspective is necessarily intersectional. A transfeminist movement builds politics from intersectionality and allows us to revert the historic logic of design and implementation of public policies into one that permits the removal of hierarchy from genders, building policies for everyone and strengthening the fabric of social organizations. In this sense, a central challenge is to conceive a perspective that can be built from anti-racism and the questioning of cis-sexism classism and mandatory heterosexuality, one that allows us to think of the inclusion of persons with diverse sexual characteristics and in the existence of fat bodies, among others.

Cis-sexism operates in the exclusion of central spheres of life, resulting in the marginalization and poverty of a majority of the LGBTI+ population, which particularly affects trans and transvestites. It is worth noting that transfeminism was born in the streets and proposes a different way to address and revert asymmetries among

genders. This demands an intersectional approach not only in the race, class and gender dimensions, but also in the territorial dimension, which implies, among other things, to consider the particularities of the LGBTI+ population and women living in rural and urban areas.

Transfeminism is cross-cutting: many of the processes that exacerbate cis-sexism and transmisogyny have to do with issues of class, race and systemic violence against women. The only way to dismantle violence against trans persons is to dismantle violence against racialized, poor and pathologized persons and women (Siobhan Guerrero McManus).

4. Within the framework of the Ministry of Women, Genders and Diversity, the Undersecretariat of Diversity Policies has implemented policies with a federal and territorial approach to address the pandemic. We have launched policies that contribute to the inclusion of LGBTI+ persons guaranteeing their Human Rights and equal treatment; we coordinate and support the strengthening of policies for healthcare and employment access for LGBTI+ persons, actions aimed at eradicating the practice of institutional and labor violence against LGBTI+ people, actions oriented towards the promotion of employment for LGBTI+ people, specific work lines for access to cultural rights and LGBTI+ sports, actions that strengthen visibility policies and the construction of collective LGBTI+ memory policies to reclaim our existences and build the idea that the exercise of memory cannot be the result of a heterosexual privilege.

I will highlight some actions that we have been implementing and are relevant to this discussion:

- The Presidential Decree 721/20 establishes the **Transvestite Trans Labor Quota** in the National Public Sector, guaranteeing a minimum of 1% of the total positions and contracts for transvestites, transsexuals and transgender persons. This is a key policy and the result of a decision by President Alberto Fernández to promote access of transvestites and trans into the State. It is worth noting that there is a pending National Law on Transvestite and Trans Inclusion and Labor Quota in the Chamber of Deputies that we hope will soon be discussed.

This decree is implemented by the Inter-ministerial Coordination Unit (UCI, in Spanish), competence of the Ministry of Women, Genders and Diversity, and integrated by the Secretariat of Management and Public Employment of the Cabinet of the Nation, the National Institute against Discrimination, Xenophobia and Racism (INADI, in Spanish) and the Ministry of Education of the Nation. The UCI has, among its objectives, to guarantee the necessary mechanisms to fully comply with this measure and follow up on the number of jobs held by trans and transvestites. It is important to highlight that these jobs can be obtained without the rectification of the sex, image or birth name registered in their ID cards. This measure also includes mechanisms to guarantee that candidates to these jobs can complete their studies, when these have yet to be completed, fulfilling the current rules of mandatory education in public employment.

In coordination with the National Institute of Public Administration, we undertake trainings with authorities and staff to ensure that the entry and permanence in job posts in the public sector are completed in conditions of respect to the gender identity and expression of each person.

- In 2020, the **Program to strengthen access to rights for transvestites, transsexuals and trans persons** was created with the objective of developing a specific device of comprehensive attention, accompaniment and assistance that guarantees the effective access to fundamental rights in conditions of respect to their gender identity and expression, in coordination with other national, provincial and municipal bodies. Since its creation, the Program has given response to around 100 monthly demands.
- The **National Registrar of Territorial and Community-Level Gender and Diversity Promoters** seeks to promote the coordination of a National Network of Territorial Promoters on issues of gender and diversity at the community level, with municipal and provincial bodies competent in this field as well as with civil society organizations. The registrar will allow to coordinate with the enrolled persons the different policies aimed at prevention and eradication of violence on the basis of gender and policies for equality and diversity undertaken by this Ministry.
- The **“Accompany” Program** is part of the **National Action Plan against Violences on the basis of Gender 2020-2022** and is inscribed in the new paradigm of a comprehensive approach to violences that contemplates the launching of public policies to create the material conditions that guarantee that people and groups most affected by gender-based violence can develop an autonomous project of life. It is aimed at women and LGBTI+ persons in conditions of risk of gender-based violence and that, due also to their socio-economic conditions, are exposed to diverse manifestations of violence on the basis of gender that risk their physical and psychological integrity and their socio-economic autonomy. It includes economic support and comprehensive accompaniment.

It is necessary to underline that this Program particularly addresses the needs of homeless LGBTI+ people and those engaging in prostitution.

- **Plan Equality in Diversity** is the consolidation of a State policy that seeks to intervene on a strategic and comprehensive way to overcome structural gender inequalities. We aim it to be the result of a construction process and collective coordination. In this path, we have opened requests for participation to collect the different proposals from civil society organizations that will feed into the construction of the Plan.

As a result of everything that I have mentioned, we stress the commitment that we have in Argentina with the political priority of the diversity agenda and the construction of public policies from a transfeminist perspective that allows us to transform the way in which rights are exercised. We are developing policies which seek to revert the historic asymmetries that cut across the LGBTI+ community and which are based on a strong coordination with social organizations and political movements that, as we have always stated, encouraged the creation of this Ministry.