

Respect for gender identity and sexual diversity in Latin American education unions.

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Introduction

Education International (EI) was founded with general aims and values that govern its work as the largest trade union federation in the world. This organisation represents more than 33 million education workers, who are members of 375 trade unions in 180 countries and territories in all continents. The organisation's work guidelines, which give meaning and direction to its activities, are established in its Constitution.

Article 2 of Education International's Constitution sets out the objectives promoted by the organisation: The right to quality education for all people through publicly-funded and publicly-regulated systems of education, as well as the "improvement of the welfare and status of teachers and education support personnel through the effective promotion and application of their human and trade

union rights and professional freedoms" (2019).

The third paragraph of Article 2 is more specific and especially pertinent in reinforcing the ideas set out in this document, clearly expressing a fundamental element in the struggle to construct societies that respect sexual diversity and gender identity:

(iii) The elimination of all forms of discrimination in education and in society, whether based on gender, race, marital status, disability, sexual orientation, age, religion, political affiliation or opinion, social or economic status, or national or ethnic origin, and the promotion of understanding, tolerance and respect for diversity in communities.

Education International thus includes respect for human rights among its constituent principles, with

particular mention of the eradication of all forms of discrimination based on gender and sexual orientation.

To champion this principle in accordance with its by-laws, Education International Latin America (EILA) includes among its functions compliance with the objectives and principles governing EI, as well as creating policies for the region within the framework of the guidelines established at EI congresses.

This document aims to profile the defence made of the human rights of the LGBTQIA+ population expressed at Education International's World Congresses since 1998, the year in which the world federation of education workers' highest authority met in Washington. In July of that year, Education International's Second World Congress adopted its Resolution on the Protection of the Rights of

Lesbian and Gay Education Personnel, so commencing the route of ongoing struggle and respect every four years at the organisation's world meetings.

In light of successive resolutions made by EI's World Congress from a human rights perspective and in defence of LGBTQIA+ rights, Education International Latin America proposes this text to its member organisations in the region as a tool for the promotion of respect for the gender identity and sexual orientation of the members of Latin American education unions and educational communities.

The work undertaken by EILA's Women Education Workers' Network in the field of equality and the human rights of women in Latin American trade union organisations and educational communities should

be recognised as a cornerstone accomplishment. The actions taken by the women making up the Network set an example of struggle in the field of human rights. For over fifteen years, these women have enriched member organisations with their contributions on feminism, mobilisation and activism. The support of the Women Education Workers' Network is fundamental to the development of a comprehensive human rights agenda.

Like the work of the Women Education Workers' Network, this document aims to strengthen Latin American trade union organisations by providing input to include in their struggles in favour of respect for sexual diversity and human rights. The gay, lesbian, transgender and bisexual people forming part of educational communities will feel welcome in trade union organisa-

tions that recognise their rights and respect their gender identities and sexual orientation. Increased participation and interest on behalf of women, LGBTQIA+ people, youth, people of African and Indigenous descent, and historically excluded groups will contribute to the strengthening of Education International's member organisations. This document includes a brief review of the history of the human rights of the LGBTQIA+ population in Latin America, additionally summarising the resolutions made in Education International's World Congresses and other documents concerning the rights of sexually diverse people. It additionally refers to the Universal Declaration of Human Rights, the American Convention on Human Rights, jurisprudence and the rulings of the Inter-American Court of Human Rights and

similar documents as the basis of its arguments in defence of respecting the sexual orientation and gender identities of the people making up Latin American educational communities.

This document makes use of the acronym LGBTQIA+ to refer to the lesbian, gay, bisexual, transgender, queer, and intersex population, along with all others who identify with or recognise themselves as members of communities with sexual orientations other than heterosexual ones, or having non-cisgender gender identities, such as non-binary people. These acronyms are used to simplify writing and reading. It is hoped that the reader can identify and recognise multiple expressions of dissident sexualities incorporated in the acronym LGBTQIA+. Other similar terms may appear throughout the text,

such as LGBT or LGBTQ, especially in quotes from other publications.

Although this text does not have primarily pedagogical objectives, reference to the glossary included in the work is recommended if in doubt about the use of any term regarding sexual orientation and gender identities ■

Glossary

About the glossary

The following glossary of terms related to sexual orientations and gender identities is provided to facilitate understanding of the topics addressed in this document. The terms and their definitions have been constructed taking into account information from the Inter-American Commission on Human Rights (IACHR), a document published in 2018 by the Argentine Ministry of Justice and Human Rights' Secretariat for Human Rights and Cultural Pluralism, and the *Glosario de Términos sobre Diversidad Afectivo Sexual* (Glossary of Terms on Affective Sexual Diversity), published by the Spanish Ministry of Health in April 2018.

It is worth clarifying that some terms are more colloquial, and may have derogatory connotations in some contexts; however, for the purposes of this publication, the positive re-appropriation that LGBTQIA+ groups have made of the adjectives with which they have been described throughout history is championed. An example lies in the word 'homosexual', initially used in medical texts to refer to what at that time was considered a pathology. Similarly, the term 'queer', sometimes ascribed meanings such as 'weird' and 'strange', has become a celebrated term for some sexual dissidents. This kind of re-appropriation should be understood to apply in the case of words and terms arising from national and regional cultural contexts.

The definitions or terms used in the Spanish version of this document do not necessarily comply with the rules or recommendations of the Royal Spanish Academy. Similarly, the English version may include terms that are not necessarily found in dictionaries, such as "LGBTQIA+phobia". Respect for the human rights of LGBTQIA+ people is prioritized over linguistic criteria.

Glossary

Asexual: Sexual orientation in which a person does not feel erotic attraction to other people, although they may have affective or romantic relationships with others.

Binary sex system: The dominant social and cultural model in Western culture that considers gender and sex to encompass two—and only two—rigid categories, namely masculine/male and feminine/female. This system or model excludes those people not conforming to the two categories (such as trans or intersex people).

Biphobia: Fear, irrational anger, intolerance and/or hatred of bisexuality and bisexual people. Phobia related to negative stereotypes about bisexual people, such as the belief that bisexuality does not exist or the generalisation that bisexuals are people who frequently change sexual partners.

Bisexual: A person who feels affective and sexual attraction towards both people of the same gender and of the opposite gender.

Cisgender: People whose gender identity corresponds with the sex they were assigned at birth.

Cisnormativity: The belief or idea that all people are cisgender or that this condition is the only normal or acceptable one. The expectation that people who were assigned the masculine gender at birth always grow up to be men and those who were assigned the feminine gender at birth always grow up to be women.

Cross-dresser: Artistic expression in which a person transforms his or her appearance and adapts the way they speak and act to that stereotypically assigned to the opposite sex.

Drag queen/Drag king: Drag queens enact a form of cross-dressing in which the person dresses and acts as a woman with exaggerated features and clothing or according to very marked feminine stereotypes, usually with comic, dramatic or satirical intent. Drag kings dress in clothing and accentuate features associated with the male gender.

Gay: A man who feels emotionally or physically attracted to someone of the same sex.

Gender: Set of historically constructed social and cultural characteristics that are attributed to people based on their sex.

Gender expression: The way people manifest their gender, whether through name, dress, behaviour, interests and/or affinities.

Gender fluid: A person who does not identify with a single gender identity, but can switch between male, female and/or others.

Gender identity: The internal and individual experience of gender as each person deeply feels it, which may or may not correspond to the sex they were assigned at birth.

Genderqueer: Alternative term to designate a person who rejects the current binary model of gender attribution in society.

Gender stereotypes: Opinion or generalised prejudice on the attributes and characteristics that men and women possess or should possess, and of the

social functions that each should or should not perform.

Hate crime: The definition of this term depends on the specific legislation of each country and the criminal classification established with regards to criminal conduct motivated by hatred. In the case of Uruguay, the legislation indicates that acts of hatred, contempt or violence against certain people because of the colour of their skin, their race, religion, national or ethnic origin, sexual orientation or sexual identity constitute hate crimes.

Heterocentrism: Ideology that maintains heterosexuality to be normal and to be the only desirable and acceptable way to express the orientation of sexual desire.

Heteronormativity: A system that presents heterosexuality and cisgender gender identity as the only valid model of gender identity and of sex-affective relationships and kinship.

Heterosexism: An attitude that maintains heterosexuality to be the only valid sexual orientation.

Heterosexual: A man or woman who is physically and emotionally attracted towards people of the opposite sex.

Homophobia: Fear or hatred of gay men and lesbian women.

Synonyms might be words such as LGBTphobia and LGBTQIAphobia.

Internalized homophobia: Aversion to one's own homosexual feelings and behaviours due to the assimilation of the negative images and messages against homosexuality received in the stage of socialization.

Homosexual: A person who is emotionally, romantically or sexually attracted to people of the same sex.

Intersex/Intersexual: All those situations in which a person's sexual anatomy does not physically conform to culturally defined standards for the female or male body.

Lesbian: A woman whose emotional and/or sexual orientation is towards other women.

LGBT, LGBTI, LGBTQ+, LGBTQI+, LGBTQIA+, LGBTI+:

Acronyms for lesbian, gay, bisexual, trans, intersexual,

queer and asexual. For the purposes of this publication, the + sign is included to refer to other gender identities and sexual orientations, such as non-binary identities.

LGBTQIA+ Pride: Recognition and celebration of diverse sexualities. It is celebrated internationally on June 28, the date of the Stonewall riots in the United States. Many countries celebrate it on meaningful dates for their society and their LGBTQIA+ communities.

Non-Binary, Gender non-conforming: People who disagree with and do not follow social ideas and stereotypes about how they should act or express themselves based on the sex they were assigned at birth.

Pansexual: Person who feels emotional, affective and sexual attraction to others regardless of the gender or sex of these.

Queer: A general term for people whose gender identity is not included in or which transcends the binary identities of man and woman.

Queer Theory: The theory that rejects rigid categories

regarding sexuality, sexual orientation, identity, gender, and so on.

Sex: The result of a complex succession of fundamentally biological elements and occurrences that gradually combine to define the human being as male or female (under a binary conception). According to sexual characteristics, this may be male or female.

Sex assigned at birth: The gender assigned to a person at birth on observation of their genitals.

Sexual diversity: Set of all sexual orientations (including heterosexuality), gender identities and gender expressions.

Sexual orientation: Capacity of each individual to feel deep emotional, affective and sexual attraction for people of a gender different from their own, people of their own gender, or people of more than one gender. There are various orientations, including homosexual, heterosexual, pansexual, asexual, bisexual, among others.

Stigma: The process by which a person or group of people is attributed a disparaging characteristic.

Trans: A term used to refer to people whose gender identity and/or gender expression do not correspond with the social norms and expectations traditionally associated with the sex they were assigned at birth.

Transgender: People who self-perceive, feel and express a gender identity that does not correspond to the gender they were assigned at birth. This term includes, for example, transsexual, cross-dressers and intergender people.

Transition: The period during which a transgender person begins to live as the gender with which he or she identifies. Transition may include a change of name, taking hormones, undergoing surgery, and changing legal documents (driver's license, birth certificate) to reflect the gender identified with.

Trans man: A person who was assigned the female gender at

birth and who self-identifies more as a man.

Transphobia: Any kind of violent or discriminatory attitude or act against trans people.

Transsexual: Trans person who undergoes surgery and/or takes hormonal treatments in order to adapt their body to better represent their self-perceived gender identity.

Travesti (cross-dresser): A person who sometimes dresses in clothes traditionally associated with people of a different sex. In Argentina, this term has also commonly been resignified by the sexual diversity movement. In this country, this term is commonly used as a synonym for a trans person without distinguishing the degree of bodily intervention undertaken.

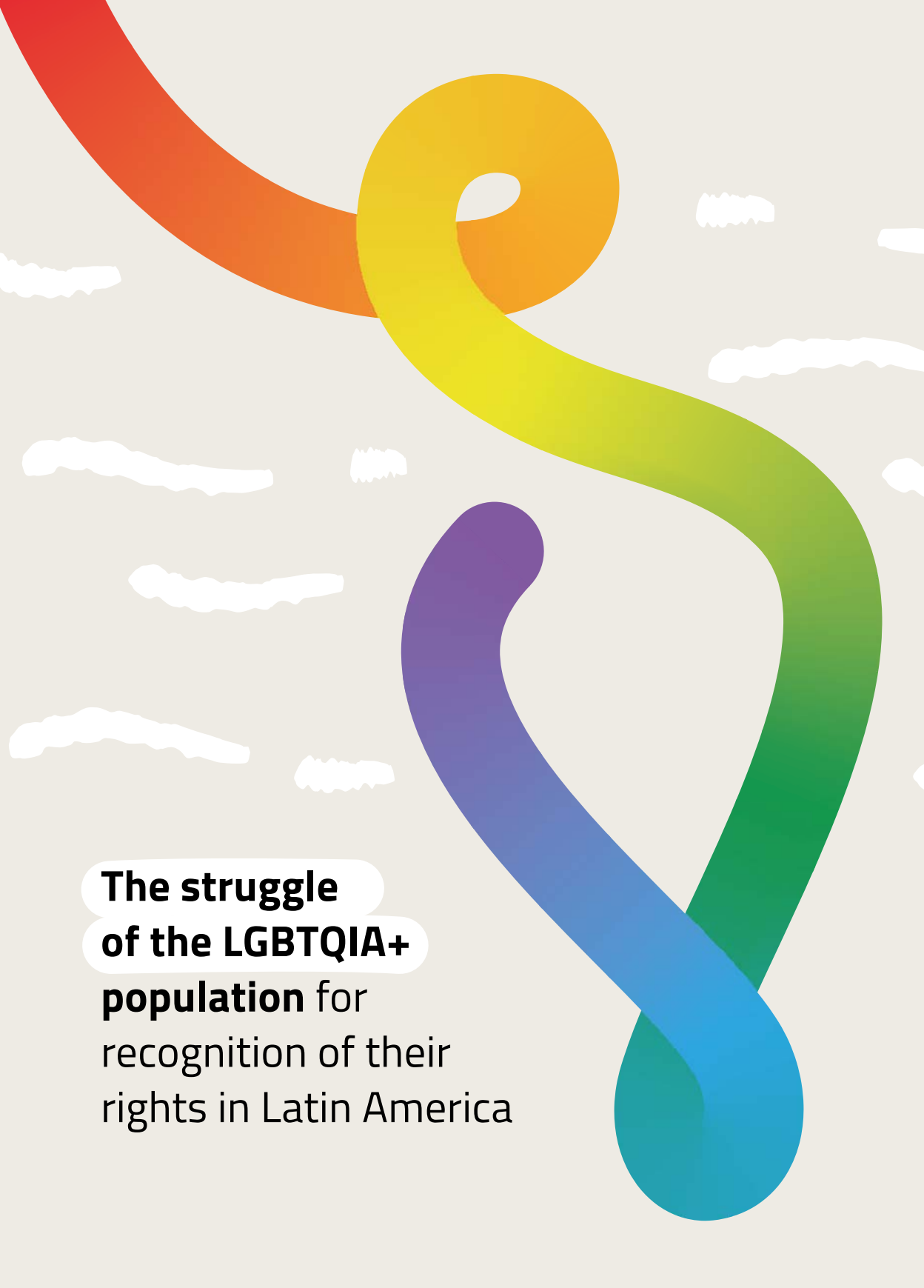
Trans woman: Person who was assigned to the male gender at birth and who self-identifies as a woman.

Sources

Borisonik, Diego L. (2017). Hablar de diversidad sexual y derechos humanos: Guía informativa y práctica. (First edition). https://www.argentina.gob.ar/sites/default/files/guia_diversidad.pdf

Inter-American Commission on Human Rights. (2015). Relatoría sobre los Derechos de las Personas LGBTI. Conceptos Básicos. <https://www.oas.org/es/cidh/multimedia/2015/violencia-lgbti/terminologia-lgbti.html>

Ministerio de Sanidad, Servicios Sociales e Igualdad, Reino de España. (2018). Glosario de términos sobre diversidad afectivo sexual. <https://www.sanidad.gob.es/ciudadanos/enfLesiones/enfTransmisibles/sida/docs/glosarioDiversidad110418.pdf>



**The struggle
of the LGBTQIA+
population** for
recognition of their
rights in Latin America

A brief review of human rights accomplishments in the region

Foreword

This text aims to review pertinent events related to human rights in Latin America, in particular those related to the rights of the LGBTQIA+ population. The complexity of the region's history and the significant differences among Latin American societies and governments make it difficult to create an exhaustive presentation of events on this subject. Mention is therefore made of certain relevant examples of mobilisations, struggles, international jurisprudence and progress in legislation that has been favourable to the human rights of this population.

Given the illustrative nature of this text, possible omissions may occur. Readers are requested to excuse any exclusions in this brief review of human rights achievements for LGBTQIA+ people in Latin American countries.



Illustration by Joos Van Winghe of the first Latin translation of *Brevísima relación de la destrucción de las Indias* (A Short Account of the Destruction of the Indies) - Wikimedia Commons



Human rights precedents

In his text *Brevísima relación de la destrucción de las indias* (A short account of the destruction of the Indies), the Catholic priest Bartolomé de las Casas recorded his concerns regarding the hardships and abuses the Spanish conquistadors inflicted on the Indigenous community living in what is now called Latin America.

The Christians, with their horses and swords and spears commenced committing slaughters and strange cruelties on them. They would go into the villages, where there were no children, no old men, no pregnant women, and no new mothers that they did not cut up and tear to pieces, as if they were slaughtering a flock of sheep. They made bets on who could cut a man in half in one blow, or cut off his head with an axe, or open up his entrails. They took babies up by the legs from their mothers' breasts and whacked their heads on the rocks. (de las Casas, 2011, own translation)

The Dominican friar argued in the fifteenth century in defence of the native peoples of the New World, which can be considered a relevant precedent to the defence of human rights despite the fact that these were not recognised as such until centuries later. The Spanish bishop's arguments sought to preserve the legitimacy of imperial rule in the American colonies based on a caste system, which was key to exploiting the Indigenous, black and mestizo populations under formulas such as the *encomienda* labour system and slavery (López Beltrán, 2008).

In 1789, the French Revolution gave rise to the Declaration of the Rights of Man and of the Citizen. This achievement was complemented two years later by the publication of the *Declaration of the Rights of Woman and of the Female Citizen*, drafted by Olympe de Gouges, pseudonym of the French writer and playwright Marie Gouze. In addition to her defence of women's rights, Olympe de Gouges advocated for the abolition of slavery and denounced the treatment of black slaves in France and its colonies in her literary works.

Olympe de Gouges was sentenced to death for defending her political ideas and died by guillotine on November 3, 1793. Her life, works and death are evidence of the limited scope of political, social and economic rights in the incomplete bourgeois revolutions, which excluded women and other social groups (García, 2013)

The ideas of the Enlightenment unleashed winds of freedom and independence in the American colonies, however, as occurred in the French Revolution, the new republics arising from the emancipation of Spain continued to exclude large segments of the population from the benefits and rights inherent to the exercise of citizenship.

Slavery, a key part of the economy of some American territories, was legal in Brazil until 1888. The Portuguese colony was one of the main destinations for African slave traders: it is estimated that in 1818 around two million people were subjected to slavery (Guerra Vilaboy, 2015). The exploitation of African slaves sustained the large plantations in Brazil and the Caribbean where their importance to the economies of the new nations was deci-

sive in motivating the enlightened Creoles to ignore abolitionist ideas, which were more successful in territories that were less dependent on an enslaved labour force.

In Argentina, Indigenous peoples were marginalised, displaced and murdered during the so-called “Conquest of the Desert”. The Indigenous territories of La Pampa and Patagonia were invaded under the slogans “Order and progress” and “Civilization or barbarism”. The authorities in Buenos Aires launched their military campaigns with the excuse of populating areas that were already inhabited by Indigenous peoples, thus denying these original inhabitants their rights and excluding them from the nation being built (Briones, 2007). This example was reproduced on different scales for most of the new

Enslaved people on a coffee farm, Paraíba Valley, Brazil, 1882 - Wikimedia Commons



states, which continued to deny recognition of the citizenship of their Indigenous inhabitants until recent decades.

Women in Latin America did not gain the right to vote until the middle of the twentieth century, starting with Ecuador in 1929 and Uruguay in 1938. Peruvian women waited until 1956 to be able to vote and to hold office, and it was only on July 5, 1961 that Law No. 704 was enacted in Paraguay granting Paraguayan women their political rights (Martínez, 2021).

The history of human rights in our region has been marked by cycles of progress and regression. The adoption of the Universal Declaration of Human Rights in 1948 and

the American Convention on Human Rights in 1969 represent two milestones in the theoretical formulation, regulation and international recognition of human rights. Despite these advances, the civic-military dictatorships protected by Operation Condor were responsible for executions, forced disappearances, persecutions, censorship, forced exiles and countless human rights abuses in the second half of the twentieth century.

The return of liberal democracy to Latin American countries was accompanied by legislation that ensured impunity and mandatory oblivion. The Full Stop Law and the Law of Due Obedience passed in Argentina during the government of Raúl Alfonsín, illustrate this.

Demonstration for women's right to vote, Argentina, 1948 - Wikimedia Commons



Resistance to oppression and violence

Amidst the turbulent scenario in Latin America, gays, lesbians, bisexuals and transgender people have faced violence of all kinds, with decades of struggle to gain respect for their rights. Women, people of African descent, Indigenous peoples, and other groups that have been discriminated against and whose rights who have been historically denied share with sexually diverse people a trajectory of resistance in the face of oppression and exclusion.

The criminalisation of sexual practices between people of the same sex, one of the main forms of structural violence towards lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) people, was the norm in Latin America for most of the twentieth century. In Ecuador, the first paragraph of Article 516 of the Penal Code criminalised consensual sexual relations between two adults of the same sex: "In cases of homosexuality, which do not constitute rape, both parties will be condemned to be imprisoned for between four to eight years" (own translation).

The Constitutional Court repealed this provision in 1997, after an action of unconstitutionality presented by groups of LGBTQIA+ activists. The judges' ruling was favourable to the homosexual population, declaring the criminalisation of homosexuality to be unconstitutional. This is despite the fact that the reasoning of those who made up the Court of Constitutional Guarantees considered homosexuality to be a disease:

The Court's considerations were: "First, that homosexuality was a disease; second, that the condition of being a disease exempted criminal responsibility; and, third, that decriminalising this disease would prevent it from spreading in prisons." Despite the fact that on May 17, 1990 the World Health Organization (WHO) excluded homosexuality from the International Statistical Classification of Diseases and Related Health Problems (ICD), in Ecuador in the late 90s, the belief persisted that homosexuality was a disease. (Garrido, 2017, p. 41, own translation)

The decision of the Ecuadorian judges was preceded by days of mobilisation and struggle on behalf of the LGBTQIA+ community in response to the indignation caused by police intervention at Abanicos Bar in the city of Cuenca. The police closed down the commercial premises and arrested some people present, who denounced physical abuse and police mistreatment.

Colombia ceased considering voluntary sexual relations between adults of the same sex as criminal in 1980. However, in 1979 homosexuality was incorporated into the Teaching Disciplinary Regime as a cause of misconduct, with LGBTQIA+ people therefore banned from the teaching profession. Article 46 of Decree 2277 of 1979 established "homosexuality, or the practice of sexual aberrations" as a cause of misconduct, with a sanction of postponement and suspension from the national register of teachers and even "exclusion from the roster thus determining dismissal from office."

It was not until 1998 that the Constitutional Court declared this discriminatory rule to be "unenforceable":

the Court concludes that there is no justification for the consecration of homosexuality as a disciplinary offense for teachers. It could be thought unnecessary to declare the unconstitutionality of the accused expression, but rather that it is enough to condition its scope. (Constitutional Court of Colombia, C-4818/98, 1998, own translation)

These judicial decisions, despite their discriminatory and even offensive rhetoric, represented general progress in terms of rights. These rulings and many others were preceded by decades of struggle and resistance by LGBTQIA+ groups in defence of their rights.

The ongoing aggressions, discrimination and

police brutality that sexually diverse communities in the region were constantly subjected to motivated the first mobilisations and resistance. On June 28, 1969, at Stonewall Inn in Greenwich Village, New York, unrest over police harassment sparked protests and mobilization on behalf of the LGBTQIA+ community (Gómez, 2011, p. 37). "The closet was abandoned individually and the struggle was organized collectively, for a cultural political change, framed within youth and student rebellions," says Juan Gómez (2011, own translation) in his work, *Luchas maricas y derechos humanos en América Latina*.

Continuing with the police raid against Stonewall, attendees were tied up and dragged outside the establishment towards the police vehicles. But, for the first time in the history of the city, that police violence against the bar-goers was spontaneously (it is said that a drag queen began the defense against the police) responded to with violence by the crowd that had formed in the street. (p. 38, own translation)

The joint response of transsexuals, gays, lesbians and bisexuals is remembered on a global level every June 28, on the International Day of LGBTQIA+ Pride.

The struggles of LGBTQIA+ communities in the United States resonated with the mobilisations and organised communities in the south of the continent. Large Latin American cities witnessed the birth of LGBTQIA+ groups organising to defend their rights.



Palace of Justice in Bogotá, Colombia - Flickr.com Edgar Zuniga Jr.



Argentine Military Junta at the Casa Rosada, 1976 - Wikimedia Commons

Human rights vs military dictatorships

In Argentina, on November 1, 1968, during the military dictatorship (1966-1973), the Nuestro Mundo group was founded, the first group of homosexual militants in Latin America. In 1971, this group made up of workers, trade unionists and communist militants integrated with other organisations to form the Frente de Liberación Homosexual (FLH), responsible for the publication of the magazine *Somos*, published during the democratic period occurring between 1973 and 1976. The civil-military coup d'état occurring on March 24, 1976 established a period of terror, in which the dictatorship kidnapped, abducted and

murdered thousands of Argentines, including LGBTQIA+ people. Gómez (2011) quotes Catalina Herrera with a very specific description of the measures taken by the Military Junta headed by Videla:

After that date, within a framework of strong political, social and cultural intolerance imposed by the Military Dictatorship, the Department of Public Morality implemented a specific plan to persecute sexual minorities, to the point that courses were given on how to identify victims. (p. 48, own translation)

The persecution, forced exile and the strong repression of its members led to the self-dissolution of the FLH.



Bombing of the La Moneda Palace during the coup d'état of September 11, 1973 in Chile. - Wikimedia Commons

In Brazil, rigid gender roles conformed to even by LGBTQIA+ couples began to break down in the 1950s and 1960s. State capitals and large cities became scenarios for the growth and incipient visibility of gay and lesbian communities, which especially enjoyed freedom at carnival time.

The military coup d'état of March 31, 1964 changed the landscape, with repressive measures such as censorship and police surveillance in the streets creating a political climate that discouraged the formation of LGBTQIA+ groups exactly at a time when these were flourishing in other large countries.

In the 1980s, the violent armed conflict in Colombia was accompanied by a systematic process of attacks on vulnerable social groups classified as undesirable. Homosexuals and transsexuals were the target of assaults, extortion, torture and murders, as were sex workers, homeless youth and street dwellers, all victims of the 'social cleansing' undertaken by paramilitary groups, police and other ac-

tors in the extensive conflict.

1977 saw the founding of the Grupo de Estudio por la Liberación de los Gays (Study Group for Gay Liberation, GELG) in Bogotá, and El Otro (The Other) in Medellín. Both organizations joined to form the Movimiento de Liberación Homosexual Colombiano (Colombian Homosexual Liberation Movement), which fought for the decriminalisation of homosexuality, finally achieved in 1980 (Gómez, 2011, pp. 76-77).

Chile witnessed the first popular demonstration of LGBTQIA+ people on April 22, 1973, during the government of Salvador Allende. According to protagonists interviewed by Víctor Hugo Robles in his book *Bandera hueca*, police brutality motivated the spontaneous mobilization:

We protested because we were tired of discrimination. In those years, if you were on the street and the cops realized that you were a faggot, they took you prisoner, beat you up and cut your hair just for being a faggot. Prisons and police stations were like hotels for us. (pp. 11-12, own translation.)

The pioneering demonstration of the Chilean and regional LGBTQIA+ movement was ridiculed in the press of the time, a reflection of a society that rejected transgender people with horrified scorn. According to Robles, even 'progressive' media reported on the mobilisation scornfully and dismissively:



First Pride March in Buenos Aires, 1992 - Wikimedia Commons

The loose fruits, crazy faggots, desperate for attention, acting as if they were a formidable movement, gathered to demand that the authorities give them free reign for their deviations (...) Among other things, homosexuals want laws to be enacted so that they can get married and do the whole thing without police persecution. What that would lead to! No wonder some old man proposed spraying them with gasoline and throwing a lit match at them. (pp. 15-16, own translation.)

The legitimisation of violence and homophobia in press coverage illustrates the discrimination existing towards the protesters. Their demands were far from being included in the agenda of political, social and cultural change

promoted by the Salvador Allende's Unidad Popular government.

Pinochet's coup d'etat in September of the same year stained Chilean history with blood, with an as yet undetermined number of LGBTQIA+ people included among the victims of exile, torture, murder and enforced disappearance. The military regime's repression forced homosexuals and lesbians to live in silence, invisible and anonymous (Gómez, 2011, p. 55).

The Latin American military dictatorships slowed the progress of the struggles of LGBTQIA+ groups in defence of their rights, but going underground did not prevent these from organising. For example, in Uruguay in the mid-70s the Escorpio group appeared,

which operated despite great difficulties due to the dictatorship's environment of political repression (1973-1985).

HIV, stigmatisation and activism

The emergence of the HIV-AIDS pandemic in the 80s radically transformed the social and political scenario for the Latin American LGBTQIA+ population. The initial impact of HIV on gay men and trans women led to scenarios of stigmatisation, discrimination and violence, also perpetrated by states.

The gradual return of democracy in the countries of the south, and armed conflict in Colombia and Central America marked the new regional scenario, in which the US government, led by President Ronald Reagan, illegally financed the armed struggle against the Sandinista Revolution in Nicaragua and ignored the HIV health crisis in its own territory.

Latin American governments initially responded to HIV-AIDS with raids on gathering places, forcing LGBTQIA+ communities to organise to face up to the violence and the apathy of institutions. The 90s thus saw the birth of a large number of organisations in favour of the human rights of LGBTQIA+ people, seeking health care to address the HIV pandemic as one of their priority demands.

Cuba clearly illustrates the change of attitude with regards to LGBTQIA+ people at the end of the last century, in the context of the early years of HIV-AIDS. The Caribbean country experienced moments of persecution and rejection of LGBTQIA+ people; many homosexuals were admitted to the Military Production Assistance Units, where they performed tasks as a substitute for military service under the motto "Work will make you men". The Cuban Communist Party would not accept membership of openly homosexual people, and the repression and ostracism imposed on the LGBTQIA+ population led many people to exile themselves (Gómez, 2011, p. 66).

The arrival of HIV on the island made clear the need to implement medical, social and human rights measures to ensure health care for the entire population. The disintegration of the Soviet Union also influenced the Cuban government's change of institutional perspective, with the greater cultural influence of European countries and their visitors. These formed the base of the island's tourism industry and one of the main sources of income in the face of the United States' economic blockade.

The organisation and mobilisation of Latin American LGBTQIA+ communities contributed to action for health care against HIV be implemented in each country. Their struggles have also been key to securing legal and cultural victories. The visibility of

gays, lesbians, bisexuals and transexuals in all fields also contributes to promoting a change towards more informed, tolerant and respectful societies.

The creation of the National Center for Sex Education (CENESEX) and its work towards the recognition of the rights of the Cuban LGBTQIA+ population is evidence of the island's authorities' change in attitude.



21st LGBT Parade in São Paulo, 2017 - Flickr.com Mídia NINJA





Visibility and demands

Pride marches, representing expressions of the diversity and visibility of Latin American LGBTQIA+ populations, have also multiplied in the region.

"Freedom, Equality, Diversity" was the motto of the first Pride March held in the city of Buenos Aires, Argentina, on July 2, 1992.

Since then, the March has been held without interruption, becoming the most important public event of the lesbian, gay, bisexual, cross-dresser, transsexual, transgender, intersex and queer community. It aims to make visible the demands, achievements and pride of each sexual orientation, gender identity and expression. (Ministry of Culture, Argentina, own translation)

"Let them realize that we exist, that we are many, and that we have the right to live like everyone else," said an attendee at the second Pride March in Buenos Aires, in 1993. "Equal and Free in Diversity" was the motto of the mobilisation demanding separation between

the Catholic Church and the State, the creation of a civil registry to recognize civil unions between people of the same sex, and recognition of gender identity.

In 1997, approximately 2000 people occupied Paulista Avenue in São Paulo, with a clear message: "We are many, we are everywhere and we are in all professions." Since then, the São Paulo Pride Parade has attracted millions of people every year.

Gómez (2011) describes the importance of the São Paulo LGBT Parade to LGBTQI+ struggles in Latin America:

The main objective of the parade is to offer visibility to the diverse socio-sexual communities and to encourage the creation of public policy for lesbians, gays, bisexuals, cross-dressers and transexuals. The main strategy is to occupy public spaces to raise the self-esteem of LGBTT people and to sensitise society to coexisting with diversity. It seeks to set an example of democracy and citizenship, to champion human rights and to influence public opinion with regards to the demands of discriminated populations (p. 120, own translation).

These mobilisations were in support of demands such as the recognition of same-sex civil unions and the gender identity of trans people. The adoption of laws that criminalise homophobia and discrimination based on sexual orientation and gender identity is an-

other of the demands made in gay pride parades. These demands have been rejected by conservative sectors and have fallen on deaf ears with respect to the national authorities.

The 1990s revealed the asymmetries within Latin American societies with regard to the rights of LGBTQIA+ people. Argentina, Brazil and Uruguay began to hold discussions regarding LGBTQIA+ human rights, while in other countries LGBTQIA+phobia, the rejection of LGBTQIA+ identities, was widespread and affected institutional action.

In 1990, the year in which the World Health Organisation stopped considering homosexuality to be a mental illness, the government of Costa Rica issued a directive to "prevent the entry of any woman suspected of being a lesbian into the country and thus prevent her participation in a 'Lesbian-Feminist Congress'".

News of the 'Second Latin American Lesbian Congress' to be held in the Central American country provoked the immediate censure of the Archbishop of San José and the reaction of the Costa Rican authorities, who sought to prevent the event. "Government to obstruct Lesbian Congress" was the headline of the newspaper La República when reporting the actions of the Costa Rican government:

Due to its attacking education, and the moral and religious principles characterising Costa Rican culture, the Ministry of the

Interior has decided to establish a series of obstacles to prevent the holding of the Lesbian-Feminist Congress in our country, which was to take place from April 23 to 27," said Lic. Antonio Álvarez Desanti, Minister of the Interior and Police. (Quesada, 1990, own translation)

Despite the opposition of the government of the Nobel Prize-winning president, Oscar Arias, and the censorship of the Catholic Church, the Lesbian Congress took place on a private estate close to the capital.

Human rights issues

In 2004 in Chile, the Fourth Chamber of the Supreme Court of Justice ruled against Karen Atala Riffo, a lesbian woman living with her partner, to give final custody of her three daughters to the father, from whom she had separated two years earlier. The Chilean supreme court's ruling considered that Atala's sexual orientation could put her daughters at risk. This decision institutionalised discrimination and introduced old prejudices to the new millennium:

That, in the same order of consideration, it is not possible to fail to recognize that the mother of the minors involved, on deciding to make her homosexual condition explicit, as any person may freely do within the scope of their personal rights with respect

to sexual gender, without deserving any legal reprobation or reproach for this, she has placed her own interests first, relegating those of her daughters, particularly on commencing to cohabit with her homosexual partner in the same home in which the upbringing and care of her daughters is conducted separately from their father; (...) Which, apart from the effects that such cohabitation may cause the wellbeing and the psychological and emotional development of her daughters, taking into account their ages, the eventual confusion with respect to sexual roles that may befall them due to the lack of a male parent in the home and the replacement

of this by another person of the female gender, constitutes a situation of risk for the comprehensive development of the minors, from which they must be protected. (Fourth Chamber of the Supreme Court of Chile, 2004, own translation)

The case reached the Inter-American Commission on Human Rights (IACHR), which declared it admissible in 2008. In 2012, the Inter-American Court of Human Rights (I/A Court HR) unanimously condemned the State of Chile for violation of the right to equality and non-discrimination:

The Court declares that:

President Cristina Fernández de Kirchner signs the decree promulgating the Same-Sex Marriage Law, 2010 - Wikimedia Commons
Presidency of the Argentine Nation



The State is responsible for the violation of the right to equality and non-discrimination enshrined in Article 24, with regards to Article 1.1 of the American Convention on Human Rights, to the detriment of Karen Atala Riffo (...). The State is responsible for the violation of the right to private life enshrined in article 11.2, with respect to Article 1.1. of the American Convention, to the detriment of Karen Atala Riffo. (Inter-American Court of Human Rights, 2012, own translation)

The historic ruling established the international responsibility of the Chilean state for discriminatory treatment in withdrawing the care and custody of her daughters from Karen Atala Riffo due to her sexual orientation. The merits analysis of the ruling made explicit the scope of the American Convention on Human Rights and its protection of the sexual orientation of individuals:

... the Inter-American Court establishes that the sexual orientation and gender identity of individuals are categories protected by the Convention. Therefore, any discriminatory rule, act or practice based on a person's sexual orientation is prohibited by the Convention. Consequently, no regulation, ruling or practice in domestic law, whether by State authorities or by individuals, may diminish or restrict, in any way, the rights of a person based on his or her sexual orientation. (Inter-American Court of Human Rights, 2012)

The Court's decision established a precedent: This was the first ruling on the human rights of the LGBTQIA+ population and established international jurisprudence binding to all countries in the American continent adhering to the American Convention on Human Rights signed in San José, Costa Rica.

LGBTQIA+ rights on the public agenda

Increased access to comprehensive information and education on human sexuality has promoted increasingly favourable environments towards the causes of LGBTQIA+ groups in the region. Latin American societies and some governments have adopted more respectful attitudes towards sexual diversity.

In 2010, Argentina was at the forefront of progress in the field of LGBTQIA+ human rights on its debating and legalising same-sex marriage in both chambers of its Congress. The legislation promoted by the Argentine Federation of Lesbians, Gays, Bisexuals and Trans people under the slogan "The same rights, with the same names" was promulgated by President Cristina Fernández, accompanied by political sectors and rights organisations such as Madres y Abuelas de Plaza de Mayo. Fernández recalled the sanction on women's political rights 58 years previously during the event at the Gallery of Latin American Patriots:



Judges of the Inter-American Court on Human Rights, 2019 - Flickr.com CortelDH

...I don't know how she would have felt—and when I say "she", I mean Eva Peron—when she witnessed the vindication of the political rights of women. 58 years ago we could not vote and here we are, look where we are now! And also (...) that's why I say that we have a slightly more equal society. It lacks many things, it lacks all people being able to have a job, a good job, the right to safety, to health, to housing, to education, for everyone, but I think we have made and we have constituted a fundamental milestone on the path of equality. (Argentine Public Television, 2010, own translation)

Same-sex marriage progressed with a domino effect in the region's countries.

Argentina was followed by Uruguay and Brazil in 2013 and Colombia in 2016. Other countries included recognition of the rights of same-sex couples in their laws, such as civil unions, approved in Chile in 2015 and in Ecuador in 2008.

Advisory Opinion OC-24/17 "Gender identity, and equality and non-discrimination towards same-sex couples", requested of the Inter-American Court of Human Rights in 2016 by Costa Rica under the initiative of then Vice President Ana Helena Chacón, marked a turning point regarding the advancement of human rights of LGBTQIA+ people in the American continent.

The Court found that the American Convention on Human Rights protects the patrimonial rights of same-sex couples and that the member states of the Inter-American Human Rights System must guarantee the access of LGBTQIA+ couples to civil marriages.

In accordance with articles 1.1, 2, 11.2, 17 and 24 of the Convention, States are required to guarantee access to all existing provisions in domestic legal systems, including the right to marriage, in order to ensure the protection of all the rights of families made up of same-sex cou-

ples, without discrimination with respect to those constituted by heterosexual couples. (Inter-American Court of Human Rights, 2017, p. 88)

Ecuador responded to the Inter-American Court of Human Rights' ruling by recognising same-sex marriage in 2019, as did Costa Rica, where same-sex couples were able to enter into legal matrimony as of May 26, 2020.

The ruling also represented a key achievement for the rights of trans people, in determining that the American Convention on Human Rights protects the right to gender identity, with the respective name changes

on identification documents and with regards to physical image:

Name change and in general the updating of public records and identity documents such that these accord with self-perceived gender identity constitutes a right protected by articles 3, 7.1, 11.2 and 18 of the American Convention, with respect to 1.1 and 24 of the same instrument. As a consequence, affiliated states are obliged to recognise, regulate, and establish the appropriate procedures for such purposes. (Inter-American Court of Human Rights, 2017, p. 87)

Protest against the Coup in Honduras, 2009 - Wikimedia Commons



The IACHR Court's text mentioned Argentina's 2012 Gender Identity Act as an example of legislation respectful of the identity of transgender people:

Argentine Act No. 26,743, which establishes the right to the gender identity, stipulates in Article 1 that each individual has the right to "be treated in accordance with their gender identity and, in particular, to be identified in this way in the instruments that prove their identity with respect to the registration of given name(s), image and sex." (Inter-American Court of Human Rights, 2017, p. 56)

The advisory opinion allowed the human rights of LGBTQIA+ people recognised in some countries to be extended to other territories affiliated to the Inter-American System of Human Rights.

Regional inequalities

Progress in LGBTQIA+ human rights has been uneven in Latin America. The achievements made in some countries contrast with the violence and discrimination experienced in other territories, including those perpetrated by the authorities.

Following the 2009 coup d'état in Honduras, the climate of violence and repression in-

tensified, creating a scenario in which many LGBTQIA+ people sought to migrate and request refuge in other countries. The situation of violence and intolerance in the so-called Northern Triangle of Central America (Honduras, El Salvador and Guatemala) has led gay, lesbian, bisexual and transsexual people to join the migrant caravans traveling to the United States. Added to poverty and inequality as reasons to migrate are the discrimination and violence inflicted by gangs, authorities and even families.

The International Organization for Migration (IOM), part of the United Nations system, has collected information from the Inter-American Commission of Human Rights on violence inflicted against LGBTQIA+ people:

In 2013, the Inter-American Commission of Human Rights (IACHR) documented the murder of at least 120 LGBTI people in Central America (79 in Mexico, 30 in Honduras, 6 in El Salvador, 3 in Guatemala and 2 in Nicaragua). On the other hand, 13 people (8 in Mexico, 2 in Honduras, 2 in Panama and 1 in El Salvador) were victims of non-lethal attacks apparently related to their sexual orientation, gender identity or gender expression. (Serrano, 2017, own translation)

Migrants experience discrimination, xenophobia and racism firsthand, regardless of their sexual orientation or gender identity. The fact of being gay, lesbian, bisexual or



Velatón en memoria de Daniel Zamudio. Santiago de Chile, 2016 - Flickr.com I. Municipalidad de Santiago

transgender and the resulting climate of hostility these people experience in their homelands motivates them to face the risks of migrating in the hope of finding asylum in countries which are supposedly safer to their existence, where sadly their human rights are also violated due to their being migrants or asylum seekers.

This situation is also pointed out by the psychologist Noemy Serrano in the IMO text

their mobility, who identifies the double stigma of being LGBTQIA+ and migrants:

However, this violence and discrimination does not stop during their mobility, it could be said that it worsens in the

countries of transit and destination. Added to the prejudices and stigma towards LGBTI people is the stigma of being a migrant; both result from structural causes that sustain social practices, that is, where cultural patterns are reinforced by regulations, laws and standards based on heteronormative logic or where the vision of migration is based solely on the paradigm of national security, and therefore violations of the human rights of these people will certainly be perpetuated. (Serrano, 2017, own translation)

According to the United Nations High Commissioner for Refugees (UNHCR), among the refugee applications made by the LGBTQIA+

population on the border between Mexico and Guatemala in 2016 (sixty-five in total), more than half were made by trans people who were fleeing extortion, discrimination, domestic and gang violence, sexual exploitation and forced recruitment for the transportation of drugs.

Legislation against discrimination

The increase in asylum applications for LGBTQIA+ Central Americans has occurred despite tentative progress in legislation against discrimination:

Although in El Salvador, Nicaragua and Costa Rica laws have been introduced

against discrimination based on sexual orientation, the region still lacks a classification of hate crimes within crimes related to murder and other forms of violence based on sexual orientation or gender identity. In the cases of Honduras and El Salvador, although articles of the criminal code have been amended to aggravate those cases where it is evident that crimes were motivated by hatred or discrimination, or were committed with manifest cruelty, civil society organizations denounce impunity in the judicial proceedings for such cases. (Serrano, 2017)

Acts of violence and discrimination against non-heterosexual people occur all over the continent. Occasionally these situations are brought to the attention of the public sphere and motivate changes in the attitude of governments and societies.

Daniel Zamudio, a young gay student in Chile, was twenty-four years old when he was attacked in a park in Santiago by a group of youth apparently motivated by neo-Nazi ideas. The beatings and torture he was subjected to led to his death on March 27, 2012. The brutal crime caused an uproar in Chilean society and led to the passing of an Anti-Discrimination Law.

Article 2, Instrument I of Law 20609 of July 2012 defines discrimination for the purposes of the legislation as follows:



arbitrary discrimination is understood to mean any distinction, exclusion or restriction that lacks reasonable justification, made by state agents or individuals, and that causes deprivation, disturbance or threat to the legitimate exercise of the fundamental rights established in the Political Constitution of the Republic or in the international human rights treaties ratified by Chile and in force, in particular when these are based on reasons such as race or ethnicity, nationality, socio-economic status, language, ideology or political opinion, religion or belief, unionisation or participation in trade union organisations or the lack thereof, sex, maternity, breastfeeding, bottle-feeding, sexual orientation, gender identity or gender expression, marital status, age, affiliation, personal appearance, illness or disability. (Law 20,609, 2012, own translation)

Few countries in Latin America have legislated to punish discrimination. In 2003, Uruguay passed an amendment to Article 149-bis of the criminal code, which defines hate crimes “against one or more individuals due to the colour of their skin, their race, religion, national or ethnic origin, sexual orientation or sexual identity” (own translation). In 2004, it passed Law 17,817, which declared national interest in “the fight against racism, xenophobia and all other forms of discrimination”. Article 2 defines discrimination to include gender and sexual orientation and identity:

For the purposes of this Act, discrimination shall be understood as all distinction, exclusion, restriction, preference or exercise of physical or moral violence based on race, skin colour, religion, national or



ethnic origin, incapacity, aesthetic appearance, gender, sexual orientation or sexual identity, which has as its object or result nullifying or lessening the recognition, enjoyment or exercise, under conditions of equality, of human rights and fundamental freedoms in political, economic, social, cultural spheres or any other sphere of public life. (Law 17,817, 2004, own translation)

Conservative backlash

Progress in the field of human rights for the LGBTQIA+ population in the region has resulted in the emergence of groups on the political scene linked to the extreme right and religious fundamentalists, which put forth anti-rights and openly LGBTQIA+phobic discourse.

With the support of neo-Pentecostal churches and the most conservative sectors of the Catholic Church, these groups are mobilising to reject same-sex marriage, recognition of the gender identity of trans people, and even seek to deny access to abortions to women and pregnant people.

“A mis hijos los educo yo” (I’m the one who educates my children) is one of the slogans used by these groups seeking to deny public sector educational institutions from granting comprehensive scientific and secular sex education. In countries such as Peru and Paraguay, these anti-rights orga-

nizations have been relatively successful in their crusade against what they call “gender ideology”, while rejecting all progress on issues of gender and sexuality.

In Brazil, antecedents of the fleeting political rise of Jair Bolsonaro's misogynistic, racist and homophobic discourse were seen in the 2016 parliamentary coup against President Dilma Rousseff and the political disqualification of former President Lula da Silva in a process full of irregularities that was later dismissed by the Brazilian Supreme Court in 2021. The complicity of business leaders, right-wing political parties, Christian fundamentalist groups and the mass media legitimised the violent ideas of the extreme right-wing candidate, who embodied the coming to power of anti-rights sectors and fascist tendencies.

In March 2018, leftist, lesbian and Afro-descendant councilwoman Marielle Franco was murdered in Rio de Janeiro. In October of that year, Bolsonaro, the candidate recognised for numerous expressions of contempt for women and sexually diverse people, triumphed in the second round of Brazilian elections. The two events represented a blow to human rights and a serious threat to Brazilian democracy.

The murder of the human rights defender and feminist activist continues to go unpunished, with the intellectual actors of the crime never having been accused.¹The publication of photographs of the far-right president with one of the people accused of the murder of Marielle

Franco and his driver Anderson Gomes (Re-dacción Veja, 2019) has generated doubts as to the relationships between criminal elements and Bolsonaro's political and family circles.²

In an event that was described as a setback to the far-right government, Brazil's Federal Supreme Court (STF) declared homophobia and transphobia to be crimes equivalent to racism.

The ruling was made public in October 2020 and was approved by a majority of the eleven judges of the highest Brazilian judicial court. Despite the hostility of government authorities, this milestone was achieved thanks to the history of mobilisation and the arguments made in defence of human rights.

Until a law emanating from the National Congress emerges aimed at enforcing the criminalisation orders defined in paragraphs XLI and XLII of Article 5 of the Constitution of the Republic, homophobic and transphobic behaviours, whether real or alleged, that involve hateful aversion to someone's sexual orientation or gender identity, shall be taken to be expressions of racism, understood in its social aspect, by motivation or by typical adaptation, to be equivalent to the primary precepts of incrimination defined in Law No. 7,716 of 08/01/1989. (Supreme Federal Court, 2020, own translation)

1. On March 24, 2024, the Brazilian Federal Police arrested the brothers Chiquinho Brazão and Domingos Brazão, respectively a federal deputy for the União Brasil party and an advisor to the Court of Accounts of the State of Rio de Janeiro, accused as intellectual authors for the murder of councilwoman Marielle Franco. The former head of the Civil Police of Rio de Janeiro Rivaldo Barboza was also arrested, accused of obstructing investigations to ensure that the case went unpunished (Saccone, 2024)

2. Journalistic investigations give an account of the links between the Bolsonaro family and the Brazão brothers, alleged intellectual authors of the murders. See article "Los vínculos de la familia Bolsonaro con los asesinos de Marielle Franco" on the website ctxt.es, and "Famílias Bolsonaro e Brazão têm muito em comum: ligação com a milícia e terrenos na zona oeste do Rio", The Intercept Brasil (text in Portuguese).



Outstanding tasks

In a context of progress and setbacks in the field of human rights, the Latin American LGBTQIA+ population continues its struggle to attain full rights. In countries in which legislation has favoured the recognition of gender identity and same-sex marriage, progress is still needed on issues such as non-discrimination, comprehensive sex education in schools and colleges, and access to education, health services, work, housing and more.

There are increasing gaps between Latin American countries at the forefront of recognising human rights and those where prejudices and macho societies continue to impose their anti-rights criteria. The action of ultra-conservative political and religious groups has contributed to widening these inequality gaps in the field of human rights.

Given this scenario, education to change the ideas of macho Latin American societies is fundamental, as is making the voice of all human rights defenders heard to expose regressive positions and to disarm messages of hate. The regulations and organisations making up the Inter-American Human Rights System have

also played a key role in the progress achieved in these issues in the region.

Even in the most progressive countries in terms of LGBTQIA+ human rights issues, there are political sectors that put forth openly homophobic and discriminatory positions. For example, in 1997 in Argentina, the now former President Mauricio Macri used terms such as “disease” and “unwanted deviation” when denying the possibility of hiring a gay soccer player to play with Boca Juniors, the soccer club he was president of at the time.

In July 2020, Alberto Fernández, who replaced Macri in the Argentine Presidency, celebrated the ten-year anniversary of the promulgation of the Same-Sex Marriage Act. His government took measures in defence of the LGBTQIA+ population. The Travesti Trans Job Quota in the public sector, passed by the Argentine Congress in June 2021, guarantees a minimum of 1% of total positions and contracts for cross-dresser or transgender people.

ARTICLE 1°.- LABOR QUOTA. It is established that, in the National Public Sector,

under the terms of Article 8 of Act No. 24,156, staff positions must be filled in a proportion of not less than ONE PERCENT (1%) of the totality by cross-dressers, transsexuals and transgender people who meet the conditions of suitability for the position. This percentage must be assigned to the aforementioned persons in any of the current contracting modalities. (Decree 721/2020, 2020, own translation)

This law, the second on the continent after a similar one was passed in Uruguay in 2018, shows the path of progress towards greater social inclusion and full respect for the human rights of all people.

Intersectionality and the broadening of rights

Social inequality and limited access to human rights in Latin America are aggravated by the combination of characteristics such as gender, ethnicity, social class, sexual orientation, religion, nationality and immigration status. The intersectionality or combination of two or more of these characteristics constitutes scenarios of greater violence and discrimination.

Respect for human rights implies that governments, institutions, organisations and society in general take into account inter-

sectionality, striving to eliminate any kind of discrimination in search of greater social justice.

Universal health care, free public education, the availability of safe drinking water, housing and food, and a healthy and balanced environment are some of the economic, social and cultural rights included within human rights. The action of states, organisations and institutions must be oriented towards achieving these rights for all peoples.

The struggle continues

The first edition of this document was published in 2021. Given the constant changes faced by LGBTQIA+ populations, at the beginning of 2024 the decision was made to make a second edition, with a succinct update on the struggles of LGBTQIA+ people in defence of their rights in recent years.

As for the progress of legislation in favour of the protection of LGBTQIA+ rights, two new countries have recognized same-sex marriage as a right. On December 7, 2021, the Chilean Congress passed the Same-Sex Law, which entered into force in March 2022 (Montes, 2021). Cuba submitted the new Family Code to referendum, which established the legal framework allowing same-sex marriage on the island. This legislation was passed by a wide majority of the Cuban



population on September 25, 2022 (BBC News Mundo editorial Office, 2022)..

In Mexico, the thirty-two states that make up the United Mexican States finally approved same-sex marriage after the Tamaulipas Congress voted in favour of the legislation on October 26, 2022, a day before the Congress of Guerrero approved of same-sex marriage with thirty-eight votes in favour, six against and two null votes (Deutsche Welle, 2022). This was the culmination of a process that began with the entry into force of same-sex marriage in Mexico City in 2010 and included repeated rulings by the Mexican Supreme Court of Justice ratifying the constitutionality of the reforms (Maguey, 2022).

Transgender people continue to fight in defence of their rights despite a strong conservative stigmatising, discriminatory campaign being undertaken against them. In the face of achievements such as same-sex marriage, ultraconservative reactionary sectors have gone to great efforts to make trans people

targets of unfounded attacks and hate messages. The recognition of the gender identity of trans people remains unfulfilled in most countries, in addition to the fact that these people continue to be the main victims of discriminatory and violent actions.

Brazil starkly illustrates the reality of trans people in the region, where in particular trans women of African descent are victims of violence because of their gender identity and skin colour. Between 2014 and 2019, there were 1644 hate-motivated murders, with 52% of the victims being LGBTQIA+ people (Durán, 2023).

In terms of legislation, only Argentina, Bolivia, Colombia, Chile, Ecuador, Panama and Uruguay have passed laws that allow individuals to change their sex and name on official documents. In the case of Costa Rica, Decree 7-2018 allows adult individuals to change their name if this differs from their self-perceived gender identity, and in Brazil the Federal Supreme Court has implemented public policies so that anyone can assume the social name of their choice (Durán, 2023).

Conversion torture

The defence of LGBTQIA+ human rights has opened another front of struggle against so-called "conversion therapies". The UN's *Independent Expert Report on protection against violence and discrimination based on sexual*

orientation or gender identity defines these as follows:

The term “conversion therapy” is used generically to refer to interventions of various kinds based on the belief that people's sexual orientation and gender identity, including gender expression, can and should be changed or repressed when these do not conform to what others consider, at a certain time and situation to be the desirable norm, particularly when it comes to lesbian, gay, bisexual, transgender and gender diverse people. These practices always have the objective of converting non-heterosexual people into heterosexuals, and transgender or gender diverse people into cisgender ones. Depending on the context, the term is used to designate a wide variety of practices and methods, some of which are carried out clandestinely and, therefore, have been little documented. (United Nations Organization [UN], 2020)

The report notes that these practices lead to psychological and physical pain and suffering, permanently affecting the mental health and self-esteem of the LGBTQIA+ people surviving these processes. The report reviews a survey made of 8,000 people in 100 countries, which indicates that victims suffered suicidal thoughts, irreparable physical harm, depression, anxiety, self-hatred and shame.

In the Latin American region these so-called therapies, also called sexual orientation and gender identity change efforts (SOGICE), are prohibited or restricted in several countries. According to a graph put out by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), in Latin America there are restrictions in force for these practices in Brazil, Ecuador and Chile, with indirect restrictions in force in Argentina, Chile, Paraguay and Uruguay. Indirect restrictions refer to the providers of these supposed services being banned from offering them, since some countries have generally prohibited the use of SOGICE, while other jurisdictions restrict them exclusively for mental health professionals (ILGA, 2024).

The broadening of restrictions against offering these alleged therapeutic services is necessary, since the UN report cited above makes it clear that said practices, equivalent to torture, are carried out not only by medical professionals, but also by religious leaders and people related to faith groups for various religious denominations (UN, 2020).

In Colombia, Costa Rica and Peru, legislative proposals have been presented to prohibit these torture practices, which are still pending debate and eventual approval in their respective parliaments (ILGA, 2024). In the case of the Costa Rica, conservative President Rodrigo Chaves has expressed his opposition to the bill prohibiting these degrading acts (Pomareda, 2024).

Unfortunately, these practices continue to be very frequent in Latin America and the Caribbean, where LGBTQIA+ people have been "victims of exorcisms by churches or healers, 'corrective' rapes, and forced psychological treatments, among other atrocities" (United Nations [UN], 2022). These deeds qualify as torture, cruel, inhuman and degrading treatment, and result in LGBTQIA+ youth being three times more likely to leave educational institutions than people who do not identify as LGBTQIA+ (UN, 2022).

Discrimination as a state policy

The coming to power of authoritarian and far-right leaders in different countries in the region have contributed to an increase in discrimination and hate crimes against LGBTQIA+ people.

In Argentina, the policies of dismantling state institutions imposed by far-right Javier Milei included the closure of the Ministry of Women, Gender and Diversity, as well as the dissolution of the National Institution against Discrimination, Xenophobia and Racism (IN-ADI for the initials in Spanish). In addition, the president himself, the chancellor and other officials and members of the president's inner circle have made offensive and discriminatory statements about LGBTQIA+ people (Rios, 2024).

In this political context, a triple lesbicide took place that shocked the entire country. The early morning of May 6, 2024, Pamela Cobbas, Roxana Figueroa, Andrea Amarante and Sofía Castro, four lesbian women sharing a room in a boarding house in the Barracas neighbourhood of Buenos Aires were attacked with an incendiary device. Only Sofia survived the brutal attack. Argentine LGBTQIA+ organisations consider these murders to represent an obvious hate crime motivated by the hostile environment and the hate speeches coming from the authorities themselves (Rios, 2024). These latter even went so far as to rule out the attack being motivated by the victims' sexual orientation (Murillo, 2024).

It is not only in Argentina that authorities have implemented public policy that is hostile towards LGBTQIA+ people. In El Salvador, President Nayib Bukele left behind his past as a progressive mayor of the left-wing FSLN party, a position from which he openly supported LGBTQIA+ groups, to become an authoritarian leader closely linked to the global ultra-right (Public File, 2024). At a conference of ultraconservatives held in the United States, Bukele announced the elimination of what he called "gender ideology" from the school curricula, prohibiting comprehensive sex education and eliminating a gender perspective (Bukele eliminó la perspectiva de género en la educación pública, 2024). His consolidation as an anti-LGBTQIA+ figure came in May 2024, when he ordered

the dismissal of 300 workers from the Ministry of Culture after the presentation of a play about the inequalities faced by LGBTQIA+ people, which was described as 'immoral' (Luna, 2024).

The Costa Rican president, Rodrigo Chaves, imitated his Salvadoran colleague in June 2024, dismissing the minister of culture and the commissioner of social inclusion after both officials approved a declaration of cultural interest for the LGBTQIA+ Pride March that takes place at the end of June in the city of San José (Oviedo, 2024). The government announced that the march did not have the corresponding permits although the organisation had made the necessary arrangements on time. The Pride March took place despite the obstacles imposed by the government, such as the absence of traffic officers for the protection of the participants.

Given these changing scenarios in terms of progress and setbacks in the field of LGBTQIA+ human rights in Latin America, it is worth questioning the role played by trade union organisations and, particularly, by public education unions. It is possible and necessary to include the defence of the human rights of LGBTQIA+ students, teachers and parents in the agenda of trade union struggle. As unions in the education sector, the struggle for the right to education of all people should be unceasing. This includes respect for the human rights of LGBTQIA+ people.



Referencias

Asociación Internacional de Personas Lesbianas, Gays, Bisexuales, Trans e Intersex (ILGA). (9 de octubre de 2024). Marcos Jurídicos. Prohibición de las mal llamadas "terapias de conversión". <https://database.ilga.org/prohibicion-terapias-conversion>.

BBC News Mundo. (September 26, 2022). Código de las Familias: Cuba aprueba el marco legal para el matrimonio entre personas del mismo sexo. BBC News Mundo. <https://www.bbc.com/mundo/noticias-america-latina-63038003>.

Briones, Claudia and Delrio, Walter. (2007). "La Conquista del desierto desde perspectivas hegemónicas y subalternas". RUNA, Revista de la Facultad de Filosofía y Letras XXVII: 23-48.

Bukele eliminó la perspectiva de género en la educación pública. (March 1, 2024). Página 12. <https://www.pagina12.com.ar/716925-bukele-elimino-la-perspectiva-de-genero-en-la-educacion-publ>.

Constitutional Court of Colombia. (1998). Ruling C-481/98. <https://www.corteconstitucional.gov.co/relatoria/1998/c-481-98.htm>.

De las Casas, Bartolomé. (2011). Brevisima relación de la destrucción de Las Indias. (1st ed.). Editorial Universidad de Antioquia.

Deutsche Welle. (October 27, 2022). Matrimonio igualitario ya es legal en todo México. DW.com. <https://www.dw.com/es/matrimonio-igualitario-ya-es-legal-en-todo-m%C3%A9xico/a-63569509>.

Durán, Diego. (March 21, 2023). ¿Cómo va América Latina en materia de inclusión de la comunidad trans? Infobae. <https://www.infobae.com/lgbt/2023/03/31/como-va-america-latina-en-materia-de-inclusion-de-la-comunidad-trans/>.

Expediente Público. (July 15, 2024). Nayib Bukele: de progresista a ultra conservador contra la agenda LGBTQ+. Expediente Público. <https://www.expedientepublico.org/nayib-bukele-from-progressive-to-ultra-conservative-against-the-LGBTQ-agenda/>.

Filho, João. (March 23, 2024). Famílias Bolsonaro e Brazão têm muito em comum: ligação com a milícia e terrenos na zona oeste do Rio. The Intercept Brasil. <https://www.intercept.com.br/2024/03/23/familias-bolsonaro-e-brazao-tem-muito-em-comum-ligacao-com-a-milicia-e-terrenos-na-zona-oeste-do-rio/>.

García, J. (May 2013). Olympe de Gouges y la Declaración de los Derechos de la Mujer y la Ciudadana. Programa Universitario de Derechos Humanos Universidad Nacional Autónoma de México, Perseo. <https://www.pudh.unam.mx/perseo/olymp-de-gouges-y-la-declaracion-de-los-derechos-de-la-mujer-y-la-ciudadana-2/>

Referencias

Garrido Álvarez, Rafael José. (2017). La despenalización de la homosexualidad en Ecuador: el legado de la acción colectiva LGBTI. Quito: Universidad Andina Simón Bolívar, Sede Ecuador. https://repositorio.uasb.edu.ec/bitstream/10644/5776/1/PI-2017-04-Garrido-La%20despenalizacion%C3%B3n.pdf?fbclid=IwAR-0SUaAtr5qt8J_zFmXbqFumNI-OTtEXQc4XUdt3S-dHK_l9A_ZDq54ql4.

Guerra Vilaboy, Sergio. (2015). Historia mínima de América Latina. (1st ed.). Centro de Investigaciones sobre América Latina y el Caribe, Universidad Nacional Autónoma de México.

Gutiérrez, Bernardo. (March 28, 2024). Los vínculos de la familia Bolsonaro con los asesinos de Marielle Franco. Revista Contexto. <https://ctxt.es/es/20240301/Politica/45987/Bernardo-Gutierrez-Bolsonaro-ma-fia-murder-hitman-Marielle-Franco-Brazil.htm>.

Inter-American Court on Human Rights. (February 24, 2012). Caso Atala Riffo y niñas vs. Chile. https://corteidh.or.cr/docs/casos/articulos/seriec_239_esp.pdf.

Inter-American Court on Human Rights. (November 24, 2017). Advisory Opinion OC-24/17. https://www.corteidh.or.cr/docs/opiniones/seriea_24_eng.pdf.

International Association of Lesbian, Gay, Bisexual, Trans and Inter-sex (ILGA). (October 9, 2024). Marcos Jurídicos. Prohibición

de las mal llamadas “terapias de conversión”. <https://database.ilga.org/prohibicion-terapias-conversion>.

López Beltrán, Carlos. (2008). “Sangre y temperamento. Pureza y mestizaje en las sociedades de castas americanas”. In Frida Gorbach & Carlos López Beltrán. Saberes locales. Ensayos sobre historia de la ciencia en América Latina.

Luna, Stanley. (June 27, 2024). Día del Orgullo: cuáles son los países más hostiles para la comunidad LGBTQ+ en América Latina. Página 12. <https://www.pagina12.com.ar/747688-dia-del-orgullo-cuales-son-los-paises-mas-hostiles-para-la-c>.

Maguey, Hugo. (November 3, 2022). Matrimonio igualitario, un derecho en todo el país. Gaceta UNAM. <https://www.gaceta.unam.mx/matrimonio-igualitario-un-derecho-en-todo-el-pais/>

Martínez, Gabriela. (July 5, 2021). Hace 60 años las paraguayas conquistaron el derecho al voto. Última Hora. <https://www.ultimahora.com/hace-60-anos-las-paraguayas-conquistaron-el-derecho-al-voto-n2949001>.

Ministerio de Cultura de Argentina. (2019). Historia de la Marcha del Orgullo en Argentina. https://www.cultura.gob.ar/orgullosos-de-la-diversidad-conoce-la-historia-de-la-marcha-del-orgullo-lgbtq-en-argentina_6807/.

Referencias

Ministerio Secretaría General de Gobierno, Chile. (July 24, 2012). Ley N° 20.609 Establece medidas contra la discriminación. <https://www.bcn.cl/leychile/navegar?idNorma=1042092>.

Montes, Rocío. (December 7, 2021). Chile aprueba el matrimonio igualitario tras años de espera. El País. <https://elpais.com/sociedad/2021-12-07/chile-aprueba-el-matrimonio-igualitario-tras-anos-de-espera.html>.

Murillo, Euge. (May 17, 2024). La masacre de Barracas: entre el dolor, el duelo colectivo y la resistencia a entender que los crímenes de odio existen, y matan. Página 12. <https://www.pagina12.com.ar/737279-la-masacre-de-barracas-entre-el-dolor-el-duelo-colectivo-y-l>.

National Executive Power, Argentina. (September 3, 2020). Decree 721/2020. Cupo laboral para personas travestis, transexuales y transgénero. <http://servicios.infoleg.gob.ar/infolegInternet/annexes/340000-344999/341808/norma.htm>.

Oviedo, Esteban. (June 29, 2024). Destituida ministra de Cultura, Nayuribe Guadamuz, por declaratoria para marcha del orgullo LGTBI+. La Nación. <https://www.nacion.com/el-pais/politica/destituida-ministra-de-cultura-nayuribe-guadamuz/LH5AHEGRZVBOXC2ZYCDWJLL4YM/story/>.

Parliament of Uruguay. (September 6, 2004). Ley N° 17.817 Declaración de interés nacional. Lucha contra el racismo la xenofobia y toda

otra forma de discriminación. <https://www.impo.com.uy/bases/leyes/17817-2004>.

Pomareda García, Fabiola. (March 6, 2024). Presidente se opone a proyecto de Frente Amplio para sancionar terapias de conversión sexual aunque dice que no lo ha leído. Semanario Universidad. <https://semanariouniversidad.com/pais/presidente-se-opone-a-proyecto-de-frente-amplio-para-sancionar-terapias-de-conversion-sexual-aunque-dice-que-no-lo-ha-leido/>.

Quesada, Basilio. (April 11, 1990). Gobernación obstaculizará congreso de lesbianas. La República.

Redacción, Veja. (March 12, 2019.) Foto de Bolsonaro com suspeito de matar Marielle foi tirada em 2011. Veja. <https://veja.abril.com.br/coluna/radar/foto-de-bolsonaro-com-suspeito-de-matar-marielle-foi-tirada-em-2011/>.

Rios, Michael. (July 8, 2024). Argentina fue líder en derechos LGBTQ. Críticos culpan al Gobierno de Milei del aumento de la intolerancia luego de que le prendieran fuego a cuatro mujeres lesbianas. CNN Español. <https://cnnespanol.cnn.com/2024/07/08/argentina-crimen-odio-lgbtq-culpan-gobierno-mil-ei-intolerancia-trax>.

Robles, Victor. (2008). Bandera Hueca. Historia del Movimiento Homosexual de Chile. (1st ed.). Editorial ARCIS, Editorial Cuarto Propio.

Referencias

Saccone, Valeria. (March 24, 2024). Río de Janeiro: el desenlace del caso Marielle Franco revela una trama de corrupción. France 24. <https://www.france24.com/es/am%C3%A9rica-latina/20240324-el-desenlace-del-caso-marielle-revela-trama-de-corrupci%C3%B3n-con-pol%C3%ADticos-y-polic%C3%ADas-en-r%C3%ADo-de-janeiro>.

Serrano, Noemy. International Organization for Migration, Regional Office for Central America, North America and the Caribbean. (2017). Migraciones y poblaciones LGBTI en Mesoamérica. En movimiento. <https://rosanjose.iom.int/site/es/blog/migraciones-y-poblaciones-lgbti-en-mesoamerica>.

Supreme Court of Chile, Fourth Court. (May 31, 2004). Fallo de la Cuarta Sala de la Corte Suprema de Chile. Recurso de Queja. Ruling 31.05.04 - Rol No. 1193-03. <http://dsyr.cide.edu/documents/302584/303331/06.-Atala.pdf>.

United Nations. (May 1, 2020). Práctica de las llamadas "terapias de conversión". Informe del Experto Independiente sobre la protección contra la violencia y la discriminación por motivos de orientación sexual o identidad de género. <https://www.ohchr.org/es/documents/reports/practices-so-called-conversion-therapy-report-independent-expert-protection>.

United Nations. (February 15, 2022). Acabar con las "terapias de conversión", la lucha de un experto en derechos humanos. <https://news.un.org/es/story/2022/02/1504082>.

Supreme Federal Court of Brazil. (October 6, 2020). Ação Direta de Inconstitucionalidade por Omissão 26 Distrito Federal. <https://jurisprudencia.stf.jus.br/pages/search/sjur433180/false>.

Televisión Pública. (July 21, 2010). Visión Siete: La presidenta promulgó el matrimonio igualitario. [Video]. <https://www.youtube.com/watch?v=aG4CkoD8VNU>.



Education

International
Congress Resolutions

LGBTQIA+ rights in Educational International World Congress Resolutions

Education International is the Global Union Federation that brings together organisations of teachers and other education employees from across the world. Through its 375 member organisations, it represents more than 33 million teachers and education support personnel in 180 countries and territories.

The federation's primary objectives are championing free, quality, publicly funded education and defending the interests of teachers and educational support personnel. In particular, Education International (EI) supports the defence and promotion of human rights, social justice, peace and democracy, with a special emphasis on trade union rights and the right to education (Education International [EI], 2019).

The rights of the LGBTQIA+ people forming part of educational communities and trade union organisations are human rights. They constitute a key element in the construction of social justice and inclusive democracies. EI has therefore taken up the defence of the rights of LGBTQIA+ people around the world.

In Latin America, the Regional Office of Education International and the trade union organisations that make up Education International Latin America (EILA) have established as one of their main functions fulfilling the objectives and championing the principles that govern the Education International in the region, along with establishing policies within the framework of the guidelines established at EI congresses (The By-laws of Education International Latin America). The World Congress, as established in the EI Constitution, represents the trade union federation's supreme authority and, as such, "determines the policies, principles of action and the program of Education International".

The following is an overview of the provisions issued at various Education International World Congresses in support of human rights and, in particular, the rights of the LGBTQIA+ population.

Since the first EI World Congress held in Harare, Zimbabwe, in July 1995, resolutions have been issued addressing human rights issues, such as the inclusion and equality of women in education systems, the fight

against racial discrimination and the rights of Indigenous peoples. The Universal Declaration of Human Rights is referred to in the resolutions aimed at the struggle for equality and inclusion.



Second World Congress:

Resolution on the protection of the rights of gay and lesbian teachers

The Second EI World Congress, held in Washington D.C., USA in 1998, recalled the 50th anniversary of the Universal Declaration of Human Rights and of Convention No. 87 of the International Labour Organization (ILO) with regards to freedom of association and protection of the right to organise. In addition, it passed the resolution “on the protection of the rights of gay and lesbian teachers”. This was the first time that EI’s Executive Board and the delegates of its member organisations gathered at the

World Congress explicitly addressed the situation of the rights of LGBTQIA+ people.

This resolution began with Article 2 of EI’s Constitution, which establishes the objective to strive for the “elimination of all forms of discrimination in education and in society, whether based on gender, race, marital status, disability, sexual orientation, age, religion, political affiliation or opinion, social or economic status, or national or ethnic origin.” In addition, it recognised the Vienna Declaration and Programme of Action, adopted in 1993 during the World Conference on Human Rights held in the Austrian city:

All human rights are universal, indivisible, interdependent and interrelated. The international community must approach human rights globally and equally, on an equal footing and with the same emphasis in all places for all peoples. Although account must be taken of national and regional idiosyncrasies, along with historical, cultural and religious backgrounds, it is the duty of each sovereign state, regardless of its political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. (Vienna Declaration and Programme of Action, 1993)

Point 4 of the resolution observes and denounces the fact that lesbian and gay teachers face discrimination and harassment, including violence and abuse, as a result

of their sexual orientation. The World Congress therefore recommended that EI and its member organisations “clearly state that discrimination on the basis of sexual orientation is a violation of human rights”, and that they defend the human rights of all teachers and students.

The text of the resolution calls for the promotion of “education against prejudice, discrimination and harassment, including on the grounds of sexual orientation” as an essential part of every teacher’s role. Furthermore, it stipulates that trade union organizations should have “anti-discrimination and equal opportunities policies on the grounds of sexual orientation in their internal procedures and organisation” (EI, July 28, 1998).

It calls for pressure to be applied on governments to recognise discrimination on the basis of sexual orientation as a violation of human rights and to legislate against this discrimination in favour of equal treatment with regard to sexual orientation in the education sector.

Points 11 and 12 of the resolution indicate the need for member organizations to support the “right of teachers not to hide their sexual orientation in their workplace”. The recommendation is made to document:

cases of discrimination and harassment on the basis of sexual orientation in

the education sector. Such cases shall include denial of promotion, dismissal, unwarranted transfer, unequal treatment in labour conditions and harassment or violence against lesbian and gay teachers or education workers. (EI, July 28, 1998)

This resolution, published on July 28, 1998, represented an important acknowledgment of the human rights of LGBTQIA+ people in the educational communities of Latin America and the whole world. Education International’s member organisations subscribe to the general objectives and principles established in Articles 2 and 3 of the trade union federation’s constitution, and with this resolution made in EI’s Second World Congress, LGBTQIA+ rights were recognised as human rights. Thus, discrimination based on the sexual orientation of a person who is a member of a trade union organisation or the educational community constitutes a violation of their human rights and, as such, contradicts the policies and principles of action established by EI’s highest governing body and its constitution.

The final points of the resolution insinuate the violations of human rights that LGBTQIA+ people were experiencing in educational sectors at that time. The obligation of gay and lesbian teachers not to disclose their sexual orientation in order to conserve their positions suggests that many non-heterosexual

educators were living under the threat of dismissal should they have made their sexual orientation public. Indeed, until 1998 in Colombia, the Colombian Teachers Disciplinary Regime determined that homosexuality was a “cause of misconduct”, punishable with postponement, suspension and even expulsion from the public teachers’ promotion roster. The norm was finally declared unenforceable by the Constitutional Court of Colombia, putting an end to this discriminatory and human rights-violating legal provision (Constitutional Court of Colombia, 1998).

Other situations of discrimination and harassment are indicated in point 12 of the resolution. Unjustified dismissals, transfers, denials of promotions, unequal treatment and expressions of violence against LGBTQIA+ teachers are the discriminatory acts and human rights violations that the World Congress recommended that member organisations document.

The recommendations to implement anti-discrimination policies in education union organisations and to put pressure on governments to legislate against discrimination on account of sexual orientation opened up a new space for struggle in defence of the human rights of LGBTQIA+ people.

Education International’s Third World Congress was held in the Thai city of Jomtien, from July 25 to 29, 2001. At that time, the international context dominated the speci-

fic resolutions made, which focussed on topics addressing human rights issues in Burma (Myanmar), Korea, Palestine, Nepal, Sri Lanka, Colombia and Peru. Although there was no specific resolution made on LGBTQIA+ rights, the Resolution on the gender perspective in development cooperation was adopted, citing the EI Constitution and reaffirming the fight “against all forms of racism, prejudice and discrimination in education and in society on the grounds of gender, marital status, sexual orientation, age, religion, political opinion, social or economic status, or national or ethnic origin” (EI, July 28, 2001).

The EI Fourth World Congress was held in Porto Alegre, Brazil, from July 22 to 26, 2004. On this occasion, issues such as HIV and gender were addressed, with two specific resolutions made: the *Resolution on HIV/AIDS and the Resolution on Gender and HIV/AIDS*. The second of these resolutions dealt with the impact of the HIV pandemic on women affected by inequality, discrimination and violence.

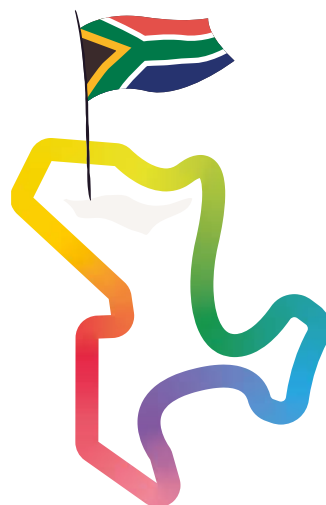
A resolution was also passed in Porto Alegre on education for cultural diversity, stressing that “education at all levels has a central role to play in promoting artistic, linguistic and cultural diversity within and among nations” (EI, July 23, 2004).

In Berlin, Germany, the venue of the Fifth EI World Congress, a new resolution on cultural diversity was passed, reaffirming cultural rights to be fundamental human rights. This

Congress also passed the Resolution on United for greater social justice, thereby reiterating the commitment embodied in Education International's objectives to "promote for all peoples and in all nations peace, democracy, social justice and equality". This resolution covered several human rights issues, such as children's rights, labour rights, trade union rights, and the right to education:

The implementation of the right to education is a key to the attainment of social justice worldwide, but notes that, unfortunately, too many children and adults, especially disadvantaged and vulnerable groups such as girls, women, differently-abled, LGBT, Indigenous and tribal peoples, ethnic minorities and migrants, are deprived of their right to free, quality public education. (EI, July 25, 2007)

The Congress insisted that "social justice and equity require active policies to eliminate discrimination based on race, gender, age, social origin, belief, disability, HIV/AIDS, sexual orientation, or affiliation to a political party or trade union." (EI, July 25, 2007).



Sixth World Congress: Resolution on respect for diversity

Education International's Sixth World Congress, held in Cape Town, South Africa, from July 22 to 26, 2011, adopted the Resolution on respect for diversity. This resolution again explicitly and directly addressed issues related to the LGBTQIA+ population.

The recognition of education as a basic human right is stated at the beginning of the resolution, "regardless of race; colour; language; sex; sexual orientation; religion or ethnicity" (EI, July 25, 2011).

The Congress reaffirmed the principle of non-discrimination and equality before the law as central to human rights, but stressed these are threatened by the "the present circumstances of globalisation, world

economic crisis and increasing xenophobia, racism, antisemitism, islamophobia, misogyny, homophobia and transphobia.” (EI, July 25, 2011).

Thus, among the threats to human rights, a specific mention of homophobia is included and, for the first time, the hatred and rejection of trans people is named: transphobia. The explicit mention of the violence suffered by trans people in all areas, especially in educational spaces, makes visible the exclusion and discrimination these people face on a daily basis, demonstrating that this inequality erodes the principles of human rights.

The resolution goes on to call for respect for diversity in all its forms and the promotion of non-discrimination “in education, in education unions and in societies”. The calls for action made in the resolution focus on protecting diversity in general, while also protecting Indigenous, religious and linguistic minorities, with specific measures such as enhancing diversity in organisations, both “within the union membership and leadership by recruiting, employing, supporting, and retaining under-represented and socially-excluded groups” (EI, July 25, 2011).

Point 12 invites member organisations to carry out campaigns to bring dignity to and to defend the rights of students and teachers in the face of any type of discrimination:

Campaign in its societies and with its governments to promote policies and practices in its schools and teacher training which bring rights and dignity to male and female learners and educators experiencing for whatever reason any form of neglect, discrimination, hostility, violence, hatred, hostility, sexism, misogyny, racism, xenophobia homophobia and transphobia. (EI, July 25, 2011)

In Cape Town, a resolution was also passed on the educational policy document Building the Future through Quality Education, mentioning the need to promote equality through inclusive education that provides people with disabilities or special needs accessibility to educational systems as noted in the 2011 document.

EI’s Sixth World Congress approved a detailed Resolution on Gender Equality, reaffirming this to be a human right and affirming “EI’s principle aim on the importance of equality, non-discrimination, respect for girls and women, and recognition of and respect for diversity” (EI, July 25, 2011).



Seventh World Congress: Resolution on LGBTQIA+ rights

The city of Ottawa, Canada, was the venue of Education International's Seventh World Congress, held from July 21 to 26, 2015. "Unite for public education: Quality education for a better world" was the motto that served as a guide to the work undertaken by more than 1800 people gathered in the Canadian capital.

The Seventh Congress passed the Resolution on LGBTQIA+ rights, with 25 points aimed at the defence of the rights of LGBTQIA+ people "in all campaigns and policies of EI".

The resolution begins by reaffirming the promotion, protection and defence of human rights as a basic principle adopted by EI and its member organisations. It continues on to denounce the adoption of laws

that criminalise and stigmatise LGBTQIA+ communities:

In 78 countries the law criminalises homosexuality, creating the conditions that encourage the abuse, harassment, intimidation, violence and murder of people on the grounds of their actual or assumed sexuality or gender identity or gender expression. (EI, July 25, 2015)

The persistence of homophobic and transphobic hatred is thus evidenced, taken to the extreme of passing anti-homosexual laws, in a clear direct violation of the Universal Declaration of Human Rights. The Congress took up a joint declaration made in 2014 by EI and Public Services International urging the international trade union movement to actively oppose homophobia and transphobia and to organise to defend LGBTQIA+ rights (EI-PSI, 2014).

In addition, it considered that the violation of the human rights of LGBTQIA+ people "by governments, political parties and other organisations is a legitimate trade union problem and should be addressed collectively by the entire trade union movement." The Congress stated that the union movement "has an extraordinary power to defend the rights of LGBTI people and to work in solidarity with the international community" (EI, July 25, 2015).

Another of the considerations of the resolution expresses the need to get rid of all forms of hatred, prejudice, bullying and violence in schools, colleges and universities, in addition to making these safe places for children, adolescents, teachers, researchers and educational support staff. These educational spaces are also indicated to be decisive in educating “about gender identity and expression and against homophobia and transphobia” (EI, July 25, 2015)

Delegates to the World Congress agreed to allocate EI resources in order to pressure governments to end the criminalisation and persecution of LGBTQIA+ people, as well as to help member organisations in the work of defending the rights of the LGBTQI+ people forming part of educational communities.

The resolution concludes by expressing the need to influence the training of teaching staff and educational content to promote respect for sexual and gender diversity and to eradicate LGBTQIA+phobia, as well as implementing strategies to incorporate trans students into the school system, pointing to widespread manifestations of inequality and exclusion (EI, July 25, 2015).



Eighth World Congress: Securing LGBTQIA+ Rights

In 2019, the EI World Congress was held in Bangkok, Thailand, from July 21 - 26. The Eighth Congress passed the Resolution on Securing LGBTQI+ Rights, as well as other resolutions against multiple forms of discrimination, against violence and harassment in education unions, on the decolonization of education, and on the implementation by EI of “research exploring the contributions strong trade unions make to societies with robust human rights”.

In addition to the specific resolution on the rights of the LGBTQIA+ population, other resolutions related to human rights, including those mentioned above, made reference to LGBTQIA+ people.

The resolution to guarantee LGBTQIA+ rights highlighted the work of the PSI-EI Joint LGBTQIA+ Forum as “an excellent global ally in the struggle for LGTBI rights”.

The inability to question deeply rooted negative social attitudes is mentioned as one of the reasons why the LGBTQIA+ community “has been systematically ignored as a result of national and international policy programs.” Additionally, it is noted that teachers and students suffer harassment, intimidation and exclusion when they are recognised or perceived as LGBTQIA+, causing the interruption of studies and many teachers having to hide their sexual orientation in the workplace. “LGBTI discrimination, victimisation and hatred has a profound, lifelong and adverse impact on the health, well-being, careers and life-chances of teachers and students” (EI, July 26, 2019).

The resolution reports on progress regarding the decriminalisation of homosexuality and the recognition of same-sex relationships, while showing that the slowness of said progress is due to the fact that LGBTQIA+ people are still persecuted and criminalised in 72 countries.

The freedom to teach and learn in a safe and inclusive environment where the rights of LGBTQIA+ people are respected is one of the Congress’ main concerns. This also reaffirms that “LGBTI rights are human rights and, therefore, a legitimate trade

union concern that should be championed in the global trade union movement” (EI, July 26, 2019).

The Eighth Congress decided that the EI Executive Board should take measures to assist member organisations with informative processes and training sessions aimed at confronting homophobia, biphobia and transphobia, as well as evidencing the need to modify teaching curricula to make these inclusive of the LGBTQIA+ population and to “ensure schools are safe environments for LGBTI teachers and students”. In addition, it was decided to evaluate “the impact of the EI programme and budget to maximise EI’s contribution to securing LGBTI equality” (EI, July 26, 2019).

The resolution closes with EI and its member organisations declaring their support for the struggle to secure “equal rights for LGBTI people around the world”, together with development cooperation partners and LGBTQIA+ movement organisations.

It is important to highlight that this resolution demonstrates the constant progress in struggles for the recognition of equality and human rights for the LGBTQIA+ population occurring within EI’s member organisations and the international community. Progress in the rights of the LGBTQIA+ population is progress in human rights.



Tenth World Congress:

Advancing the rights of LGBTQIA+ people and resisting anti-rights sectors

Due to the emergency caused by the COVID-19 virus, Education International's Ninth World Congress, which was to be held in 2023 in the city of Buenos Aires, Argentina, was held virtually via video conference. This situation meant that this Congress did not debate resolutions on specific topics. This space was postponed until Education International's Tenth World Congress, held between July 29 and August 2, 2024, in the Argentine capital.

As part of the activities leading up to the World Congress, the LGBTQIA+ Caucus was held, in which representatives of EI-affiliated trade unions from all over the world

shared a safe space. The agenda of the event included presentation of the Report on EI's Four-yearly Survey on the rights of LGBTQIA+ people in education. This document compiles information on the work carried out by education union organisations in defence of LGBTQIA+ human rights.

The people gathered at the Tenth Congress approved three resolutions mentioning the LGBTQIA+ community and their human rights. Two of these resolutions are more general and the third addresses the issue more specifically.

The resolution *Organising against the political and ideological attacks on academic freedom and institutional autonomy* included a strong condemnation of "all forms of racism, ethnic bias, antisemitism, Islamophobia, ableism, and anti-LGBTQIA+ rights within our educational institutions, communities, and societies" (EI, August 2, 2024).

The resolution *Defending democracy against right-wing populism and extremism* in education expresses the concern of the organisations represented in the World Congress in the face of right-wing populist discourses that:

can creep from the public debate into the playground and the classroom. As children's exposure to social media grows and these narratives spread on

such platforms, views such as hostility towards migrants and refugees, promotion of misogynistic, racist and reactionary influencers, attacks on minority groups and the LGBTQ+ community increase. Covid and Climate Change denialism are also increasingly likely to make their way into school discourse. (EI, August 2, 2024)

These concerns are expanded upon in detail in the most specific resolution on LGBTQIA+ rights, entitled Condemning the rise of anti-LGBTQIA+ ideology from the far-right. This resolution reviews the threats and advances made by the parties representing the extreme right in various countries around the world, also laying bare the positions of these groups to undermine the rights of LGBTQIA+ people. In addition, the text emphasises that the protection of human rights is a fundamental principle of EI and its member organisations, independently of sexual orientation, gender identity or gender expression.

The situation in Argentina was also discussed in the text of this resolution:

In this Congress's host country of Argentina, the LGBTQIA+ community and its allies are outraged by President Milei's anti-LGBTQIA+ agenda, fearing the government has set its sights on rolling back the community's hard-won gains; in fact, the brash and bigoted Milei has

lambasted feminist and human rights movements as a "cult of a gender ideology." (EI, August 2, 2024)

EI's Tenth Congress expressed its concern about increasing discrimination towards LGBTQIA+ people, which can have an impact resulting in "increased missed attendance, lower academic performance, higher rates of dropping out of school, increased levels of bullying and harassment, and increased rates of suicide", in addition to threats of the loss of rights and jobs for LGBTQIA+ educators and educational support staff.

In the face of this scenario, the Congress resolved to continue supporting the struggle for the human rights of LGBTQIA+ people, to finance inclusive spaces and meetings, and to ensure that this issue forms "a central pillar of all EI meetings and conferences" (EI, August 2, 2024).

The text of the resolution indicates the importance of staunchly defending "LGBTQIA+ students, teachers, and school support workers, especially trans and non-binary people" (EI, August 2, 2024). The need to develop and distribute educational materials on the health and rights of trans+ people is also emphasized.



EI's member organisations in Latin America defending LGBTQIA+ rights

In Latin America, some of Education International's member organisations have incorporated acknowledgment of LGBTQIA+ rights into their agenda of struggle. In some countries, education unions have fought for decades defending the interests of the LGBTQIA+ people who make up their educational communities and who are part of their membership, while in the areas with the least progress in terms of human rights, there is still a lot of work to be done.

In view of these progress gaps in human rights, it is valid to consider the possibility of carrying out exchanges between education union organisations in the region, with the aim of discussing the actions carried out to promote respect for the sexual orientation and gender identity of all people in educational communities. These exchanges could demonstrate a path for EILA member organisations, promoting greater progress in human rights and, particularly, the rights of the LGBTQIA+ population.

Just as is observed within political parties or social movements, prejudices and forms of discrimination still persist in unions as well. Not all levels of the union structure have the awareness and socio-political training to address sexual diversity as an issue that intersects with the working class and, therefore, is a union matter. It is therefore still necessary for Education International's member organisations to be consistent in complying with the by-laws governing the trade union federation and with the EI Constitution, as well as the numerous resolutions made in the World Congress in defence of the human rights of LGBTQIA+ people. It is necessary to recognise the voices and the union leaderships that reproduce anti-rights, conspiratorial and discriminatory discourse in order to establish processes of dialogue, information and education about the LGBTQIA+ people forming part of educational communities, and thus guarantee the human rights of all people and the strengthening of our trade union organisations.

Referencias

Constitutional Court of Colombia. (1998). Ruling C-481/98. <https://www.corteconstitucional.gov.co/relatoria/1998/c-481-98.htm>.

Education International. (July 28, 1998). Resolution on the Protection of the Rights of Lesbian and Gay Education Personnel, Second World Congress. <https://www.ei-ie.org/en/item/21479:resolution-on-the-protection-of-the-rights-of-lesbian-and-gay-education-personnels>.

Education International. (July 28, 2001). Resolution on Gender Perspective in Development Cooperation, Third World Congress <https://www.ei-ie.org/en/item/21501:resolution-on-gender-perspective-in-development-cooperation>.

Education International. (July 23, 2004). Resolution on Education for Cultural Diversity, Education International Third World Conference. <https://www.ei-ie.org/en/item/21537:resolution-on-education-for-cultural-diversity>.

Education International. (July 25, 2011). Resolution on the Education Policy Paper "Building the Future through Quality Education", Sixth World Congress. <https://www.ei-ie.org/en/item/21582:resolution-on-the-documentation-of-educational-policy-an-education-of-quality-for-building-the-morning>.

Education International. (July 25, 2011). Resolution on Respect for Diversity, Sixth World Congress. <https://www.ei-ie.org/en/item/21606:resolution-on-respect-for-diversity>.

Education International. (July 25, 2011). Resolution on Gender Equality, Sixth World Congress. <https://www.ei-ie.org/en/item/21605:resolution-on-gender-equality>.

Education International (EI) and Public Services International (PSI). (February 2, 2014) Joint PSI-EI statement on LGBT rights violations. <https://www.ei-ie.org/en/item/19117:-joint-psi-ei-statement-on-lgbt-rigths-violatio>

Education International. (July 25, 2007). United for greater social justice, Resolution made at the Fifth World Congress. <https://www.ei-ie.org/en/item/21563:resolution-on-united-for-greater-social-justice>.

Education International. (July 25, 2015). Resolution on LGBTI rights, Seventh World Congress. <https://www.ei-ie.org/en/item/21637:lgbti-rights>.

Education International. (2019). Education International Constitution. www.ei-ie.org/en/governance/constitution-and-bylaws.

Education International. (January 28, 2019). By-laws of Education International Latin America (EILA). <https://ei-ie-al.org/recursos/>

Referencias

reglamento-de-la-internacional-de-la-educacion-america-latinal.

Education International. (July 26, 2019). Resolution Securing LGBTI Rights, Eighth World Congress. <https://www.ei-ie.org/en/item/23032:securing-lgbti-rights>.

Education International. (August 2, 2024). Resolution of the Tenth World Congress. Defending democracy from populism and right-wing extremism in education. <https://www.ei-ie.org/en/item/29127:defending-democracy-against-right-wing-populism-and-extremism-in-education>.

Education International. (August 2, 2024). Resolution of the Tenth World Congress. Condemning the rise of anti-LGBTQIA+ ideology from the far-right. <https://www.ei-ie.org/en/item/29125:condemning-the-rise-of-anti-lgbtqia-ideology-from-the-far-right>.

Education International. (August 2, 2024). Resolution of the Tenth World Congress. Organising against the political and ideological attacks on academic freedom and institutional autonomy. <https://www.ei-ie.org/en/item/29131:organising-against-the-political-and-ideological-attacks-on-academic-freedom-and-institutional-autonomy>.

United Nations. (July 12, 1993). Vienna Declaration and Programme of Action. <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>.

Recommendations

The Regional Office of Education International Latin America, following the mandates of Education International's World Congress, its Constitution and governing By-laws, proposes the following recommendations to its education union member organisations, with the objective of promoting respect for the gender identity and sexual diversity of all people forming part of educational communities and, particularly, of those who are members of education unions.

These recommendations are also aimed at strengthening union organisations, since broadening the horizon of struggle to integrate respect for LGBTQIA+ human rights promotes the participation of LGBTQIA+ teachers and educational support personnel in unions.

The inclusion of LGBTQIA+ education workers strengthens trade union organisations, as does the participation of women, Indigenous peoples, people of African descent and young people. The work carried out by EILA's Women Education Workers Network to promote equality and the participation of women in their unions is the best example for progress in a broad human rights agenda, including issues related to LGBTQIA+ rights, gender, race, Indigenous peoples, youth and the environment, among others.

Expansion of the front of struggle of trade union organisations will result in greater legitimacy for the defence of labour rights and the right to education. A continuación, algunas recomendaciones referentes a derechos humanos de las personas LGBTI+:

Recommendations regarding LGBTQIA+ human rights:

- Trade union organisations must be established in spaces free of discrimination based on sexual orientation and gender identity. It is advisable to include this determination in by-laws and statutes, so promoting compliance with it. Under this scenario, any LGBTQIA+phobic messages or expressions must be denounced, while respect for sexual diversity among the membership must be promoted.
- Human rights secretariats or elected positions with similar functions should include the rights of the LGBTQIA+ population in their work agenda, and said functionaries should work together with the rest of the trade union leadership on the non-discrimination policy and compliance therewith.
- Communications made by education unions should formulate respectful and inclusive messages that promote the visibility of the LGBTQIA+ people forming part of the union and that contribute to building societies respectful of sexual diversity and human rights.
- The work done by civil society organisation in favour of the advancement of human rights must be recognised, and dialogue with leaders must be promoted with regards to the struggle for LGBTQIA+ rights. Confluence in struggle is the goal of dialogue and alliances with these sectors.
- Education unions with a background and history of working on LGBTQIA+ rights should document information on the work done in this field, recognising the leaders who have led these struggles within the union and sharing these experiences with other organisations.
- Education secretariats should insist on the need to defend access to comprehensive secular and scientific sex education as part of the right to quality public education for all people.

- Demand that education authorities include respect for human rights in the curriculum in order to build safe schools and colleges for students, teachers, parents, and LGBTQIA+ educational support staff.
- Promote the participation of LGBTQIA+ people in grassroots and leadership positions in the union organization. Inclusion of issues related to human rights, gender, environment, Indigenous peoples and others can lead to greater involvement of young people in trade unions.
- Unions affiliated to Education International should follow up on the federation's World Congress resolutions, especially those related to issues of LGBTQIA+ rights. They should establish policies in accordance with the guidelines indicated by EI's highest body.
- EILA's Regional Office recommends that member organisations in the region integrate the ¡Aquí Estamos! (We're Here!) campaign into their educational and promotional efforts. This campaign was undertaken with the aim of promoting respect for and inclusion of LGBTQIA+ people in education unions and educational institutions. The materials produced for this campaign are available to member organisations for distribution among their grassroots and for adaption to specific situations of struggle for the human rights of LGBTQIA+ people in each country.
- Education unions must remain vigilant to prevent the organisation from reproducing discriminatory messages or contributing to undermining the human rights of LGBTQIA+ people. Information and education about LGBTQIA+ rights can contribute to the elimination of hateful messages and discriminatory positions within union organisations.



¡Acá estamos!

Inclusion and respect for LGBTQIA+ people in Latin American unions and educational institutions

On May 17, 2023, the International Day against Homophobia, Biphobia, and Transphobia, the Regional Office of Education International Latin America made the first publication in the ¡Aquí Estamos! (We're Here!) campaign for greater inclusion of the LGBTQIA+ population in the region's educational communities and trade unions. The message invited EILA's member organisations to join efforts to build spaces free of violence and discrimination based on sexual orientation and gender identity and thus guarantee safe and inclusive schools and organisations for LGBTQIA+ people.

The publication of the first edition of the document, *Respeto a la identidad de género de las personas y la diversidad sexual en las organizaciones sindicales de la educación en América Latina* (Respect for people's gender identity and sexual diversity in Latin American education unions) made it possible to visualise the need to carry out an informative and awareness-raising campaign on LGBTQIA+ rights. This campaign was to be aimed at Education International Latin America's member organisations, with the intention of educating the people making up education unions and educational communities so that these can contribute to promoting respect for the rights of LGBTQIA+ people.

The '¡Acá Estamos!' campaign has the main objective of encouraging education unions affiliated to EILA to work to encourage greater respect for and inclusion of LGBTQIA+ people in Latin American educational institutions and education unions.

EILA's Regional Office has promoted this campaign in adherence with repeated resolutions made in Education International's World Congresses in favour of the human rights of LGBTQIA+ people, taking into account that education unions have the ability to influence the construction of spaces free of violence and discrimination towards the LGBTQIA+ population in educational communities.

The campaign motto, *Acá estamos* ('We're here'), aims to make visible the undeniable fact of the existence of LGBTQIA+ people of all ages in educational communities and in unions. In addition, the aim is to make visible the valuable contributions to Latin American societies and education unions made by LGBTQIA+ people. *Acá estamos* is also a message of support to LGBTQIA+ people, in defence of their right to live, to teach, and to learn in environments that are respectful and inclusive.

We invite all of EILA's member organisations to join the *¡Acá estamos!* campaign and to continue the struggle for greater inclusion and respect for LGBTQIA+ people in our organisations and educational institutions.

This campaign, along with the publication of this document, is made possible thanks to the solidarity and support of our sister organisations affiliated to Education International: The Norwegian Union of Educators, Utdanningsforbundet (UEN) and the Swedish Teachers' Union, Sveriges Lärare. The commitment of these organisations to the defence of human rights has made it possible to continue this important effort.

Images and publications from the ¡Acá Estamos! Campaign









ANNEXES

Education International's World Congress Resolutions

Education International's Second World Congress: Resolution on the Protection of the Rights of Lesbian and Gay Education Personnel

The Second World Congress of Education International, held in Washington D.C. (United States) from July 25 - 29, 1998:

- 1.** Recalls that Article 2(h) of the Education International's Constitution states as one of its aims: "To combat all forms of racism and bias or discrimination in education and society due to gender, marital status, sexual orientation, age, religion, political opinion, social or economic status or national or ethnic origin";
- 2.** Notes that the Vienna Declaration and Programme of Action following the UN Conference on Human Rights declares that: human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments;
- 3.** Acknowledges the Vienna Declaration which further states: All human rights are universal, indivisible and interdependent

and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

- 4.** Observes and denounces the fact that lesbian and gay teachers face discrimination and harassment, including violence and abuse, as a result of their sexual orientation.

The Congress recommends that EI and its member organisations

- 5.** Defend the human rights of all teachers and students;
- 6.** Clearly state that discrimination on the basis of sexual orientation is a violation of human rights;
- 7.** Urge governments at the intergovernmental level to include in conventions, declarations and statements dealing with hu-

man rights, that discrimination on the basis of sexual orientation is a violation of human rights;

8. Promote education against prejudice, discrimination and harassment, including on the grounds of sexual orientation, as an essential part of every teacher's role;

9. Lobby their governments to introduce anti-discrimination legislation and equal treatment policies that address the rights of teachers and pupils on the grounds of sexual orientation;

10. Have anti-discrimination and equal opportunities policies on the grounds of sexual orientation in their internal procedures and organisation;

11. Support the right of teachers not to hide their sexual orientation in the workplace;

12. Document cases of discrimination and harassment on the basis of sexual orientation in the education sector. Such cases will include denial of promotion, dismissal, unwarranted transfer, unequal treatment in labour conditions and harassment or violence against lesbian and gay teachers or education workers.

6th EI World Congress: Resolution on respect for diversity

The 6th Education International (EI) World Congress meeting in Cape Town, South Africa, from July 22-26, 2011:

Recognising that

1. Education is a basic human right which should nurture fair treatment and respect towards all others regardless of race; colour; language; sex; sexual orientation; religion or ethnicity, finding policies and practices to overcome marginalization, prevent attitudes of fear of the other and enhance inclusion for all into citizenship, work, democratic political processes and other areas of social and cultural participation;

2. Increased mobility, migration and diversity of lifestyles in combination with persistent and increasing marginalization, discrimination and exclusion of stigmatized groups in all societies have become a threat to achieving social inclusion and cohesion, and the ability for all to maintain their own identity and access services and equal opportunities in society;

3. The principle of non-discrimination and equality before the law and equal protection under the law is at the core of human rights principles and part of attempts to construct fairer, freer and more egalitarian societies: but it is under threat in the present circum-

stances of globalisation, world economic crisis and increasing xenophobia, racism, antisemitism, Islamophobia, misogyny, homophobia and transphobia;

4. Integrating respect for diversity in all its forms and the promotion of non-discrimination in education, in education unions and in societies is an imperative as well as an enriching factor and a force for educational vitalisation and innovation;

5. Civil Society, including trade unions, and national governments, have vital roles to play in promoting social inclusion, equal opportunity, social cohesion with respect for diversity.

Mandates the Executive Board to:

6. Ensure that all Educational International's policies and practices related to the rights of teachers, education staff and learners promote equality of treatment, non-discrimination and support for diversity including Indigenous, religious, linguistic minority education rights;

7. Raise awareness of the human rights dimension of non-discrimination and the value of respect for diversity and to encourage inclusive teaching and learning by promoting exchange of best practices in policies, resources, teacher training methods, projects and research;

8. Promote more supportive teaching and learning environments for gender justice, minority rights and multilingualism, where all people are treated with dignity and respect.

Recommends that member organisations:

9. Advocate for a teaching profession which has its staff and other education personnel reflect the diversity of society.

10. Urge the promotion and facilitation of teachers training based on criteria or interculturality by placing within the reach of teachers the necessary resources, technologies, research and exchange of experiences;

11. Enhance diversity within the union membership and leadership by recruiting, employing, supporting, and retaining under-represented and socially-excluded groups;

12. Campaign in its societies and with its governments to promote policies and practices in its schools and teacher training which bring rights and dignity to male and female learners and educators experiencing for whatever reason any form of neglect, discrimination, hostility, violence, hatred, hostility, sexism, misogyny, racism, xenophobia homophobia and transphobia;

13. Develop and foster affirmative action policies with civil society allies and local and national governments that promote access to quality education and employment for under-represented and socially-excluded groups.

7th EI World Congress: Resolution on LGBTI rights

The Congress indicates:

- 1.** That defending the human and trades union rights of all people around the world is a fundamental principle enshrined in international laws;
- 2.** That the promotion, protection and defence of human rights irrespective of sexual orientation, gender identity or gender expression is an important principle adopted by EI and its affiliate organisations;
- 3.** The persistence of homophobic and transphobic hatred and the rising levels of hatred against LGBTI people as a result of the passage of laws that criminalise and stigmatise LGBTI communities;
- 4.** That in 78 countries the law criminalises homosexuality, creating the conditions that encourage the abuse, harassment, intimidation, violence and murder of people on the grounds of their actual or assumed sexuality or gender identity or gender expression;
- 5.** That the incitement of hatred and legitimising anti-gay laws is a direct contravention of European and international human rights obligations including the Universal Declaration of Human Rights and the EU Charter of Fundamental Rights (Article 21);

6. The growing problem of hate speech and hate crime motivated by prejudice, discrimination and bigotry against LGBTI people;

7. That hate crime and hate speech against LGBTI communities often go unreported due to fear of victimisation and reprisals.

In addition, the Congress points out:

8. The 2014 Joint EI-PSI Statement on LGBTI violations condemning discrimination and violence against LGBTI people and calling for the global trade union movement to actively oppose homophobia and transphobia and organise to defend LGBTI rights;

9. Evidence demonstrating that discrimination in education continues to blight the lives of children, young people, teachers, researchers and education support professionals who identify as lesbian, gay, bisexual, trans or intersex;

10. The beliefs in teacher rights to same-sex marriage, spousal health and property benefits and child custody and adoption has been slowly shifting in the policies of many countries.

11. The work of organisations such as the International Lesbian, Gay Bisexual, Trans and Intersex Association (ILGA) and its member organisations in securing equal rights for LGBTI people around the world.

The Congress believes:

12. That a violation of these rights by governments, political parties and other organisations is a legitimate trade union issue and one that should be challenged collectively by the trade union movement;

13. That the trade union movement is a formidable force for championing LGBTI rights and working in solidarity with the international community;

14. That schools, colleges and higher education institutions should be free from hatred, prejudice, intimidation and violence and be safe sanctuaries for children, young people, teachers, researchers and education support personnel;

15. That schools, colleges and higher education institutions play a key role in educating their students, staff and communities about gender identity and expression and against homophobia and transphobia through development and implementation of a diversity mission and a strategic plan that includes curriculum subjects and effective employment policies.

The Congress resolves:

16. To champion LGBTI rights throughout all EI campaigns and policies;

17. To commit resources of Education Inter-

national to lobby governments to end the criminalising and persecution of LGBTI people and to campaign for human rights for all;

18. To denounce situations of discrimination that the collective is suffering and which are based on a society that still maintains large stereotypes and prejudice against LGBTI people.”

19. To assist the work of EI member organisations in defending the rights of LGBTI students, teachers, researchers and education support personnel;

20. To work actively with partner organisations to promote LGBTI rights;

21. To demand that educational administrations and companies adopt measures to build contexts of work safer and more conducive to sexual diversity and gender identity

22. To collect, publish and disseminate evidence on the incidence and impact of LGBTI discrimination in education.

23. To consider it necessary that teaching staff are trained to provide an equal and respectful education taking into account gender and sexual diversity.

24. To consider as a priority the teaching of school programmatic contents related to respect for sexual and gender diversity and the adoption of the necessary actions at the

school level to eradicate “lgtbifobia” as well as the implementation of strategies to incorporate trans students to the school system.

25. To promote school books and educational material, which are free of discrimination, which consider all forms of sexual orientation, gender identity or gender expression and which are free of stereotyping.

8th EI World Congress, Bangkok, Thailand. Resolution on Securing LGBTI Rights

Education International's 8th World Congress meeting in Bangkok (Thailand), from July 21 to 26, 2019, indicates:

- 1.** The central purpose of the United Nations Sustainable Development Goals (SDGs) is to end poverty for all by 2030;
- 2.** Trade unions and civil rights organisations secured the global commitment across national governments to 'leave no one behind';
- 3.** The work of the joint EI/PSI LGBTI Forum constitutes a formidable global alliance for progressing LGBTI rights.

The Congress further indicates:

- 4.** LGBTI people have been systematically left behind as a result of national and international policies, programmes, discriminatory laws, and the failure to challenge deeply entrenched and negative social attitudes;
- 5.** LGBTI people on average experience lower income, worse health, less education;
- 6.** Teachers and students experience bullying, harassment and exclusion because they are (or are perceived to be) LGBTI;

7. Many young people drop out of education because of homophobia, biphobia and transphobia;

8. Many teachers are unable to be out in the workplace and are forced to hide their LGBTI status;

9. LGBTI discrimination, victimisation and hatred have a profound, lifelong and adverse impact on the health, well-being, careers and life-chances of teachers and students;

10. Development programmes can reinforce the inequalities that LGBTI people face, in particular women; additionally, there are programmes that are not trans-inclusive;

11. Despite worldwide gains in securing the decriminalisation of homosexuality and same-sex relations, progress is slow and 72 countries continue to persecute and criminalise LGBTI people.

The Congress believes:

12. All teachers and students should be free to teach and learn in a safe and inclusive environment that respects LGBTI rights;

13. All schools, colleges and universities should be committed to respecting and promoting human rights for all, including LGBTI rights;

14. Ending poverty by securing the SDGs is not possible without a clear and equal commitment to ending discrimination and exclusion of LGBTI people in education and in society;

15. Governments, development organisations and other civil society organisations must ensure that LGBTI rights are addressed explicitly as part of programmes and projects to achieve the United Nations SDGs in 2030.

16. LGBTI rights are human rights and therefore a legitimate trade union issue that should be championed throughout the global trade union movement.

17. Congress resolves that the EI Executive Board will take action to:

(i) Support member organisations in providing information, support and training to challenge homophobia, biphobia and transphobia;

(ii) Highlight the need for global and national actions to ensure that all teaching curricula are LGBTI-inclusive;

(iii) Include LGBTI equality in all campaigns for the right to quality education for all children, young people and adults;

(iv) Assess the impact of the EI programme and budget to maximise EI's contribution to securing LGBTI equality;

(v) Press EI's development co-operation partners to ensure that their programmes are fully LGBTI-inclusive;

(vi) Highlight the need for national and local actions to ensure schools are safe environments for LGBTI teachers and students.

(vii) Actively support LGBTI campaigning organisations such as International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and its member organisations in securing equal rights for LGBTI people around the world.

10th EI World Congress, Buenos Aires, Argentina:

Resolution condemning the
rise of anti-LGBTQIA+ ideology
from the far-right

The 10th Education International (EI) World
Congress, meeting in Buenos Aires, Argentina,
from the 29 July to 2 August, 2024:

Notes:

1. In the past three months, right-wing political parties around the globe have scored election victories, seen an upsurge in support, and have put out manifestos detailing their goals should they achieve power. This is evident in the American context with "Project 2025" documents being released that call for a severe curtailing of LGBTQIA+ rights and protections; "Project 2025" is a sweeping, draconian political plan issued by a conservative advisory group that seeks to remake all aspects of American social policy;
2. That given the threats made by right-wing political forces, the American Federation of Teachers (AFT) believes an urgent resolution is needed to address these actions;
3. That as education unions, we have obligations to uphold human rights across the world;
4. That the protection of human rights regardless of sexual orientation, gender identity or gender expression is a fundamental principle

of EI and its member organisations;

5. That in the United States, the right-wing is using Project 2025 to outline a path towards passing federal and state laws and regulations that would eliminate protections for students from discrimination based on LGBTQIA+ status, to require schools to use names on birth certificates and pronouns associated with their biological sex, banning transgender people from serving in the military, and to "...defend the First Amendment right of those who would discriminate against LGBTQ+ people.";
6. That, in April 2023, Uganda's President Yoweri Museveni signed one of the world's harshest anti-LGBTQ laws, including the death penalty for "aggravated homosexuality";
7. That the recent electoral victories of far-right political parties in the European parliamentary elections held between the 6th and 9th of June 2024 represent a threat to the human rights of the LGBTQIA+ community, not only in Europe, but worldwide;
8. That the French Rassemblement National (National Rally) party won 31.5% of the vote, is opposed to surrogacy, believing that it commodifies the human body, and is hostile towards In Vitro Fertilization (IVF);
9. That the Alternative für Deutschland (Alternative for Germany) party won 16% of the vote, defines marriage as between a man and a woman, rejects "gender mainstreaming", be-

believes that “gender indoctrination” is occurring in German schools, and believes that “Information on homo-, trans- and bisexuality should be imparted to a lesser degree in sexual education lessons...”;

10. That the Belgian Vlaams Belang (Flemish Interest) party won 14% of the vote, and “...opposes reimbursements for gender-affirming surgeries, adjustments to gender registrations on identity cards and gender-neutral toilets”, are “...no big fans of same-sex adoption...” and believes that “there needs to be a break between LGB and everything after that”;

11. That the Freiheitliche Partei Österreichs (Austrian Freedom Party) won 25.4% of the vote and believes that marriage is between a man and a woman and rejects “...a separate legal institution for same-sex relations”;

12. That the Fidesz party in Hungary won 44.82% of the vote, has consistently curbed LGBTQIA+ rights, and has passed a law that “...prohibits the 'display or promotion' of homosexuality or gender reassignment in educational material or TV shows for people under 18”;

13. And in this Congress’s host country of Argentina, the LGBTQIA+ community and its allies are outraged by President Milei’s anti-LGBTQIA+ agenda, fearing the government has set its sights on rolling back the community’s hard-won gains; In fact, the brash and bigoted Milei has lambasted feminist and human rights movements as a “cult of a gender ideology”.

Believes:

14. EI and its member organisations have a responsibility to be an advocate for its LGBTQIA+ brothers, sisters, and siblings;

15. That the increase of status of far-right parties in Europe, the United States, and in Africa (if not throughout the world) will result in an increasing number of anti-LGBTQIA+ policies being debated and implemented;

16. That increased discrimination against LGBTQIA+ youth will result in increased missed attendance, lower academic performance, higher rates of dropping out of school, increased levels of bullying and harassment, and increased rates of suicide;

17. That increased discrimination against LGBTQIA+ educators and education support personnel will result in members losing their rights to their jobs, rights in their communities, and, on top of all that, will exacerbate the ongoing teacher shortage problem facing the world.

Resolves:

18. To continue supporting LGBTQIA+ rights throughout all EI campaigns and policies;

19. To commit resources to funding LGBTQIA+ inclusive spaces and meetings;

20. To staunchly defend LGBTQIA+ students,

teachers, and school support workers, especially those who are trans and non-binary;

21.To partner with LGBTQIA+ organisations to develop and distribute educational materials on trans+ health and rights;

22.To continue to defend school, healthcare and public employee workers who support LGBTQIA+ youth, their families and their communities;

23.To encourage EI member organisations to be vigilant in monitoring and opposing any efforts by right-wing parties to roll back progressive policies and regulations on LGBTQIA+ people and communities;

24.To ensure that LGBTQIA+ rights are a central pillar of all EI meetings and conferences.

Declarations by Education International

Joint Statement with the Global Unions Council: LGBTI rights are a union issue


Today is the International Day Against Homophobia, Transphobia and Biphobia (IDAHO-BIT). The Council of Global Unions, a group of independent trade union organisations that represent over 200 million workers around the world, reaffirm our commitment to building respect and dignity for all workers. We believe every worker is entitled to work free from discrimination and violence regardless of their sexual orientation, gender identity, or sex characteristics.

30 years ago today, the World Health Organization removed homosexuality as a mental disorder from the International Statistical Classification of Diseases and Related Health Problems. Since that historic day, the LGBTI community has worked to eradicate harassment and discrimination based on sexual orientation and/or gender expression through laws and policies as well as through activities that celebrate diversity. As trade unions and members of the global community, we have played an important role in promoting inclusion and diversity in the workplace and will continue to work to protect our LGBTI members.

However, despite many achievements, homophobia still exists. LGBTI workers still suffer labour disparities and discrimination because of their sexual orientation, gender identity and gender expression. These range from income disparity to workplace harassment, from unfair treatment at work to discrimination when applying for a job.

In times of crisis, such as the one we are currently experiencing, this situation worsens. From barriers to access health services to stigmatisation; from the rise of online cyberbullying and hate speech to domestic violence; LGBTI workers are facing an unprecedented situation that places them at a higher risk of poor mental and personal health.

The COVID-19 pandemic has impacted the livelihoods of LGBTI workers as they are disproportionately represented in industries and sectors which are hardest hit by the pandemic



such as retail, hospitality and tourism. This will expose them to higher levels of economic hardship and unemployment which will have ramifications for their health and well-being.

Today, we stand up for LGBTI workers and their rights, which are human rights. We will continue to fight for workplaces free of discrimination and harassment, we will mobilise to protect them and to raise their issues and needs.

To achieve this, we have set up a CGU working group on LGBTI rights. We will adopt an LGBTI Solidarity Charter and will continue to work with our affiliated unions to improve LGBTI structures and policies to build a stronger and more inclusive global trade union movement.

Let's stand up to intolerance and discrimination where we see it. Let's keep working to ensure our unions are more LGBTI inclusive. Let's go beyond single days of action and tackle systemic gender, income and racialised inequalities every day.

Global Unions commit to continue fighting for the rights of all workers and call on their affiliates around the world to support the campaign to end violence and discrimination in the workplace.

#RatificarC190 #StandUp4HumanRights

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By-laws of Education

International

Latin America (EILA)

Article 3

Education International Latin America shall have the following functions:

(a) To pursue regional compliance with the aims and principles that govern Education International (EI).

(b) To become a mechanism of application at the regional level of the measures and policies established worldwide by EI.

(c) To act as a resource for assessment and consultation to EI's Executive Board and the General Secretariat.

(d) To establish policies for the region within the framework of the guidelines established at EI Congresses.

(e) To promote and facilitate communication and the adoption of measures and policies by member organisations.

International legislation on the human rights of the LGBTI population

American Convention on Human Rights

Article 1. Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognised herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

Article 3. Right to Juridical Personality

Every person has the right to recognition as a person before the law.

Article 7. Right to Personal Liberty

1. Every person has the right to personal liberty and security.

Article 11. Right to Privacy

1. Everyone has the right to have his honour respected and his dignity recognized.

2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.

3. Everyone has the right to the protection of the law against such interference or attacks.

Article 17. Rights of the Family

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

2. The right of men and women of marriageable age to marry and to raise a family shall be recognised, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of non-discrimination established in this Convention.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses as to marriage, during marriage, and in the event of its dissolution. In case of dissolution, provision shall be made for the necessary protection of any children solely on the basis of their own best interests.

5. The law shall recognise equal rights for children born out of wedlock and those born in wedlock.

Article 18. Right to a Name

Every person has the right to a given name and to the surnames of his parents or that of one of them. The law shall regulate the manner in which this right shall be ensured for all, by the use of assumed names if necessary.

Article 24. Right to Equal Protection

All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

Article 64

1. The member states of the Organisation may consult the Court regarding the inter-

pretation of this Convention or of other treaties concerning the protection of human rights in the American states. Within their spheres of competence, the organs listed in Chapter X of the Charter of the Organisation of American States, as amended by the Protocol of Buenos Aires, may in like manner consult the Court.

2. The Court, at the request of a member state of the Organisation, may provide that state with opinions regarding the compatibility of any of its domestic laws with the aforesaid international instruments.

Universal Declaration of Human Rights

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or

international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marria-

ge, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. Education



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