

A stylized sun with a human-like face, including an eye and a mouth, is positioned on the left side of the page. The sun's rays are represented by thin, white lines. The background of the entire page is a vibrant, multi-colored swirl that transitions through the colors of the rainbow: blue, green, yellow, orange, and red.

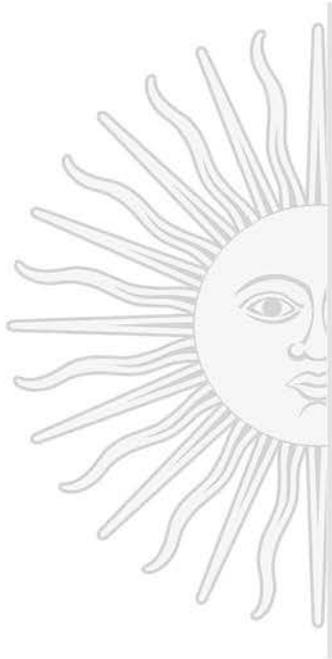
# Plan for LGBT Citizens

From **legal** equality  
to a **real** equality

Proposal from the Argentine Federation of Lesbians, Gays, Bisexuals and Trans  
of a federal public policy for citizenship of lesbians, gays, bisexuals and trans in Argentina.







## **Public Policies for Lesbian, Gay, Bisexual and Trans in Argentina.**

Proposal from the Argentine Federation of Lesbians, Gays, Bisexuals and Trans of a federal public policy for citizenship of lesbians, gays, bisexuals and trans in Argentina.



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# Table of Contents

<b>Presentation</b> .....	7
---------------------------	---

<b>Public Policy for Inclusion and Real Equality</b> by Esteban Paulón .....	9
---	---

<b>UN and LGBT Citizenship Plan</b> by Martín Santiago Herrero .....	11
---	----

<b>Diversity, wonderful wealth</b> by Alberto A. Stella .....	12
--	----

<b>Public Policy for Lesbian, Gay, Bisexual, and Trans Citizens</b> .....	13
---	----

<b>Executive Branch</b> .....	17
-------------------------------	----

<b>National Secretariat for LGBT Citizens</b> .....	18
---	----

<b>Actions in Provinces and Municipalities</b> .....	18
Local Areas for Sexual Diversity .....	18
Experience: Sexual Diversity Area in Neuquén .....	19
Experience: The Roundtable for Sexual Diversity in Rio Cuarto .....	20

<b>Federal Council for LGBT Citizens</b> .....	20
--	----

<b>Dialog Table between Governments and the LGBT Community</b> .....	20
Experience: Dialogue Table in Santa Fe .....	21

<b>Legislative Agenda</b> .....	23
---------------------------------	----

<b>National Legislation</b> .....	24
-----------------------------------	----

<b>Provincial Legislation</b> .....	25
-------------------------------------	----

<b>Municipal Councils</b> .....	26
Penalization of Discriminatory Acts .....	26
Experience: Legal Penalization of Discriminatory Acts in Rosario .....	26

<b>Judicial Branch and Public Ministry</b> .....	29
--	----

<b>Intervention by themes</b> .....	33
-------------------------------------	----

<b>The Workplace</b> .....	34
Experience: The Textile Cooperative "Estilo Diversa LGBT" .....	35
Experience: Roundtable for Business Companies on Sexual Diversity .....	35

<b>The Healthcare System</b> .....	35
LGBT-Friendly Health Care Centers .....	37
Experience: Hospital Fernández in La Plata .....	37
Experience: LGBT-Friendly Medical Centers at UNAIDS .....	38
Experience: Medical Center at Hospital Fleming in San Martín .....	38
Experience: Hospital Ramos Mejía in Buenos Aires .....	38
Experience: LGBT-Friendly Gynecologists for Lesbians and Bisexual Women .....	38

<b>Education</b> .....	39
------------------------	----

<b>Culture and Sports</b> .....	40
---------------------------------	----

<b>Communication and Information</b> .....	41
--	----

<b>Social Development and Participation</b> .....	42
Experience: National Coordination for Sexual Diversity	

in the National Ministry of Social Development .....	43
Orientation, Accompaniment, and Safe Spaces for LGBT Youth .....	43
Experience: LGBT Safe Spaces in San Juan .....	43

<b>Security and Prevention of Institutional Violence</b> .....	43
Security Protocol for LGBT Individuals .....	44
Specific Difficulties for LGBT Security .....	44
Experience: Federal Security Forces and the National Ministry of Security .....	45
Experience: Protocol for Intervention of Security Forces in Santa Fe .....	45

<b>Intervention for Specific Groups</b> .....	46
---	----

<b>LGBT Youth</b> .....	46
-------------------------	----

<b>Lesbians and Bisexual Women</b> .....	48
--	----

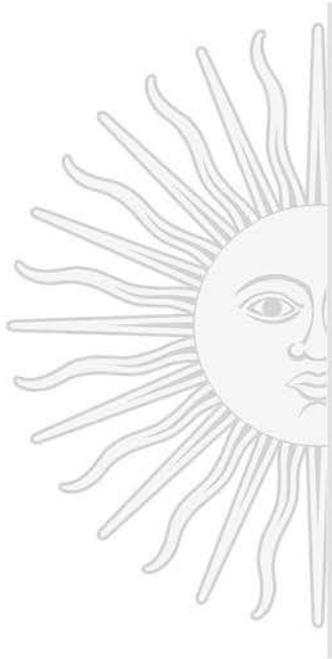
<b>Trans Men and Trans Women</b> .....	48
--	----

<b>LGBT Elders</b> .....	50
--------------------------	----

<b>Gay and Bisexual Men</b> .....	50
-----------------------------------	----

<b>Bibliographic References, FALGBT Staff, Credits and Acknowledgements</b> .....	53
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## Presentation





**Esteban Paulón.** President, FALGBT

## Public Policy for Inclusion and Real Equality

The first Plan for LGBT Citizens was created by the Argentina Federation of Lesbians, Gays, Bisexuals and Trans (FALGBT) after the Congress passed law 26.618 (Marriage Equality) in July 2010, and consisted of a series of actions and programs that should be enacted to permit the consolidation of equality for the LGBT community in our country.

The Plan also collected the expectations of our movement before the acceptance of the Gender Identity Law, which finally was passed in May 2012, five years after the FALGBT and the Association of Travestis, Transexuales, Transgenders of Argentina (ATTTA) presented the first bill on this area in the National Congress.

There are many signs of the positive effects this legislation has on our society, such as profound advances in rights and the promotion of citizenship for lesbians, gays, bisexuals, travestis, and transexuales throughout the nation. And this legislation continues to have a positive effect throughout all of Latin America.

In the case of Marriage Equality, the law came to offer protection and acknowledgment to all couples and families, and promoted a debate that united all corners of our country and allowed all members of our society to better understand the daily realities of so many Argentinians who, until that moment, had been second-class citizens.

In the same sense, with the law of Gender Identity our

country set a new international standard regarding rights of trans people, with no restrictions, without pathology, and guaranteeing dignity, integral access to health care, and social inclusion.

Nevertheless, the acceptance of these laws does not stand to revert situations of exclusion and vulnerability that affect the LGBT community's access to education, health, employment, quality of life, and rights in public and private spaces.

These situations particularly apply to trans individuals. While their identity is recognized through a simple national procedure, they still face harsh challenges and situations of exclusion and discrimination even greater than those that other members of the LGBT community have in their daily lives.

It should be noted that during the period that has passed between the first Plan of Citizenship and this second version, many people and organizations have taken some actions with national and local governments throughout the country, both within the FALGBT itself and its members organizations, some of which are recognized in this publication as "good practices" for the inclusion and promotion of LGBT rights.

As a consequence of the work that the FALGBT has carried out since its origins, there have been a variety of great successes, such as the Sexual Diversity Program of INADI in 2007, the creation of the Areas of Sexual Diversity in the municipality of Rosario, Neuquén and Río Cuarto, the abolition in all provinces of the articles of the Fault Codes that penalized sexual diversity, the installation of LGBT-specific spaces in

the National Ministries of Employment, Health, and Social Planning, the publication of educational material together with the National Ministry of Education to create an Integral Sexual Education program and the establishment of LGBT-friendly health care services in numerous provinces, whose number has only increased after the acceptance of the Law on Gender Identity.

These programs, and others that we recognize in this publication, are only some of the hundreds of examples that the FALGBT and its partner organizations have designed and implemented during the past few years.

In light of the legislative advances and the public policies implemented in this year and a half since the original Plan was released, the FALGBT proposes to make a revision of this plan to reflect advances our community still needs and current struggles, reaffirming our desire to implement an integral plan of public policy based in the demands of lesbians, gays, bisexuals and trans in Argentina, and which spans all levels of government and all powers of the State.

In order to consolidate our achievements, to advance the pending agenda and so that equal justice be the base for social equality, we invite you on this journey with us.

**Esteban Paulón**  
**President, FALGBT**

## UN and LGBT Citizenship Plan

The re-edition, updated and expanded, of the “Plan for LGBT Citizens – from legal equality to social equality” is a great opportunity for the continuity of public policies which Argentina has been developing in the area of human rights, with a focus in integration and inclusion of vulnerable populations.

Such policies are in full accordance with the 1948 Universal Declaration of Human Rights and its subsequent Treaties and Conventions that aim to the elimination and protection of all forms of stigma, discrimination, or violence based on the differences between human beings.

In recent years, the country has engendered great achievements in its legal framework that locates it in an advanced position on enforcement of human rights, such as the Marriage Equality Act (July of 2010) or the Gender Identity Law (May of 2012), but as clearly marked in the title of this plan, it is still pending to consolidate these achievements for the daily reality of thousands of people in the LGBT community.

According to the Human Rights Approach that prevails over the actions of the United Nations, the Secretary General, Mr. Ban Ki-moon, has made repeated calls to the member states to decriminalize homosexuality, eliminate violence based on gender identity, and eradicate all forms of stigma and discrimination against sexual diversity.

This call is based upon the guiding principles of

human rights contained in Universal Declaration which state that they are universal and inalienable, indivisible and interdependent, guaranteeing equality and absence from discrimination while encouraging the participation and inclusion of all people, promoting validity of the rule of law and accountability.

In the daily work in Argentina, the Agencies, Funds, and Programs of the United Nations, endorse the incorporation of the Human Rights Approach in all decision-making processes and public policies as a way to support the State in the deepening of democratic regime, in giving relevance to the rights of citizens and in the respect, protection, and guarantee of full exercise of those rights.

Through the support of these initiatives, the United Nations aim to encourage discussion and critical reflection on relevant problems that make the development of the country.

We believe that by working daily in favor of plurality, we build a fairer and more cohesive society, respectful of diversity.

In conclusion, I thank all those who participated with their contributions on the redevelopment of this Plan for LGBT Citizens and wish them the greatest success in their efforts to achieve real inclusion and equality.

**Martín Santiago Herrero**  
**Resident Coordinator of the UN System in Argentina. Resident Representative of the United Nations Development Programme (UNDP) Argentina**

## Diversity, wonderful wealth

In a secular, pluralistic, and democratic society, the participation of the social organizations is a cardinal element in the construction of the culture of rights, especially if we consider that it is precisely the sociological foundation that gives content to human rights, legitimizes its dynamic development, and invigorates the cultural and political context of society.

The "Plan for LGBT Citizens – from legal equality to social equality" constitutes a document of unquestionable value, since not only promotes the culture of rights, self-determination, and social coexistence as an ethical foundation for the construction of society, but also provides a practical and conceptual base for the development and implementation of public policies which guarantee equal access and opportunities for emancipation and personal growth, reducing social and individual vulnerability of citizens.

Indeed, it is the legal framework of Argentina, undoubtedly revolutionary in the field of Human Rights, that enables this process of building citizenship based on respect for an unquestionable and fundamental premise: the identity, orientation, relations, and sexual, erotic and affective practices, on the basis of consent and full respect for personal integrity, constitutes an inalienable individual right, and the incumbency of the society or State is unacceptable; however, the State should ensure freedom and equality to all citizens, regardless of sex, sexual orientation, or

gender identity and expression.

These elements of respect for the integrity of human beings are already clearly expressed in the Universal Declaration of Human Rights, adopted by the United Nations in 1948, whose first article states that "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." It is clear that beyond the heterogeneity of beliefs and worldviews, the philosophy of human rights defends, from its anthropological essence, the concept of universality.

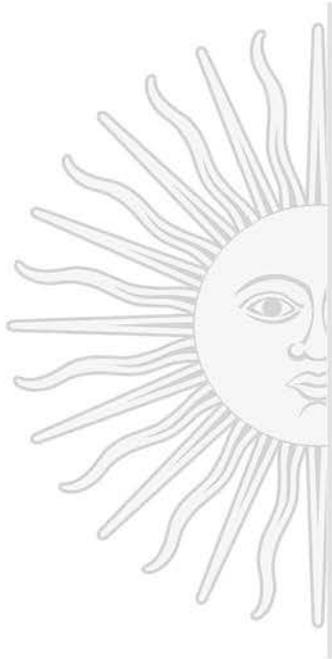
History shows us that the denial of this basic principle of coexistence generates social injustice and violence, undermining any sustainable development effort. Moreover, the sociological investigation shows clearly that the highest level of innovation, central element of technology and development, are achieved in social contexts with the highest levels of diversity in all its form: ethnic, sexual, nationality, artistic integration, etc.

The Joint United Nations Programme on HIV and AIDS (UNAIDS) has always been committed to participate in the public debate on this urgent process of social construction and appreciates especially the organizations and social groups that participated in the elaboration of this Plan for LGBT Citizens.

The goal is not to overshadow diversity, wonderful wealth of the human race, but rather to des-

trophy taboos and preconceptions and to build together a pluralistic society that, based on the culture of rights, walks in the path determined by human development. Only then the supposed universality of Human Rights will be able to become a reality.

**Alberto A. Stella**  
**UNAIDS Coordinator for Argentina, Chile, Paraguay and Uruguay**



## **Public Policy for Lesbian, Gay, Bisexual, and Trans Citizens**

From legal equality to social equality

Public policy is defined as “the joining of actions—and omissions—that manifest a determined modality of State intervention to a question that warrants the attention, interest, or mobilization of other actors in civil society. From this intervention one can infer a certain direction, a determined normative orientation, that will affect the future course of social progress of the previously designed response to the question» (Oslak and O’Donnell, 2007).

In this sense, a question arises when the State intervenes in a true sense “taking sides” through action or by omission. In the first case, this could signify the process of legitimacy for a question, contributing to accelerate already present processes and trends, moderating others, or simply blocking them.

In the second case the State may have taken the decision to wait until the question and the position of the distinct actors are clearer, leaving the matter to resolve itself in a private environment between the parties involved. The State may also wait considering that inaction is a more appropriate method of preserving or augmenting the political resources of the regime.

In this way one can define diverse situations in which the State, through various devices and instances, decides—or does not decide—to involve itself in a process of social change, with the primary goal being to assume positions that could potentially alter the power dynamic of the actors involved, including the State Itself.

In the concrete case of the relation between the State and sexual diversity, there has been courageous—though insufficient—progress. Originally a State that

rejected and made invisible the expressions of affection or diverse eroticisms, defining these situations as private and—as a consequence—justifying a lack of public policy, the Argentine State now has a proactive attitude that, joint with organizations from civil society, has accompanied legislative, executive, and social advances for the equality and towards ending discrimination against the LGBT community.

In other words, we can say that regarding sexual diversity the State evolved from denying the legitimacy of the LGBT community, persecuting and suppressing expressions of diversity, to one that has passed on to a stage we could call “tolerance”, taking steps to include the LGBT community.

In this respect, Flavio Rapisardi explains that “to set the stage, the 18th century found ‘tolerance’ to be a formula to combat discriminatory practices. After more than two centuries this liberal formula has permitted social coexistence and true cultural productivity, but we cannot continue thinking in the same terms, in the sense that an anti-discriminatory policy has to overcome the implicit hierarchy in this term. For this today we speak of ‘diversity, equality, and a lack of discrimination’ as a better term than the antiquated tolerance that our ancestors proposed to combat religious clashes.”

In addition, Ernesto Meccia (2006) says that “to consider homosexuality as a private conduct and (only) then as a destination of tolerance, is to imply a previous definition of adverse character without which tolerance would not have a reason to be [...] Basically, tolerance functions as a kind of semantic equivalent in a language which translates the worst definitions

of an object in a politically correct manner.”

When lesbian, gay, bisexual and trans citizens become visible, tolerance disappears to give place to a different definition that each subject possess about the diverse “object” in respect to heteronormativity. This is a definition that is outside the social imagination or collective representations. It can be affirmed then that the private is not always “private”, in so much as it is regulated socially.

It is in this context of uncertainty, of transition, of stigmatization and social exclusion, but also of «tolerance», of building of a democratic regime and of creation of a hierarchy of human rights, that we lesbian, gay, bisexual and trans citizens have made our presence visible to advance our rights. This has forced a new current meaning for sexual diversity which focuses on recognition and the pursuit of equal civil, political, and social rights.

We have been able to overcome a lack of recognition of rights to instead create our own full citizenship and to leave behind this paradoxical subjects we were, who needed to split themselves to be able to belong to a society that asked them to deny their essence. A kind of subject “that is, but is not”.

Anyway, it is clear that “Beyond the specific legislation against gender-based discrimination, sexual orientation or sexual identity that has been sanctioned since the 1980s, the discourse in public policy, as well as the State’s administrative routines, promote sexual categories and genders that constitute gay, lesbian, bisexual, trans, and intersexual individuals as subjects excluded from citizenship.” (Moreno, in Pecheny, Fí-

gari and Jones, 2008).

As organizations of sexual diversity we have pursued a definition that reflects the role that we must comply with for to effectively planning and creating public policies. These roles are determined by the relation that has been established between the standards of design, the concept of the individual, society, and the expectations that we have as actors in civil society.

It is within a critical analysis model that as organizations we can question social politics, with the objective being to gain the perfection of necessary policies. This creates a feedback loop that can manifest itself both in contributions to the perfection of policy as well as to tensions and crises during confrontations with policy drafters.

In the large cities of our country this theme has been gaining ground even before being able to count on, in many cases, a systematic national approach or a plan or program that coordinates actions and/or campaigns between the State and civil society. More, barring exceptions, the strength of the movement has been in general isolated or very punctual, relating in the majority of cases to HIV-AIDS, civil and social rights, or in other very specific and focalized campaigns.

In the same manner that programs and actions are implanted, designed to construct a rich citizenship for everyone, destined for diverse sectors of vulnerability in the population, it is of vital importance that from the State—national, provincial, and municipal—, in a coherent manner with social policies that have been developing, a specific work space be visibilized and ins-

titutionalized, a space that is needed without delays and that permits full equality for lesbian, gay, bisexual and trans citizens.

This proposal, presented by the Argentine Federation of Lesbians, Gays, Bisexuals and Trans, has as a primary goal to continue reducing the legal discrimination against the LGBT community, and additionally to ensure that the legal equality we have won in the last few years translates as well into the reduction of segregation and social stigmatization that historically this population has suffered from in Argentina and worldwide. This plan is an aid to obtain full citizenship and social visibility for everyone, in whichever environment or space, in any town or city in Argentina.

With this ambitious but clear objective, this text proposes a variety of actions in the government in a variety of settings, treating the theme of sexual diversity with a global perspective and including diverse expressions in daily life. This plan focuses on the legislative, executive, and judiciary branches of government, as well as the workforce, the health care system, the educational system, culture, communication, participation, and solidarity.

The actions we propose in the following chapters are based in the following principles:

**Equity:** As lesbian, gay, bisexual and trans individuals we have the right to enjoy the same rights and opportunities as our fellow citizens, and it is the responsibility of the State in all of its levels to guarantee this equality. In this equality, there must not be disparities, systematically associated with social advantages or

disadvantages<sup>1</sup>.

**Human Rights:** The rights of LGBT citizens are Human Rights, as outlined in the National Constitution and national treaties, and in their own right are inalienable rights, regardless of social conditions, sexual orientation, or gender identity, nor the convictions or beliefs of any other circumstance.

**Joint Responsibility:** The guarantee, promotion, and defense of LGBT rights is the prime responsibility of the State, and, to a lesser degree, civil society. With the participation of the two, the State has the obligation to prevent, investigate, and sanction all forms of violence against the LGBT community and design policies that protect their rights.

**Integrity:** Public policy must include each LGBT person into its political, social, cultural, economic, erotic-affective and psychological dimensions.

**Autonomy:** We all have the right to our own decisions and to exist freely in all parts of public and private life. Autonomy is a crucial part of liberty and self-expression—as long as it does not directly affect a third party—and constitutes sex-positive expressions and

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1 In the area of health, for example, inequities place populations that are already at a social disadvantage for their sexual orientation or gender identity in situations of even worse disadvantage. The high frequency of HIV in trans women and gay and bisexual men is an example of this (90 and 30 times more on average, respectively). This can include other determinants as well, such as living in poverty, being female, and situations of stigma and discrimination.

gender identity in private settings. This framework of fundamental guarantees should be implemented within the current social model and cultural hegemony in which the free expression of people with a sexual orientation or gender identity that is not heteronormative is prohibited.

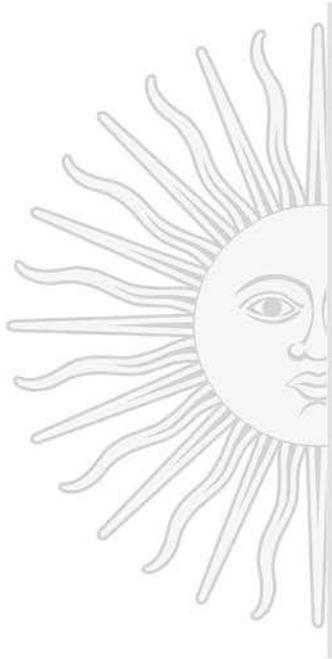
**Coordination:** All public organizations—in all branches of the State and in all levels of government—that have within their functions the attention and guarantees of the rights of citizens, should consider the protection of LGBT citizens. This framework should recognize and execute affirmative and coordinated actions with an end to present integral and opportune care to this population.

**Diversity:** Differences, plurality, multicultural and intercultural values and traditions, singularity, creativity, and the design and the distinct gender identities and sexual orientations are intangible values that should be respected and valued, in agreement with the larger framework of human rights and constitutional principles.

**Participation:** Organizations and political establishments that work for the recognition and respect of sexual diversity and gender identities should be promoted with the end of adding to their political influence. They should also be allowed to search to consolidate processes that create social and cultural change, that allow for the construction of common agendas, and for the recognition of political, economic, and social rights.

more just and equal society, with a diversity of affections, sentiments, sexualities and genders, all of which undeniably reflect the ability of our country to respect the plurality and diversity of her citizens.

With the actions and programs proposed in this plan we dream of an Argentina that advances towards a



## Executive Branch

«In order to deepen the actions towards real equality of the LGBT community, both regarding opportunities and treatment, it is required to raise the level of articulation of affirmative policies throughout the diverse areas of citizenship».

Since its origins in 2005, the Argentine Federation of Lesbians, Gays, Bisexuals and Trans has designed its actions based on a concrete agenda oriented to promote the equality of the LGBT community in all social spaces, associations and institutions.

This agenda contributed to a growth of important legislation, such as the Marriage Equality Act, The Law of Gender Identity, and the repeal of the Codes of Offenses and Misdemeanors in several provinces of our country.

The agenda of the FALGBT also created concrete public policy which promoted institutional spaces not only in the national government, but also in provincial and local governments, with an end in mind to create tools that would aid in the agenda of sexual diversity, transversally to all parts of public policy within the State.

In that framework we can locate the creation of the first National Program for Sexual Diversity in the Institute Against Discrimination, Xenophobia, and Racism (INADI), who was ultimately headed by the then-President of the FALGBT, María Rachid.

Following in this same line, this framework created a specific program for Sexual Diversity in the National Ministry of Work, the institution of a Roundtable for Sexual Diversity in the National Ministry of Health, and most recently—after negotiations between the FALGBT and national officials—the creation of the National Coordination for Sexual Diversity in the National Ministry of Social Planning.

Regarding educational material, the FALGBT participated in the creation of diverse materials together with the Ministry of Education to fight to include sexual diversity in the Integral Sexual Education. These efforts included the publication “Integral Sexual Education in the Families”.

At the provincial and local level the FALGBT participated actively in the creation of Areas of Sexual Diversity in Rosario and Neuquén, devising at the same time a plan with a framework for LGBT citizenship within the Government of the City of Buenos Aires.

Being aware of the need to deepen and organize these actions, we promote a series of public policies that we enumerate and detail below. We also present throughout this publication some good practices that with the work of FALGBT could become implemented and had very interesting results.

## **PE1. Creation of the National Secretariat for LGBT Citizens**

The Secretariat is intended to be able to articulate and orient the various actions of the Argentine State towards the protection, promotion, and guarantee of rights for the LGBT community.

In this sense the Secretariat should coordinate actions with all Ministries involved in the implementation of actions and policies at provincial and municipal levels, convening with local governments and orga-

nizations from civil society, and transferring resources and institutional help in the areas of training and planning.

## **PE2. Actions in Provinces and Municipalities**

Provinces and Cities, due to their scale and the closeness of their efforts with the population, are privileged environments for the implementation of public policies that attend the needs of specific groups.

In this sense, the creation of local Areas of Sexual Diversity and the promotion of roundtables for dialogue between provincial or municipal governments and civil society organizations can be pertinent strategies to promote specific policies for the LGBT community. They are also fundamental tools to combat discrimination and guarantee full citizenship for LGBT people.

### **Local Areas for Sexual Diversity**

Though local governments cannot very well substitute for provincial and national governments, many times they are more accessible to the population and play a fundamental role in promoting equality and ending discrimination against the LGBT community.

To this end, the FALGBT promotes the creation of local areas that design and execute active public policies for the construction of a rich citizenship for people with diverse sexualities.

These Areas should work with actions that the local government designs for the protection, promotion,

and augmentation of LGBT rights, at the same time creating programs of equality for its employees.

Amongst the principal goals of the Areas for Sexual Diversity we can mention:

- Promoting equality and ending discrimination against the LGBT community, and guaranteeing the highest level of inclusion within public policies and local government.
- Driving the creation of an Integral Program for attention and information for LGBT persons.
- Offering special services oriented to the LGBT population.
- Promoting the diffusion of precise and clear information that permits the deconstruction of myths and prejudices related to sexual orientation and gender identity, keeping in special consideration those prejudices that are most local in nature.
- Increasing public knowledge regarding the design of LGBT-specific policies.
- Facilitating access for all people, independently of their sexual orientation or gender identity, or individual resources, to all services for health, culture, sports, education, and recreation that the municipality or community offers.
- Contributing to the strengthening of organizations that work with this specific theme and facilitating conversation between civil society and

local governments, coordinating events and commemorations, as well as an agenda that is thematically linked.

- Implementing programs that guarantee the equality of opportunities and treatment for its employees.

### → Experience: Sexual Diversity Area in Neuquén

On the 25th of November 2010, a few months after the approval of Marriage Equality Act, the President of “Mesa Nacional por la Igualdad Neuquén” met with the then Mayor of the City of Neuquén, Lic. Martín Farizano, to discuss a project that would create in that city a position of Director of Sexual Diversity. The response of Mayor Farizano was immediate: “Let’s do it now! Everything we can do to increase access to rights and to generate public policies, to create a city with more equality between its neighbors, we are going to do it.”

In just a few short months the Direction of Sexual Diversity was created and Adrián Urrutia, a local reference for sexual diversity and a member of the FALGBT, was designated as Director.

Amongst the first measures they took, we can mention the creation of a Council for LGBT Consulting in which representatives were placed from all the organizations in Neuquén working with sexual diversity. Conversations were also initiated with deputies and provincial deputies in all political parties to request that the Legislature remove the articles of the Code of

Offenses and Misdemeanors that penalized sexual diversity. This was achieved in August of 2011.

In 2012, the “Mesa Nacional por la Igualdad Neuquén”, “ATTA Neuquén” and the association “Conscience VIHda”—all of them organizations belonging to the FALGBT—presented a bill to promote labor inclusion for the trans community.

In addition, a project was initiated to create in the provincial government an area of Sexual Diversity and to declare May 17th as a provincial holiday, marking the fight against discrimination of gender identity and sexual orientation.

Currently the area is directed by another representative of an organization of the FALGBT, trans activist Victoria Arriagada.

### → Experience: The Roundtable for Diversity in Rio Cuarto

The “Roundtable for Diversity in Rio Cuarto”, province of Córdoba, was born in 2009 as a space for local and regional focus, integrated with organizations, groups, and people that work for the equality of rights and opportunities for all. Its primary objective was to promote the participation and association of the LGBT community, as much in social life as in political life in the country. It is an open space that promotes in the city:

- Cooperation and exchange of information between organizations of civil society that work for equal rights and opportunities for all.

- Increased visibility of the LGBT community and its issues, particularly in the public agenda.
- Integration of the city, the region, and other provincial, national, and international organizations.
- Consolidation of spaces especially oriented to design and implement public policies for the LGBT community.

Entre los objetivos de la Mesa podemos destacar:

- Promotion of the acceptance of diversity and the respect of being different, as well as the fight against all types of discrimination.
- Work to increase access of the LGBT community to all civil and human rights.
- Generation of spaces for dialogue within the media.
- Articulation of our demands and requests with other organizations to encourage the design of public policies for the LGBT community and for its most vulnerable sectors: people in situations of poverty and exclusion, women, trans individuals, youth, and the elderly.
- Increasing public understanding of issues regarding health care and prevention of diseases.
- Encouragement of LGBT-specific studies and research.
- Compromise with local security forces for a more just and equal society.

Since its beginnings, the roundtable has achieved the acceptance of the Ordinance for Civil Unions, the modification of the ordinance against discrimination, the inclusion of the topic of gender identity and diversity in the Code of Public Spectacles, and the creation of a municipal program of sexual diversity and gender identity.

### PE3. Creation of a Federal Council for LGBT Citizens

To improve the coordination of the proposed actions and to guarantee similar implementation at a federal level, the Federal Council would be a mixed participative space in which representatives of the provincial governments, together with LGBT organizations at a national level, and coordinators for the Secretary for LGBT Citizens, would share in turn at the same table the design, implementation, and continuation of public policies throughout the country.

The objectives of the Federal Council would be:

- To organize an Annual Conference for LGBT Citizens to promote a space for work and exchange between the National Government and the organizations of civil society, as well as to evaluate the advances and implementation of public policy throughout the country, and to plan the actions to be designed.
- To collaborate with the Secretary in the design and implementation of said policies and to advise the Secretary in this process.

- To frame these national actions between the National State, the subnational states, and the organizations that work throughout the country.
- To monitor the compliance of the objectives proposed by the Secretariat.
- To incorporate proposals in the work list for the National Government.
- To present projects and monitor their execution.
- To transfer resources to all the intermediating actors.
- To promote the formation, empowerment, and education of all the diverse actors participating in the design and implementation of public policies for LGBT citizens.

### PE4. Dialog Table between Governments and the LGBT Community

The possibility of generating spaces for dialogue and exchange between organizations of civil society and government entities is of fundamental importance to promote civil and human rights and for the LGBT community as a whole.

The FALGBT promotes the construction of dialogues at a provincial level as well, which constitute valid spaces for the collective construction of an agenda of equality, in a united force from both civil society and the government.

These discussions should have as main goals:

- To articulate the initiatives that are designed by the organizations and associations with the actions that currently or in the future would protect and promote LGBT rights.
- To install across all levels of government the guarantee of rights for people with sexual orientations and sexual identities that are not heteronormative.
- To identify the difficulties and restrictions that the LGBT population has in each province.
- To construct, in a joint exercise between the government and civil society, an agenda of actions and public policies that the State designs for the protection of the LGBT community throughout the provincial territory.

### → Experience: LGBTIQ Dialog Table in Santa Fe

El 23 de marzo de 2012 se realizó en la ciudad de Rosario la primera reunión de la Mesa de Diálogo LGBTIQ. La Mesa fue instituida a partir de una propuesta de la FALGBT y sus organizaciones miembro en Santa Fe —en base a las recomendaciones de la primera edición del Plan de Ciudadanía LGBT—, y permitió sentar en un espacio común a referentes de las organizaciones sociales de la diversidad sexual y a representantes de nueve ministerios del gobierno de la provincia de Santa Fe.

La Mesa —coordinada desde el Ministerio de Desarrollo Social provincial— se dio un funcionamiento mensual que alternó entre las dos principales ciudades de la provincia, a fin de garantizar la mayor participación de activistas de todas las ciudades.

Por parte de las organizaciones sociales, en el primer encuentro de la Mesa participaron la Federación Argentina LGBT, la Asociación Travestis, Transexuales y Transgéneros de Argentina, VOX AC, Unidos Todos AC, SOMOS, Las Safinas, Comunidad Trans, MISER, Grupo de Diversidad Sexual de la Juventud del Partido Socialista, Putos Peronistas y Movimiento Evita Diversidad.

En representación del Gobierno de Santa Fe participaron la Ministra de Desarrollo Social —Lic. Mónica Bifarello—, la Directora de Políticas de Género —Ps. Mercedes Martorell—, el Secretario de Interculturalidad en Salud —Dr. Daniel Tepaz— y funcionarios y funcionarias de los Ministerios de Trabajo, Cultura, Educación, Seguridad, Justicia y Derechos Humanos

Asimismo el encuentro contó con la participación del entonces Coordinador residente de ONUSIDA para el Cono Sur, Dr. Rubén Mayorga.

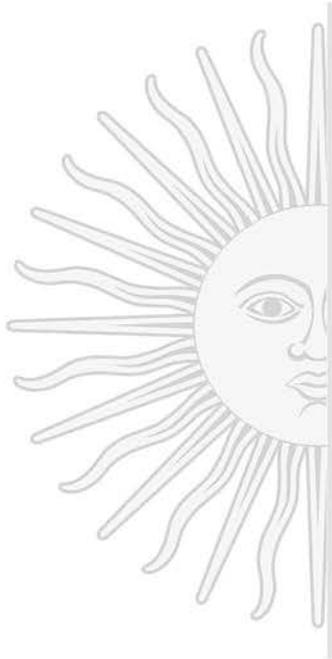
Desde entonces, y a lo largo de las sucesivas reuniones mensuales, la Mesa de Diálogo LGBTIQ de Santa Fe promovió las siguientes acciones:

- On March 23, 2012, the Roundtable for LGBTIQ Dialog met for the first time in Rosario. The roundtable was instituted after a proposal from the FALGBT and its member organizations in Santa Fe—based on the recommendations of the first edition of the

Plan for LGBT Citizens—and permitted representatives from social organizations working with sexual diversity to occupy the same working space as representatives from the nine ministries of government in Santa Fe Province.

- The Roundtable, coordinated by the provincial Ministry of Social Planning, met monthly, alternating between the two main cities in the province, to guarantee the best possible participation of activists in both cities.
- Representing social organizations, participants in the first meeting included the FALGBT, the Association of Travestis, Transexuals, and Transgender in Argentina (ATTTA), VOX AC, Unidos Todos AC, SOMOS, Las Safinas, Comunidad Trans, MISER, Grupo de Diversidad Sexual de la Juventud del Partido Socialista, Putos Peronistas and Movimiento Evita Diversidad.
- Representatives for the Government of Santa Fe included the Ministry of Social Planning, Lic. Mónica Bifarello, the Director of Gender Politics, Ps. Mercedes Martorell, The Secretary for Intercultural Health Care, Dr. Daniel Tepaz, and representatives from the Ministries of Work, Culture, Education, Security, Justice, and Human Rights.
- Likewise, the meeting had the participation of the then resident coordinator of UNAIDS, Dr. Rubén Mayorga.
- Since then, and mostly due to the successive monthly meetings, the Roundtable of LGBTIQ Dialogue in Santa Fe:





## Legislative Agenda

«The signing into law of the laws of equality in 2010 and 2012 has signified an enormous advance for inclusion and citizenship, but further action is still needed to permit lesbian, gay, bisexual and trans citizens the full exercise of their rights throughout the country».

The passing of legislative instruments that promote and guarantee rights to diverse vulnerable communities or remove existing discriminatory barriers constitute central tools, as much for the States as for the vulnerable communities themselves.

For instance, regarding Codes of Contraventions throughout the provinces—which has been one of the primary points of the FALGBT’s agenda since its origins—there is much to say about progress.

At the moment of the creation of our Federation, fourteen provinces penalized the expression of “transsexuality”, “scandalous prostitution”, “assault against decency” or “sexual vice”, which is only to mention some of the figures that the security forces used to persecute the LGBT community, especially trans women.

After a national campaign, led by the FALGBT and ATTTA, the abolition of these figures in all provinces of the country was achieved, which signified an enormous advance for the removal of obstacles towards an LGBT citizenship free of discrimination.

## National Legislation

Likewise, at the level of national legislation, Argentina is a model country worldwide for the way it regards sexual diversity, after the acceptance of what we call “laws of equality” by the National Congress. By this we mean the laws of “Marriage Equality” (presented by the FALGBT in 2005 and passed by both chambers in July 2010) and “Gender Identity” (presented by the

FALGBT, together with ATTTA, in 2007 and passed in May of 2012).

While it is true that both laws constitute an enormous improvement in the exercise of citizenship for the LGBT community, there still remain many obstacles for the full exercise of civil and human rights.

For this reason, we as FALGBT promote the initiatives detailed here, convinced that the National Congress should pass them to provide a legal mark which complements and adds to what there has been already achieved.

**LN1.** New law regarding discriminatory acts that marks sexual orientation and gender identity or expression as “discriminatory pretexts”, at the same time incorporating the presumption of moral damage, reversing the burden of proof for the discriminatory nature of the actions (except in penal processes), respecting the legitimacy of the ONGs to act in judicial processes against discrimination and the establishment of aggravating circumstances for hate crimes based on “suspect classifications”.

**LN2.** A law that guarantees a nondiscriminatory treatment to the LGBT population regarding blood donation and the prohibition of using medical history forms to define the capacity of an individual to donate blood based solely on sexual orientation or gender identity, which perpetuates discriminatory ideas and stigma.

**LN3.** Law for the prevention, attention, and elimination of all forms of bullying, that establish specific and concrete public policies and provides the schools and

families with tools for adequately treating these problems in all education institutions in the country.

**LN4.** A law for a “National Program of Integral Trans Health” in the area of the National Ministry of Health, that guarantees a minimum and uniform level of compliance with the Law of Gender Identity in all Argentine provinces and the City of Buenos Aires.

**LN5.** Law of Subsidy for the trans community, which would guarantee a minimum income for trans citizens over thirty-five years of age, considering the situation of profound historical vulnerability they have faced.

**LN6.** Declaration and incorporation into the school calendar of the commemorative dates of the LGBT movement, instituting these days: May 17 as a “National Day Against Discrimination based on Sexual Orientation and Gender Identity or its Expression”; March 7 as a “Day of Lesbian Visibility”, remembering the murder of Natalia “Pepa” Gaitán at the hands of her girlfriend’s stepfather; and March 18 as a “Day for the Promotion of the Rights of Trans People”, in commemoration of the death of Claudia Pía Baudracco, a trans activist who founded both ATTTA and the FALGBT.

**LN7.** Approval of a new Adoption Law in the frame of the Convention For Children’s Rights, and Law 26061 for the Integral Protection of Youth.

**LN8.** Approval of a Law for Equality of Opportunities and Treatment for LGBT Persons, that would promote the uniting of positive actions that work to end discrimination and unequal treatment towards the LGBT

population, paying attention to the particular circumstances that LGBT people face in their familial, educational, and laboral situations.

**LN9.** Modification of the labor legislation, referring specifically to motherhood and fatherhood leave, as well as the provision of postnatal care on behalf of one of the two people of the couple according to the decision taken from common accord, leading to the expansion and equalization of both parent's leaves.

**LN10.** Acceptance of a law of "Access and Permanence in the Workplace Without Discrimination in All Work Environments".

**LN11.** Law creating a special advocacy for Sexual Diversity in the area of Human Rights Secretariat.

**LN12.** Creation of legislation that promote measures to eradicate discrimination based on sexual orientation or gender identity in all forms of media communication, insuring the respect of different sex-positive expressions and gender-positive expressions in the audiovisual media and the press.

**LN13.** Creation of a figure of the "Cohabitation Unions" that would guarantee rights and protection to all couples who are not married, regarding patrimony, provision, and social security, among other matters.

**LN14.** Update to the rules on filiation, to match the rights of all children, regardless of sexual orientation and marital status of their parents, incorporating in particular the principle of "procreational will".

**LN15.** Enactment of legislation regarding "Pre-Occu-

pational Blood Analysis" in order to end the frequent violation of confidentiality regarding an individual's status of HIV or other STIs.

**LN16.** "Human Assisted Reproduction Act" without discrimination, to ensure the ability to form a family for all couples in public and private health services, regardless of marital status and sexual orientation.

**LN17.** Approval of the Secular Education Act that would guarantee the constitutional right to education in a framework of equality for all citizens and to end the practice of religious education in state-run schools in all provinces.

**LN18.** Regulation of "surrogacy" to ensure equal access to parenthood for all couples, regardless of their marital status and sexual orientation or gender identity of its members.

**LN19.** Approval of the "Comprehensive Law for Trans People", which aims to ensure trans people the full and equal enjoyment of their rights and freedoms in education, health, employment and social security.

**LN20.** Changing the rules for "criminal records check" done by the police ex-officio, which is frequently used by members of the security forces to pursue and arrest gays, lesbians, bisexuals and—especially—trans people, and to ensure that no one is detained or persecuted for his/her sexual orientation or gender identity or expression.

## Provincial Legislation

Given the federal character of the institutional organization of our country, legislative proposals exist that should be facing provincial legislatures, either because the material responds to matters not delegated to the federal government, or because specific local variations would enhance the scope of the legislation.

Even more, the legislative advances proposed at a provincial level and/or a municipal level could provide useful tools to combat discrimination. In many situations local legislation results in more pertinent actions to complement the national legislation.

In this sense, we propose to provincial legislatures the following list, which is by no means exhaustive.

**LP1.** Complete abrogation of the Codes on Offenses or Contraventions, especially in the articles that penalize—openly or undercover—sexual orientations that are not heteronormative, travestism, transsexuality or sex work.

**LP2.** Elimination of the norms that allow the provincial security forces to detain LGBT citizens under the pretext of «criminal records check».

**LP3.** Incorporation of the theme of sexual diversity in provincial public policies regarding social inclusion, youth, and childhood, between others.

**LP4.** Acceptance of Integral Provincial Laws for Trans Individuals, which would secure the full and equal exercise of rights and liberties, in particular access to education, healthcare, and housing.

**LP5.** Promotion of legislation that would guarantee the secular nature of public education at all levels and educational modalities, and the effective implementation in the schools of the contents of Law 26150 on Integral Sexual Education.

## Municipal Councils

In the municipal area there are specific competences and particular situations that need an approach to sexual diversity from the Municipal Deliberative Councils. Some examples we could mention follow.

**CD1.** Creation of public spaces—plazas, pathways, etc.—in order to visibilize Sexual Diversity and its expressions.

**CD2.** Incorporation of relevant names and dates for sexual diversity—such as activists known for their path in the promotion of rights for the LGBT community—into the urban nomenclature of streets and buildings.

**CD3.** Declaration of municipal commemorative days for relevant dates in the sexual diversity movement and organization of thematic cultural events for the occasion. In particular, collaboration with civil society in the organization of Pride Marches, Picnics for Familial Diversity and other celebrations of Sexual Diversity.

**CD4.** Elaboration of legislation that would guarantee equality and prohibit discrimination, including concrete penalties for those cases in Municipal Codes of

Offenses. In particular, closing down shops, restaurants and other public access places that do not comply with the national, provincial and local legislation regarding discrimination.

## Penalization of Discriminatory Acts

For their recently amplified abilities and for their closeness with their citizens, municipal governments are ideal to promote policies of prevention and penalization for discrimination based in sexual orientation and gender identity or its expression.

The acceptance of ordinances with a local character should guarantee the “right to be different” and express clearly that in the cities “discrimination is not allowed in any shape or form, including segregation, exclusion, restriction or impairment for reasons of race, ethnicity, gender, sexual orientation, gender identity, religion, ideology, opinion, nationality, physical characteristics, psychological state, social, economic, or any other circumstance that implies distinction”.

Likewise the municipalities should guarantee policies that promote the removal of obstacles of any order that—limited to within their legislative scope and liberty—impede the full exercise of citizenship of any person, their integration, or effective participation in political, economic, social, or cultural community life.

Even more, in the majority of cases, the power of municipal police would facilitate the rapid sanction of the discriminatory attitudes and could promote ac-

tions of immediate repair towards targeted groups or individuals.

## → Experience: Legal Penalization of Discriminatory Acts in Rosario

The city of Rosario is one of the cities that has advanced most regarding the protection of rights for various vulnerable groups of people. Within this framework the Municipal Council approved in 1996—with the now extinct Colectivo Arco Iris—ordinance 6321, known as “anti-discrimination”. This was the first law—excepting a similar clause in the Constitution of the City of Buenos Aires—to recognize the right to be different, and no longer accepting discrimination for, between other pretexts, sexual orientation.

In 2005, after VOX AC’s petition—a founding organization of the FALGBT—the same Council approved a new Ordinance, Number 7946, to add to the discriminatory pretexts “gender identity” and include in the Municipal Code of Offenses concrete penalizations applicable to those sites and public spectacles in which discriminatory acts occur under these pretexts.

Rosario became the first city in Argentina to concretely penalize discrimination, which obligated the construction of other local policies to guarantee a process of reports, adequate legal processing of these reports, and the general acceptance of the right to be different in the local environment.

Numerous municipal areas, including the Urban Municipal Guard, the Department of Inspection, the De-

partment of Sexual Diversity and the Office of Human Rights, have since established a procedure so that victims can report claims.

This process consists of a toll-free line which details of the procedure, and the local intervening areas which can evaluate claims and apply concrete administrative sanctions. All actions are jointly coordinated with the municipal government to protect the rights of the LGBT community throughout the city, a charge for which the Secretary of the Municipal Government is responsible.





## Judicial Branch and Public Ministry\*

«Considering the rights achieved in legislative terms, the LGBT community has serious difficulties in accessing justice and the full exercise of their constitutional rights with equal opportunities».

[\*] TN: In Argentina the Public Ministry is an autonomous two-headed organism, consisting of the Public Fiscal Ministry, which commands the work of all attorneys in the Nation, and the Public Ministry of the Defense, commanding the work of all Public Defenders.

The Judicial Power has gained an increasingly important role in guaranteeing rights and liberties within the new Constitutional State of Law. Keeping in mind that in Argentina various international treaties of Human Rights have been incorporated into the National Constitution but whose guarantees have not been adequately reflected in the legislation, the Judicial Power is more and more frequently the state branch that can initially help support these new matters and demands from social groups and individuals.

The justice system was central in the strategy that the FALGBT's judicial team designed to introduce the laws of "Marriage Equality" and "Gender Identity" in Argentina.

Complementing the legislative strategy, the FALGBT initiated the judicial path towards "Marriage Equality" in February 2007 by presenting a demand of unconstitutionality regarding the law of Civil Marriage for the case of María Rachid and Claudia Castro. After this first complaint (rejected in the first and second instance on grounds that—for the sake of politeness—we could qualify as unfortunate, and then reached the Supreme Court of Justice of the Nation) more than hundred cases in all of the country were presented. In nine of these cases favorable sentences were achieved in the first instance, and that allowed the celebration of these marriages before the sanction of Law 26618 by National Congress.

For the recognition of the Law of Gender Identity the judicial strategy was even more intensive, and in November 2010—after the case of Florencia Trinidad—there were more than forty recognitions of identity that were obtained in the same sense before the law

in May 2012. Even more, the case of Trinidad set a new world standard regarding the recognition of gender identity, guaranteeing the right of identity in terms that would eventually be included in Law 26743, which is to say, without requiring medical diagnosis of any kind or psychiatrists, nor any test, and without necessity of surgery or treatments of any kind. This model of recognition for gender identity without subsequent pathological diagnoses which were present in all the pleas submitted by the FALGBT and its founding organization ATTTA and in the bills for Gender Identity that were presented to the Congress, set a unique precedent in the world and are beginning to be imitated by other countries.

But while these relevant gains are reflected in the national legislation, the Judicial Power still holds a strategic role to guarantee the enjoyment of other essential rights in cases where the legislation is less clear, insufficient, or where its application is less than satisfactory.

Such were the cases of recognition of joint motherhood and joint fatherhood based in the doctrine of "Procreational Will" in cases of assisted fertilization and in cases of surrogacy, which are amongst the most important achievements obtained through strategic litigation by the FALGBT judicial team.

Despite these important advances—which would have been not possible without the work of the judicial team of our nationwide organization—access to the judicial system for members of the LGBT community continues to present several difficulties. Daily situations of violence throughout the country from both civil society as well as the State's own institutions—espe-

cially the security forces—reinforces the challenge of designing policies for the intervention of judicial organizations equipped with the specific knowledge needed to interact with the LGBT community.

Currently members of the community affected by situations of violence in many occasions do not understand how to access the judicial system, and lack mechanisms that offer confidentiality for the realization of claims and the initiation of judicial processes. As a consequence, the problem is undervalued or made invisible, which adds to a spiral of violence and exclusion.

There is a clear need for more statistics from the maximum authority of the Judicial Power to be able to analyze the true magnitude of the phenomenon. This will contribute to the design of future prevention campaigns for violence and abuse and will be an important element for modifying the perception of this type of violence and ending prejudices that are currently held over whether it is a question that remain in the private sphere.

Adding to this is the specific problem of LGBT persons who are detained or imprisoned, who in many cases face egregious conditions of detention and cannot always count on a reliable defense service to help their needs.

In addition, the daily exercise of some rights derived from the Marriage Equality Law (such as joint maternity or joint paternity) and Gender Identity (fundamentally regarding access to health care) are subject to resistance in diverse environments due to a lack of responsibility and awareness of public officials and

employees.

It should be noted that in the last few years the Supreme Court of Justice has placed in action tools of enormous utility that, while do not specifically approach the theme of sexual diversity, have permitted the advance of education and opening of the justice system to themes of gender. Two of these are the Office of Domestic Violence and the Office of Women.

For the other part, a complementary organization to the Judicial Power working with access to justice is the Public Ministry, an independent organization, with functional autonomy and financial autarchy that, formed by the Public Fiscal Ministry and the Public Ministry of Defense, can promote the realization of justice in defense of legality and other general interests of society.

Recognizing the considerations made in the previous paragraphs, we suggest the following recommendations of public policy that, case by case, should be implemented by the National Supreme Court of Justice, the Attorney General's Office, or the General Defender's Office, and in all cases by the maximum respective authorities in the provinces and the City of Buenos Aires.

**J1.** Creation of a Program of Access to Justice, which would prevent and give attention to victims of violence based in sexual orientation or gender identity. This program would function with the National Supreme Court of Justice, as well as the highest provincial courts in each corresponding region.

**J2.** Implementation of programs for education and

training for functionaries and employees in Judicial Power and the Public Ministry, with the end in mind to incorporate the perspective of sexual diversity into the judicial realm.

**J3.** Creation, within the sphere of the Fiscal Public Ministry, of a Fiscal Unity for the investigation of crimes committed under the pretext of the sexual orientation or gender identity of the victims, and that includes the design of strategies that would favor the reporting of such acts confidentially and comprehensively, without re-victimization.

**J4.** Training of Public Defenders in sexual diversity to guarantee the adequate exercise of the law on behalf of LGBT persons accused, and to offer them tools and education that avoid illegitimate detention or treatment.

**J5.** Publication of an annual report for "Situations of Violence and Difficulties in Accessing the Judicial System", with relevant statistics throughout the country, focusing on the LGBT population and other vulnerable populations.

**J6.** Implementation of a program of Special Tutorials regarding LGBT rights designed to collect information about accessing the judicial system for the LGBT population.





## **Intervention by themes**

## The Workplace

The report of the OIT “Equality at Work: Facing the Challenges” (2007), indicates that people “whose sexual orientation does not match established models can be subject to verbal, psychological, and physical violence, besides being a target of manifestations of hate”, such as “dismissal and denial of employment and promotion”.

The consequences of these acts oblige the victims to “exclude themselves” from “true jobs or careers” to avoid damage to their physical or psychological integrity.

In the description of acts of recrimination, the report notes the “abuses” exploited in “undesirable jokes, indirect and tenacious commentary, verbal abuse, defamatory jokes, name-calling, intimidation and hostility, false accusations of pedophilia, graffiti, insulting telephone calls, anonymous property damage, blackmail, violence, and death threats”.

Another form of discrimination is shown in the denial of benefits for same sex couples, despite legal recognition that exists in our country after the sanction of the Law of Marriage Equality, such as “additional days for transfer, childbirth, parental leave, sick partner care, bereavement, educational benefits for workers and their families, providing goods and services by the employer, survivor benefits in pension schemes or life insurance, and health insurance for workers and their families”.

The workplace in our country has yet to be the vibrant place that we desire it to be, where all people can be

visible regardless of their sexual orientation, identity, or gender expression and do not have to fear the consequences. The proposals included in this Plan aim to eliminate these situations of discrimination in the workplace in our country.

**L1.** Urging from the Ministry of Labor to create relative resolutions to labor relations that clearly contain restrictions on discrimination to LGBT citizens.

**L2.** Implementation of programs, together with the Ministry of Labor, Associations and Unions, and organizations from civil society, that have as an objective to face the theme of discrimination against LGBT people in the workplace. These programs should complement the creation of guide for good business practices and labor relations, that include recommendations to cease discrimination against LGBT individuals in the workforce.

**L3.** Promotion of integral policies for the eradication of hostility, violence, and discriminatory practices in the workplace.

**L4.** Aid and promotion to the creation of work cooperatives and productive enterprises in the social/solidarity economy for LGBT people through incentives and support in training and provision of equipment by the State.

**L5.** Implementation of programs with fiscal incentives for companies who hire trans citizens.

**L6.** Establishment of a preferential program for the purchase and hiring of goods and services on behalf of the State for certified companies that are “friendly

spaces for sexual diversity”.

**L7.** Promotion of equal opportunity regarding access to work for trans people, with respect to their level of professional education and their profession or trade, especially in State agencies.

**L8.** In the name of good labor practices, the designation of representatives on behalf of anti-discrimination, with the capacity in each workplace to process and orient cases of discrimination, in particular those of abuse and harassment.

**L9.** Implementation of programs for professional education that would increase the capacity of LGBT people in different disciplines regarding inclusion in the workforce and communication with different businesses and employers.

## → Experience: The Textile Cooperative “Estilo Diversa LGBT”

After a variety of concerns from members of the FALGBT regarding inclusion in the workplace, in October 2010 the Textile Cooperative “Estilo Diversa” LGBT was formed.

The members promoted this initiative as a response to two specific problems within our community. On one hand, a clear problem was the insertion of the LGBT community into the workforce, especially trans workers, who many times did not have equal access to the education system or lacked experience in the workplace.

On the other hand, we observed—and suffered from—a market that did not have masculine clothing in small sizes, and female clothing in large sizes, nor such in-between sizes in shoes.

The fusion of these two needs created the Cooperative “Estilo Diversa LGBT”, a pioneer in uniting a multiplicity of sexual diversities and offering work opportunities to all people who wanted to form a part of an inclusive cooperative project.

From its origin the “Coope” was involved in the fabrication, distribution and sale of clothing, shoes, and accessories for the LGBT community and the public, and designed actions for promoting and establishing similar cooperatives in various provinces throughout the country.

After the creation of Estilo Diversa, the first coope-

ative in Bahía Blanca (province of Buenos Aires) was created to produce lingerie, as well as the cooperative in Comodoro Rivadavia (Province of Chubut) which produces white linen (sheets, towels, etc.), and another similar cooperative in the city of Córdoba, and the one which makes leather goods, handbags, and wallets between others, in the city of Adrogué (Province of Buenos Aires).

## → Experience: Roundtable for Business Companies on Sexual Diversity

Based in the reality of discrimination against the LGBT community that still persists in many environments, and with the understanding of the need for a joined force to approach this reality, we at the FALGBT, its member organizations, various companies, and other actors comprised in this team, have created an initiative to search to articulate actions for inclusion.

This space has for objectives:

- To eliminate the discrimination in the workforce against LGBT people, driving the inclusion of a policy that “does not discriminate based on sexual orientation or gender identity” in the codes of ethics or other similar internal documents in companies throughout the workforce.
- To generate strategies of prevention against discrimination and promotion of human rights with employees, their families and the community, through workshops, internal communications and/or actions for the information, education, and

help to community projects.

- To promote proactive actions and responses that allow for increased employment for LGBT citizens through education that amplifies their professional competencies.

## The Healthcare System

In the report from the National Department of AIDS and the National Ministry of Health, “Conditions of Vulnerability for HIV-AIDS and Problems of Access for the Health of Homosexuals, Bisexuals, and Trans People In Argentina” (2010), it was indicated that “the access to adequate medical attention is limited by the (mis)treatment and discrimination exercised in the institutional response to the health concerns of these people”.

Among the obstacles that trans individuals face, the lack of knowledge—or lack of recognition—of gender identity should be especially noted. This manifests itself in the use of the name from personal documentation rather than a chosen name to register appointments or to call the person in public (before the sanction of the Law of Gender Identity and currently for some people that for various motives do not legally change their names), as much as being placed in a room corresponding to their biological sex and not to their self-perceived gender. All these situations are a mistreatment to the dignity of the trans community.

Another aspect related to this lack of knowledge manifests itself in various distinct technical dimensions

during a medical intervention. The lack of information of professionals regarding LGBT themes and processes of identity formation leads to questions and prejudicial presumptions by practitioners about the sexual practices of their patients. This can be observed frequently in the case of lesbians and bisexual women, who usually are submitted to interrogations that suppose a heterosexual sexual practice with men and generate discomfort and anxiety that can even lead to avoid the consultation.

Taking into account these and other situations that characterize the experience of LGBT people in contact with the healthcare system, we suggest the following policies in this area:

**S1.** Creation of a Program for Integral Attention of Health for LGBT persons that would guarantee equal access and quality care for the community.

**S2.** Implementation of a National Plan for education about Sexual Diversity, directed at health care works in various public and private locations, based along the lines of OPSOMS, UNAIDS, UNICEF, UNPD, UNESCO, UNFPA, WAS, IAPAC, and GTZ, in relation to sexual diversity and promotion of a friendly and inclusive attention.

**S3.** Regulation of medical practices and therapies for the LGBT community in a rigorous form, following the minimum standards of the World Health Organization.

**S4.** Prohibition and criminalization of practices that harm the dignity and mental health of LGBT people, in particular therapies that pretend to modify sexual

orientation or perceived gender identity, even those that do not explicitly present themselves as medical practices.

**S5.** Creation of protocols for medical attention that—in full observance of the larger interests of children and the principle of progressive abilities—prohibit surgical interventions on intersex children and adolescents by the decision of medicals, teachers, or parents, without the consent of the intersex individual.

**S6.** Guaranteeing the universal and integral access to assisted human reproduction for the LGBT community and reproductive steps without discrimination based on sexual orientation, gender identity or civil status throughout the country.

**S7.** Implementation of actions of control, monitoring, prevention and attention for the violence against LGBT persons within the health care system.

**S8.** Inclusion of the theme of sexual diversity within the formal undergraduate and postgraduate education of health care workers and related professions.

**S9.** Participation of the organizations of sexual diversity in roundtables of planning, design, and implementation regarding campaigns for prevention and promotion of health to best incorporate the LGBT perspective and experience.

**S10.** Education of professionals, especially medical professionals, such as endocrinologists, urologists, proctologists, gynecologists, and psychologists, between others, to design therapeutic protocols that permit the integral attention of LGBT persons. These

protocols should help correct a lack of information, the problems of self-medication, and the nonstandard use of hormones, all of which guarantee equity in access to the health care system.

**S11.** Implementation of protocols for medical attention for lesbian and bisexual women, gay and bisexual men, and trans men and women, in accordance with the specific needs of each population.

**S12.** Implementation of policies oriented at the prevention of HIV-AIDS and other STIs in the LGBT population.

**S13.** Improvement and amplification of available state resources for programs that address HIV transmission prevention, including an increase in the distribution of condoms and massive distribution of clear and concise information. These programs should adequately meet the needs of the different sub-groups within the LGBT community, and include promotion of testing—in particular, implementing methods that are modern, rapid, and reliable—and strategies for the access and adherence to treatments that help elevate the quality of life for all positive people, including websites, toll-free telephone lines, and counsels.

**S14.** Implementation of specific programs that support prevention for STIs, using clear and precise information regarding the relative rates of infection that affect each group of the LGBT community, articulating especially within the public system media.

**S15.** Diffusion of specific campaigns for diseases which present factors of risk for the different groups of the LGBT community, such as Breast Cancer, Anal

Cancer, Prostate Cancer, risks of drug and alcohol consumption and application of hormones and industrial silicones without medical supervision, as well as others.

**S16.** Creation of education about anal health destined for medical care providers as well as the LGBT community.

**S17.** Promotion of access for the anal pap smear as a method of prevention for anal cancer and disorders produced by HPV.

**S18.** Study and evaluation of the vaccine against HPV for gay men, bisexuals, and trans individuals.

**S19.** Production of informative materials and education which take the form of graphics, audiovisuals, and electronics for Sexual Diversity so that members of the health care provision teams can work with the rest of the community and promote the opening of hospital spaces.

**S20.** Design of programs of volunteer orientation for the education regarding counseling pre and post tests for HIV and other STIs.

## LGBT-Friendly Health Care Centers

The healthcare system has historically been one of the critical areas of public policy for the LGBT community. Access to health in equal conditions and adequate awareness of specific needs have always been seen as resources that are limited at best for gay, les-

bian, bisexual, and trans individuals for a variety of reasons, among which we could mention the lack of educated health professionals to give a response to the most common problems in the LGBT community, the heteronormative treat that generates distance in the relationship between the doctor and can lead to the omission of relevant details for treatment, or an inadequate attention in the waiting room or the consulting room.

To give a few examples, we could mention the difficulties gay and bisexual men face in talking openly about their sexual life during a medical consultation, with particular emphasis of this point in relation to STIs and particularly HIV-AIDS; the presumptions of health care professionals regarding a sexual preference for men when treating lesbian and bisexual patients—which is especially common during gynecological consults—and the inadequate and stigmatizing treatment in relation to the gender of trans people who, in the majority of cases, have come to renounce all medical attention except in case of extreme gravity.

The idea of an LGBT-friendly health care center implies that all health care professionals, as well as all personnel who attend to the public, are not only suitable for their jobs but that they further possess a current knowledge of the specific problems that affect the health of the LGBT community and that they are “educated” to offer a cordial and integrated treatment that gives the possibility for an open dialogue without taboos between the person requesting the service and the practitioner.

It should be noted that the final objective should

always be that all the services of health are friendly to all forms of sexual diversity, as well as the general population, and that the possibility of working from specific LGBT-friendly healthcare centers should be seen as a transition point towards this universal access.

## → Experience: Hospital Fernández in La Plata

Since 1997, in the city of La Plata, a service of integral health for trans individuals, in charge of Dr. César Fidalgo, was created in the frame of the policies of the Ministry of Health of Buenos Aires Province.

Since its beginnings the service has continued to grow in terms of medical practices covered, equipment used, and patients attended.

After the first surgeries, product of specific judicial judgments, the service experienced an increase in demand, specially after the Law on Gender Identity that guaranteed integral medical attention for the trans community. This is to say, the policies cover hormonal aspects as much as adequate gender transition surgery, for all patients that desire it.

Currently the service of Hospital Fernández in La Plata is an indisputable reference point at a national and international level for these practices.

In the words of Dr. Fidalgo, the service of trans health of the Hospital Fernández: “It makes us very happy. For us it is an honor to be a reference center with respect to sexual reassignment surgeries. This offers us

the possibility to present what we are doing in various scientific forums. This gives us great satisfaction.”

### → Experience: LGBT-Friendly Medical Centers at UNAIDS

In the framework of the project oriented to improve access to prevention, diagnosis, and attention for the LGBT population, which is held by the System of United Nations and the National Direction of AIDS and STDs, in five cities throughout the country, services and consultations have been implemented as pilot experiences, whose strategic lines and actions aim to consider and guarantee the compliance of the law to access to health, centered in the needs of users.

The actions to improve the health of the LGBT community and availability of adequate attention are imperative to human rights. These human rights—to health, security, and well-being—have been guaranteed in differing levels in different parts of the world and Argentina. They are as possible as they are applicable. After the compromise between provincial representatives of the State and civil society, the services of medical attention and public policies for human rights to health for the LGBT community can be made a reality. Currently these pilot programs function in the cities of Salta, Mar del Plata, and San Juan.

### → Experience: Medical Center at Hospital Fleming in San Martín

By the initiative of the Association of Travestis, Transsexuals, and Transgender of Argentina (ATTTA), starting in June 2012 an LGBT-friendly consulting system was created to function in the Hospital Fleming in the city of San Martín. The center functions four hours per week and between other services offers HIV tests, hormonal treatment with professional assistance, and groups for self-esteem. With the movement of the Municipality of San Martín they aid in actions of health and human rights Friday during the night, particularly regarding sex workers health.

### → Experience: Hospital Ramos Mejía in Buenos Aires

In September 2012 The National Network RITTA initiated actions for the montage of a service of LGBT-friendly service to trans men in the Hospital J. M. Ramos Mejía, in the Balvanera neighborhood, City of Buenos Aires.

After these actions they offer hormonal service with accompanying medical assistance three days a week inside the Service of Endocrinology. They also promoted clinical analysis at the start of these treatments, at the same time offering consultations with the services for mammograms.

Patients also received gynecological services, especially trans men who had not yet surgically reassigned.

### → Experience: LGBT-Friendly Gynecologists for Lesbians and Bisexual Women

With the goal of increasing and improving access for lesbians and bisexual women to the health care system, La Fulana (founding organization of the FALGBT), created in 2007 the campaign “Let’s change the questions”, jointly with other organizations in ESPARTILES (Space for Lesbian Articulation).

One of the motivations of this campaign is the presumption of heterosexuality on behalf of the health care professionals while helping lesbians and bisexual women in the gynecological consultation, which brought forward the invisibility of sexual practices between women, the lack of knowledge for methods of specific STI prevention for the community, the invisibility of lesbian identity and the lack of medical control for year of gynecological consult, which brought forth many diseases not identified at the right time, such as uterine cancer.

All these problems would not have been understood if this presumption had not been said, which is to say that it would help lesbian and bisexual women to talk openly and freely about their sexual orientation without fear of poor or discriminatory treatment on behalf of the health care professionals. For this it is fundamental to work within the health care system so that the attention lesbians and bisexual women receive be dignified and fair.

To aid in these efforts, the Program of Prevention for Uterine-Cervical Cancer and the Program of Sexual Health and Responsible Procreation created a

**campaign of brochures and information to promote complete gynecological attention in 2010, friendly and without discrimination for lesbians and bisexual women, at the same time using a toll-free line of the National Ministry of Health.**

## Education

Maroto Sáez (2006) says that the development pattern that follows adolescence in lesbian, gay, bisexual and trans individuals is “similar and at the same time different to their heterosexual counterparts. All the adolescents face some development changes such as the choice of their studies, social abilities, and adjusting to a group of their peers. Homosexual youth must in addition face prejudice, discrimination, and violent conduct and messages in their families, schools, and immediate environments.”

In school students do not only learn techniques and other forms of knowledge, but additionally norms, values, and social relationships for daily interactions. This is to say, it is all a mix of attitudes and social practices that serve for the construction of their identities (J. Devis, J. Fuentes, A. C. Sparkes, 2005).

The controversy that was created in our country surrounding the Law of Marriage Equality demonstrated the existence of some social groups that continue to sustain prejudice and devaluing commentary respect to their sexual orientation or gender identity or expression. This translates into daily life as disrespectful and degrading expressions and comments towards this group.

That’s why the long-term challenge is focused on changing these behaviors through diversity training of new generations.

A large amount of power lies in the educative system, in relation to which on a daily basis LGBT organizations receive denunciations that reflect the reproduction of these prejudices and consequent exclusion, bullying, or physical and psychological violence that youth suffer for expressing a sexual orientation or gender identity that is not “heteronormative”.

In this sense it is necessary to deepen the application of the law established in Law 26150 of Integral Sexual Education that establishes, between other things, “the promotion of the understanding and accompaniment of the affective maturation of children and adolescents to help them form their sexuality and prepare them to engage in positive interpersonal relations”.

To this end, the FALGBT participated in the enrichment of diverse materials for Integral Sexual Education with the National Ministry of Education, such as “ISE for Families”, that resulted in the distribution of six million pamphlets throughout the country, including a large quantity that was distributed directly through the FALGBT and its member organizations throughout the country.

To deepen the mark of inclusion for the LGBT community in the educational system, we propose:

- E1.** Implementing programs that guarantee access for and retain LGBT-students within the system.
- E2.** Putting immediately in practice the Law of In-

tegral Sexual Education in all territories of the Republic, guaranteeing its effective implementation everywhere.

**E3.** Guaranteeing the secular nature of the public education system throughout the country and elimination of “religious education” whether obligatory or optional in all public schools.

**E4.** Implementation of workshops surrounding “Sexual Diversity and Rights” in schools throughout the country, in charge of promoting rights, to promote the growth and increasing visibility of LGBT students.

**E5.** Transversal incorporation from the perspective of sexual diversity in all educational programs in all university careers to guarantee that all public practices promote and guarantee LGBT rights.

**E6.** Aid to the construction of Universal Programs for Sexual Diversity, which would have as an objective to increase LGBT-related knowledge and research.

**E7.** Implementation of programs for access and assistance for themes in sexual diversity for teachers, professors, and directors of educational establishments at an initial primary, secondary, and tertiary level, both public and private.

**E8.** Implementation of tutorials regarding sexually diversity themes for students so that they can access systems when they are in need.

**E9.** Promotion of programs of scholarship to incentivize and increase the retention rate of LGBT students.

**E10.** Implementation of programs to prevent and eliminate abuse, violence, and discrimination for sexual orientation or gender identity in schools.

**E11.** Production of informative materials and education in graphic, audiovisual, and educational forms regarding sexual diversity, so that students can work with the rest of the educative community.

**E12.** Implementation of courses between schools that promote the work of educational communities to promote rights regarding sexual diversity.

**E13.** Promotion of recreational activities in scholarly environments that include the theme of sexual diversity and rights.

## Culture and Sports

In 1982 the Declaration of Mexico in UNESCO established that “culture gives man the capacity to reflect about himself. It is this that makes us specifically human, rational, critical, and ethical compromisers. It is through culture that we discern values and develop opinions. It is through culture that man expresses, gains consciousness of himself, recognizes himself as an unfinished project, puts in question his own activities, searches tirelessly new significations and creates work that transcends them.”

As a result of the historical exclusion suffered by LGBT people, different levels of understanding of the LGBT world have been generated through cultural expressions that reflect differences that allowed

to reflect the configuration as a separate community from the rest, with a specific identity.

The set of symbols and ways of meaning that organize the experience of LGBT people, in opposition and in contrast to non-gay identities, is what Hortensia Moreno Esparza (2010) called “gay culture”.

It is necessary that the State collect such cultural diversity and incorporate it into its official policy so the artistic vision developed by the LGBT community is available for public viewing.

Furthermore, mechanisms should be determined to pay tribute and recognize LGBT victims of repression in the context of the historical memory retrieval: detainees and missing victims because of their sexual orientation and identity and/or gender expression have never been considered as such by the official records of the disappeared.

In this sense the proposals presented below detail this work:

**C1.** Recognize lesbian, gay, bisexual, and trans citizens who have been persecuted throughout national history, especially during antidemocratic military governments.

**C2.** Incorporate the theme of sexual diversity together with cultural programs that are enacted in the public sphere, generating positive LGBT references.

**C3.** Edition and distribution—through the network of popular and public libraries—of a group of periodic publications and an LGBT-themed bibliography.

**C4.** Implement programs that support artistic, educative, and academic public events dedicated to the LGBT community.

**C5.** Help and incentive to create Pride Parades and festivals organized by the LGBT community throughout the country.

**C6.** Create a national “Biannual Celebration of LGBT Art” to promote visibility and diffusion of artistic and cultural productions.

**C7.** Creation of a national collection of LGBT art and culture, that would tour through all provinces promoting the visibility and inclusion of LGBT people.

**C8.** Creation of National LGBT Sports organizations throughout the country with help from the National Direction of Sports.

**C9.** Creation of campaigns for education against discrimination for sexual orientation and gender identity in sports environments.

## Communication and Information

In the case of media communications, it is worth saying that there is a very hegemonic discourse, a point of view both heterosexual and heteronormative, and that this affects the image that society forms of gays and lesbians as well as how they construct social representations on the radio, television, and in print.

These representations usually are negative stereotypes with respect to LGBT persons and far from the truth. Apart from this, it can be demonstrated the distinct role that the media has in the discrimination and violence based in sexual orientation or gender identity. For a majority of society the only contact they have with the LGBT community is based in these images, in what they have heard, read, or seen about gays and lesbians in the forms of media, especially in cities where LGBT people are less visible.

It is also important to note the responsibility of the State in the creation of strategies of communication that respect sexual diversity, through control and regulation to ensure that contents are inclusive. It is also important to monitor the work of the professionals in the media that are formers of popular opinion, and issue expressions of hate that promote directly or indirectly discrimination and violence.

It is true in any case that communication in the last few years—especially after the laws of equality have been passed—have multiplied the positive references for sexual diversity, especially pro-

grams of fiction and some news programs, that have tried to focus on the daily life of LGBT people in a realistic and respectful manner.

With the objective to advance even more in this sense and to consolidate the achievements gained, we suggest:

**CI1.** Creation of observatories in strategic spaces capable of being available for any type of situation of discrimination or implicit or explicit violence related to sexual orientation and gender identity or expression.

**CI2.** Creation of institutionalized systems of information that allow the receipt, processing, and analysis of LGBT rights (violations, reports, advances, best institutions), to monitor and take appropriate steps in response.

**CI3.** Creation of massive campaigns to increase the visibility of the diversity of family models.

**CI4.** Incentive to produce audiovisuals specific to LGBT-themes to debunk popular myths and prejudices.

**CI5.** Compilation of experiences and anecdotes of intervention, research, processes of organization and actions destined to the LGBT community.

**CI6.** Creation of processes of social investigation that permit improvement in the quality of life for LGBT people.

**CI7.** Guarantee of spaces in the public media for

the diffusion and promotion of accurate LGBT daily realities.

**CI8.** Creation of open courses for the judgment of projects for audiovisual productions destined to debunk myths and prejudices regarding sexual diversity.

## Social Development and Participation

This is a moment of deep change and various recognized authors have aided in this process. Gramsci exemplifies these situations when he says that these are moments in which “the old no longer serves a purpose, even though the new has not yet arisen” (Boada, 1997). It is here where society currently is: in the old that no longer can answer the demands that have arisen in front of new paradigms that generate incertitude.

Alfredo Carballada sustains that in this context of transition “the subject that emerges is not what is expected by the old institutional mandates but is something else, that many times receives the astonished gaze of institutions that ratify it in the place of an undesired object”.

This is how social problems become complicated and are reformed. The institutions enter in crisis thanks to the complexity of the question, the changing scenarios and is incapacity to adapt. To say this in another manner, the new social problems each time more complicated finally show “the tensions between needs and rights and give understanding to how the

loss of social rights leads to a progressive or rapid break of them, from a perspective of social insecurity” (Carballeda, 2008).

With respect to the social work linked to sex-positive diversity, Maroto Sáez (2006) defines clearly: “The subject of attention of Social Work is the human being. Discrimination, stigmatization, denial, exclusion, physical and/or psychological mistreatment and the homophobic violence that homosexuals suffer in our country is a social problem. It is emerging from a socio-economic structure and from a heterosexist and patriarchal culture, that reflects a society in which the risk, the taking of decisions, the opportunities and the exercise of rights that are inherent to us as citizens are distributed in an unequal manner to which the practice refers.”

In this mark is inscribed the creation of the National Coordination for Sexual Diversity in the National Ministry of Social Development, decision taken after the petitions made in this sense by the FALGBT.

To the end of deepening this advance, we propose:

**DS1.** Creation of a National Program for the interchange of experiences and good practices performed by organizations of civil society, to strengthen the networks and capacities of the movement associated with sexual diversity.

**DS2.** Implementation of public policies that allow the effective enjoyment of rights won by the Law of Marriage Equality and that remove all the obstacles in the exercise of the rights and obligations of all the couples and all the families.

**DS3.** Implementation of an Integral Program for Trans Citizens, that would have as an objective the creation of accompaniment in education, health, family, cultural, and social manners for trans individuals in every moment of their lives.

**DS4.** Help to youth that have been kicked out of their homes or have left voluntarily due to situations of physical or psychological mistreatment.

**DS5.** Opening of LGBT Houses in all provinces, to offer safe participatory spaces as much for LGBT people as the organizations of civil society.

**DS6.** Creation of LGBT residences that would give shelter to the population within the community in situations of family exclusion.

**DS7.** Creation of policies of inclusion and recognition for the diversity of expressions of affection, sentiments, gender and sexes, especially focused on LGBT people who are disabled and elders.

**DS8.** Implementation of programs that aid LGBT population to find housing, incorporating sexual orientation and gender identity as valuable criteria in the search for co-residents.

**DS9.** Raising of aid for LGBT organizations throughout the country, for the financing of specific projects to the services and activities that especially facilitate integration and social cohesion.

## → Experience: National Coordination for Sexual Diversity in the National Ministry of Social Development

In August 2012, after efforts from the FALGBT before the National Ministry of Social Development, the National Coordination for Sexual Diversity was created, with an end in mind to create public policies that add to the social achievements gained during the last few years.

Its objective is to promote and guarantee the rights of the LGBT population, accompanying the work of organizations for Sexual Diversity, Human Rights, and other state organizations.

The Coordination creates the following axes of work dispersed throughout the Ministry and destined to:

- Promote, protect, and diffuse rights, confirming inclusive spaces and instances of education and diffusion for sexual diversity, integral sexual education, laws for inclusion, and strengthening of LGBT people and their families.
- Accompany the design and implementation of productive projects, associations, and cooperatives, and facilitate successes for the artistic and labor design.
- Strengthen organizations working with sexual diversity to better connect with state organizations.
- Increase visibility and debate nationally and regionally, creating spaces of discussion that allow the

consolidation of a national agenda that is based in the rights of LGBT citizens.

## Orientation, Accompaniment, and Safe Spaces for LGBT Youth

Adolescents and youth are complex, and are frequently objects of control, monitoring, and vigilance, in as much privileged expressions, from the manner as sexuality is used as a mechanism for the exercise of power and control against young bodies. In this sense, LGBT adolescents and youth can face serious social barriers, tensions, and conflicts.

Recent studies have documented that more younger people are identifying as LGBT and at younger ages. Investigations into LGBT youth have demonstrated even more that they encounter an important risk of health for isolation, fear, stigma, the anxiety-producing process of coming out, abuse and family rejection.

All this can manifest in serious health problems, including the documented fact that LGBT youth are more predisposed to suicide during adolescence in comparison to their heterosexual peers. Even more, they are six times more at risk of addictions or facing problems of anxiety and depression, which have been identified as two important factors for risk in the decision to commit suicide. The adolescents that suffer abuse or physical and/or psychological damage for their sexual orientation or gender identity or expression present a poor body image and eating disorders. They suffer for feeling different, for not being able to

explain what is happening to them, and they feel guilty, embarrassed, and confused.

That is why is important that public policy efforts are focused on specific actions for the accompaniment and creation of safe spaces for these adolescents and LGBT youth, as well as their family and affective environments.

All of this will permit a healthier and happier process for the developing sexuality of youth and the free exercise of their sexual orientations and gender identities in all environments which they occupy.

### → Experience: LGBT Safe Spaces in San Juan

The growth of need for healthy safe spaces for the LGBT population and their environments, together with new resources from social movements, have resulted in the possibility of generating spaces that respond to the needs of this society through the community work of the organization “La Glorieta – Espacio LGBT”.

This project was initiated during 2011 and 2012, and its primary objectives included favoring healthy methods of family communication, offering a space of reflection and group communication, and providing psycho-educational help oriented to parents and mothers of youth, adolescents, and kids belonging to the LGBT population.

The group has permitted its members to meet and

help each other through an exchange of experiences and activities that promote the acceptance of the diverse forms of exercising sexuality and help them understand that the base for a constructive dialogue with society is based on respect, mutual understanding, and active listening.

The program was designed to incorporate eleven weekly meetings and is offered to participants in a free and voluntary manner. There they could tackle themes such as conformation of identity and interpersonal differentiation, diversity, social construction of gender, prejudices, family and social bonds, parental expectations and personal ideas, between others.

The experience is coordinated by Lic. Ariel González Bautista, psychologist, and Lic. Silvana Vega Céspedes, psychologist, both members of the project “Consultorios amigables” with UNAIDS in Argentina, and the project has come to result in an increase in the quality of relationships between the participants. This is evidenced in a increased respect towards the sexual identity of their children, as well as increased levels of introspection, self-awareness, and knowledge of personal resources.

## Security and Prevention of Institutional Violence

A report from CELS and Human Rights Watch (1998) noted the most common aggressions from security forces in distinct provinces against gays, lesbians, bisexuals, and especially groups of trans people. To cite some noted situations: “extortions,

torture, inhuman and degrading conditions in detention” (for trans people this often involves cutting their hair, removing their make up and obliging them to look at themselves in the mirror, and includes reports of use of electric prods), physical and/or verbal violence, compulsive analysis for HIV, sexual abuse or violence, state of defenselessness before security forces (in certain occasions, after twelve hours of detention the victim is freed and allowed to walk one or two streets before they are detained again, sometimes for another twelve hours)”. Another habitual practice by security forces against the LGBT community is the enactment of controlling police procedures that include raids, detentions and seizures of a grand number of people (known as razzias) on meeting places the LGBT community frequents. In these proceedings a large quantity of detentions is produced with no other motive than sexual orientation or gender identity. In those cases the action of the security forces is characterized by extortion by police personnel with the threat of “revealing the secret” of their sexual orientation to family and friends, which constitutes a grave violation of personal rights and intimacy.

### **Difficulties for LGBT-Specific Security**

In the context of a society where lesbian, gay, bisexual, and trans people have been historically marginalized, stigmatized and persecuted, and where the mistreatment of sexual diversity has been “learned” and reproduced in the family, the school, and religious environments, between

others, one should not be surprised by the frequent abuses and situations of violence which the LGBT people are victims of, and that can—in extreme cases—end in homicide.

It is worth adding that there is as much violence from civil society as from the institutions of the state. One should particularly note the security forces amongst these state institutions.

It is the trans community the most affected one, and within that group—but by no means exclusively—the prosecution of sex workers by security forces is a constant. Also in environments of detention the treatment they receive can arrive to put at risk their physical integrity, making this one of the areas where institutional violence is most clearly and powerfully exercised, motivated by sexual orientation and gender identity or expression.

Another of the environments where violence against the LGBT community manifests itself, and puts the communication at grave risk of physical insecurity, is public life. While there exist slow advances in Argentina with respect to the attacks against people based on their sexual orientation or gender identity or expression in public life, situations differ strongly between some larger cities (not all, and more specifically one would have to talk about some specific friendly neighborhoods within these large cities) and smaller cities, towns, rural areas, etc. More frequent are the intimidations that don’t end in physical violence—although at times it does in robbery—but in verbal aggressions, and other violent attitudes that are sometimes “solved” through self-censorship and hiding.

Robberies by supposed sex workers suffered by men who contract their services are also frequent, and these include situations of sexual abuse and violation during sexual games that go further than what was consented to, all situations known by those of us who work daily with people in this community. At the same time, they are almost impossible to register, investigate, and persecute without the necessary conditions of confidentiality in the reporting process and education of security and judicial system workers and public officers.

### **Need for a security protocol for LGBT people**

In relation to what has been said before, it is clear that the problem of violence against the LGBT community requires an integral approach that take in account the complexity of the problem and that orient itself towards the effective protection of victims and the effective qualitative and quantitative investigation of its magnitude.

For instance, not providing the LGBT community with a reliable way to make complaints about crimes and offenses in which sexual orientation or gender identity has a prominent weight, as well as the absence of devices and specific care for victims of these crimes, their families and environments, there is a significant underreporting of cases and a great lack of knowledge on its specific characteristics. And as mentioned, the lack of complaint leads in some cases to self-censorship, and sometimes to persistence of abuse and violence.

In Argentina, the responsibility regarding security falls on sub-federal states (provinces and the Autonomous

City of Buenos Aires), which by constitutional mandates are obliged to recruit, form, and finance police forces. This is to say that because the final responsibility for these acts falls on provincial Governments, a centralized national solution is difficult. We understand that the establishment of protocols for the security forces and the penitentiary system—both at the level of the provincial security forces and the federal ones—that keep in mind the specific needs mentioned in the previous paragraphs, yet still constitutes a response to this very complicated question, with various actors, and that requires urgent responses to mitigate hard situations of violence that LGBT people face.

The final objective should always be that all security forces are friendly to sexual diversity—and also the general population—, so the possibility of working from specific spaces for the LGBT community should be understood as an immediate response to urgent situations of violence and security. All of these considerations would explain the need to implement the proposals detailed below:

**SE1.** Implementation of a National Program for Attention to Victims of violence based in sexual orientation or gender identity, working with local LGBT organizations.

**SE2.** Instrumentation of a figure for a “police link” with the aim of directly linking LGBT organizations with security forces on a national and provincial level to attend to reports of violence and crimes based in sexual orientation or gender identity.

**SE3.** Elaboration of a protocol for security forces for situations of discrimination or violence produced by aggressions motivated in sexual orientation or gender

identity and expression of victims.

**SE4.** Elaboration of an Annual Report of Violence against LGBT people that recounts all crimes motivated by sexual orientation or gender identity.

**SE5.** Implementation of a Program for education of Federal Police and provincial police, the National Guard, the National Prefect and the Armed Forces, in order to include these forces in a perspective of sexual diversity that reflects social inclusion and respectful treatment of all non-heteronormative sexual orientations and gender expressions.

**SE6.** Implementation of a Program of Guaranteed Rights for LGBT people in situations of confinement or who are deprived of liberty.

**SE7.** Instrumentation of a National Program for Prevention and aid to LGBT victims who have been victims of human trafficking and sexual exploitation.

**SE8.** Definition of a penitentiary policies specific for the LGBT community that reflects their needs, and brings forth aspects such as housing, access to the educational system, access to the health care system, between others.

### → Experience: Federal Security Forces in the National Ministry of Security

In November 2011 the FALGBT met with the National Minister of Security, Nilda Garré. In this meeting we presented diverse initiatives

regarding security, between which we noted the contents in the first Plan for LGBT Citizens, including the elaboration of a protocol for security forces in relation to the LGBT population, workshops for education on sexual diversity for these forces and construction of an observatory for crimes committed against LGBT people or under the pretext of the victim’s sexual orientation or gender identity.

After this meeting, the Ministry emitted, on November 25th, 2011, the Resolution 1181/2011, which instructed all dependent agents of the Ministry to recognize trans people self-perceived gender identity, both in personal treatment as in any time of communication or publication on behalf of the Forces.

The ministry has likewise established directives so that security personnel respect the gender and name adopted by any trans individual, and in relation to lodging, the suspect must be housed in a cell corresponding to their self-perceived gender.

### → Experience: Protocol for Security Forces in Santa Fe

- In the same line of thought on the national level, and keeping in mind that the responsibility for security in the large part of the national territory is a responsibility of the provincial governments, the FALGBT together with The Ministry of Security of Santa Fe and its local organizations, “VOX Asoc-

ciación Civil” and “Unidos Todos Asociación Civil”, created a protocol for the security forces regarding the LGBT community, incorporating as innovative aspects:

- Expansion of the proceedings to all lesbian, gay, bisexual and trans people.
- Inclusion of the penitentiary in this Ministerial Resolution.
- Creation of a “Commission for Sexual Diversity” for the promotion of a specific approach for crimes that are committed because of sexual orientation or gender identity of the victims.
- Creation of a commission that controls the implementation of the Protocol with the participation of the ONGs.
- Periodic publication of a report from the “Observatory of crimes based in sexual orientation or gender identity of victims”.

## Intervention for Specific Groups

Specific social contexts are strongly related to the development of LGBT people. The prejudices, discrimination, gender roles and inclusion of physical, sexual, and psychological violence against gay, bisexual, lesbian and trans people puts them in situations of differing vulnerability. The concept of “differing vulnerability” indicates that some groups, in virtue of some common determined characteristic, can be more easily affected by the same reality. In the case of LGBT people the variable of differentiation is sexual orientation and/or gender identity and/or expression, which is independent of other societal variables (situations of poverty, lack of access to the health care system, impossibility to access job sources, etc.)

The particularities in which youth live during their process of formation, construction, or recognition of sexual orientation and/or gender identity/expression, the disaffiliation<sup>1</sup> of the system that lacks trans people, the living machismo even within the LGBT community that renders invisible the realities of lesbian women and bisexuals, the incidence rates of HIV-AIDS in our community and the increasing demands of LGBT elders who are looking for places that fit their needs, are some of the situations that need to be better understood.

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1 Robert Castel would prefer this term before that of “exclusion”, considering the latter to be dangerous—between other motives—and that to treat it as a word that in general is used to treat limited situations, of arrival, does not keep in mind the specific processes or trajectories that occur in those situations.

## LGBT Youth

Loneliness, marginalization, forgetfulness and violence are common experiences for a good part of gay, lesbian, bisexual and trans youth. In spite of the advances that have been made towards legal equality with respect to the LGBT community in Argentina, young LGBTs suffer strongly from discrimination.

All of this does not impede the fact that LGBT youth are beginning to accept and make themselves visible at younger ages. This creates new struggles in the design of public policies that guarantee consecrated rights in the Constitution for children and teenagers and in the National Law of Integral Protection of children and teenagers, specifically for LGBT youth.

There continue to exist many obstacles which youth meet with, without having their rights formally guaranteed. Violence, discrimination, stigma and ridicule are mechanisms which occur daily in the lives of many young LGBTs. Still today one can see a worrying level of bullying, and even discrimination and violence from professors and directors.

We are beginning to perceive a greater acceptance for sexual diversity in the family environment, but the road to go is still long. Schools or groups of friends can also be places of exclusion. There exist few spaces where LGBT youth can socialize and express themselves freely. Despite a large visibility of LGBT references, the media continues presenting a heterosexist standard. These representations usually show ridiculed stereotypes which are far from daily experience.

A space for LGBT youth to feel free is the internet, where they can obtain the information they look for, many times with more precision than they could through their families or schools. This does not come without risks, but social networks and new technologies allow them to interact and share their own experiences with other LGBT youth in similar situations.

The situations of trans youth, in particular, are more worrying, because they can count on very few trustworthy resources. And in spite of their strong individual strength, they are not free of exclusion in the educational environments or in the workplace.

Beyond the fact that the recent legal advances regarding sexual diversity have accelerated the process of integration for the LGBT community and helped to end stereotypes and prejudices that society has held on to for centuries, there are still enough obstacles so that there will be several generations before LGBT youth can express their sexual orientation or gender identity in their familiar, educational, or friendly environments, without fear of reject, marginalization, or violence.

For this, implementation of public policies oriented to include LGBT youth in social spheres is necessary, assuring at the same time their economic and cultural rights, with the end in mind to avoid the same suffering that many past generations have had to endure. This will accelerate even more the process of change in the social imagination. New generations are characterized each time more for their acceptance towards cultural diversity and it is important to eradicate each obstacle that prevents LGBT youth from full social life and from equality of opportunities

and treatment.

For all of this we propose the following actions to aid to revert this situation.

**JU1.** Implementation of a Program for Orientation and Counseling for LGBT Youth, accessible through the telephone, the internet, and a physical location, working together with social organizations in all places throughout the country.

**JU2.** Realization of campaigns for visibility, increased strength, and empowerment for LGBT youth.

**JU3.** Implementation of campaigns destined at HIV positive LGBT youth and for the prevention and medical care for STIs in general.

**JU4.** Design of actions and specific policies to prevent and eradicate the violence and abuse experienced by LGBT youth in the educative context.

**JU5.** Incorporation of services for counseling and family aid to LGBT youth.

**JU6.** Promotion of spaces for socialization for LGBT youth.

**JU7.** Integration of the Sexual Diversity themes into educational curriculum.

**JU8.** Realization of workshops and conferences to inform and educate the youth about sexual diversity in public.

**JU9.** Creation of LGBT Homes that provide residen-

cy to young LGBTs in situations of familiar exclusion or violence.

**JU10.** Implementation of programs of workplace insertion for the inclusion of LGBT youth, with the aim to guarantee equal access to employment.

**JU11.** Realization of campaigns to combat stigma and the stereotypes against LGBT youth, specially those living with HIV-AIDS.

**JU12.** Creation and aid to organize and finance annual meetings to strengthen youth LGBT activism at a local, national, and regional level.

## Lesbians and Bisexual Women

Lesbians and bisexual women represent at least half the LGBT population and so they could hardly be considered as a minority inside this group.

Nevertheless, the social discourses and emerging politics of the LGBT movement continue, considering the evident force in the last few years, to be male-centric: gays, men, continue to be in a majority of everything.

As has happened throughout history in social movements, it is very difficult to fight sociopolitical discourse without incorporating the realities of women in the movement—in this case lesbians and bisexuals—and we should be conscious of the fact that, beyond the legal discrimination that gays and lesbians suffered from, the social, economic, family and sexual situation for lesbians and bisexual women it is different than for gay men, and this differences deserve to be made visible.

The fight for equality is everyone's responsibility. Equality between gays and lesbians has to be achieved so that both realities can be incorporated equally into the common discourse, and so that both realities are known and the inequality fought with the same common resources.

Lesbians and bisexual women are not the "specific" within the LGBT reality, but are part of the general population as well. The tools of the larger group exist to obtain equality with the rest of society but are used differently in the majority of cases. The knowledge of both realities is essential to design strategies that

combat this inequality.

In this sense, in the road to fighting the structural inequalities that violate the rights of lesbian and bisexual women, we propose:

**LB1.** Implementation of a National Program of Equality for opportunities and treatment that recognizes the concrete realities of lesbian and bisexual women, and that guarantees affirmative means to combat discrimination and inequality.

**LB2.** Design and implementation of specific programs for health care for lesbian and bisexual women, that understand the education of all health-care professions for a correct attention and accessibility to this group.

**LB3.** Promotion of programs of access to assisted human reproduction for all lesbian and bisexual women that require it, independent of their civil state.

**LB4.** Instrumentation of public campaigns for visibility of lesbians and bisexual women, their demands and their needs.

**LB5.** Implementation of programs for prevention, attention, and eradication of violence against lesbian and bisexual women.

**LB6.** Creation of programs for inclusive labor, free of discrimination, hostility, and abuse against lesbian and bisexual women, that guarantees full and equal access to diverse workplaces.

**LB7.** Creation of LGBT homes that give shelter to les-

bian and bisexual women in situations of family exclusion or victims of violence.

## Trans Men and Trans Women

The trans community has historically lived in a situation of grave exclusion and constant violation of their rights. Between these, possibly the most important has been the right to identity, or as we used to say, "the right to all the other rights".

After the sanction of the Law 26743, that recognizes the self-perceived gender identity of people in conditions that elevate the international standard in this matter at unprecedented levels, a variety of new possibilities have been opened for this community that has offered—and continues to suffer today—the greatest social exclusion.

Various estimations have determined that in our country, for example, the average life expectancy for a trans woman is barely 35 years, a situation that many times is aggravated by the prevalence of HIV-AIDS in this population (it is estimated that four of every ten trans women live with HIV), and daily situations of exclusion, discrimination, segregation and violence.

Within the trans male community the social stereotypes of masculinity in our society in some occasions obliges them to exercise this role of a stereotypical man, adding to the obligation of hormonal treatments and gender reassignment in despite of what personal wishes.

Trans men are also subjected to the same social pre-

justice for sexual orientation, including within their own community.

The community of trans men is so diverse in their desires, like any other human group and this generates prejudices within their own community. Exclusion of people who desire and express themselves outside of the norm, as has historically happened with gay men, leading to diagnosed pathology and segregation, situations which even with the excellent tools that offer the recent norms, require very active public policies to revert in the short and long term a history of terrible exclusion.

Regarding education, it is known that trans people have had enormous difficulties with access to and permanence in educational centers, and that in the majority of cases they cannot continue their studies, in some cases only being able to finish primary schools.

Regarding the health care system, the lack of respect to identity and difficulties to access to the health care system implies that many trans people do not access hospitals or similar centers, and the good care rests then at the mercy of the goodwill of some doctors.

Another of the aspects that presents important difficulties for the trans community is housing. This includes contingency on an stable income and registered employment, as well as stigma and prejudice when it comes to renting a home. Even more difficult is access to mortgages.

Even in the electoral process which involved the difficulty until recent times having to go to a polling station of a different sex to which each person is identified and / or expressed, expelled many trans people of the elections.

Certainly access to work is one of the most critical and most difficult to overcome.

In terms of lodging by families and significant environments, most trans women have been driven from their homes at an early age and in the case of trans men who have not been expelled from their homes have endured violence and in some cases "corrective" sexual abuse. This has caused much anguish and pain and they had to leave their home to migrate to the big cities in search of a field of membership.

In order to overcome this serious situation of exclusion and marginalization, we propose:

**T1.** Design and implementation of a comprehensive program of Trans Citizenship, to provide programs of inclusion and equality for transgender people in every moment of life (childhood, adolescence / youth, adulthood, elders).

**T2.** Implementation of a "subsidy for trans citizenship" to provide social protection and a minimum income to all trans people and to overcome the situation of extreme poverty and exclusion that an important part of this group has.

**T3.** Incorporation of trans gender identity to the assessment criteria for the allocation of social housing.

**T4.** Implementation of prevention programs for victims, including the prospect of violence within the emotional and social environments of trans people.

**T5.** Promotion and support for the formation of productive enterprises and cooperatives working with trans

people.

**T6.** Implementation of tax incentive programs to medium and large companies that incorporate trans people in their staff.

**T7.** Development of inclusive labor policies for trans people in the field of public employment.

**T8.** Implementation of scholarship programs for the maintenance and reinstatement of trans people in the formal education system.

**T9.** Implementation of programs of access to justice and safety aimed at trans people, to ensure full respect for human rights and integrity.

**T10.** Design and impetus to prevention programs and campaigns on HIV / AIDS and other specific STIs in trans population.

**T11.** Implementation of mass campaigns to allow the removal of myths and prejudices about trans people and help counter stigma.

**T12.** Inclusion of trans themed educational curricula, with the aim of promoting equal enjoyment of rights for transgender people in schools.

**T13.** Create LGBT Households, which enable shelter for women and trans men in exclusion or who are victims of family violence.

## LGBT Elders

Various essays and papers, from both academic and public entities, have indicated that societies are experiencing changes in their population structures. One component that has changed has been the life expectancy, which experienced a significant increase. If this trend continues, societies will age gradually. According to current statistics the population over 60 years represents 10% of the world population, a trend which is similar in our country.

However, although these elements may account for the number of elderly adults that there are in our country and the world, they say nothing about the conditions, quality of life and the way these people age. While aging is the final stage of the subject's life, one should not ignore that this is a reflection of their personality. Thus, an older adult will reflect the consequences of the events traversed along the life course. Therefore, differences in material conditions, economic, health, gender and others, will affect the way they age. For this reason we say that "LGBT Elders" is a category that is very broad and diverse.

LGBT elders experience specific and unique experiences within the LGBT community. Unlike the other members of the group, transgender people have a significantly lower life expectancy, which, as we said will be reflected, should they reach an older age. At present according to the latest statistical information, trans people have a life expectancy of between 35 and 45 years due to marginal conditions to which they are exposed (economic, social, labor, legal, etc.). The imprecision in the age group over and this indicator shows the absence of a comprehensive study in this field, but the data are still

significant.

Still different is the situation of lesbian and gay elders who suffer discrimination based not on just their sexual orientation but on their age as well. Some of them, being socialized in another cultural context, during times in which the LGBT community was branded as perverse, sick and degenerate because of their sexual preference, have often lived their sexual orientation through a "double life" and are largely isolated. For that reason they became a subset of this population which is invisibilized and highly vulnerable.

In this regard is that the following policies are proposed to address this group.

**AM1.** Implementation of programs to improve the quality of life in educational, health and social security for LGBT elders.

**AM2.** Forming peer socialization spaces and also spaces to promote intergenerational dialogue between LGBT youth and elder adults.

**AM3.** Implementation of programs of access to housing for LGBT elders, especially for trans elders.

**AM4.** Career training and awareness for elders to contemplate the prospect of sexual diversity.

**AM5.** Creation of open houses, which create specific spaces in which LGBT older adults can share experiences and projects.

**AM6.** Data collection (life stories, current and past) to determine the current situation of LGBT elders and fill

the information gap.

**AM7.** Training for public and private personnel in health care services, administration and all areas involving the elderly, regarding topics in sexual diversity in order to prevent LGBT older people being deterred from making complaints or claim their rights against improper or discriminatory treatment.

**AM8.** Incorporation of public policies aimed at the elderly that take into account the particular characteristics of each group of LGBT elders, especially considering the living conditions, situations of violation, sexual orientation and gender identity.

**AM9.** Promotion of programs that aid victims of violence and crimes based on sexual orientation and gender identity, with special focus on those affecting LGBT elders.

## Gay and Bisexual Men

Throughout history a "homosexual" sexual orientation was socially constructed based on stigma and discriminatory practices typical of a society structured on an hegemonic model of sexuality that reproduces sexually-generic dichotomy, excluding minorities who did not try to adapt to the social guidelines.

This discrimination and stigmatization has had effects that have been reproduced over generations, extending to the present day, and they manifest in the difficulties that gay and bisexual men

have had while struggling to achieve equal recognition and the full exercise of their rights.

Such discriminatory practices are then linked to stigma, posing as the unfair and unjust treatment suffered by a person as having certain characteristics, violating fundamental human rights and can be present at different levels, such as political, economic, social, psychological and institutional.

There has also been further infringement to certain factors, which have resulted in an increased exposure to infectious diseases—particularly HIV/AIDS—, non-communicable diseases, mental health and addictions, obstacles to resolving health problems and homicide.

It has been found that discrimination, stigma and prejudice form a stressful and hostile environment that causes certain mental disorders at higher rates than in heterosexuals, a higher prevalence of depressive and anxiety disorders among others. In the same vein, the inadequate treatment in the medical field and the lack of specific information about certain ailments and on the sexual practices of gay and bisexual men mean greater vulnerability in the area of holistic health.

More recently, civil rights won in recent years present new challenges for couples, family formation, parenthood, visibility in the workplace, family, friends, etc. We can say that gay and bisexual men have experienced in a few years a great revolution in their lives and are now faced with situations and decisions that in many cases had never been raised concerning their life plan. All this, even with its

highly positive component presents new challenges for public policy.

Therefore, we propose:

GB1. Implementing a Comprehensive Program that provides access to adoption by couples of the same sex, by providing professional assistance to applicants, and training and education of the employees of the judiciary system and the Adopters' Registries.

GB2. Implementation of advice and support services for inclusion of adopted children in their new environments, with special emphasis on the issue of single parenting and co-parenting.

GB3. Implementation of programs for labor inclusion and prevention of discrimination based on sexual orientation in the workplace.

GB4. Creation of LGBT households to enable shelter for gay and bisexual men in exclusion or victims of family violence.

GB5. Development of specific campaigns aimed at gay and bisexual men about preventing HIV-AIDS and STIs testing, as well as counseling and treatment for those who test HIV positive. Emphasis should be placed on treatment and prevention in serodiscordant couples.

GB6. Design and dissemination of information for gay and bisexual men about sexual practices of the group, with a focus on healthy and pleasure-focused exercise of sexuality.

GB7. State initiatives in scientific research in the field of STIs, in particular HIV, with a focus on finding alternative methods of prevention, better treatments and dissemination of realistic statistics to educate without alarming and promote the responsible exercise of sexuality based on autonomy and dignity. In this regard, particular account shall be taken in regional and global efforts in the field and the experiences of civil society organizations.

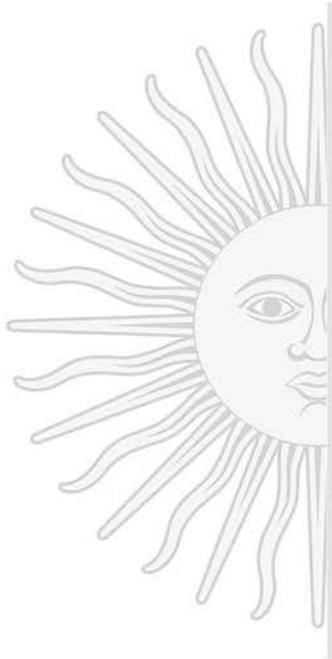
GB8. Making anal health training available for health professionals, and also for the LGBT community in general.

GB9. Promoting access to anal pap smears as anal cancer prevention, and other measures to encourage anorectal health and overall sexual health of gay and bisexual men.

GB10. Study and evaluation of implementation of the HPV vaccine in gay and bisexual men.

GB11. Promotion campaigns that address stigma and discrimination against gay and bisexual men from the perspective of improved self-esteem and positive values of diversity.





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