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# Reimagining human rights and the power of LGBT+ mobilization in Latin America: Part 3

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Miguel Fuentes Carreño

This is the third part out of three think pieces that describes what looks like the initial commitment to translate awareness and normative recognition into Mexico's participation into global action to protect LGBT rights in a country where violence and discrimination continues being a reality. But also, these pieces invite us to imagine new ways to deploy global technologies of subjectification, such as human rights, as a way to claim rights through rebellious politicization. The first part is available here, and the second part is available here. Alison Brysk lists lobbying, diplomatic intervention, and institutional reform as possible mechanisms showing political will —commitment translated into action (Brysk, 2013: 7). During the conference we saw at least three specific examples of these, out of which I will now focus on the third one: 1) Mexico City's Congressman Temístocles Villanueva lobbying along with Yaaj Mexico to get other politicians commit to fight against conversion therapies; 2) diplomatic intervention with the participation of foreign embassies in Mexico sharing best practices on legislation and public policies against conversion therapies, and also Mexico becoming the co-chair of the Equal Rights Coalition; and 3) Jalisco's Director of Sexual Diversity, Andrés Treviño, sharing how they got to reform the Civil Registry offices' administrative codes to become the first state to guarantee trans youth and adolescents' right to change their official documentation.

Simultaneously, the conference became a site to rethink rights discourse through reclaiming a broader agenda of social rights that traverse being LGBTI+, or in a Foucauldian framework: a set of counter-conducts —the will not to be governed in a certain way, by a certain group of people, at that price (Foucault 2007: 75). Yaaj's role in co-organizing the conference allowed to bring forward demands stemming from grassroots movements and the organized civil society. They extended the invitation to activists as panelists and audience members who used those three

communication tools, reworked them, and reclaimed their human rights to be governed differently. Through those three processes, activists also voiced at least three needs, out of which I will now focus on the third one: 1) to reverse legislation affecting NGOs; 2) reframing what we understand as conversion therapies to secure broader political action; and 3) participation in government offices and political parties. This event was a different turn where grass-root movements and NGOs were working hand in hand with government officials and international organizations by negotiating and collaborating beyond a human rights campaign against conversion therapy and more towards a comprehensive LGBT+ human rights agenda. Activists were conscious of themselves as right bearers and how they could disrupt subjectivities on what LGBT+ people should reclaim as rights to create a rebellious possibility if being governed differently, and not as a consequence of a legal provision.

The three tools of political will that I include showing political will (lobbying, diplomatic intervention and reform) will appear twofold in this text. First I will describe the ways the human rights campaign of the Global Equality Caucus —the "Regional Pact against Conversion Therapies"— was successful in securing a commitment towards LGBT human rights through a "glocal" political communication campaign. Then, I will show how civil society contested the limits of each of those tools to think about human rights not only as a campaign, but to debate socioeconomic disposability of queer subjectification. It is not enough to have "rainbow quotas", because people demanded action towards a dignified life. Thinking through Fierro's research with the workers' movement in Brazil, people in the Global Equality Caucus conference knew the commitments needed to conduct the tiring fight for LGBT rights (like economic stability, banning conversion therapies and an active voice in political institutions) comes from the consciousness of being right-worthy (Fierro 2019: 402). I do want to clarify that, as Odysseos recognized, we cannot reduce resistance to discernible actions that resist oppression in expressly political registers and in visible and organized forms (Odysseos, 2016: 15). Thus some of the examples I point to will not seem as "energetic" or "revolutionary" as one would imagine, yet they show counter-conducts to debates that were narrowed down or had silenced queer voices for a long time.

# Institutional reform and constructing human rights heroes in Jalisco

Two panels served as examples of translating cognitive awareness of the importance of LGBT+ rights into action —particularly institutional reform. Both of them gave us all the elements for a communication politics campaign to be successful: charismatic speakers, a clear message, a receptive audience, and channels to target responsible parties towards action. The panelists of the first panel on trans people's recognition included Carla Guevara, a trans activist from the Salvadorian LGBTI Federation; Andrés Treviño, Director of Sexual Diversity in Jalisco; Magaly López Domínguez, former Local Congresswoman in Oaxaca; and Tania Morales, President of the Trans Children Association, as moderator. The second panel was on queer women's representation in politics. This one included Ana Francis Mor, lesbian theater activist and Local Congresswoman from Mexico City; Celeste Ascencio, lesbian indigenous Federal Congresswoman; Salma Luévano, first trans Federal Congresswoman; Amaranta Gómez Regalado, trans disabled muxe activist and former candidate to Congress; Ana Eugenia Rodríguez Valdez, Councilwoman of Monterrey City; and Alhelí Partida, Director of Global Programs at Victory Institute, as moderator.

In both cases, we saw activists and government officials moving away from the strict conversation around conversion therapy. For the first panel the message was recognizing trans people rights as a guarantee of the human right to identity and free development; for the second, it was the right of civil and political rights of women facing intersecting forms of oppression: as racialized subjects, as subjects from geographic peripheries, and subjects with queer sexual orientations, gender identities and expressions; and as economically impoverished and gendered subjects. In both cases, there was a clear attempt to achieve the recognition of queer subjects by reforming the institutions that have marginalized them through history. In both cases we also saw proposals to achieve it, and heroes LGBT+ people could look up to as representing their interests.

Carla Guevara explained how she has had to transit the hardest road in El Salvador, yet she is using regional jurisprudence to push for gender recognition laws in her country. Her case served to show the limits to a communication campaigns that tried to follow a judicial path, trying to build a coalition with leftist parties and activists who could advocate for justice as a common ground. As she builds her

image of a martyr, she is also communicating the need to see LGBT+ rights as a comprehensive array of liberties that are constantly violated beyond one's right to live their sexual orientation and/or gender identity/expression free of coercion.

In parallel, Andrés Treviño has turned his image into a national hero by working with Jalisco's governor to turn his state as the first one in the country to allow underaged trans youths to change their documentation without a judicial decree. Treviño talked about the path of negotiation, lobbying and formation of cooperative networks through the government administration to allow for this change through the Civil Registration offices. We see a different path that has now positioned Treviño as an experienced politician that has, since then, developed manuals and surveys around LGBT+ inclusion in the local government. With it, he's been developing knowledge along scholars and activists that gives him evidence while finding different channels to guarantee LGBT+ human rights outside the performance of signing pacts or doing declarations. Institutional reforms went beyond the expectations thanks to his capacity to translate discursive commitments into localized victories which, put together, launched larger government transformations other states haven't been able to pull off.



(Roundtable ”Political participation of queer women”. From left to right: Alhelí Partida, Ana Francis Mor, Celeste Ascencio, Salma Lúevano, Ana Eugenia Rodríguez, and Amaranta Gómez. Photo by: Global Equality Caucus)

Later in the day the panel on queer women in politics stated a clear image since the composition of the panel. The participation of such a diverse group of women, from all over the country and from different age, racial, sexual and economic positionalities is an open call for inclusion of women in politics considering not only their gender. Similar to Treviño in advocating for trans rights in Jalisco, the entire panel showed heroes at different historical times, and how queering politics can look beyond the white cisgender homosexual men. Consciously or not, their continuous talk about the economy of care women in their families, and themselves, had gone through posed a questioning to what Odysseos calls an on-going process of subjectification of themselves as subjects of rights to legal remedy and compensation, a safe environment and health against a capitalist global economy. It was not only because of the fact all of them face structural inequalities due to their sexual orientation and/or gender identity along with being women, but also due to racism, ableism, and classism that complicate access of queer women into politics.

Ana Francis Mor proposed to think about queer women’s participation in politics as a means to reform not only the political institutions they belong to, but also the economic system that accompanies bills, public policies and political projects. As a former artivist, Ana Francis understands the importance of doing an LGBT+ movement that responds to a broader reality: if we are questioning heterosexuality as the norm or the core of social life, we should also question capitalism as the reality we are embedded in. Legislation needs queer feminist politics of care, responsible for governing away from power aspirations and towards people’s real needs.

Despite the ongoing criticism the current government is facing, particularly to its austerity policy that is cutting down on social programs usually direct to impoverished families and groups, the campaign of a broader human rights campaign that is tightly linked to LGBT+ rights convinced the audience present at the panel. The performance of inspiration, of struggle and of victories all the panelists conveyed allowed to transmit a broader message of women empowerment, while diverting the attention that traditional politics through political

parties is facing worrying transformations in Mexico (mainly a bipartisan block formation of MORENA vs. an amalgamation of right-center-left opponents).

## Reclaiming deeper institutional reforms

Panels with LGBT+ politicians talking about the challenges and victories towards institutional reforms were well received, with a sense of a future toward progress. However, some panelists and audience members, mainly during the last session on LGBT+ participation in political parties, showed a different approach to reframe human rights tools. I've been using the theoretical framework Fierro thought through while conducting research with the workers movement in Sao Paulo, Brazil. I reinterpreted it into how the rights discourse of the GEC campaign against conversion therapies was employed beyond its juridical meaning. The human rights speech materialized through the struggle LGBT+ activists voiced through the two days meeting, and the positive response they received from all the participants.

The different counter-conducts I've been pointing out illuminate the possibilities of coexisting radical objectives and rights discourse. However, this last example, although not as "revolutionary" as it may seem, is radical in the sense that it contests a core understanding of human rights and its relationship to temporality. According to McNelly, human rights law committed to a linear connection leading towards a predictable future: to progressively work towards the securement and protection of our personhood, dignity and normative agency as human beings. However, as McNelly proposes, if we think about human rights as untimely, without a predictable or linear future, we can embrace newness, the possibilities of transform our future beyond what we may conceive, and accept that we cannot fully predict how those changes will turn out (McNelly 2019: 823-824). That, in turn, allows for radical imaginations of what we can achieve without the expectation it will happen exactly as predicted.

The reason I am moving towards something more abstract to explain what happened in the conference is to invite reflection of two things that seemed as given, or as obvious as it can be, within a democratic system with balances and counterbalances to the political party system. Participants in the audience were very vocal about a long term phenomenon the LGBT+ rights sphere has not actively addressed. After the panel with queer women in politics, an audience member

congratulated the growing participation of queer citizens into party politics. However, he pointed out the history of candidates representing the queer cause during the campaigns, yet falling short once they take office. He mentioned two moments in the early 2000s: the first one was the formation of “México Posible”, a political party that conceded in Congress elections of 2003; and the political career of Enoé Uranga, a lesbian activist and local Congresswoman from 2000 to 2003, and federal Congresswoman from 2009 to 2012.

México Posible, as described by Amaranta Gómez Regalado, was a party of minorities, in which she conteded as the first trans muxe and disabled candidate. They were seen as radical because by the historical context of 2003 it was unthinkable to propose the decriminalization of abortion, decriminalization of marihuana, pass bills for same sex marriage, and to pass bills for trans people’s gender identity recognition. Since then no federal law has been passed on any of these topics. Although there are local laws decriminalizing abortion, and approving same sex marriage and trans identity rights, most of the advances were achieved through resolutions from the Supreme Court that then lead to judicial processes in each state.

Enoé Uranga was a lesbian activist that advocated for women’s rights and LGBT rights. During her first period in local Congress of the former Federal District (now Mexico City) she served as the president of the Human Rights Commission. During her second term, she served in the federal equivalent, as well as in the commissions for family, for women and gender equality, and for justice. During campaigns, she promised to pass laws in favor of the LGBT+ population, particularly giving social security to same sex couples. However, she famously opposed the bill for same sex marriage that intended for adoption between same sex couples as well. Thus, the dream of marriage, adoption, social security and the possibility of building a family for LGBT+ people turned into a failed campaign promise.

The audience member who recalled these cases made it clear we needed accountability from LGBT+ politicians who “occupy” and “steal” seats in the Congress. He reiterated the promises that never turned into reality, and that these candidates led to “nothing”. He demanded LGBT+ politicians to truly fight for budgets both for NGOs doing the job they aren’t doing to provide social security to LGBT+ communities, but also to do it themselves. He is questioning the configuration of human rights discourse around sexual diversity through quota representation, and rather go back to traditional democratic processes to rethink

how we want minorities to participate in the system: as tokens who, once in place, are only visual figures of inspiration, or actual political players who advance public policies. It was Patricia Mercado who, in coalition with two more cisgender and straight women, pushed for the bill to ban conversion therapies in the Senate. It was Temístocles Villanueva hand in hand with Ana Francis Mor, both part of the LGBT+ community, who passed it in the local Congress in Mexico city. It shows it takes political will, and not only identification with the group politicians are trying to defend, that transforms our understanding of human rights not as progression, but as revolutionary change.

Although this doesn't seem as radical as it may, rethinking a basic principle of democratic systems —that of checks and balances, through accountability to citizens— made it clear the history of achieving representation in political parties and the political system as tokens isn't that linear future the LGBT+ envisioned. But rather they went back to the principles of the party system, where votes need to come with promises that turn into reality.

This demand came along with Juan Pablo Delgado's speech during the last panel of the day. An openly gay activist and politician in Guanajuato, a conservative state in the center region of Mexico, Juan Pablo was very clear in demanding a different political structure around how the LGBT+ achieves the recognition of their rights as human rights. He proposed getting more profiles of LGBT+ activists stemming from the organized civil society to enter parties. And even more, for activists to stop requesting Directions, Caucuses, Secretariats or Committees to advance LGBT+ rights. Instead, he invites us to reimagine political participation of LGBT+ as party leaders, as Coordinators of nationwide party campaigns and initiatives. He proposes we hold politicians accountable, but that we also aim to hold the political control of the party system.




(Roundtable ”Representation and Inclusion of the LGBT+ agenda in Political Parties”. From left to right: Temístocles Villanueva, organizer; Juan Pablo Delgado, Board Member of the Movimiento Ciudadano party in Guanajuato; Mateo de la Torre, Moderator and Global Programs Manager at the Victory Institute; Wilson Castañeda, founder of Caribe Afirmativo in Colombia; Lol Kim, local Congresswoman from Mexico City; Diana Torres, Advisor to Congressman Villanueva; Erick Ortiz, co-founder of the Nuestro Tiempo party in El Salvador. Photo by: Mateo de la Torre)

His participation was followed by Wilson Castañeda, founder of Caribe Afirmativo in Colombia, which has been fundamental for the growth of LGBT+ victories in the Congress. He did an analysis of Central and South America to remind the audience there is a deep fracture in the political party system, where LGBT+ candidates can restructure political parties in the region through three revolutions: 1) reaffirming the call of political parties to fight for an agenda —not only tearing down a charismatic leader—, so voters can vote on proposals and not only the person; 2) territorial expansion through small victories, rather than thinking LGBT+ candidates have to win every major role in the hierarchy every single time; 3) clearer

ideologies, as the LGBT+ movement in Latin America can transform the community based participation into political militancy with a real commitment to specific values. Castañeda is, in McNeilly's words, embracing newness and the possibilities this may bring, because he is departing of human rights as a legal tool that is only deployed after conflict, or disaster, but rather to facilitate a debate on the future of democracy that is informed —yet not constrained— by the past (McNeilly 2019: 824). He is not trying to predict the future, but to offer three venues through we the LGBT+ movement can open to unexpected directions in the law and politics.

These efforts to transform discourse into political will are to be seen in the upcoming legislative and executive elections in Mexico and Latin America. However, the contestation to rainbow quotas and tokenism in political parties by all these participants have something in common: all of them got involved into politics after being part of social movements advocating for LGBT+ rights, and most of them continue to have some role within the organized civil society. They are transforming existing structures and relations of power within parties while voicing the needs of activists that remain in the realm of civil society. The transform these human rights campaigns into a contestatory act of taking over the institutions they want to see governing them differently.

## Conclusions: Towards Radical LGBT+ Human Rights

The Gobal Equality Caucus is centered into legislative transformation towards achieving LGBT+ equality worldwide. The inauguration of the Latin American chapter came with a successful communication campaigns, as it translated political discourse into political will: the regional mobilization to protect and empower LGBT+ against abuse through lobbying, diplomatic intervention, institutional reform. Simultaneously, we saw activists and human rights champions practicing counter-conducts as revolutionary acts that reworked, reclaimed and redeployed the central human rights campaign against conversion therapies into a broader agenda: reversing legislation hindering NGOs work, changing the discourse from conversion therapies to SOGICE, and designing real ways for LGBT+ people to participate in government offices and political parties.

The reason I included both process as happening in parallel goes back to my initial attempt to imagine new ways to deploy global technologies of subjectification, such as human rights, through rebellious politicization. However, I do so while recognizing that the democratic system in which Latin America, and Mexico, are embedded cannot be discounted nor discarded. As I stated in the introduction, the advent of nationalist and populist leaders in the last couple of years has put human rights against the ropes as tools that could serve as checks and balances to rising violence and discrimination to minorities worldwide. I am not trying to abandon our commitment to human rights based on a critique against a liberal framework of universal values for all that is divorced from the specificity of local struggles. We do not have many tools left to fight back against LGBT-phobia. While we think through new ones, we must recognize successful campaigns that speak rights to power and bring political will into action. This can happen at the same time as we map activists responses that cultivate resistance in critically affective and action-oriented ways to human rights violations and social injustices.

Human rights are crucial to contemporary governmentality. We saw it through lobbying to gather support among politicians, because they can lead to signing commitments and later on to hold legislators accountable through the performativity of having become champions of LGBT+ rights. It also allows to govern through a message of regional unity, autonomy and solidarity that positions Latin American into a “glocal” campaign against discrimination and violence based on SOGI as part of a broader array of structural forms of socioeconomic oppression. Similarly, diplomatic intervention allowed Mexico and Latin America to position themselves as robust players in the global arena for LGBT+ rights under a politics of care. Sharing best practices does not only allow for the global circulation of vernaculars, and the formation of cooperative networks. It is also a recognition that, despite the power implicated in human rights as a tool, they constitute “a terrain acquired arduously and at great cost —a terrain that cannot and should not be surrendered” (Kapur, 2018: 26). Thus, Canada, Argentina and Mexico are fighting to hold those rights alive and strong by sharing policy making to guarantee them. Finally, we saw how institutional reform can be imagined through a broader understanding of human rights, and how standing for women’s rights, indigenous rights, rights of people living with disabilities, and LGBT+ rights, redeploys the need for civil, political, economic and social rights as interdependent. Even more, champions within the government like Treviño become examples of political will that brings together other tools like lobbying, litigation, people power, monitoring and institutional reform to

achieve administrative changes towards the recognition of trans people's rights.

I want to reiterate Fierro's reflections about the worker's movement in Brazil: the fight for a radical social struggle that redeploys human rights comes from the consciousness of being right-worthy. That recognition opened-up the door for counter-actions from participants along the conference that expanded the gains from the campaign to sign the regional pact against conversion therapies. First, we saw Amaranta Gómez Regalado lobbying against Congresswoman Ascencio's bill that aimed to cut off foreign funding for NGOs doing strategic litigation or lobbying against government projects. By introducing a bottom-up approach of globalization, and the role civil society plays in defending human rights, she managed to get the Congresswoman to commit to stop her own bill. Also, we saw Yaaj participating in the same panel than representatives of Argentina and Canada, along with the representatives of the Ministry of Foreign Affairs and the COPRED. He didn't only conducted a performance of horizontal policy making along government and diplomatic officials, but managed to steer the conversation towards new epistemologies and conceptualizations of their cause. They also used classic information politics (like the Canadian scholars and the Argentinian legislators), as well as symbolic politics (like his own story as a survivor) (Keck and Sikkink, 1998) to propose the advocacy campaigns being around Sexual Orientation and Gender Identity Change Efforts (SOGICE), and not a restricted vision like the one in conversion therapies. Finally, we saw new imaginations of how LGBT+ politicians shouldn't only be quotas, but rather party leaders, and accountable figures.

Rights discourses and campaigns can then be deployed strategically, both to advance current attempts towards dignifying LGBT+ lives, but also to interrupt linear and progressive conceptions of what rights can do for individuals and redeploy them into radical, untimely forms of action. Mixing radical and revolutionary thinking with legal strategies make human rights embody simultaneous sites of power affirmation by nation-states and contestation by individuals that represent or contest those nation-states. This think piece is an invitation to continue imagining possibilities to rethink, reconfigure and redeploy a tool that, although imperfect, has proven necessary in times of crisis.

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Miguel Fuentes (he/him) is a PhD Candidate in Global Studies at UC Santa Barbara, and Research and Data Analyst at the Williams Institute at UCLA School of Law.

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