

Qualitative Analysis on the Progress and Difficulty of LGBT Politics in Latin America: Focus on Peru

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Abstract

This article analyzes why some Latin American countries have succeeded in implementing laws that protect the rights of LGBT people, while other countries have not. To address this question, the article focuses on LGBT rights in Peru as a negative case study. Peru has enjoyed economic growth over many years, which is considered one of the key factors for increasing tolerance of the LGBT community by heterosexual people. In addition, some LGBT legislators and parties are fighting to legalize civil unions and same-sex marriage. Nonetheless, the Peruvian Congress rejected the civil union bill despite the struggle of the LGBT Community and their supporters. Since the progressive left-wing party is weak in Peru, the right-wing party does not try to capture leftist followers who tend to show more tolerance for LGBT. The lack of consensus between left-wing politicians has divided and weakened their share of the vote. Therefore, the weakness of progressive left-wing politicians allows right-wing politicians to ignore the rights of LGBT. On the other hand, most of the rigid left-wing politicians receive support from rural areas where modernization has partially permeated, and they must prioritize economic issues rather than sexual ones. Therefore, the gap between urban and rural areas and the stagnation of gender issues allows the rigid leftist and right-wing politicians to ignore sexual diversity. This article concludes that the growth gap between urban and rural areas and strong veto players prevent Congress from approving LGBT people's rights.

Keywords: sexual diversity, civil union, pro-LGBT movement, veto player, modernization

要旨

本稿では、ラテンアメリカ諸国において、LGBT の権利を保障する法律を施行している国とそうでない国になぜ分かれているのか、ペルーの事例分

析を通じて検討する。ペルーは、社会が LGBT に寛容な態度になるために必要な条件の一つである経済成長を経験した。また、当事者の国会議員や彼らを支援する政党がシビル・ユニオンや同性婚の合法化を模索している。しかし、国会は本会議での採決を却下した。ペルーでは急進左派と進歩的な左派の分裂が左派勢力の弱体化を生み出した。このため、LGBT に寛容な進歩的な左派勢力が弱く、右派勢力は選挙戦略の一環として左派の有権者に歩み寄る必要がない。その一方で、より急進的な左派勢力の支持基盤は、近代化の波が遅れている農村部であるため、農村開発を優先し、セクシャリティの多様性には関心を持たない。その結果、本稿は都市部と農村部の開発ギャップや強力な拒否権プレイヤーの存在により、ペルーでは法整備が進まないと結論付ける。

キーワード：セクシャリティの多様性、シビル・ユニオン、LGBT 運動、拒否権プレイヤー、近代化

1. Introduction

The aim of this article is to analyze the reason why some Latin American countries have succeeded in implementing laws that protect the rights of lesbian, gay, bisexual and transgender (LGBT) people, while other countries have not. Since the 2000s, some Latin American countries have accepted civil unions or same-sex marriages due to local and international pressure, while the Peruvian Congress has refused to approve or discuss the bill of civil unions or same-sex marriage.

In Peru, a leftist government came into power in 2021, and is now seeking social inclusion for historically excluded or discriminated people. However, the current government pays little attention to the rights of LGBT people, which is considered the group most discriminated against by heterosexual people (Minister of Justice and Human Rights, 2019). According to a national survey in 2019, 8.7% of people (around 1.7 million Peruvians) consider themselves to be within one of the LGBT categories. However, Congress does not focus on sexuality issues. Why does the Peruvian Congress ignore the rights of LGBT people?

To address this question, this study was divided into three sections. The first section summarizes the historical aspects of discrimination, such as religion or culture. It

then describes the Latin American LGBT people's struggle and introduces Corrales's (2015) three main criteria (pro-LGBT movement, veto player, and modernization) to analyze the differences between certain Latin American countries and Peru. While most studies have concentrated on describing the marginal situation of LGBT people or tracing how Congress approved bills, this study relies on Corrales's criteria to understand the situation.

The second section describes the historical and current situation of the Peruvian LGBT community. The community suffered discrimination during and after internal armed conflict, but despite these difficulties, the pro-LGBT movement is rooted in Peruvian society thanks to international support.

The third section analyzes the Peruvian case study using the three main criteria mentioned in the first section. First, this section points to the efforts of the LGBT movement and its legislators to obtain more allies. Second, it indicates the presence of very strong veto players in Peru. Third, this section shows the economic and educational gap between urban and rural areas, with those living in rural areas tending to oppose sexual diversity.

This article concludes that the struggle of LGBT people in Peru continues because of strong veto players and the economic gap between urban and rural areas, despite pro-LGBT movement efforts.

2. Changing LGBT rights in Latin America

This section addresses the historical aspect of discrimination, the progress of LGBT rights, and three criteria to analyze the differences between Latin American countries.

2.1 Historical aspects

There are two major historical aspects that explain Latin American countries' negative attitudes toward LGBT people (Schulenberg 2013). First, there are many Catholics in almost all Latin American countries because the region was occupied by people from the Catholic Iberian Peninsula for approximately 300 years. Even after independence in the 1800s and after it was declared that they had adopted the rule of law, many countries still respected and followed Catholic theology.¹ As a

result, Latin American society treats LGBT people as strange or defective, making it difficult for LGBT people to publicly identify themselves as part of the LGBT community. As Catholic people believe that having same-sex relations is a crime, LGBT people suffer stigmatization.

Latin American culture is characterized by the conservative belief called 'machismo'² that was inherited from the Iberian occupation. Many people believe that a man must be strong in the traditional sense and must not have relations with a same-sex partner. Consequently, all Latin American countries prohibited same-sex marriages until the 2000s. For this reason, LGBT people felt threatened and were at risk of losing their jobs or facing discrimination; they therefore hid their sexual orientation.

Despite these difficulties, some LGBT groups emerged in the 1970s to promote their legal rights. However, their discourse was concentrated only on LGBT matters, and they failed to include many heterosexual people for support. In addition, the military governments repressed them, and some LGBT groups were forced to quit their pro-LGBT activities.³ After democratization, the LGBT community changed its strategy and began to adopt the popular international argument that "gay rights are human rights" (Andía 2013: 132-133; Encarnación 2011: 106). For example, Carlos Luis Jauregui was one of the key LGBT activists in Latin America who created the CHA (Comunidad Homosexual Argentina - Argentina Homosexuality Community) in 1984.⁴ He managed to garner support from heterosexual people by promoting LGBT rights as human rights.⁵ In other countries, the situation changed gradually after democratization due to local and international pressure.

2.2 Local and international pressure to promote LGBT rights

Local and international pressure have influenced changes in LGBT policies in some Latin American countries. LGBT organizations have transformed their strategies in line with the influence of international arguments to combat strong resistance to LGBT people and have managed to secure international assistance. For example, CHA submitted a report with the help of the United Nations Program for Development (UNDP) and the United Nations High Commissioner Organization for Human Rights (UNHCHR) to promote the rights of LGBT people. CHA also

participated in the process of editing the Universal Periodic Review, established by the UNHCHR, which reviews human rights violations in member states every four years (Piatti-Crocker 2013: 8-9).

Since the 2000s, the legal situation has changed dramatically in some countries. For example, the Organization of American States (OAS) submitted Resolution 2435/08, which protects LGBT rights.⁶ Members of the OAS need to respect the decision of the OAS, and the Inter-American Commission of Human Rights and the International American Court of Human Rights reviews human rights violations. As almost all Latin American countries, except Cuba, are members of the OAS, domestic law is influenced by its integration, but there is no punishment if member countries disobey. In addition to regional integration, some international non-governmental organizations supported national pro-LGBT movements, including the International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA) and the International Gay and Lesbian Human Rights Commission (IGLHRC), who both played a crucial role in advocating respect for the LGBT community by politicians and citizens (Piatti-Crocker 2013).

As Corrales has argued, “[i]n the first two decades of [the] twenty-first century, Latin America experienced a remarkable improvement in LGBT rights and policies. Outside of the North Atlantic, no region has had more progress on LGBT rights” (Corrales 2020: 185). According to the ILGA, Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, and Uruguay enjoyed civil unions or same-sex marriage laws. In addition, Argentina, Brazil, Colombia, Costa Rica, and Uruguay also permit same-sex couples to adopt children (either jointly or via second-parent adoption).

For example, the Uruguay Congress approved the civil union bill in 2007 for the first time in Latin America because of the pro-LGBT movements and initiative of the left-wing government (Sempol 2013). In 2009 the Colombian constitutional court granted the same rights to a homosexual couple, including “full rights of insurance, inheritance, immigration, and social security benefits” (Encarnación 2011: 104) under the right-wing government (Bonilla 2013; Encarnación 2011). Following Colombia, the Argentinian Congress approved same-sex marriage in 2010 and the Brazilian Congress in 2013, both under left-wing governments. In Argentina, organizations such as

CHA played an important role in garnering support from heterosexual people to form a large pro-LGBT movement, enough to push Congress to approve the bill (Watabe 2021).

In 2016, the Costa Rican government requested the Inter-American Court of Human Rights to ensure that all OAS members respect the court's decision to protect human rights, including LGBT rights.⁷ In 2017, the court responded affirmatively. The court also declared that all people have the right to choose their partner freely and raise a family even if they choose a same-sex partner (Article 255 of the OC-24/17 of the Court). Based on this decision, the Costa Rican Congress approved same-sex marriages in 2020, despite internal resistance. Compared to Argentina, Costa Rica was under international pressure to approve same-sex marriages (Ojiri 2021).

These decisions were crucial for LGBT couples because if one partner was involved in an accident or became ill and required urgent medical treatment, a same-sex partner could not provide informed consent before surgery if they were not recognized as legal partners. In that case, the partner had to seek their partner's family and request them to provide consent. However, many parents never accept their children as LGBT people, which may ultimately break down their relationships. For this reason, families tend to deny help and claim their children's assets when they die. With LGBT rights, the same-sex partner can sign an official document as a legal delegate of their partner and inherit their assets like other heterosexual couples.

2.3 Three criteria for which LGBT people could obtain legal rights

Successful cases of LGBT movements raise the following questions: Why do some countries organize pro-LGBT movements to pressure their governments, while other countries do not? More specifically, why could some Latin American countries change the law after minimizing the influence of veto players while others did not? To address this question, a previous study by Corrales identified three main criteria: pro-LGBT movements, veto players, and modernization theory (Corrales 2015: 54-55). While other researchers have concentrated on case studies, Corrales (2015) has provided the clearest criteria, based on comparative studies of many Latin American countries. Therefore, this paper has relied on his study.

First, pro-LGBT movements need to frame their concerns in a way that can capture the majority's interests. Then, the movements must receive support from national-level parties to achieve legal protection for LGBT people. Politicians tend to ignore LGBT rights because they are a minority in the country. However, if supporters or 'allies' join pro-LGBT movements, politicians seeking to maximize their votes to win in the following election, must respect LGBT rights (Corrales 2015: 54). As a result, many LGBT movements, such as CHA, have adapted their discourse towards a more moderate approach in order to capture the majority's interests (Andía 2013).

For this purpose, LGBT activists must convince citizens, as well as legislators, to vote for civil unions or same-sex marriage bills. If conservative politicians occupy most of the seats in Congress, there is little possibility that they will vote for LGBT rights. In many countries, Congress appoints lawyers to the magistrates of their constitutional courts, and therefore, it is likely that the courts will also be in opposition to LGBT rights. To avoid this, pro-LGBT activists must convince conservative politicians, threatening them with fewer votes for those politicians who reject LGBT rights.

Second, the strategy to confront rigid veto players is crucial for LGBT activists. In Catholic countries, the strongest veto player is the Catholic or Evangelical Church. In some Latin American countries, more radical groups such as Opus Dei and the Evangelical Church are growing. They are much more rigid and conservative than the Catholic Church and resist the rights of LGBT people.⁸

Conservative politicians also play the role of veto players, but they are not as rigid as religious groups. Historically, left-wing politicians were veto players because they denied incorporating gender or sexuality matters into the agenda. As upper-class men started pro-LGBT movements, the leftists opposed the high-income class's demands. The Marxists or anti-imperialist sectors fought against the owners of capital; they considered upper-class men as their enemies. In addition, historical leftist leaders harbored traditional ideals that rejected sexual diversity. However, the situation has gradually changed, and some leftists, such as the Worker's Party of Brazil, began to demonstrate a tolerance of LGBT rights, compared to other left-wing or right-wing leaders (Schulenberg 2013). The moderate leftist discourse changed from anti-imperialist thought to co-opt a wide

range of human rights issues. It is true that many leftist governments, such as Brazil, support LGBT rights, but this does not mean that all leftist politicians are pro-LGBT (Corrales 2015).

Similarly, not all right-wing politicians reject LGBT rights. For example, the Colombian and Chilean ex-presidents and the Argentinian ex-mayor of the capital expressed more tolerance of LGBT people compared with other right-wing politicians.⁹ If center-right politicians try to capture leftist followers, they can change their electoral strategy and express moderate electoral promises, including minority rights. In other words, both left-wing and right-wing politicians tend to be friendlier to the LGBT community when they see more electoral opportunities (Corrales 2015; Schulenberg 2013).

Third, modernization has brought economic growth such as “rising industrialization, rising incomes, rising urbanization, and rising education” (Corrales 2015: 54). There is a tendency for those who live in urban areas with high income and high-level education to support LGBT rights, while those who live in rural areas with low income and low education do not. Consequently, a large urban area like Mexico City approved civil unions because neighbors in cities are more tolerant of LGBT people (Corrales 2015: 54).¹⁰

However, Corrales pointed out that the case in Peru was an exception because Peru kept refusing the bill even though the country had accomplished macroeconomic growth (Corrales 2015: 54). Why does Peru avoid civil union or same-sex marriage? The following section analyzes the scenario in Peru.

3. Case study: Progresses and difficulties in the Peruvian LGBT community

Before analyzing these three criteria, this section illustrates how Peruvian strong veto players remained and how the LGBT community suffered from various forms of discrimination. Therefore, it summarizes the three main difficulties of the Peruvian LGBT community, with complications such as internal armed conflict, HIV, and other forms of discrimination.

3.1 Democratization and internal armed conflict

Similar to other countries, the Peruvian LGBT community must confront discrimination because of their sexual orientation. Peru does not have an official religion, but most of the population is Catholic or Pentecostal. LGBT people fear that if their family finds out that they are LGBT, they will become angry and sever relationships with them. As a result, they have difficulty disclosing their sexual orientation to their family or friends, even after democratization. The Peruvian Penal Code of 1924 legalized “[h]omosexual acts between consenting adults” (Cáceres and Palomino 2008: 49), but it was not enough to change the stigmatization of LGBT people (Cáceres et al. 2009: 79-80). In seeking a cultural shift, the LGBT community started to build an organization to promote their rights. In 1982, for the first time in Peru, the LGBT community organized the Homosexual Movement of Lima - Movimiento Homosexual de Lima (MOHL). Due to support from some international associations, the movement survived despite many difficulties during the 1980s, and subsequently took root in Peruvian society. In 1984, the Latin American and Caribbean Feminist Meeting (Encuentro Feminista Latinoamericano del Caribe) was held in Lima, creating a strong feminist movement in Peru. However, other organizations, such as the Self-Consciousness Group of Feminist Lesbians (Grupo de Autoconciencia de Lesbianas Feministas), or Action for Homosexual Liberation (Acción para la Liberación Homosexual), weakened due to the lack of economic resources or consensus among members (Caro and Simonetto 2019). The participation of transgender people was very limited; Cáceres and Palomino argued that it reflected “the stigma of transgender persons within the middle-class gay community” (Cáceres and Palomino 2008: 49).

At the same time, internal armed conflict occurred in Peru during the 80s and 90s. An extreme leftist armed group attacked police officers and killed organizations’ leaders because they refused to collaborate with the armed groups.¹¹ Some organizations’ leaders agreed to assist the armed group because they had been threatened with death. The military was therefore forced to fight not only the armed group, but also other citizens, thinking that they were the armed group’s accomplices (Murakami 2007). For this reason, many civil society organizations were fragmented, including the LGBT organization, even after democratization in 1980 (Alza et al. 2017).

The internal conflict not only weakened the LGBT organizations, but also their members were targeted because of their sexual orientation. For example, armed members of the Túpac Amaru Revolutionary Movement (Movimiento Revolucionario Túpac Amaru) killed eight transvestites and the owner of a bar in Tarapoto City, north of Peru, accusing the transvestites of being “socially undesirable, unfaithful spouses, drug addicts, prostitutes, and thieves” (Perez 2020: 91). After this crime, some LGBT activists started to claim legal protection from homophobia, but these movements were weak because of the threat from armed groups.

During the internal conflict, there were very few public activities related to LGBT support, but MOHL organized their first assembly in an open space in 1995. One of the members of MOHL said that they feared that the police might arrest them, but they needed to organize this type of demonstration in the streets to be more visible (Miranda 2019). Many of them wore masks so that nobody could determine who they were. After that, some meetings were held in Lima, but MOHL could not organize pride parades until 2001. The national government had a strong connection to the Evangelical Church during the 90s, and therefore there was no political space for the LGBT movement (Cáceres and Palomino 2008; Miranda 2019).

3.2 HIV

The first HIV-positive case in Peru was confirmed in 1983 (Cueto, 2002). The role of the media was important because the “media spread panic and anxiety about ‘sexual promiscuity’, and presented the disease as coming from marginal segments of society, such as transvestites working in hair salons, and prostitutes” (Cáceres and Palomino 2008: 47). The HIV-positive man was from the gay community, therefore people blamed the LGBT community for introducing an unknown disease.¹² Subsequently, people began to associate HIV with LGBT people and viewed LGBT people as dangerous (Cáceres et al. 2009: 86-87).

The Minister of Health established the Special AIDS Control Program (Programa Especial de Control del Sida) in 1988, but it lacked economic and human resources, as well as political consensus. In addition, the national government’s strategy worsened discrimination for LGBT people because the HIV law (No 25275) treated LGBT people or prostitutes as potential agents (Cueto 2001).

As a substitute, non-governmental organizations began offering services to HIV patients. After 1996, a more modern program began, and later, the national government built the National Program for Sexually Transmitted Diseases and AIDS Control. Under Alberto Fujimori's government, the national policy tried to prevent discrimination, but this did not work because of strong resistance from conservative sectors and the Catholic Church.

At the same time, MOHL led the anti-HIV movement through collaboration with international associations. First, a Dutch agency, named Oxfam NOVIB Netherlands, offered a grant in 1985 to prevent HIV infection. After that, the United States Agency for International Development (USAID) supported MOHL with an information hotline and safe sex workshops, and the Norwegian Agency for Development Cooperation also provided technical support in 1988. Due to this international support, the Peruvian society considered MOHL "a stakeholder and key informant" (Cáceres and Palomino 2008: 50). Due to the HIV problem, the negative attitude toward LGBT people increased, while MOHL gained strength as the principal LGBT movement.

3.3 Other discrimination

The pro-LGBT movement has to confront the ignorance of public servants and policymakers who are unable to create inclusive policies because, generally, they do not consult the LGBT community.

For example, LGBT people experience specific problems if they get sick. According to a study by Romani et al., (2021) those who have previously experienced discrimination in hospitals or medical centers avoid seeking medical care. In general, male health personnel display less tolerance for LGBT patients. LGBT people also have difficulty in obtaining health insurance "because they often do not use their legal name" (Romani et al. 2021: 244). Changing legal names is complicated in Peru, and if a person's legal name does not match their gender identity, they may encounter problems. The study also shows that LGBT people tend to suffer from mental health problems due to stigmatization, discrimination, and intolerant environments. Despite these symptomatic states, LGBT patients tend to endure their illnesses rather than seek help (Romani et al. 2021).

Another recent problem has been public policy during the COVID-19 pandemic. Martín Vizcarra's government implemented a "temporary gender-based mobility restriction that stipulated different days for 'men' and 'women' to circulate in public spaces" (Garcia-Rabines and Bencich 2021: 663).¹³ As mentioned previously, some LGBT people use names that do not coincide with their gender identity. This decree indirectly attacked the LGBT community, because policymakers ignored their rights.

Even though the internal armed conflict has ended, and HIV prevention programs have been established, discrimination still exists in daily life which affects the LGBT community.

4. Case study: pro-LGBT movements, veto players, and modernization

Based on previous studies and the current situation of the Peruvian LGBT community, this section analyzes the research question using three criteria: pro-LGBT movements, veto players, and the modernization of Peru.

4.1 Pro-LGBT movements

After the internal armed conflict, MOHL organized a pride parade for the first time in Peru in 2001. This demonstrated that the LGBT community existed, however, the number of supporters or 'allies' has increased very slowly in Peru. Since 2016, some LGBT legislators and parties have been fighting to legalize civil unions. However, more than 50% of the Peruvian population disapprove of civil unions, and the current president does not pay much attention to the issue.

Since 2001, LGBT allies have slowly increased in number, and some heterosexual politicians have participated in pride parades (Miranda 2019). In contrast, these activities have created opposition for LGBT groups, such as church and conservative groups. As Corrales and Hata have argued, the more rights the LGBT community gains, the more the backlash against it increases (Corrales 2020; Hata 2021). The LGBT community has continued with these activities to convince heterosexual people via the political arena.

Since 2006, LGBT candidates have started to participate in legislative elections, and some of them won elections in 2016, 2020, and 2021 (see Appendix, Table 1). Since 2006, some candidates have run for national elections after publicly identifying themselves as LGBT, but no one ran in the elections until 2016, when two gay candidates (Alberto de Belaunde and Carlos Bruce) won in the legislative election. Both candidates belonged to the right-wing party Peruvians for Change (Peruanos Por el Kambio), which won the presidential election. Before their candidacy, they had both found success in the academic and private sectors, therefore, they could amass many votes (Alza et al. 2017).

An LGBT legislator issued a draft law for civil unions in 2015, but the commission archived it because of strong opposition. In 2016, he did so for the second time in Peru, but Congress did not allow the draft to be debated. The progressive left-wing Broad Front for Justice, Life, and Liberty (Frente Amplio por Justicia, Vida y Libertad) party also proposed a draft law for same-sex marriage in 2017; Congress again denied the opportunity for debate, and therefore, the draft was again abandoned (Fernández 2020).

After the closure of Congress in 2019,¹⁴ one candidate (Alberto de Belaunde) won in the legislative elections in 2020, and two candidates (Alejandro Cavero and Susel Paredes) won in 2021; each of them had publicly identified themselves as LGBT. Peruvian society is very conservative, and 71% of the population believe that the LGBT community is suffering from discrimination (Minister of Justice and Human Rights 2019). Nonetheless, the same survey shows that 51% of the people who live in the capital approved civil union in 2021. This suggests that those who agreed to implement legal protection started to vote for LGBT candidates in order for those candidates to obtain enough votes to win (see Appendix, Figs. 1 and 2).

This tendency is expanding to include heterosexual legislators. During the Extraordinary Legislative Elections' campaign, many left-wing and right-wing parties announced that they would support civil unions, even though there were no openly LGBT candidates running in the election from their parties. In 2021, a progressive left-wing presidential candidate, Veronica Mendoza, publicly announced her support for LGBT rights, including civil unions (Isoda 2021).

According to the Ipsos-Apoyo survey, 59% of the population disapproved of civil unions in 2019 and 2021; however, many politicians approved of them (Ipsos-Apoyo 2021).

The circumstances appear to be positive for the LGBT community. Nonetheless, Congress has not yet initiated a debate on civil unions because of strong veto players.¹⁵

4.2 Veto Players

There are strong veto players in societal and political arenas. In the societal arena, there are church and conservative sectors. For example, when an LGBT legislator proposed the civil union bill, the Minister of Justice and the ombudsman (*defensoría del pueblo*) expressed their support. However, the special commission refused to debate it in a plenary session because the Catholic Church opposed the bill strongly and supported a big demonstration against the bill (Mendivil 2015).¹⁶

This type of resistance occurred again when the Minister of Education planned to introduce gender equality in the curriculum of public schools; a conservative group organized another demonstration to oppose this plan in 2016. The conservative sector insisted that gender equality ignored the Bible, and organized a movement called 'Don't mess with my children' (*Con mis hijos no te metas*). Some conservative legislators, including the biggest opposition party, dominated Congress (Meneses 2019). These demonstrations indicate that they are strong enough to reject LGBT rights because they consider it antithetical to Christian doctrine.

However, other Latin American countries could implement laws because of politicians' decisions, even though there were rigid societal and political veto players. Why has Peru still not implemented any laws? The key actors are politicians. If progressive left-wing politicians have many followers, right-wing politicians need to be more tolerant towards the minority sector because they need to seize votes from the left-wing. In Peru, the lack of consensus between left-wing politicians has divided and weakened their share of the vote. Therefore, the weakness of progressive left-wing politicians allows right-wing politicians

to ignore the rights of LGBT. Additionally, the current president, a leftist leader, Pedro Castillo, did not pay attention to gender and sexuality issues during his electoral campaign, and stated that he would protect family values which rejected the rights of LGBT or sexual orientation and gender identity (SOGI) (Miranda 2021). Even if LGBT legislators gain support from other legislators to approve the civil union bill, the president can refuse to sign it and archive it without implementing it as law.

As mentioned previously, the rigid left-wing politicians who think that LGBT people are high-income tend to deny LGBT's rights. Currently, pro-LGBT movements cannot compete with these veto players because they only receive support from progressive left-wing politicians. Why are the other left-wing parties less tolerant of sexual diversity? Most receive support from rural areas where modernization has only partially permeated, and they must prioritize economic issues rather than sexual ones.

4.3 Modernization

As Corrales has argued, modernization has brought tolerance for LGBT people because they generate economic growth, and heterosexual people are becoming less conservative and more tolerant of LGBT people. According to the Central Bank of Peru's data, Peru enjoyed macroeconomic growth from 2000 to 2019, with some exceptions. However, economic growth has not decreased the economic and educational gap between urban and rural areas. As shown in Appendix, Figs. 4 and 5, there is a large gap between the two. First, Appendix, Fig. 4, demonstrates that the poverty rate has reduced in both areas, but that there is still a large economic gap. For example, the difference between the two areas was more than 40% in 2009 and 20% in 2020. Second, Appendix, Fig. 5, shows that the educational attainment period has not shown a strong improvement. The difference between the two areas was approximately three years in 2020.¹⁷

These data indicate that modernization has reached urban areas, but not rural areas. Corrales concluded that the Peruvian case was exceptional because of its macroeconomic growth. However, those who live in rural areas cannot experience economic growth or receive education similar to those in urban areas. Under the federal system, regional government has the right to permit civil unions in

administrative regions, as in the Mexican case. However, Peru is a unitary state and does not allow regional, provincial or district government to authorize civil unions in their territories, and the national Congress has denied debating the bill even if it receives high approval in urban areas. This means that Corrales' criteria can explain the Peruvian case.

This may explain why some left-wing politicians do not pay much attention to sexual diversity; their priority is economic development. For that purpose, they concentrate more on economic public policy rather than gender or sexuality issues.

5. Conclusion

The aim of this article is to analyze the reason why some Latin American countries have succeeded in implementing laws that protect the rights of LGBT people, while other countries have not. The first section refers to the historical aspect of discrimination and the progress of LGBT rights, and then presents three criteria to analyze the research question: pro-LGBT movement, veto players, and modernization. The LGBT community moderated their discourse and began to receive support from heterosexual people. According to a previous study and some successful cases, Congress may approve the civil union or same-sex marriage bill if pro-LGBT movements grow more than veto players. Studies have shown that people tend to be more tolerant of LGBT if they receive a high income or high educational level because of modernization.

The second section summarizes the history of the Peruvian LGBT movement. They had to confront internal armed conflict and HIV during the 1980s, then the strong veto players which were the religious and conservative groups. They also suffered from other forms of discrimination because of lack of tolerance. However, the Peruvian LGBT organization, called MOHL, survived because they received economic and technical support from international funds or organizations.

The third section analyzes the Peruvian case using the three criteria mentioned in the first section. As summarized in the second section, the Peruvian LGBT movement confronted discrimination, but their organization was rooted in society. For instance, they organized public meetings or pride parades to gain support from heterosexual people, including politicians. Since the number of

their supporters increased, especially in urban districts, some LGBT candidates won national elections after 2006. This means that the Pro-LGBT movement in Peru is gaining traction.

On the other hand, there are very strong veto players, and they have enough power to prevent Congress from approving the bill in favor of LGBT people. Since the progressive left-wing party is weak, the right-wing party does not try to capture leftist followers, showing more tolerance for LGBT. In Peru, the rigid left-wing party pays less attention to the LGBT because the party's priority is to improve the economic situation in rural areas. The gap between urban and rural areas and the stagnation of gender issues allows the rigid leftist to ignore sexual diversity.

However, some Latin American countries that have implemented legal protection for LGBT people also have strong veto players and suffer from the economic gap between urban and rural areas. Further investigation is therefore required.

* This work was supported by JSPS KAKENHI Grant Numbers JP19H04371 (A Comparative Study on LGBT Rights in Six Latin American Countries).

I am grateful to Professors Keiko Hata, Reiko Matsuhisa, Kiwa Ojiri, Ryohei Konta, Nana Watabe and Atsushi Uemura for their kind directions regarding sources and for useful discussions. Also, my sincere thanks go to Professor Saburo Aoki for his continuous support ever since I was a postgraduate student of IFERI. Finally, I would like to express my deep gratitude to the editors whose help contributed enormously in the disentanglement of many parts of this text. Responsibility for eventual misunderstandings is mine alone.

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- ¹ After democratization, all countries have accepted the rule of law, but still many countries prohibit abortion because of the Catholic doctrine.
 - ² Machismo refers to "male behavior that is strong and forceful and shows very traditional ideas about how men and women should behave" (Cambridge Dictionary).
 - ³ Most Latin American countries had military coups during the 1960s and 1970s except Mexico, Costa Rica, Venezuela, and Colombia; the military governments lasted until the 1980s.
 - ⁴ Before that, the police arrested around 200 people in a gay bar in Buenos Aires, the capital of Argentina. This pushed Jauregui to organize the LGBT group.
 - ⁵ For instance, CHA published an advertisement that stated "[t]here will never be a true democracy in Argentina if society permits the existence of marginalized sectors and the methods of repression that are still in place" (Encarnación 2011: 107). Thanks to a moderate strategy, CHA could gain legal recognition by the national government in 1992 and could start to lobby to obtain legal rights.
 - ⁶ The resolution in 2008 referred to "express concern about acts of violence and related human rights violations committed against individuals because of their sexual orientation and gender identity" (OAS Resolution 2435).
 - ⁷ More specifically, Costa Rica asked if they must accept the request of LGBT people to change their names for the purpose of fitting their gender identity and inherit the property rights of their same-sex partner. Costa Rica had negative opinions about same-sex marriage until the previous government. See Jiménez Bolaños (2017).
 - ⁸ The Catholic Church has changed its opinion, and the current Pope (Pope Francis) accepts civil unions. In 2020, Pope Francis declared that homosexual people were also children of God, and civil union laws were required for them (Pullella 2020).
 - ⁹ For example, the Chilean right-wing president, Sebastian Piñera, proposed the recognition of civil unions (Schulenberg 2013: 33).

- ¹⁰ Only some regional governments have accepted civil unions in Mexico. As the country has a federal system, each region can decide whether they authorize civil unions or not, so some regions do while others do not.
- ¹¹ For more detail, see the final report of the Truth and Reconciliation Commission (2003).
- ¹² In 1983, the national government started two commissions, but they lasted a very short time because of lack of budget and human resources (Cáceres and Palomino 2008: 47).
- ¹³ Vizcarra implemented the restriction through the Supreme Decree 57/20 in April 2020. The mainstream media did not report that this Decree could negatively affect LGBT people.
- ¹⁴ In September 2019, interpreting the Constitution, the president decided to close Congress due to confrontation between the executive and legislative branches.
- ¹⁵ Apart from the veto players, the priority of the current Congress is on economic issues, therefore LGBT legislators cannot hand out the draft for civil unions yet.
- ¹⁶ The Pro-LGBT movement also organized a strong demonstration, but the special commission paid minimal attention.
- ¹⁷ This article focuses on the poverty rate and educational attainment period, but rural areas also suffer from other problems. According to the National Institute of Statistics and Informatics' data, child mortality rate and child malnutrition rate are also high in rural areas compared to urban areas. People also suffer from lack of access to water in rural areas.

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Appendix

Table 1: Chronological table of principal activities in Peru

Year	Activities related to the LGBT community
1979	The 1979 Constitution decriminalized homosexuality.
1980	The Democratization and Violence Era began (until the 1990s).
1982	Homosexual Movement of Lima (Movimiento Homosexual de Lima) was established.
	Self-Consciousness of Lesbian and Feminist Group (Grupo de Autoconciencia de Lesbianas Feministas) was established.
1983	Action for the Liberation of Homosexuality (Acción para la Liberación Homosexual) was established (until 1984).
	The first patient with HIV was confirmed.
1995	First assembly of the LGBT Community was held at an open space at Lima.
2001	First pride parade was held at Lima.
2015	First draft law of civil union was presented at Congress.
2016	Two LGBT candidates were elected in the Legislative Elections.
	Second draft law of civil union was presented at Congress.
2017	First draft law of same-sex marriage was presented at Congress.
2020	One LGBT candidate was elected in the Extraordinary Legislative Elections.
2021	Two LGBT candidates were elected in the Legislative Elections.

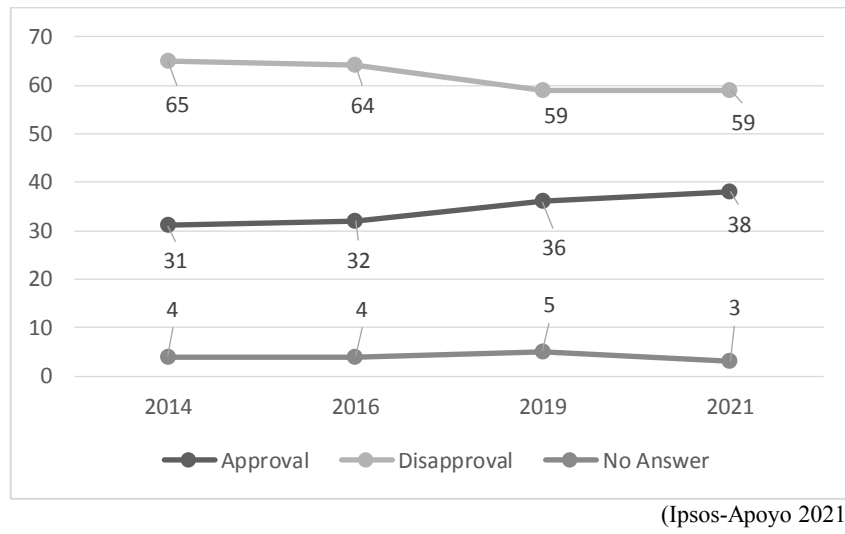


Fig. 1: Approval or disapproval rate of civil unions (from 2014 to 2021: %)

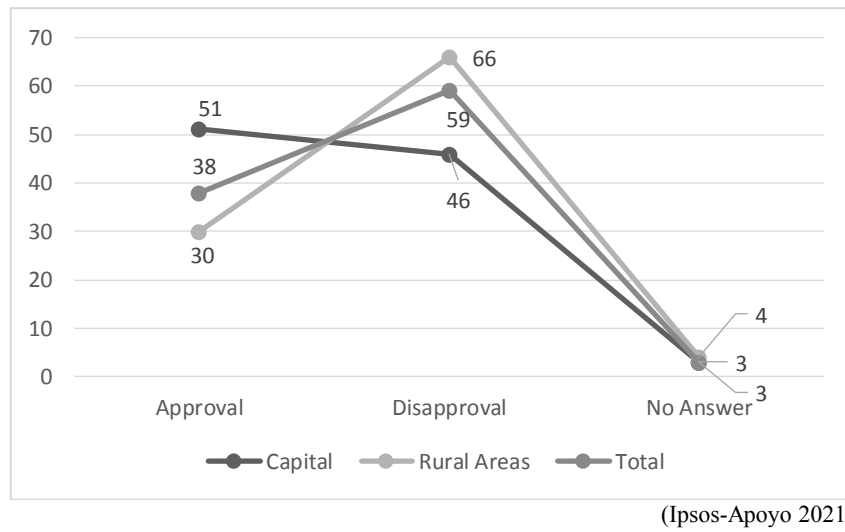
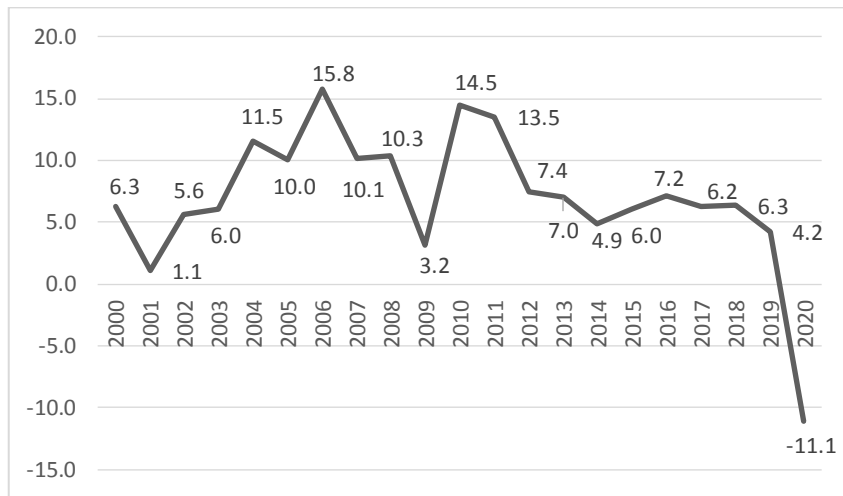
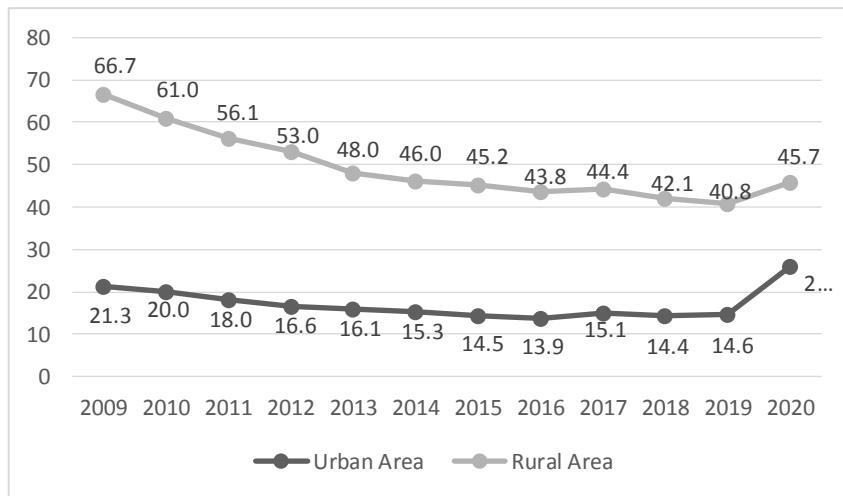


Fig. 2: Approval or disapproval rate of civil unions in 2021 (%)



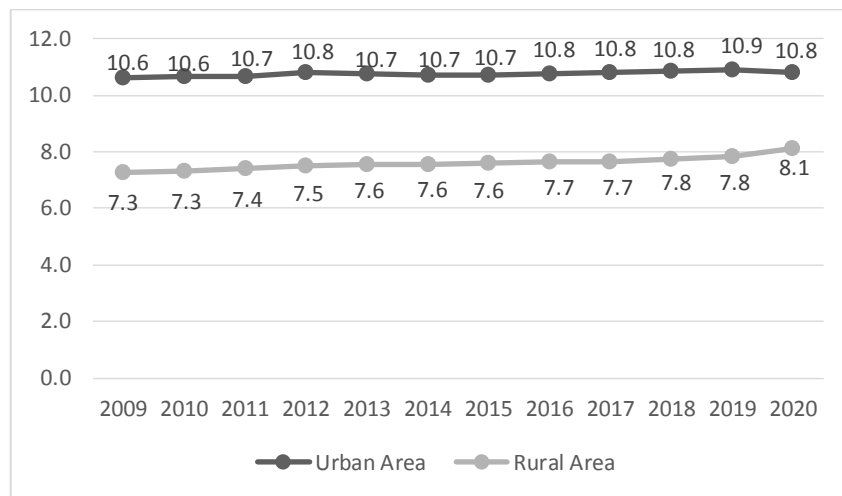
(Central Bank of Peru)

Fig. 3: GDP growth (2000–2020: %)



(National Institute of Statistics and Informatics)

Fig. 4: Poverty rate (2009–2020: %)



(National Institute of Statistics and Informatics)

Fig: 5. Educational attainment period (2009–2020: year)