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# Access and Participation in Democratic Mechanisms of the LGBTI+ Population in Latin America:

Argentina, Bolivia, Ecuador y Peru

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# INTRODUCTION:

In a global scenario marked by challenges such as inequality, discrimination, and the rise of authoritarianism, strengthening democracy emerges as an imperative need to ensure more just and equal societies. In this context, Open Government partnerships are positioned as key strategies to enrich democracy through firm commitments to transparency, citizen participation, and accountability. This approach allows for democratizing access to information and strengthening trust in public institutions.

However, the effectiveness of these initiatives requires overcoming the barriers that prevent historically vulnerable groups, including the LGBTI+ community, from fully enjoying their rights and actively participating in democratic life. Despite progress in equality and non-discrimination regulations, hate crimes and violence persist, limiting the participation of the LGBTI+ community in democratic spaces.

This report, focused on Argentina, Bolivia, Ecuador, and Peru, examines the state of LGBTI+ community participation in democratic and open government mechanisms from a Human Rights and intersectionality perspective. Through interviews with individuals and analysis of official data, it aims to highlight advances, identify gaps and challenges, and propose recommendations to improve the inclusion and participation of the LGBTI+ community in the democratic sphere. The findings point to common patterns of discrimination and invisibility, emphasizing the need for a renewed commitment to building participatory democracies with equal opportunities that leave no one behind.

# METHODOLOGY:

This research focused on understanding how the LGBTI+ population in Argentina, Bolivia, Ecuador, and Peru interacts and participates in democratic mechanisms, such as open government and access to public information. To this end, a mixed methodology was employed, combining semi-structured interviews with secondary data analysis.

## SELECTION AND INTERVIEWS WITH PARTICIPANTS:

Interviews were conducted with a purposive sample of experts in LGBTI+ rights, activists, and members of the LGBTI+ community in the four countries. Participants offering a wide range of perspectives were selected based on their experience, role in the community, and diversity of identities. Each interview was conducted remotely, ensuring informed consent for the use of their testimonies and the option of anonymity if desired.

To delve into how LGBTI+ citizens participate and are represented in the democratic mechanisms of Argentina, Bolivia, Ecuador, and Peru, the research methodology focused on semi-structured interviews divided into three fundamental thematic blocks. This approach not only captured a wide range of experiences and perceptions but also aligned these perspectives with specific chapters of the report, ensuring comprehensive and detailed coverage of relevant topics.



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# 03 BLOCKS

The structure of the interviews, meticulously designed into these three blocks, facilitated a rich and diverse collection of qualitative data that inform the chapters on Experience and Participation, Evaluation of Current Policies and Mechanisms, and Recommendations and Future Directions of the report. This methodology ensures that the voices of the LGBTI+ community are not only heard but also centered in the discussion on how to advance towards more effective and equitable participation in the democratic life of their countries.

## 01 Experience and Participation:

This segment of the interview explored the personal experiences of LGBTI+ individuals in democratic mechanisms in their respective countries. Experts, activists, and community members were invited to share their experiences, highlighting both achievements and challenges faced in their involvement with democracy at the national level.

## 02 Evaluation of Current Policies and Mechanisms:

In this part, interviewees were asked to evaluate existing public policies and democratic mechanisms, identifying how they facilitate or limit the effective participation of the LGBTI+ community. The intention was to obtain a critical view of current structures, allowing for the identification of areas for improvement and opportunities to strengthen democratic representation.

## 03 Recommendations and Future Directions:

Finally, participants were asked about their recommendations and visions for the future, seeking concrete proposals to improve the participation and representation of the LGBTI+ community in democratic processes. This block aimed to generate a set of viable actions and strategies that could be adopted by policymakers, civil society organizations, and other relevant stakeholders.

# SECONDARY INFORMATION ANALYSIS

An exhaustive search for secondary sources was conducted, including government reports, public access databases, and reports from human rights organizations. This search aimed to identify data on the participation of the LGBTI+ community in democratic processes and to detect open government policies that directly impact this population. Priority was given to information offering data disaggregated by gender identity and sexual orientation, providing an empirical basis to compare national and regional contexts.

The methodological approach of this study aimed to capture both individual experiences and structural patterns affecting the participation of the LGBTI+ community in democratic mechanisms in each of these four countries. Through this process, both barriers and opportunities were identified to improve the effective participation of the LGBTI+ population in the democratic life of their countries.

## Selection of Countries:

The selection of Argentina, Ecuador, Peru, and Bolivia as the focus of this study is not arbitrary but responds to a careful analysis of the political and social contexts characterizing each of these countries in relation to the rights and democratic participation of the LGBTI+ community. Argentina, noted for its significant legislative advances in favor of the LGBTI+ community, contrasts with the situation in Bolivia and Peru, where progress is notably more modest. Ecuador occupies an intermediate position, with notable advances but still facing significant challenges.

Despite these differences, a common thread unites these four countries: the growing influence of conservative and anti-rights groups seeking to limit the democratic participation of LGBTI+ people. This research has observed that, in all of them, there is active participation of conservative associations and individuals in democratic mechanisms, which has been less counterbalanced by initiatives promoting broad and effective democratic participation of the LGBTI+ community.

The growing rise of conservatism threatens to reverse the gains made or stall progress towards greater equality of rights and democratic participation. Therefore, the choice of these countries offers a unique opportunity to examine how, despite different levels of progress in LGBTI+ rights, the community faces common challenges regarding its integration and effective participation in democratic processes.

This comparative analysis allows not only identifying gaps and opportunities in each context but also understanding strategies that could be effective in countering the influence of anti-rights movements and strengthening inclusive democracy in the region. The interaction between legislative advances and democratic participation mechanisms, in the context of a conservative rise, will be central to our analysis to propose recommendations aimed at improving the participation and representation of the LGBTI+ community in the democratic life of these countries.

# 01

## EXPERIENCES OF LGBTI+ PARTICIPATION IN DEMOCRATIC MECHANISMS

Countries in Latin America, such as Argentina, Bolivia, Ecuador, and Peru, are members of the Open Government Partnership (OGP), an international commitment aimed at promoting transparency, empowering citizens, combating corruption, and leveraging technology to improve governance and public services. These principles are fundamental for full and inclusive democratic participation, especially in terms of access to public information and the ability to influence decision-making. However, the implementation of these principles has faced significant challenges within the context of the LGBTI+ community.

For the benefits of open government to reach the entire population, it is necessary to recognize and address the specific barriers faced by historically discriminated groups, such as LGBTI+ people. Despite regulatory advances in equality and non-discrimination in some countries, this population continues to face violence, stigma, and exclusion that limit their full exercise of rights and participation in democratic life.

The findings reveal that, while there are differences between countries, common patterns of social and institutional discrimination, statistical invisibility, deficient legal frameworks, and limited participation of LGBTI+ individuals in decision-making and democratic participation spaces persist. Additionally, valuable experiences of articulation and mobilization driven by LGBTI+ collectives in the region are identified, offering lessons and action routes to materialize open government principles with a diversity focus. Making these transformative leaderships visible and strengthening them is presented as an indispensable strategy for building truly participatory democracies.

# Access to Public Information

In their account of participation experiences in democratic mechanisms in Argentina, Magui Fernández Valdez, an Argentine activist for LGBTI+ rights, highlights several key aspects from her LGBTI+ activism and the legalization of abortion. Their experience is primarily framed in the use and dissemination of access to public information as an essential tool to promote rights and education on sensitive and critical issues for the community. In this regard, they highlights that one of the main challenges at the beginning of their activism was accessing safe and reliable public information, especially related to health and specifically to safe abortion, long before the law on voluntary interruption of pregnancy was passed in Argentina[1].

The activist group Lesbians and Feminists managed to use legal loopholes to provide and disseminate public information on the safe use of misoprostol, which was legal even though abortion was not at that time. Magui was part of the collective "Lesbians and Feminists for the Decriminalization of Abortion," created in 2009, inspired by the global initiative "Women on Waves" and collaborating with various groups in Latin America.

This collective, mostly composed of lesbians, emerged in response to the victimizing approach that predominated in abortion discourses. They adopted a direct action strategy, not only advocating for the right to legal abortion but also facilitating access to it. Utilizing the Human Rights legal framework for disseminating public information about abortion, they established the helpline "More information, less risk," which received up to 500 calls per month. Additionally, they published the book "Everything You Want to Know About How to Have an Abortion with Pills", which became an essential tool with thousands of downloads since its release online.[2]

Magui stated:



"The manual 'Everything you want to know about how to have an abortion with pills' was a key trigger to break that barrier of accessing safe and concrete information."

[1] <https://www.boletinoficial.gob.ar/detalleAviso/primera/239807/20210115>

[2] [https://www.eldiarioar.com/fotos/lesbianas-origen-ley\\_3\\_10789610.html](https://www.eldiarioar.com/fotos/lesbianas-origen-ley_3_10789610.html)



George Hale, Executive Director of PROMSEX Peru, provides a perspective on the community's participation in democratic mechanisms and access to public information. While he mentions some positive examples, such as reports from the Ombudsman's Office and the Ministry of Justice, he warns that these do not represent a uniform reality. The collection of official data on the LGBTI+ community is still very limited, and the implementation of inclusive policies faces significant resistance in Congress.

George Hale, emphasizes that most programs lack a cross-sectional inclusion of LGBTI+ aspects, often remaining restricted to areas such as sexual health. He also highlights the lack of incorporation of data on the LGBTI+ population in the open government system, underscoring the need to improve the transparency and accessibility of state information.

It is crucial for the Peruvian State to take on a decisive and more proactive role in disseminating these mechanisms, as well as in mainstreaming the approach to sexual and gender diversity in all its policies and public management instruments.

George Hale stated:



"Not much is known about public information access tools, except in grassroots community organizations, within communities that receive information on how to conduct citizen oversight from NGOs, from more organized civil society."

The lack of equitable access to information and the necessary resources for effective participation in open government mechanisms is another finding that emerges. The interviews reveal the lack of intersectionality between the citizen participation agenda and Open Government with the LGBTI+ population and the lack of knowledge about diversity among those holding public office, as well as the lack of an LGBTI+ perspective in the design and implementation of these public policies. This information gap is exacerbated by the absence of noticeable and targeted efforts by the States to disseminate existing participation mechanisms in an accessible and friendly manner, as well as to provide support and institutionalize the participation of LGBTI+ organizations and activists seeking to influence the public agenda.

In the case of Bolivia, Elam del Castillo, Coordinator of the Network of Lesbian and Bisexual Women of Bolivia, stated:

Elam stated:

“Well, in terms of access to public information for us... a structural barrier is also that the population of Bolivia still has different data. We remember that 66% in the 2012 census indicated an indigenous population, and we are there too. Although there is certain information in Aymara, Quechua, and Guarani, the State continues to use these methods to reach these communities... Digital media are urban spaces that remain a place of privilege for the upper-middle class. The State still does not have a feasible entry into communities where poverty and life needs are challenging. If there is no information about diversity within these communities, it is a barrier for us, a gap.”

Socioeconomic realities have a direct impact on limiting participation, as they often translate into less access to information, education, and the resources needed to effectively engage in democratic processes.

In the case of Ecuador, Tanisha Feikers, Founder of Plan Diversidad, and Percy Martinez, from the Coalition of Networks and Activists (CREALE), recounted that regarding their participation in accessing public information, the high legal and bureaucratic requirements and the lack of access to funding for groups without legal recognition are barriers to accessing public information. They highlighted that the main ways to access public information are only available in certain Ministries, such as Health, the Council for Gender Equality, and the Citizen Participation Mechanism, but this is not uniform across all Ministries.

They mentioned:

, “We have to keep knocking on doors, insisting, for them to attend to us and receive our writings.”

They noted that public policies are not uniformly developed across Ecuador's geographic diversity, indicating that they find the most access in Quito. Both activists also highlighted the exclusion of trans people from social public policies, especially at the local government level. They gave examples such as social subsidies for environmental or other catastrophes, like the subsidies from the Ministry of Economic and Social Inclusion during COVID, commenting that they were excluded from these since the Ministry did not consider trans people as vulnerable.

# Participation in Consultation and Legislative Spaces

Regarding initiatives for Participation in Democratic Mechanisms, Magui highlights in Argentina the process of enacting and passing the Trans Labor Quota Law. Law No. 27.636[3] the "Diana Sacayán-Lohana Berkins' ' Transvestite, Transsexual, and Transgender Formal Employment Access Law, establishes a minimum quota of 1% in positions and jobs within the National State for this population. Its objective is to ensure that transvestite and transgender people can access formal employment under equal conditions. The legislative process that led to its passage included significant involvement of civil society at every step. The work of the Ministry of Women, Genders, and Diversity, as well as LGBTI+ community advisors in parliament, facilitated communication between legislators and activist communities, acting as a bridge to ensure that information flowed correctly and that the voices of LGBTI+ communities were heard and considered in the legislative process.

In this regard, Magui Fernandez Valdez mentions that many practices were developed to incorporate civil society at every step, especially in the quota law. Regarding how this greater participation was possible, Magui expressed: "Everything was possible because there were LGBTI+ people inside and outside the process. There was trust and a prior connection that allowed this flow to happen, knowing that we were present in all the places that mattered. That is why I believe it is crucial for LGBTI+ people to be in more spaces."

Throughout the interview, Magui identifies multiple barriers that still persist in the participation of LGBTI+ people in democratic mechanisms, highlighting the resistance to incorporating non-traditional identities in spaces of power and decision-making. The lack of knowledge and the need for continuous training are significant challenges, particularly in the implementation of public policies that accompany full access to rights established in laws such as the Gender Identity Law, which lacks a specific body for its implementation and faces practical obstacles due to a lack of coordination and knowledge within state institutions.

In this regard, Magui expressed: "The Gender Identity Law does not have a defined body in charge, either by regulation or in its law, which generates multiple problems that seemed minor but are not." Processes such as the reduction and elimination of public policies for LGBTI+ people, as well as their defunding, have been occurring in Argentina since the measures adopted by the Government of Javier Milei, such as the elimination of the Ministry of Women, Genders, and Diversity[4], the closure of the National Institute against Discrimination, Xenophobia, and Racism (Inadi)[5], and the prohibition of gender and diversity perspectives in

[3] <https://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=351815>

[4] <https://www.perfil.com/noticias/politica/se-oficializo-por-decreto-la-eliminacion-del-ministerio-de-las-mujeres-generos-y-diversidad.phtml>

[5] <https://www.pagina12.com.ar/714723-el-gobierno-anuncio-el-cierre-del-inadi>

the State[6]. These measures increase the operational barriers of existing laws and the exercise of rights by the LGBTI+ population, as well as reduce compliance with the Open Government commitments assumed by the Argentine State.

A finding from this study lies in the disparity observed between the guarantees and rights of LGBTI+ people officially enshrined in the legal and constitutional frameworks of the examined nations, and the effective realization of these rights in the daily lives of this population. This situation of legal protection is starkly evident in the case of Bolivia, where the discussion of an openly discriminatory law in Santa Cruz reveals deep institutional resistance to the inclusion of LGBTI+ people. However, it also manifests in more subtle ways in other countries, where despite having favorable laws, bureaucratic obstacles, procedural gaps, and discretionary decisions prevent their full implementation.

Elam del Castillo told us: "In the State of Bolivia, there should be mechanisms to safeguard these rights. There are many advisory opinions and recommendations to the State of Bolivia for this population in a vulnerable situation, which it does not comply with."

The approval process and content of the Departmental Law for Comprehensive Protection of Life and Family in Santa Cruz, Bolivia, present several troubling aspects that negatively affect Human Rights, especially those of the LGBTI+ population. These include a restrictive definition of family, defining it in traditional terms, focusing on marriage between a man and a woman. This law promotes this type of family as the only model worthy of legal and social protection. It excludes homoparental families and those of sexual diversity, limits comprehensive sexual education, granting parents the right to choose their children's education, in direct contradiction to the Convention on the Rights of the Child. It also imposes restrictions on women's reproductive rights, represents a setback in the recognition of LGBTI+ rights, and reflects the lack of participation and representation of this community in the Departmental Council of Life and Family. By being based on a restrictive and discriminatory vision, this law violates the rights of LGBTI+ people and represents a regression in human rights. It also sends a negative message of exclusion to this population in Santa Cruz and Bolivia in general.

This exclusion was also evident in the approval and enactment process of this regulation. Regarding the willingness to participate in public hearings of the Departmental Legislative Assembly of Santa Cruz, a Bolivian interviewee commented: "Within these democratic processes, our participation was silenced in many ways, through institutional violence, because only people with a higher education degree, like a lawyer, could enter these hearings. Human Rights observers, representatives of LGBTI+ movements or collectives, or NGOs could not enter unless they presented a Memorial or a letter to be part of it, there was no access for democracy."

[6][https://www.clarin.com/politica/gobierno-anuncio-prohibira-lenguaje-inclusivo-perspectiva-genero-administracion-publica-nacional\\_0\\_6RWKsSprAu.html](https://www.clarin.com/politica/gobierno-anuncio-prohibira-lenguaje-inclusivo-perspectiva-genero-administracion-publica-nacional_0_6RWKsSprAu.html)

The case of Bolivia highlights the deep inequalities in the conditions for democratic participation, with explicit and arbitrary barriers imposed on LGBTI+ organizations to access political advocacy spaces, while conservative and religious groups exert disproportionate influence. This situation not only violates the principles of equality and non-discrimination but also weakens the legitimacy of the democratic system as a whole. It is urgent that the Bolivian State adopt concrete measures to level the playing field and ensure plural participation under equitable conditions.

In Ecuador, although progress is recognized in the visibility and mobilization of LGBTI+ organizations, gaps persist in their access to legal status, sustainable financing, and participation in key sectors beyond sexual health. The fragmentation of the movement and the need to strengthen technical and political capacities for more strategic advocacy are challenges pointed out by the activists themselves. In light of this, a more decisive accompaniment from the State is required, both in terms of resources and the opening of spaces, to enhance the contribution of these organizations to the inclusive and democratic development of the country.

Tanisha Feikers, from Plan Diversidad of Ecuador, highlights the importance of the mechanisms being implemented, such as the National Council for Gender Equality (CNIG) of Ecuador, the state entity responsible for the formulation, mainstreaming, observance, monitoring, and evaluation of public policies related to gender issues, and ensuring compliance with equality and non-discrimination for women and LGBTI people. Additionally, the CNIG is part of the "Inter-Institutional Table of the Comprehensive Policy for LGBTI People," responsible for implementing the Comprehensive LGBTI Policy to strengthen the rights of these individuals in the Ecuadorian State. Taisha told us: "In the country, we currently have the National Council for Gender Equality, which for the first time creates the LGBTI+ advisory councils through voting and merit-based selection processes."

Discrimination and stigma towards LGBTI+ people are some of the most frequent and alarming obstacles detected in the analyzed nations, with these prejudices being deeply rooted both at the state and social levels. The testimonies reveal how spaces for citizen participation, from local assemblies to national legislative processes, continue to be permeated by discriminatory and oppressive attitudes, creating a hostile and exclusionary environment for sexual diversity. This situation naturally discourages the active involvement of LGBTI+ people in public life and, of course, directly violates their fundamental rights to political participation, freedom of expression, and equality before the law enshrined in international human rights instruments.

It is contradictory that countries committed to the principles of open government are not taking the necessary actions to effectively empower a historically marginalized sector like the LGBTI+ population. On the contrary, testimonies show that in many cases, it is the organizations themselves that take on the task of informing, training, and mobilizing their communities in the face of state inaction, which could lead to overburdening and limit their capacity for advocacy.

Given this scenario, the lack of concrete and effective measures by the States to eliminate institutional and social discrimination is concerning, as it is an essential condition to ensure democratic participation on equal terms. It is urgent, then, that States fulfill their obligation to adopt concrete, sustained, and cross-cutting measures to transform discriminatory cultural patterns and sanction any form of exclusion or violence based on sexual orientation, gender identity, or expression in all areas of public life.

In light of this reality, it is imperative that States in the region redouble their efforts to fulfill the commitments assumed within the framework of the Open Government Partnership and international human rights standards. This implies adopting urgent and sustained measures to eradicate discrimination in all its forms, ensure equitable access to information and participation spaces, implement affirmative policies to empower the LGBTI+ population, strengthen institutions and resources to enforce their rights, and mainstream the sexual and gender diversity approach in all areas of public management. Only in this way can we advance towards truly meaningful and influential participation of LGBTI+ people in building more democratic, inclusive, and just societies in Latin America.

# 02

## EVALUATION OF PUBLIC POLICIES AND DEMOCRATIC PARTICIPATION MECHANISMS FOR LGBTI+ PEOPLE

The information provided by the interviewees in Argentina, Bolivia, Ecuador, and Peru reveals several common patterns in the evaluation of current policies and mechanisms for citizen participation, open government, and access to public information for the LGBTI+ community. However, there are also specificities unique to each national context. In general terms, a significant gap is evident between the commitments made by these countries as members of the Open Government Partnership and the reality experienced by LGBTI+ citizens. While there are legal and constitutional frameworks that enshrine rights to participation, non-discrimination, and access to information, their effective implementation faces multiple obstacles.

A first common pattern is the perception of a lack of priority and genuine attention from governments towards the specific needs and demands of the LGBTI+ population. This translates into the absence of comprehensive and sustained public policies that actively promote their inclusion in various aspects of social, economic, and political life. Existing initiatives tend to be fragmented, dependent on individual wills, and vulnerable to changes in administration.

Another cross-cutting challenge is the persistence of prejudices, stigmas, and discriminatory practices that permeate public institutions and hinder the full exercise of citizenship by LGBTI+ people. From officials who are not adequately trained or sensitized to the influence of conservative groups seeking to restrict rights, a hostile environment is created that discourages participation and obstructs access to services and benefits.

There is also a lack of effective and accessible institutional mechanisms for the LGBTI+ community to influence the formulation, implementation, and monitoring of public policies. While formal participation spaces exist in some cases, they tend to be limited, unrepresentative, and subject to the discretion of current authorities. There are no systematic efforts by governments to empower and enable substantive participation of the diverse voices within the community, with some specific exceptions in Argentina.

Regarding access to public information, deficiencies are noted in both the production and availability of reliable and disaggregated data on the situation of the LGBTI+ population. This statistical invisibility hinders the design of evidence-based policies and the monitoring of their impact. Additionally, information access systems present practical barriers and require normative updates to ensure the effective exercise of this right.

In this sense, what George Hale, Executive Director of PROMSEX, mentioned is an example that occurs in most States: "For example, at the National Institute of Statistics, we are asking that the census explicitly include the LGBTI population more elaborately in its various instruments. While it is true that the INEI has conducted a separate LGBT survey to measure the social, political, and economic situation of the LGBTI Community in Peru, we want this to be included in the census to make it more comprehensive."

## Below, the main observations from the interviewees are explored:

### → 1 Access to Information:

Fernández Valdez points out that, although there is legislation requiring the State to provide requested information within a specified period, general knowledge about these rights is low, suggesting a significant deficiency in disseminating this information. This lack of knowledge about guaranteed rights is a considerable obstacle to effective participation and was verified in all four States under analysis. George Hale from Peru and Elam del Castillo from Bolivia added that public programs aimed at the LGBTIQ+ community often lack an intersectional approach, which especially affects LGBTI indigenous people. In these countries, public policies do not consider cultural differences or linguistic barriers that affect access to information and services in indigenous communities. But to fulfill access to public information, as mentioned earlier, there must be reliable data and indicators in public policies regarding the LGBTI+ population, which was found to be insufficient.



## → 2 Lack of Data on LGBTI+ Population:

In this context, the availability and accessibility of public information related to the LGBTI+ population is crucial for ensuring respect for human rights, inclusion, and equality. A survey was conducted in February 2024 on the Open Government portals of Argentina, Bolivia, Ecuador, and Peru to evaluate the current state of open data sets on sexual diversity and the LGBTI+ population on these governmental platforms.

Through a research exercise, the aim is to highlight existing gaps and opportunities for improvement to strengthen transparency and evidence-based decision-making in inclusive public policies. Regarding the possibility of accessing public information on the LGBTI+ population provided by their governments, there is generally a disparity in the availability and accessibility of open data related to the LGBTI+ population in the analyzed countries.

Searches for terms like "Diversity" and "LGBT" do not always yield relevant or specific results about this population. A lack of standardization was observed in the classification and labeling of data sets related to the LGBTI+ topic. Specifically in Argentina, the open data platform presents some relevant data sets about the LGBTI+ population, such as training in sexual and bodily diversity, and a database of Line 144 (gender violence assistance).

Aggregate indicators of open data from the Ministry of Women, Genders, and Diversity were also found, suggesting an institutional effort to highlight this issue. However, the search for the term "LGBT" did not yield direct results. Regarding Bolivia, the open data portal of the Plurinational State of Bolivia did not yield results for the searches "Diversity" and "LGBT." This indicates a lack of availability of public information related to the LGBTI+ population on the country's open data platform. In Ecuador, the search for "Diversity" on the open data portal showed results related to environmental issues but not to sexual diversity or the LGBTI+ population.

The search for "LGBT" yielded no results. There is a lack of specific data sets about this population on the analyzed platform. In Peru, on the open data page, the search for "Diversity" yielded 12 results, but none related to the LGBTI+ population. The search for "LGBT" produced no results, and part of the search interface was displayed in English. The lack of open and disaggregated data on the LGBTI+ population hinders the visibility and recognition of their needs, challenges, and contributions to society. Without accurate and accessible information, access to their rights and full participation in democratic processes is obstructed.

This research exercise shows that, while some countries like Argentina have made efforts to include data about the LGBTI+ population on their open data platforms, there is still a significant gap in the availability and accessibility of this information in the analyzed countries. It is necessary to promote greater standardization, disaggregation, and visibility of data related to sexual diversity and the LGBTI+ population to strengthen transparency, accountability, and evidence-based decision-making in human rights and inclusive public policies.

### → 3 Indirect Mechanisms of Participation:

In Argentina, the trans labor quota law is highlighted by Fernández Valdez as an indirect mechanism that facilitates participation by providing trans people access to formal employment, health benefits, unionization, and political participation. This, in turn, improves their position to demand rights and participate more fully in society. In Ecuador, activists Tanisha Feikers and Percy Martinez emphasize that the lack of access to formal jobs and educational barriers prevent trans people from being part of political decision-making. Percy mentions that the primary focus on HIV prevention is not enough to address the needs of the LGBTI+ community. Experts also mentioned various factors that, while not directly related to formal participation in government institutions, affect the capacity of LGBT+ civil society organizations to operate and advocate for their community's rights, such as the lack of sustainable financial support and bureaucratic processes for obtaining legal status or other obstacles to participation, leaving LGBT+ civil society organizations unsupported in the face of threats from conservative groups.

### → 4 Barriers to the Implementation of Laws and Public Policies:

Despite legislative advances in many Latin American countries, barriers to the effective implementation of laws and public policies designed to protect and promote the rights of the LGBTI+ community are significant. In Argentina, challenges were mentioned in the application of the gender identity law, especially in the rectification of documents, where bureaucracy and a lack of knowledge on the part of the public administration hinder the process. In Bolivia, the concern was highlighted regarding the repeal of fundamental rights for trans people due to restrictive judicial actions, emphasizing how the lack of commitment from public authorities prevents the effective implementation of democratic participation mechanisms.

The disproportionate influence of conservative religious groups exacerbates this situation, creating a hostile environment for the LGBTI+ community. In Ecuador, as in other countries, legal and administrative restrictions limit the full participation of LGBTI+ organizations in public consultation processes. Institutional discrimination and educational barriers remain significant obstacles despite laws that supposedly promote inclusion. In Peru, the lack of comprehensive inclusion of the LGBTI+ perspective in most public policies and insufficient efforts to ensure the participation of LGBTI+ people in democratic processes stand out. There is also a notable lack of political will in the Legislative Power to implement significant changes. These examples highlight a gap between formal guarantees of non-discrimination and their actual application, showing how structural and systemic barriers, combined with a lack of training and the influence of conservative actors, limit the effectiveness of public policies and laws designed to protect the rights of the LGBTI+ community.

## → 5 Challenges in Communication and Open Government:

A transversal challenge in Argentina, Bolivia, Ecuador, and Peru is that public programs aimed at the LGBTI+ community generally lack an intersectional approach. In these countries, public policies do not consider cultural differences or linguistic barriers that affect access to information and services in indigenous communities. Communication challenges and the implementation of open government represent significant barriers to the effective participation of the LGBTI+ community in Latin America. In several countries, it is observed that parliaments and government institutions have not developed inclusive communication strategies for the LGBTI+ community, resulting in a lack of information and adequate access to legislative and participation processes. In some places, the inadequate protection of civil society from attacks by conservative groups does not guarantee the safe participation of LGBTI+ organizations in open government mechanisms. The lack of institutionalized channels to include the LGBTI+ community in open government discussions is a recurring problem. The absence of accurate data makes it difficult to visualize and recognize their specific needs. Moreover, many LGBTI+ organizations do not have access to open government processes due to a lack of institutional support and excessive bureaucracy.

## → 6 Voting and Democratic Representation:

Findings in the different countries show significant barriers in the voting process and democratic representation for the LGBTI+ community. In Argentina, the lack of respect for gender identity during elections affects the participation of trans people. Magui noted that despite legislative advances, in practice, trans people face discrimination and logistical challenges that limit their ability to vote and be elected to public office. In Ecuador, Tanisha and Percy highlighted that under-registration in censuses and the lack of respect for gender identity at voting centers prevent an accurate and fair representation of the LGBTI+ community. This lack of institutional recognition affects the community's visibility and ability to influence political decisions. In Bolivia, Elam pointed out that trans people cannot access political positions due to the unconstitutionality of Law 807. Peru has not advanced in legally guaranteeing perceived gender identity, exacerbating the vulnerability and possibility of democratic participation of trans people. The lack of adequate legal mechanisms and the impact of conservative laws severely restrict the political participation of trans people, preventing their representation and voice in democratic processes. These findings reflect a considerable gap between formal non-discrimination guarantees and their actual application. Barriers in the voting process and democratic representation, such as the lack of respect for gender identity and legal restrictions, limit the effective participation of the LGBTI+ community and perpetuate their exclusion from political decision-making.

## → 7 Limitations in Civil Participation:

George Hale points out that there has been a closure of spaces for civil participation, especially in multisectoral commissions and dialogue tables that were previously common, a trend that is replicated in Bolivia and also in Argentina since December 10, 2023. This setback severely limits the dialogue between the State and civil society. International organizations recognize this lack of participation, highlighting the seriousness of the problem. A worrying aspect noted by the interviewees is the level of violence and increased harassment towards NGOs and sexual diversity activist groups, both due to the overflow of hate speech and direct intimidation on social media, media, and personally by far-right or religious or conservative fanatics or by far-right governments that exacerbate this type of behavior in their official speeches and their prohibitive policies or explicit elimination of rights for LGBTI+ people.

problema. Un aspecto preocupante que señalaron las personas entrevistadas es el nivel de violencia y el aumento de hostigamientos hacia las ONGs y grupos de activistas de la diversidad sexual, tanto por el desborde de discursos de odio así como intimidación directa en redes sociales, medios, y en form personal por fanáticos de ultraderecha o de grupos religiosos o conservadores o por gobiernos de ultraderecha que exacerba este tipo de conductas en sus discursos oficiales y en sus políticas prohibitivas o de eliminación explícita de derechos a personas LGBTI+.

## → In conclusion:

significant challenges are evident for the governments of Argentina, Bolivia, Ecuador, and Peru. Evaluations from the interviewees reveal substantial gaps between the open government commitments made by the states and the reality experienced by the LGBTI+ community. While specific advances are acknowledged, multiple barriers persist for their effective participation and access to rights. There is a lack of political priority, weak institutionalization, influence of conservative groups, outdated regulations, insufficient data, and limited participation mechanisms. Greater political will is required to develop comprehensive policies, strengthen institutional capacities, combat discrimination, improve information systems, and enable inclusive spaces for advocacy. Only then can progress be made towards a genuinely inclusive and participatory open government for sexual and gender diversity.

# 03

## RECOMMENDATIONS FOR ADVANCING INTO A MORE PARTICIPATORY DEMOCRACY FOR LGBTI+ PEOPLE

There are patterns across the four nations and specificities by country that allow for outlining a reform agenda and priority actions to advance towards a more inclusive and participatory democracy based on the interviews conducted. Regarding future directions, the interviewees project scenarios of deepening and expanding LGBTI+ participation in democratic processes. This implies not only consolidating open government mechanisms and access to public information but also advancing towards substantive political representation in elective positions and decision-making spaces. Additionally, increasing regional articulation of LGBTI+ activism is envisioned, enhancing shared learning and joint actions.

### 1. Mainstreaming LGBTI+ Participation

- **Integration in Public Administration:** Ensure the inclusion of LGBTI+ individuals at all levels and areas of public administration, from technical teams to decision-making positions.
- **Affirmative Actions:** Implement quotas and parity mechanisms, and selection processes that value the experience and knowledge of the LGBTI+ community.
- **Training and Information Dissemination:** Public authorities should be knowledgeable about gender and diversity perspectives across all government areas and guarantee dignified and respectful treatment of diversity.

- “The first thing that comes to mind is to ensure that there are LGBTI+ people at every level, regardless of the area. That is, from the most basic positions to decision-making places. It seems that we lack that a lot, and often when processes move forward, it’s because you found another LGBTI+ person in a certain place, and then, it happened.” (Magui Fernández, Elle, Argentina).

## 2. Budgetary and Political Commitment

- Adequate Financing: Ensure adequate and predictable funding for advocacy activities, training, research, and strategic communication of LGBTI+ organizations.
- Institutional Spaces: Consolidate dialogue and co-creation spaces for public policies, with solid, transparent, and accessible institutional mechanisms to influence decision-making processes.

## 3. Production and Dissemination of Reliable Information

- Official Statistics: Include variables of sexual orientation, gender identity, and expression in official statistical systems reflected in the states’ Open Government portals.
- Specific Research: Fund research that highlights the needs and rights violations of LGBTI+ individuals.
- Transparency and Accountability: Strengthen transparency and access to information mechanisms regarding public management on LGBTI+ issues.

## 4. Regional Articulation of LGBTIQ+ Movements

- Transnational Activism Networks: Form activism networks that provide solidarity, highlight good practices, and develop joint advocacy agendas.
- Exchange Spaces: Create in-person and virtual spaces for sharing experiences, political training, and strategic planning, respecting the autonomy of local organizations.

- **Intersectional Perspective:** Incorporate an intersectional perspective that recognizes the diverse realities and needs of activists from different contexts.
- "Well, we had thought, in the communication strategy, to make visible what is happening in Santa Cruz, not only with the regulations but because this has to do with many political aspects, with the advance of the fundamentalist wave present, not only in Bolivia but within the region, within Abya Yala, how it is happening in Argentina, how it is happening in other countries." (Elam del Castillo, Bolivia).

## 5. Addressing the Structural Causes of Discrimination

- **Comprehensive Policies:** Implement policies that guarantee the effective exercise of rights in areas such as education, health, work, and justice.
- **Communication and Educational Strategies:** Deploy strategies to dismantle negative stereotypes and transform sociocultural patterns that produce stigma.

## 6. Open Government Agenda with Gender and Diversity Perspective

- **Alignment with Open Government Policies:** Align open government and information access agendas with cross-cutting inclusion and non-discrimination policies based on sexual orientation, gender identity, and expression.
- **Intersectional Approach:** Recognize and address the multiple discrimination faced by LGBTI+ individuals, considering additional exclusion factors such as ethnicity, social class, and disability.

These recommendations aim to consolidate and expand LGBTI+ participation in democratic processes, promoting substantive political representation and effective commitment to equality and non-discrimination at all levels and areas of public life. As the interviewees indicated, without substantive equality and social recognition, democratic participation becomes illusory. Moreover, the discrimination based on sexual orientation and gender identity that persists within social movements, unions, and political parties constitutes an additional barrier to the participation and representation of LGTBI+ people in these spaces. An intersectional approach should combat these exclusions and promote diversity in all spheres.



Therefore, open government and information access agendas must be necessarily articulated with cross-cutting inclusion and non-discrimination policies based on sexual orientation, gender identity, and expression. Additionally, it is important to address the alert that the multiple discrimination faced by LGTBQIA+ individuals is aggravated by other exclusion factors such as ethnicity, social class, disability, among others. This creates specific barriers to their effective participation that must be addressed from an intersectional approach.

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- LAW No. 26.485/09. Comprehensive Law to Prevent, Punish and Eradicate Violence against Women in the spheres in which they develop their interpersonal relationships. Available at: <https://bit.ly/3jGwsYg>
- LAW No. 27.275/16. Right of Access to Public Information. Available at: <https://bit.ly/3tbTBF2>

## Open Government Portals:

Argentina: <https://datos.mininterior.gob.ar/>

Bolivia: <https://datos.gob.bo/>

Ecuador: <https://www.datosabiertos.gob.ec/>

Peru: <https://www.datosabiertos.gob.pe/>

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- Elam Del Castillo, Coordinator of the Network of Lesbian and Bisexual Women of Bolivia
- Magui Fernández Valdez, non-binary LGBTI+ Human Rights activist from Argentina and public policy specialist. She worked as Director in the Directorate for the Protection of Rights of Sexual and Gender Diversity - Ministry of Women, Gender and Diversity of the Nation
- Tanisha Feikers, Co-founder and Secretary of Plan Diversidad, Ecuador
- George Hale, Director of Institutional Development, Center for the Promotion and Defense of Sexual and Reproductive Rights - Promsex
- Percy Martínez, Founder of the Coalition of Networks and Activists (CREALE)
- Two people interviewed who prefer to remain anonymous.



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