

Argentina

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Attitudes towards lesbianism in Argentinian society are in transition. Argentina has suffered the effects of various military dictatorships, the most recent of which (1976-1984) was especially bloody and devastated the country economically. In recent years, democracy and the respect for diversity are values that have come to be accepted and defended by a large part of the population. This attitude has created conditions under which lesbian groups have been able to develop significantly in the last eight years.

Nevertheless, strong prejudices remain, and authoritarianism is deeply rooted in society. In many sectors violence is still the only response to those perceived as different. The hierarchy of the Catholic Church launches frequent attacks against lesbians and gay men.¹ However, society has for the most part not responded to the church's urgings to discriminate, in part because the church has been discredited by its collaboration with the dictatorships and its silence on human

rights violations.

The socioeconomic situation plays an important role in creating conditions in which lesbians can become visible and demand their civil rights. Historically, Argentinian society has tended to become more intolerant toward marginalized groups during economic crises. In such times, the solidarity of dominant groups in society is strengthened at the cost of tolerance toward minorities of any sort. Argentina is currently facing such a crisis, and it remains to be seen if it will create a backlash against lesbians.

LEGAL SITUATION

In 1994 lesbian and gay groups lobbied Parliament intensely to amend the existing anti-discrimination legislation so that it would prohibit discrimination based on sexual orientation.² The Human Rights Commission of the Chamber

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of Deputies passed the proposal, but deliberation by the entire Chamber was interrupted by the national elections, which took place in May of this year. The new Parliament began its work in July, and activists are continuing to lobby so that this proposal will be discussed formally in the Chamber of Deputies.

Although homosexual acts are not criminalized under Argentinian law, there are two legal means by which police are able to arrest lesbians, gay men, and transvestites. The Law of Investigation of Antecedents allows police to arrest

anyone and take her or him to police headquarters in order to check the person's police record. This law was modified in 1988 to shorten the number of hours the police can hold a suspect (the period was changed from 48 hours to 10), and to grant those detained the right to make one telephone call.³

The other means of control which the police can employ are the "Police Edicts," which are Federal Police regulations. These regulations allow the police to make arrests as long as they follow the Law of Investigation of Antecedents. The infraction under which lesbians are most commonly arrested is defined in Article 2 of the chapter entitled "Scandal," promulgated in 1949 as "incitement to commit a carnal act in the public street." This is the same charge under which sex workers are arrested. Any sign of affection between women in a public place can be cited under this charge, and if the police determine someone is guilty of contravening their regulations they can arrest and hold that person for 30 days. It is important to emphasize that these edicts drawn up by the Federal Police without any sort of legislative process. Since these are police regulations and not laws their application is left completely to the discretion of the police themselves. The judicial authorities are not involved unless the arrested person initiates some special procedure.

The Argentinian police have a long history of authoritarianism and violent repression. Police brutality (sometimes resulting in death), the rape of women in custody, psychological mistreatment—all of these abuses are common. The 10-hour limit on detention and the suspect's right to make a telephone call exist on paper but are often not respected. Lesbians who are arrested in bars or on the street are frequently subjected to verbal abuse or intimate body searches by male police officers. Another common practice is extortion. The police threaten to reveal to employers or to family members that someone was arrested in a lesbian bar. Lack of information about their rights together with the intense fear which the Argentinian police inspire in the majority of

the population leads lesbians to comply with police orders without questioning them.

On April 15, 1995, the police raided Boicot (a lesbian disco) and arrested 10 of the women there. Mirta Molinari, a lesbian activist who was present on the occasion, reports that the police chose very carefully those they arrested. They chose the youngest and those who seemed to have the least economic resources. One reason for singling out the younger women is that it is illegal for people under 18 years of age to be present in nightclubs, and if any of the women were under age the police could close the establishment. (In this case, all were of legal age.) More importantly, the police presumed, as they often do, that the younger and apparently poorer women would be less informed and more easily intimidated.

The women were held for three hours and were subjected to verbal abuse. The police made fun of them and threatened to reveal their names and the fact that they were lesbians to the press. Some were told that there was still time for them to "change their ways" and get married and have children. The owners of the disco contacted Monica Santino, a lesbian activist, who put pressure on the police to see that they did not hold the women longer than was permitted by law. In the following days, the Frente de Lesbianas de Buenos Aires (Lesbian Front of Buenos Aires) launched a campaign in the bars to inform women of their rights and tell them what they should do if they were arrested. They also gave them the telephone number of a lawyer who has agreed to provide her services free of charge. In the event of future arrests, the Frente has set up a network of contacts to organize large and peaceful demonstrations to pressure the police into freeing the people arrested.

Another frequent practice in which the police engage is to discourage lesbians from going into bars or discos. They stand in front of these establishments and ask for identification or forbid women from "blocking the street."

DE FACTO DISCRIMINATION

The majority of acts of discrimination in Argentina take place outside of the legal framework. The following are two cases of anti-lesbian discrimination in the workplace. In 1993, C.M. was fired from her job as a primary school teacher after she had appeared in the news media as a lesbian. She had been a teacher for more than 20 years and was transferred to "administrative tasks" in another state agency. To date, she has not been allowed to return to teaching. Even though she has the support of colleagues in her new position, she cannot do the work for which she is trained, and which is her vocation, for the simple reason that she is a lesbian.

In another case, in December 1994, a teacher was accused of being a lesbian by one of her colleagues. The accuser had love letters the teacher had written to her. Although the teacher had worked in the school for 12 years, the directors of the school made her undergo a psychological examination. The examiners said she was unfit to be a teacher because of her "psychosexual immaturity." The teacher brought her case to the media, and an intense public debate ensued. Because of the pressure brought to bear by lesbian and gay groups as well as the publicity generated by the public debate, the accused was transferred to another school.⁴

As in the case of the arrests, the majority of lesbians who are the target of discrimination keep quiet, either out of shame or fear of the consequences, making it difficult to keep track of these acts of discrimination or to respond to them.

With regard to lesbian mothers who are seeking divorce, it is common for their husbands to force them into an out-of-court settlement with regard to the custody of children. To date, there have been no publicized court cases regarding custody for lesbian mothers. Most lawyers advise them to come to some sort of agreement with their former husbands since they have little chance of gaining anything by

going to court. These agreements usually involve severe economic disadvantages for the mothers as well as leaving the possibility of seeing their children entirely to the discretion of their ex-husbands. Ana, who obtained a divorce in 1980, is one example of what can happen to lesbian mothers in these circumstances. She was forced to leave her home and all the community property accumulated during 12 years of marriage without any right of compensation. For more than five years her husband would not allow her to see her two children. Only when her children became adults and had decided on their own to reestablish contact with her did she see them again.

ECONOMIC ASPECTS OF DISCRIMINATION

Argentinian lesbians are part of an economic system in which women earn only 53% of what men earn. Unemployment is at 25%, and 22% of poor households in the country (30.6% in Buenos Aires) are headed by women. (Lesbians who live alone or in couples, with or without children, fit into this statistical category). The conditions for lesbians of middle, lower middle, or lower socioeconomic classes are particularly difficult. Many lesbians are obliged to live with their families for years because they do not have the economic resources to live alone. In these cases many choose to hide their lesbianism, and they live in constant fear of being discovered. Others are more open and are obliged to live with daily rejection and scorn on the part of their families. In middle and upper class families there is economic discrimination against lesbians; they are often denied their right of inheritance and are not offered the same economic assistance given to heterosexual members of the family.

LESBIAN ACTIVISM

Currently, there are five lesbian groups in Buenos Aires and three mixed groups with lesbian members.⁵ Four lesbian

activists appear with a certain frequency in the broadcast media, helping to increase the visibility of lesbians within society.

One of the lesbian groups, *Las Lunas y las Otras* (The Moons and the Others), has just rented a space in which to house a lesbian center. Since 1990, *Las Lunas* have been organizing an annual lesbian conference in Buenos Aires; approximately 100 women take part in its workshops and cultural activities. Last year, another group organized a "Day for Lesbian Art" open to the community. Lesbian artists presented their work. This event will be repeated again this year.

In addition, in the Faculty of Philosophy and Letters at the University of Buenos Aires, the Department of Human Rights hosts a seminar on lesbianism directed by lesbian activists. Lesbian activists also take part in the *Encuentros Nacionales de Mujeres* (National Women's Meetings). These meetings take place each year and from 8,000 to 10,000 women from diverse backgrounds and from all over the country take part. Lesbian workshops have been included in the official program of these meetings for the past three years. They are a very important point of contact with the women's movement and also an occasion to promote positive images of lesbians.

NOTES

- 1 Monseñor Quarracino has suggested that all lesbians and gay men should live together in a ghetto and called the community a "dirty stain on the nation's face." Claudia Selser, "A Quarracino que lo perdone Dios," *Página 12*, 30 August 1994. See also Claudia Selser, "La mancha del cardenal," *Página 12*, 23 August 1994.
- 2 Law No. 23,592, 1988.
- 3 Law No. 23,950, 1991. In reality this kind of check can be done in a matter of minutes using police computers.
- 4 Claudia Selser, "No te comerás las uñas: Dejan cesante a una maestra lesbiana," *Página 12*, 14 December 1994, and "Me

