UNIVERSITY OF CALIFORNIA SAN DIEGO

The Gap: The Discrepancy Between the *de Jure* Rights and the *de Facto* Reality Experienced by LGBTQ+ Students in Uruguay

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in

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by

Stuart Etlin

Committee in charge:

Professor Scott Desposato, Chair
Professor Stephanie Jed
Professor Matthew Vitz

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The Thesis of Stuart Etlin is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

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Chair

University of California San Diego

2020

DEDICATION

I would like to dedicate this thesis to the LGBTQ+ children of Uruguay. From my humble perch in academia I hope that this work supports your God-given rights, enshrined in Uruguay law, to full citizenship, free of discrimination for the rest of your lives. It is my hope that other scholars, international organizations, and individuals build upon this research and advocate for your right to self-esteem, and inclusion in the classroom.

Reivindico el poder
sanador de las palabras.
Poder decir las cosas en voz
alta sana el alma.
Diana Mines
El reloj, Canal 10
27 junio, 1997

I assert the healing power
of words.
To speak out loud heals
the soul.
-Diana Mines
El Reloj, Channel 10, Uruguay
The moment the movement came out of the closet

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LIST OF ABBREVIATIONS

ANEP	Administración Nacional de Educación Publica
ASSE	Administración de Servicios de Salud del Estado
ATRU	Asociación Trans del Uruguay
BPS	Banco de Previsión Social
CEP	Consejo de Educación Primaria
CETP	Consejo de Educación Técnica Profesional
CES	Consejo de Educación Secundaria
CFE	Consejo de Formación en Educación
CNDD	Consejo Nacional de Diversidad Sexual
CPD	Centros Educativos Promotores de Derechos
CODICEN	El Consejo Directivo de la Administración Nacional de Educación Publica
CRAM	Centro de Referencia Amigable
DNPSC	Dirección Nacional de Promoción Sociocultural
ENAJ	Encuesta Nacional de Adolescencia y Juventud
FA	Frente Amplio
FUDIS	Constitución de la Federación Uruguaya de la Diversidad Sexual
GSA	Gay-Straight Alliance
GLSEN	Gay, Lesbian and Straight Education Network
HU	Homosexuales Unidos
ILGA	The International Lesbian, Gay, Bisexual, Trans, and Intersex Association
IMM	Intendencia Municipal de Montevideo
INAU	Instituto del Niño y Adolescente del Uruguay
INJU	Instituto Nacional de la Juventud (división of MIDES)
INMUJERES	Instituto Nacional de Mujeres (división of MIDES)
INEED	Instituto Nacional de Evaluación Educativa
LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual
MCT	Mesa Coordinadora de Trasvestis
MEC	Ministerio de Educación y Cultura
MIDES	Ministerio de Desarrollo Social
MIH	Movimiento de Integración Homosexual
MSP	Ministerio de Salud Público
OAS	Organization of American States
OECD	The Organization for Economic Cooperation and Development
ONUSIDA	The Joint United Nations Programme on HIV/AIDS
PES	Programa de Educación Sexual
PC	Partido Colorado
PI	Partido Independiente
PISA	Program for International Student Assessment
PIT-CNT	Plenario, Intersindical de Trabajadores-Convención Nacional de Trabajadores
PLEMU	Plenario de Mujeres del Uruguay
PN	Partido Nacional (Partido Blancos)
PNS	Programa Nacional de SIDA
ROUS	La Red de ONGs con trabajo en SIDA
UDELAR	Universidad de la Republica
UNFPA	United Nations Population Fund
UTU	Universidad del Trabajo del Uruguay

WHO	World Health Organization

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I am delighted to have graduated the UCSD program the same year my son Cody Etlin, a Rangel Fellow, graduated his program at SAIS, and has begun his career in the foreign service. Cody is a Latinamericanist par excellence; I derived much encouragement from his hard work and his gentle words.

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ABSTRACT OF THE THESIS

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Professor Scott Desposato, Chair

Uruguay elected its first left-of-center government in 2004 on a human rights platform that has maintained power for fifteen years. Numerous organizations recognize Uruguay as having the most progressive LGBTQ+ legislation in Latin America as measured by benchmark laws.

All available studies indicate that there is a deep discrepancy between the *de jure* rights and protections and the *de facto* experience of LGBTQ+ students who report high rates of absenteeism, feeling unsafe at school, and experiencing verbal and physical homophobic bullying by both students and teachers. Interviews that I conducted with experts in various professions confirm this reality. The purpose of this investigation is to identify institutional and societal factors that have created this gap and have reinforced replication of entrenched societal homophobia in the school place; actions and initiatives designed to bridge the gap that are being taken or are under consideration, and look at the possible roadmaps for the path forward.

Uruguay has a history of passing progressive legislation that remains inoperable for years or even decades. Educational institutions self-govern with constitutionally granted autonomy; having their own mechanisms for handling grievances, answering to neither judicial nor legislative branches. Many of the norms and protocols that are in place to address homo-lesbo-transphobic violence are not fully functional; at schools there are no adjudication protocols. The sex education program established in 2008 for primary and secondary curriculum has not been consistently implemented, and rarely is the required perspective on sexual diversity included. The national history curricula have no LGBTQ+ content.

LGBTQ+ laws are less than a generation old, and problems identified in education are even newer. Programs designed to address these inequities are very recent and there is very little scholarship on this topic. These problems are exacerbated outside of Montevideo in the more conservative half of the country known as the *interior*.

I. INTRODUCTION: LGBTQ+ RIGHTS IN URUGUAY AND THE ADOLESCENT EXPERIENCE

During the 2004-2018 period, Uruguay enacted laws granting the LGBTQ+ community the same rights and protections that heterosexuals enjoy. This thesis will examine the history of Uruguay's coming to be lauded as the most gay-friendly country and the most progressive in terms of LGBTQ+ rights in Latin America (McCarthy 2015; The International Lesbian, Gay, Bisexual, Trans, and Intersex Association 2019; Strickler 2017; Dicklitch-Nelson; Thompson and Yost 2016; Spartacus 2019).[1] In spite of this reputation, the largest study to date reveals that self-identified LGBTQ+ adolescents are not experiencing these rights and protections at school.[2] The first of its kind survey of LGBTQ+ student's experiences at school revealed that over 30% of the students reported verbal and physical harassment and violence at the hands of other students *and teachers,* with impunity (Ovejas Negras 2016).[3] The findings of the *Ovejas Negras* study are consistent with both the findings of smaller qualitative studies and with primary source interviews I have conducted. I will argue that certain historical, social, and cultural factors have contributed to the gap between the laws and the *de facto* experience of LGBTQ+ students.

Uruguay is a country where hegemonic heteronormativity and discrimination still permeate education in spite of having LGBTQ+ anti-discrimination and positive rights laws considered the strongest in Latin America. Uruguay historically has had a political class whose

[1] Uruguay ranked 7th of 124 countries,1st in Latin America in 2014 Gallup Poll. Uruguay tied for 1st place with Colombia for Latin America using 13 criteria in ILGA report, which has not yet reflected Uruguay's 2017 ban on conversion therapy. In Strickler's thesis Uruguay is ranked #1 in valuation of LGBT rights. Spartacus ranked Uruguay as tied for 17th place with Switzerland, Ireland, Greenland, Gibraltar, and France (2nd group tie) out of 197 countries studied. Human Rights Watch issues country reports for LGBT rights, Uruguay is not included in their 2019 countries reports.

[2] Students considered insufficiently masculine or feminine by their peers also reported verbal and physical bullying by both teachers and fellow students.

[3] As of December 31, 2018, not a single case of LGBTQ+ harassment at educational centers had been brought to judicial review.

progressive thinking has been years and sometimes generations ahead of the conservative attitudes and behavior of Uruguayans. Progressive LGBTQ+ legislation intended to change social behavior and attitudes was enacted from the "top down" in a dialogue that initially involved a small group of actors: a few key activists, the grass roots organizations they represented, and a core group of sympathetic legislators.[4] The majority of these legislative gains have failed to transform society in tandem with these laws; this is characteristic of Uruguay's progressive history. For the activists, getting these laws into the political agenda took years of protest and lobbying at great personal cost.[5] For a significant part of the Uruguayan populace one could say that many of these laws were passed from one day to another, without a publicly discussed, visible multigenerational "gay rights movement" involving widespread street protests and judicial rulings that were extensively covered by the media. The electoral and judicial process of introducing bills related to LGBTQ+ rights seen in other countries tend to be carried out over longer periods of time, which allow for greater public awareness compared with Uruguay's legislative enactment without widespread public discourse or voter participation. The gay rights movement which started in the U.S. and Western Europe in the 1960s and Mexico in the 1970s did not begin in Uruguay until 1984 when Uruguay began its transition from dictatorship to democracy. Some contributing factors to why society was not transforming ahead of, during, or even many years after the enactment of many of the LGBTQ+ laws can be attributed to a legacy of historically widespread discrimination and exclusion of LGBTQ+ people, which endured long after the return to democracy, a homophobic response to the

[4] I am using the term "top down" to refer to a process of legislation that wasn't pressured by mass nation-wide mobilization (bottom up).

[5] The first televised discussion of the LGBTQ+ movement occurred in 1997. This event is widely touted as "the moment the movement came out of the closet"; when the assertion of equal rights was first visualized publicly. Diana Mines and Fernando Frontán, the two activists who appeared on TV lost their jobs the next day and received death threats for years thereafter.

HIV/AIDS epidemic by the ministry of health, and the lack of visibility of the movement until 1997. Uruguay passed almost all of the laws considered benchmarks for equality in a fifteen-year period which is a shorter timeline than seen in many countries in the global north.[6] Although local and international media covered Uruguay's progressive LGBTQ+ legislation, the process of legislating did not involve the popular vote.

Other factors that contribute to this gap that will be examined in this thesis are: Uruguay's historically weak institutions, which have not fully brought the operativity of these laws into effect; a history of progressive social legislation that does not take root in society for years, sometimes decades; an aspect of the phenomena known as Uruguayan Exceptionalism that will be explored in the next chapter : the noticeable absence of the older LGBTQ+ community in advocating for school-age students; the lack of safe spaces for youth, and even for college students; and an almost absolute lack of visibility outside of the capital.[7] In many ways the country is divided in half socially and ideologically. It is estimated that approximately 1.8 million, roughly half the population of Uruguay's 3.5 million inhabitants, live in Montevideo and the greater cosmopolitan surrounding areas. Montevideo is the administrative capital and is also the place where most social movements have emerged. This dynamic is known as the "Traditional Montevideo/Interior Dichotomy" of Uruguay, which appears repeatedly in research and interviews (Sempol, 2014, 6-7). These factors offer some explanation of why these laws have been slow to create the intended changes in behavior, cultural, and societal attitudes that the LGBTQ+ community anticipated and hoped for.

[6] The only benchmark law not passed by Uruguay are "Open Serve" in the military for trans, and commercial surrogacy for gay male couples (altruistic surrogacy is allowed).
[7] The largest, public university, (UdelaR) has no gay student organizations (Gelpi, Telephone interview by author 2018).

URUGUAYAN EXCEPTIONALISM

Uruguay takes great pride in the advanced social legislation and wealth achieved during the "years of the fat cow" (*los años de la baca gorda*). In a journal article titled "Uruguayan Exceptionalism" written in 1930, Ildefonso Valdes states that Uruguay is justly considered the most advanced country in the Americas in the matter of social legislation (Valdes 1930). In his argument Valdes cites some key laws to support this contention:

1) 1914 laws that cover work accidents, providing disability benefits for workplace injuries, and fines to employers who were not in compliance with safety laws
2) 1915 laws that limit the workday to eight-hour days, mandatory one-hour rest breaks within the first five hours of work for any jobs demanding concentration[8]
3) 1918 law of the chair, providing that all workers have the right to be seated while working, which can be seen today at supermarkets and airport check-in counters[9]
4) 1919 law establishing a retirement pension, which immigrants become eligible for after 15 years living in the country, paid for by supplemental real estate taxes and mandatory employer contributions
5) 1920 laws that guarantee one day of rest weekly for taxi drivers and domestic servants;
6) 1923 minimum wage law, providing that the executive branch is obliged to provide food and shelter to every resident who is without work (Valdes 1930).

Uruguay passed suffragette laws in 1932, granting women the right to vote *and* the right hold public office (Women Suffrage and Beyond n.d.).

Uruguayan exceptionalism is a form of thinking that views Uruguay as an exception in respect to the rest of Latin America. A national self-image, referred to by many as the collective imaginary, allows a positive notion that blissfully denies current problems. This concept of exceptionalism was justified using data that distinguished Uruguay from the rest of South America and is fed by the widely accepted description of Uruguay as "the Switzerland of America", "the model republic", and "the social laboratory of Latin America". Some of the data used to reinforce the idea of the "exceptionalism" to this day an 88% Caucasian demographic

[8]Later applied to all workers
[9] Ley 6.102 *Ley de la Silla*

(Eurocentrism), the stability of Uruguayan politics, the length of democratic periods, levels of well-being, the recent and historical advances of social legislation, the high level of education; at one time Uruguay had the highest literacy rate of the Americas (including north America), the existence of a well-developed secular culture, and a strong republicanism etc.

Uruguayan exceptionalism and the national imaginary are two of the factors repeatedly cited in my research and interviewers that offer one explanation for the dichotomy of a country with advanced social legislation and poor societal implementation. The collective imaginary of Uruguayans is heavily linked to its golden past, having a vision of itself more utopian than the (often crueler) realities of its present circumstances, making a rigorous self-examination a difficult but essential component needed to bring social legislation into alignment with the de facto life experiences of those groups each social law is intended to benefit.

I identified a recurrent patricentric theme in my research. Consistent in all of my interviews were responses that look to the State as the only resource for funds, programs, studies and solutions to the problems we were discussing. The State is the largest provider of jobs; one of every ten employed Uruguayans work in the public sector.

Uruguayans are known for being nostalgic; the tradition of listening to and dancing to music from previous eras that started with one radio station in 1978 grew to become *la Noche de la Nostalgia* with dinner shows, private parties and street performances celebrated well into the night of August twenty-four, the eve of Uruguay's less widely celebrated August twenty-five Independence Day. The Ministry of Tourism declared this night an official tourist attraction in 1978. It is estimated that 600,000 people a year celebrate and there are shows for every budget. (Uruguay Nacional 2018).

Other factors which contributed to Uruguayan exceptionalism were relatively low poverty rates, very good public education; for decades Uruguay had the highest literacy rate of all of the Americas, and socially progressive laws. During President Batlle y Ordóñez's first term, (1903-1907), secularization was first discussed. In his second term (1911-1915) divorce laws were passed, unemployment compensation became law, as did the eight-hour work day. The Catholic Church was legally separated from the State in 1916, and in 1917 universal suffrage that also gave women the right to run for public office was written into the constitution.[10]Women were given the right to divorce, even if contested in 1913. The first woman to actually obtain a divorce under this law did not occur for another sixty years.

OTHER FACTORS

A key structural factor that deserves separate examination is that the entity that regulates public and private education, *Administración Nacional de Educación Pública* (ANEP). ANEP has tremendous legal autonomy; the way that grievances are handled has made it possible for students and teachers to have perpetrated this violence and discrimination at school without a single case of homophobic bullying making it to the courts as of the end of 2018. ANEP makes decisions regarding nationwide curricula and operates with an autonomy granted to it by the constitution. There is no sexual diversity or gender identity content in school curricula. At the university-level sex education is taught with "sensitivity to the sexual diversity perspective" for future teachers. All grievances against faculty are handled by a separate entity, *el Instituto Nacional de Derechos Humanos*, before being referred to ANEP (Sempol 2018). With their

[10] Women were not able to exercise the right to vote for another ten years (Caetano Hargain 2015).

autonomy, hierarchical policies and procedures, ANEP has the final word on the referral of sexuality or gender related grievances at school to the judicial system for review.

According to formal policy, all schools, public and private, K-12 have a student support team in place consisting of an *adscripto* (usually a student teacher, who is both a hall monitor and often the first point of interface between parents, students, teachers, and administrators), a social worker, and a psychologist. In reality, many schools have a social worker or a psychologist, but not both. Some have neither. Some of the rural schools have one room for all students K-6, some have one room for all students K-9. All students leaving rural schools who want to complete the baccalaureate portion of high school, tenth through twelfth grades, must travel to a larger city to do so.[11] As of August 2016, there were 1,100 rural schools in Uruguay, two-hundred-fifty of them with five students or less, and six-hundred of them with ten students or less (El Pais 2016). Consistent with the Montevideo/*interior* dichotomy, some schools in upper middle-class areas of Montevideo have a more inclusive atmosphere, while there is a significantly harsher reality in the further reaches of Montevideo's suburbs, even more so in the more conservative rural part of the country where approximately half of the population resides.

Without any established mechanisms for the adjudication of LGBTQ+ grievances, the school environment in particular has been unable to transform uniformly into a place of inclusiveness for the LGBTQ+ students in accordance with the laws.

Ovejas Negras received technical assistance for the 2016 study from GLSEN (Gay, Lesbian, and Straight Education Network), the United States' largest queer advocacy group focused entirely on reaching students as young as kindergarten age. GLSEN established the Gay-Straight Alliance (GSA) model of student clubs on school campuses in the U.S., which has

[11] The baccalaureate, achieved in tenth, eleventh, and twelfth grades of secondary school, is a requirement to continue on to college, but not to entry level employment, or to trade schools.

demonstrably boosted the self-esteem and academic performance of LGBTQ+ students (GLSEN n.d.). The *Ovejas Negras* study, the largest collaborative research of the LGBTQ+ student experience which has served as a launch point for not only this thesis, but for program designs incorporated in the National Plan for Sexual Diversity published in 2018, will be discussed in greater detail in the third chapter of this thesis (MIDES y CNDD 2018).

There are several reasons why the concept of GSAs is problematic and they have not been introduced in Uruguay, chief among them is that there is a widespread attitude of resistance to student clubs by both educators and ANEP (Gelpi, Telephone interview by author 2018). Student organizations are perceived as threatening to schools, and similar to student unions which have had a contentious relationship of interruption of education (walk-outs, strikes) when their demands have not been met. Student-based initiatives of any kind have trouble breaking through this resistance. Individual schools, private and public, have a strict mandate to stay uniform with the norms established by ANEP, which has the final word on policy changes and initiatives. The Ministry of Social Development (MIDES) both oversees and funds projects to bring inclusion to all populations that have historically experienced social, economic, and educational inequities. To work with teachers or students MIDES must obtain permission from ANEP. [12] *Consejo Nacional de Diversidad Sexual* (CNDD), the National Council of Sexual Diversity, is a division within MIDES which specifically works on LGBTQ+ projects.[13]

[12] MIDES was created in 2005. The ministry's mission statement: "The ministry is responsible for national social policies, as well as the coordination, articulation, monitoring, supervision and evaluation of plans, programs and project towards the consolidation of a socially redistributive policy. Likewise, the Ministry is assigned the mission of contributing to the development of scenarios for social participation that allow this strengthening of more active citizenship at both the sectorial and national level." MIDES works as part of the larger Secretary of Human Rights.

[13] CNDD was created in 2015 and operates under the purview of MIDES. The council was established in accordance with the Organization of American States' 2013 convention against discrimination. The council's mission statement: "this set of public policies should integrate a non-heterosexist focus on sexual diversity for the purpose of eradicating discrimination against gay, lesbian, transgender, transsexual, and intersexual populations. The

MIDES/CNDD obtained a restricted authorization from ANEP to conduct sensitivity workshops for teachers, which at the time of my research was only available in e-learning on a voluntary basis for those teachers and administrators who were interested. ANEP had not adopted MIDES's request for Sexual Diversity to be included in the Sex Education curriculum for the 2018 school year, or any year prior; which has been a subject of debate since 2014.

These students are the first generation of actors, unaware of their own agency with little understanding of this fact; with neither guidance nor mentorship they do not know how to assert their rights. There is a notable absence of older LGBTQ+ members participating as role models and advocates for these adolescents. Experts, many of whom I interviewed, point to the cause of this absence as trauma they suffered in a society where homosexuality and other dissident sexual identities were invisible and already castigated prior to the *coup d'état* of 1973.

The persecution during the military dictatorship was even more severe and included systematic torture and murder, referred to by survivors as a gay holocaust. The almost universal legacy of repressed memory has lingered for many to this day. Simply stated, the grand majority of prior generations have suffered both in and out of the closet and do not want to relive any of their previously traumatic experiences that discussion could recreate. As a result, participation from this generation is limited to a very small group of individuals who are playing a supportive role in the lives of these children and teens. Few if any outwardly LGBTQ+ adult members of society are visible and extending a helping hand to this population of youth in large parts of the country. At the time of my field research there were only two gay bars in the entire country, both in Montevideo. Punta del Este had one at some point, but it has been closed for many years. Though the focus of this research is on the *de facto* experience of the student population, and

participation of civil society is fundamental to continue advancing the fight against discrimination based on sexual orientation and gender identity at all levels; in the budget and implementation of (these) new lines of public policy."

what is being done to mitigate obstacles so that they can fully experience their rights and protections, there will be an inevitable and inextricable link to the adult LGBTQ+ experience throughout this thesis.

This is a single case study, using elements of the configurative-ideographic case study delineated by Princeton, Harvard, and UC Irvine professor Harry Eckstein. Configurative-ideographic case study, also commonly known as an atheoretical case study, is one of the five types of case studies delineated by Eckstein. It is a method that selects individual cases for analysis with the intent to understand the idiosyncratic dynamics of the case under investigation.

My thesis is based on multiple streams of evidence and is the result of the study of the published works of academics, activists, press accounts, and government entities in addition to interviews I conducted based on a wide array of primary sources during and after (as a result of contacts made during) the period of my field research. The *Ovejas Negras* report is the largest and only quantitative study produced to-date. There are a few ancillary studies that have relevant findings which are incorporated in this thesis.

The temporal scope of my thesis is through 2018. I was able to conduct several interviews in 2019 with key figures who I was able to meet and/or contact while in the field in 2018, but did not interview virtually until the following year, that have impacted my research. For the most part I have tried to include the additional knowledge gained through these interviews in the chapter titled “The Roadmap Forward” and in the epilogue.

ORGANIZATION

In the second chapter of this thesis I summarize the history of LGBTQ+ life in Uruguay. In addition, I describe the history of the gay rights movement that emerged in 1985. There are two obstacles in studying this history: (1) Uruguay has historically not compiled statistics; (2) the 1973-1985 dictatorship intentionally destroyed documentation of police action, a practice which continued for several years into the democracy. Additionally, there is a dearth of published research on this history (Sempol, De los Baños a la Calle 2013, 87). I will then present a timeline for key events in the "movement" and for the widely considered benchmark legislation passed in the 2004-2018 period, annotated with key events to give some context to the timetable.

The left of center coalition "El Frente Amplio" (FA) came to power on a platform of Human Rights in 2004.[14] The FA did not contemplate the inclusion of LGBTQ+ rights and since 1984 had specifically rejected the request of LGBTQ+ activists to introduce legislation that could remedy the inequalities their community had suffered. Over the next decade the FA enacted some of the most progressive LGBTQ+ laws in Latin America, not because they campaigned on this platform, but because human rights by definition required it. There are a few factors that allowed this to occur. A window of opportunity began to open when the earliest anti-discrimination laws were passed in 2003 and 2004, when the FA held minority positions in both houses of congress, and majority positions in the municipal government of Montevideo. A few

[14] The left of center collation was formed in 1971 and was banned by the military government in 1973. The ban was lifted in 1984.

advocacy organizations lobbied tenaciously for LGBTQ+ legislation from a human rights perspective, insisting that their rights were synonymous with human rights.

They formed alliances with the well-organized feminist organizations and their caucuses in both houses, activists and advocacy groups for the elderly, the disabled, and people of color collectively defining themselves as historically discriminated minorities, presenting their demands for laws granting them equality and inclusion with these other groups from a cross-sectional human rights perspective. Once the initial laws were passed, the movement established a dialogue with legislators sympathetic to their cause, and momentum developed for the FA to introduce and ultimately pass subsequent and more progressive laws specific to the LGBTQ+ agenda. Several conservative politicians, some with ties to the Opus Dei prelature, fought back against these laws, but they were in the minority and were able to slow down the process but ultimately failed to block any legislation (Abracinskas, et al. 2019). [15]

In the third chapter I highlight the findings of the largest quantitative study to date of the experiences of LGBTQ+ boys, girls, and adolescents in public schools, conducted during the school year of 2016 in all nineteen *departamentos* of Uruguay, and the recommendations generated by these findings. (Ovejas Negras 2016). This will be supplemented with information gained in the interviews I conducted, and the existing scholarship on the subject and other studies conducted through 2018. In this chapter I will delve deeper into the Uruguayan education system and the sex education program.

In the fourth chapter I will explore programs and initiatives that are underway or planned to mitigate the negative effects of discrimination and exclusion on the LGBTQ+ population. The

[15] Opus Dei, (Latin: "Work of God") is a sect-like branch of the Catholic Church. In Latin American history Opus Dei has been allied with far-right totalitarian regimes.

projects that are currently underway to bridge the discrepancies between the actual experiences specific to the student LGBTQ+ population will be included and the rights and protections they should be enjoying according to Uruguayan law. The 2018 National Plan of Sexual Diversity by MIDES and CNDD lists most of these projects, since almost every current project is done with their funding (MIDES y CNDD 2018). Many of these projects build upon the fifteen recommendations of the *Ovejas Negras* report. The National Plan involves twenty ministries, some that function with autonomy (which, historically, have also not always worked collaboratively), the public university, and two grassroots activist organizations.

The fifth and final chapter will be devoted to the roadmap forward, progress underway, and obstacles that remain. There is a small community of academics, working collaboratively with two activist groups and MIDES to establish public policies to rectify the aggression and discrimination experienced by LGBTQ+ youth. As the majority of initiatives are recent, and there is a minimum of two years between research and publication in Uruguay, this chapter will rely heavily on the assessments of my interviewees, and my own predictions born of the education I received in the course of my work on this project.

In the epilog I will detail the key components of the comprehensive trans law passed while conducting my field research in October 2018. There was significantly more civic participation in both the lobbying for and against the passing of this set of laws. I will argue that this marked a changing point for the visibility of the LGBTQ+ movement and for societal involvement in the discussion of legal rights and public policy for the LGBTQ+ population. The enactment of the trans laws is being rolled out currently and it will be several years before there will be any qualitative or quantitative analysis of the effects of this legislation on trans youth.

I will also include some information not yet published planned for the 2020-2022 National Plan of Sexual Diversity gained from a surprise interview with the director at MIDES that came after I had concluded my research and written all the chapter drafts.

In each chapter I will be using available existing published and unpublished research, and the knowledge I acquired from my experiences in the field and from my primary source interviews.[16] I have listed each of the interviewees in Appendix E.

FIELD RESEARCH

I conducted my field research in Uruguay from September 2018 to October 2018. I arrived several days prior to the annual pride march known as *la Marcha por la Diversidad*. For several days prior to the march, there was information booths, entertainment and activities. I was able to visit several booths in addition to being invited to spend the bulk of my time as an observer at the *Centro de Referencia Amigable* (CRAM) stand. CRAM provides free weekly therapy sessions to members of the LGBTQ+ community, primarily to minors.

I was invited to sit in on several classes at the *Universidad de la República* (UDELAR) taught to fifth year psychology students titled "*Diversidad Sexual*" and see several student research presentations. I was invited to discuss the research I was doing and the topic of my thesis with the class and have an informal exchange with graduate students and professors.

I was invited to observe a weekly case management meeting of the CRAM program, where student psychologists working in teams, who were fulfilling their supervised hours requirements of their programs, presented the progress reports on the clients they were

[16] See appendix A for complete interview questions

counseling. The case manager gave feedback and brainstormed with the supervised psychologists the direction of therapy planned for their clients.

I attended the fifth annual conference on Gender, Health, Sexual and Reproductive Rights held at UdelaR and heard over twenty-five presentations by academic researchers and government officials from Uruguay and other Latin American countries. I was able to converse with some of the speakers and secure several key interviews.

I conducted four 45-minute interviews while in Uruguay, using my open questions as talking points. I was able to conduct four additional interviews virtually in the months subsequent to my time in the field and to ask follow-up questions to several interviewees. All gave written consent to my using the content of the interviews, as well as their names in this thesis. I was able to interview professionals from every profession that I thought relevant.

The *Ovejas Negras* study, smaller ancillary studies, and the opinion of experts who work in this area, confirm significant discrepancies between the rights and protections, *de jure*, and the realities, *de facto*, experienced by LGBTQ+ adolescents at their places of study.

This led me to formulate preliminary research questions. The questions evolved over the time of this project in response to works cited, primary source interviews, and observations in the field.

The field research was a highpoint of my graduate education. I realized within my first few days I needed to modify several of them. Here are the questions that I started with after I had spent a few days there and was preparing for my first interviews:

1. Does an important gap exist between the rights and protections according to the law, and the reality experienced by LGBTQ+ youth at education centers?
2. Tell me about your work, and background.

3. What is the most serious problem that still exists for LGBTQ+ adolescents in the school place?
4. Is there a different degree of inclusion or marginalization of LGBTQ+ youth by social class compared to heterosexual youth?
5. Are intergenerational (older LGBTQ+) role models accessible to LGBTQ+ youth? (if adult LGBTQ+ acting in supportive roles, are easily reached by students, if the information on how to access is widely known).
6. What are the topics that are most in need of academic research for the LGBTQ+ high school population?
7. What role can MIDES and other governmental projects play for this population?
8. What limitations does the state have in mitigating the gap (between de jure rights and…. for high school LGBTQ+ youth)
9. What role do NGOs (grass root organizations) occupy currently to support these youth? What (further) role can they play?
10. Any other commentaries?
11. What do you know, and what is your opinion about the 2016 GLSEN study?
12. What do you know about, and what is your opinion about MIDES's *Plan Nacional de Diversidad Sexual* 2018-2020? What parts of the plan do you consider are working, and what aspects of the plan will be problematic to implement?

Depending on the profession, there were some questions omitted, and some additional questions specific to each interview.

II. THE PERSECUTION OF LGBTQ+ IN URUGUAY; ACTIVISM AND LEGISLATIVE GAINS

In the first part of this chapter I will summarize what is known about the history of LGBTQ+ life in Uruguay, and the political and societal factors that characterize distinct chapters of this history. In the second part of this chapter I describe the name, number and year of each benchmark law passed; the majority of them legislated during the first two governing periods of the FA. Uruguay's first experience with a left of center government lasted three terms; 2005-2010, 2010-2015, 2015-2020. In the third part of this chapter I will add some context to the legislative gains obtained through 2018 with a narrative of key political and societal events directly or indirectly relevant to the LGBTQ+ movement. Though the topic of this thesis is specific to the challenges faced by LGBTQ+ youth in the classroom in present times, there is an inextricable link to the legal and sociocultural history summarized in this chapter.

What little scholarship there is on the history of LGBTQ+ life in Uruguay from the early twentieth century, during the period of dictatorship (1973-1985), and of the LGBTQ+ movement in the years after Uruguay's return to democracy was written by the first and only social scientist and historian dedicated to this topic, Dr. Diego Sempol, university professor, member of both the National System of Researchers and of the *Área Académica Queer Montevideo*, and a founding

member of the *el Colectivo Ovejas Negras*.[17] I could have easily begun my research on the period beginning with the left's first electoral victory in national elections in 2004, and the subsequent years when all of the LGBTQ+ legislation advanced into law, but I would have done myself, and the niche research topic of LGBTQ+ adolescent students a disservice. To try to make sense of the illogical, why rights and protections written into law were not a reality in the adolescent experience, the context of the greater history of LGBTQ+ life in Uruguay going back a century has been invaluable. Sempol is by far the most knowledgeable researcher of this history; all scholarly works that I found dealing with the beginnings of the "gay rights" movement in the mid-eighties cite Sempol's work. Sempol was in a unique position to access hundreds of archived discussions and documents, contact key actors, and conduct over sixty primary source interviews for the only book dedicated to the history of LGBTQ+ life in Uruguay. Sempol articulates the reasons that there is a dearth of published material on this topic:

> In Uruguay, the State has historically ignored the production of statistical data… all documentation prior to 1995 of the *Ministerio del Interior* was in paper format; the minister himself did not know the quantity of employees in his department at that time. The daily records of all police stations, quantity of detainees, and the motive for each arrest were periodically burned … a small amount of paper records of arrests was archived which I had to review one at a time, as they were not organized by offenses. This access was cut off by privacy laws enacted in 2011. It was only possible to realize a reconstruction via interviews conducted for this research, civil society information, journalists' articles and documentation, pamphlets and publications of gay and lesbian organizations (Sempol, 87).

Uruguay's history of destroying and ignoring data, and the low priority given to the production of knowledge is a recurring theme, and one of the arguments I use in this thesis to explain the disconnect between de jure policies and de facto realities.

[17] Ovejas Negras is Uruguay's oldest LGBTQ+ advocacy group that is still operating. Ovejas Negras played an active role in lobbying for the LGBTQ+ agenda, collaborating in the drafting of legislation with parliament, and participating in significant studies of LGBTQ+ student life, in addition to actively participating in the creation and implementation of programs designed to mitigate inequities experienced by the LGBTQ+ student populations.

In 1934, article 278 of the Uruguayan penal code was revised to decriminalize consensual homosexual acts, but neither consent, nor age of consent were defined, having no real effect on society (Parlamento del Uruguay 1889 and ammendments). Male and female homosexuals and transvestites were ostracized; persecuted by the state, and "othered" by society; there was no legitimate space for them. If they manifested their sexual orientation in public, they were forcefully removed. Uruguay remained a conservative, heteronormative society in which identifiable non-heteronormative expressions of deviant gender identities or sexual orientation, were castigated in public and private spaces, including the home, school, and workplace, in spite of the decriminalization of homosexuality in 1934. The mismatch between official progressive political stances and Uruguay's latent heteronormative society persisted well into the twenty-first century and even after 2004- when the first left of center government was elected- with varying degrees of discrimination levied against the LGBTQ+ community.

Another recurring argument in my thesis is *that which is not said is frequently as, if not more important*, *than that which is said*, articulated, or defined. The lack of definition in the decriminalization of the sodomy laws, and the absence of any real effect on society is an example of this argument.

The state persecuted gays with periodic large-scale raids, or *razias/razzias*, of public spaces where homosexuals and transvestites were known to gather. To a lesser degree private homes were also raided, when the suspicions of neighbors were reported to the police. When there were arrests, society condemnation was severe; many times, lists were publicized by tabloid journalism. The results were that many lost their jobs, the acceptance and support of their families (including the roof over their heads), the possibility to continue studying, and membership in their political party.

For almost the entirety of the twentieth century, the medical and mental health community in Uruguay considered homosexuality to be a pathology. The causes of homosexuality in both the medical community and Uruguayan society included an array of reasons ranging from hormonal imbalance, running with the wrong crowd, to being "poorly educated" (Sempol 95-96). The reference to education is often used to thinly veil the socio-economic classism of the middle and upper classes toward the poor.

The hegemonic view of male homosexuality in Uruguay was "the Latino model" (also adopted by Brazil, Uruguay, Argentina, and a majority of Mediterranean countries), which classifies those who penetrate-*activo*s-from those who are penetrated-*pasivos*-into separate categories, pathologizing the latter; the failed male, more severely (Perlongher 1987). In the binary mindset reflective of the times and Uruguay's homogeneous culture, the exaggerated femininity of the hysterical "*loca*" was associated with male homosexuality, and in the case of the more masculine, closeted and frequently married *activo* there was a more blurred and unintelligible sexual identity, a hybrid of manhood (for penetrating) and perversion for deviating from the normal "masculine" expressed mannerisms and roles reserved for men, and in the case of suspected lesbianism the determinant was the presence or lack thereof of "feminine" expressions and behavior reserved for women .[18]

When taken into police custody those observed or suspected of engaging in same sex behavior were "*fichado*" (archived and listed on police records as sexual deviants). Following the Latino Model, the police would list them as *activos* or *pasivos* based on dress and mannerism; this had serious ramifications; if one wanted to apply for certain jobs or studies, or even for a

[18] Lesbian activists, psychologists and social scientists often emphasize the invisibility of lesbians in Uruguay.

passport, a police certificate of good conduct was required and denied to those who had been *fichados* (Sempol, 28-29). [19]

As society was strictly heteronormative; any same-sex behavior was done clandestinely. Between 1921-1930 arrests of homosexuals increased tenfold, but only a small amount of those arrested were processed judicially. The chief of police of Montevideo from 1923-1927, Juan Carlos Gomez Folle, announced in 1924 a campaign to "clean the city of the sexually depraved, undignified effeminates, and perverts" (Barrán 2002, 27).

The 1930s and 1940s were characterized as a period of state and police inertia, with little to no history of police persecution of homosexuals. The only arrests in the 1950s occurred when a homosexual was associated with a crime, or when a neighbor complained of a large group assembled in a home. This was a definitive shift in public policy compared to the prosecution by design seen in the 1920s.

During the 1960s police repression decreased, and Uruguay entered a period of "oppressive tolerance" with rigid behavioral codes regarding public and private lives. Sexually dissident behavior occurred relatively safely if, and only if, it was between four walls; a luxury afforded the wealthier classes who could maintain an office, or second house. For the majority, who did not have this degree of economic privilege, the only place for same-sex relations were much riskier public spaces, which made them much more vulnerable to arrest.

In the early 1970s repression returned, with the police forcefully removing sexual dissidents when caught in public spaces, such as certain public bathrooms, cinema bathrooms, parks, and beaches. They also conducted *razzias* on certain streets where transvestites procured sex work, and bars and dance clubs in the center of Montevideo that were frequented by closeted

[19] To be detained did not necessarily result in any charges, even more so during the dictatorship. This is why I prefer to use the word detained as opposed to arrested.

LGBTQ+ clientele in the late hours after most office and business workers had left the downtown area. The way these raids were conducted was to form a corridor around all entrances and exits of a gathering place, herd all present into police vans and transport them to the local police stations where they were often subject to torture, blackmail, ridicule, and detention for periods ranging from one day to several days at a time. Transvestites were treated the worst; they were recipients of the most abuse and sexual assault at the hands of the police. The consequences of arrests intensified during this decade; once *fichado* they were subject to frequent and arbitrary harassment.

During the dictatorship of 1973-1985, the frequency and brutality of the *razzias* increased. Police would frequently entrap gay men in known cruising areas and give them the choice of paying a bribe or facing detention. A significant group of extortionists would pose as police for financial gain. Under the dictatorship the police became subservient to the military and implemented a policy of systemic persecution of gays, which had not existed prior to the dictatorship. The military began to oversee police operations including the imprisonment and torturing of those rounded up. Homosexuals were targeted as enemies of the state. As early as 1974 it was estimated the time in detention was from seven to fifteen days. Some were detained and never seen again.[20] Abuse and torture of those detained became harsher: Waterboarding by hooded police/military, suspension torture, and electric shock, often to the genitals, became common. Transvestites were treated the worst, frequently being assaulted sexually. Known transvestites were sometimes pulled from their beds by military/police, forced to have sex, sometimes detained and other times returned to their homes or dropped off on the street after the

[20] The military government persecuted leftists, socialists, other political or ideological opponents, and gays; using torture, and other forms of state-terrorism, against those suspected of belonging to these groups, resulting in many deaths and disappearances (those who were taken into custody during this period, never to be seen again-suspected but unconfirmed deaths-are referred to as *desaparecidos*).

"arresting" official was sexually satisfied (Sempol, 53). At one point of the dictatorship, Uruguay had more political prisoners per capita than any other nation in the world (*Los Angeles Times* 1989).

Known gays, lesbians, and transvestites who could, would flee the country, primarily seeking exile in Europe. Those who were able to pay extortion in exchange for official silence could not depend on the duration of the police inaction. Those who did not pay the blackmailers, once freed from detention, frequently ended up without work and in dire personal and financial crises.

The beginning of the end of the dictatorship came when a plebiscite held in 1980, proposing constitutional changes designed to legitimize the dictatorship, was rejected by 58% of Uruguayan voters.[21] The referendum's failure mandated a return to democracy with elections to be held in 1984. We will see that the progression of democratic reforms over the following twenty years excluded the LGBTQ+ population with few exceptions.

Table 1 shows the timeline of the benchmark legislation for LGBTQ+ rights and protections from 2002 -2018; the majority passed during the three FA mandates (2005-2020).

Society did not transform in tandem with the passage of these laws remaining heteronormative, homophobic, and homo repressive. Dr. Sempol refers to the gains of 2005-2018 as a necessary first stage in the battle for equality and inclusion; with the passage of the trans laws in 2018 he considers this stage complete; "having judicial parity is a first stage but having regulation and operation of these laws (is a subsequent stage that) still remains to be done" (Sempol, Interview 2018).

[21] Voting is mandatory in Uruguay for everyone 18 and older, with steep fines assessed for not voting.

Table 1: TIMELINE OF URUGUAY LGBTQ+ BENCHMARK LEGISLATION

YEAR	WHAT LAW AFFECTS	LAW NUMBER
1934	Sodomy decriminalized	Uruguay Penal Code modification
2002	Legal prostitution for women & trans	17.515 de trabajo sexual
2003	Anti-discrimination laws[22]	17.667 against inciting discrimination
2004	Anti-discrimination law[23]	17.817 against discrimination…
2007	Civil union	18.246 de Unión Concubinaria
2009	Open serve in military	Presidential Decree
2009	Gender change on documents	18.620 legalizes name and gender change
2009	Same sex adoptions[24]	18.590 adoption reform
2013	Marriage equality	19.075 matrimonio igualitario
2013	Trans employment initiative[25]	19.133 empleo juveníl
2013	Reproductive assistance	19.167 reproducción Asistida
2017	Ban on Conversion Therapy	19.529 de Salud Mental
2018	Intersex Rights[26]	19.580-Article 22
2018	Comprehensive trans laws	19.684 integral para personas Trans

(Gobierno de Uruguay 2018)

[22] Inciting hate, Contempt, or Violence
[23] The text of law specifies that it was of national interest to fight against all forms of discrimination, specifying "on the basis of sexual orientation and sexual identity" among other groups.
[24] Ley de No. 18.590 Comprehensive adoption reform allowing adoption by same sex partner of natural children, same sex couple adoptions, and adoption by single LGBTQ+. Protects and gives equal rights to adopted children, in same sex situations, and in heterosexual and same sex common-law marraige
[25] Establishes a hiring quota of 2% trans for public employees and gives tax breaks to companies that hire young trans persons (jóvenes trans).
[26] Establishes a protocol against unnecessary medical procedures to intersex minors

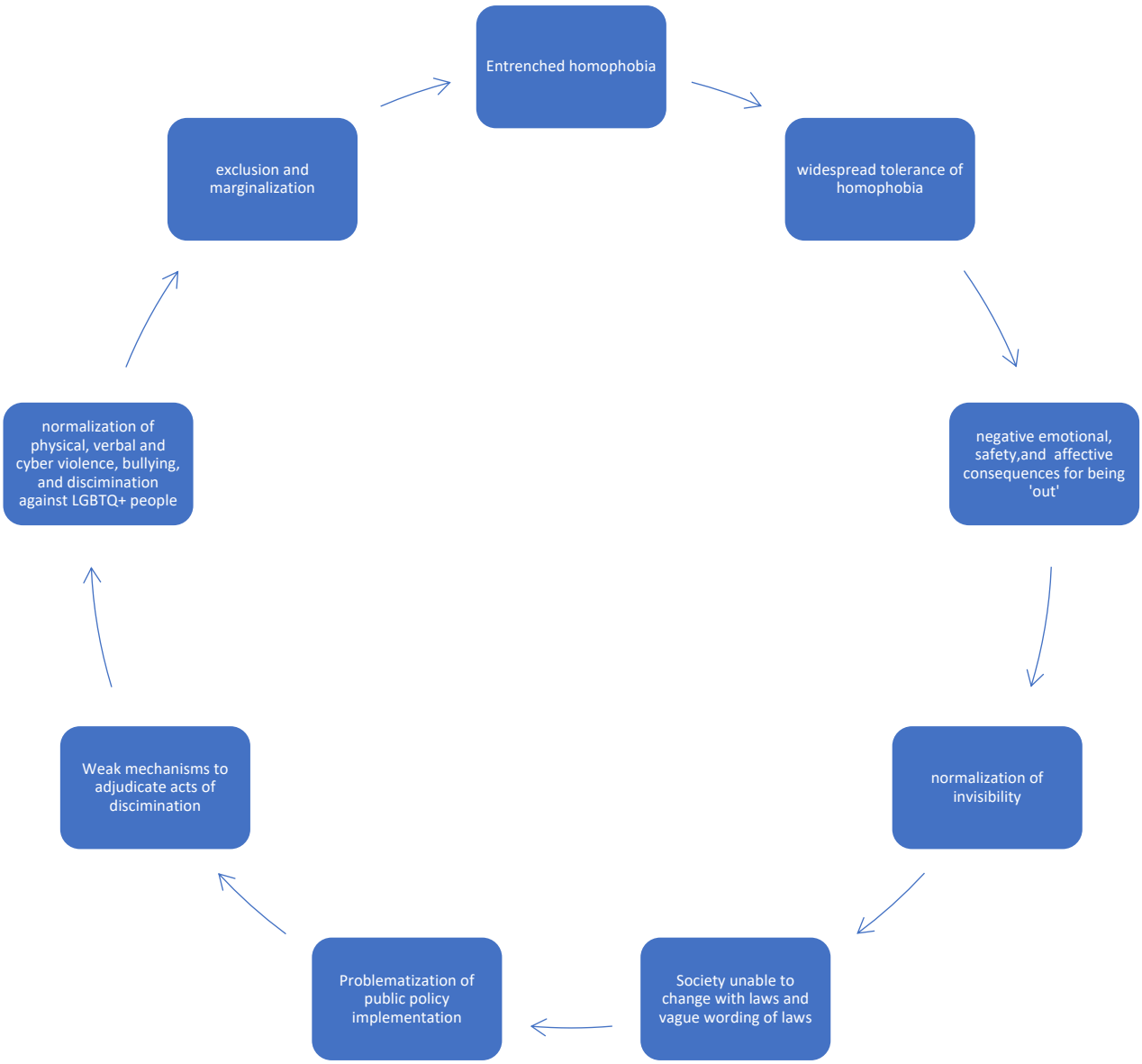

Figure 1: The cycle of entrenched homophobia perpetuates itself Uruguay

In Diagram 1. on the previous page I have visualized how the cycle of entrenched homophobia in Uruguay creates a vicious cycle which perpetuates itself. Similar dynamics seen in Uruguayan society are being replicated in the school place, making the cycle of violence against LGBTQ+ students difficult to break.[27] There are additional exacerbating factors unique to the Uruguayan education system that I will be unpacked in the following chapters. At any point in this wheel one could insert "causing further" or "resulting in".

The spokes of this wheel are:

1. Entrenched homophobia in Uruguayan society.
2. Widespread tolerance of homophobia, which becomes normalized.
3. Negative emotional, physical safety, and affective consequences for being "out".
    a. Internal consequences include depression, suicidal ideation, self-hatred, substance abuse.
    b. External consequences include expulsion from the family home, workplace or school, socioeconomic and psychological damage.
4. The normalization of invisibility.
5. A society unable to change in tandem with laws, that are often vaguely worded.
6. Problematization of public policy implementation; that which is not said.
    a. Illiteracy regarding sexuality and sexual diversity.
    b. Lack of training and awareness in those tasked with changing their attitudes and behavior.

[27] I have put the most salient description of contributing factors of these cycles in the diagram. To elaborate further on the cycle found in Uruguay the following factors/dynamics should be considered: with heterosexuality the hegemonic and only "normal" sexual orientation, the LBGTQ+ identities are "othered" and widely considered abnormal.

7. Weak mechanisms to adjudicate acts of discrimination.
8. Normalization of physical, verbal and cyber bullying, and discrimination against LGBTQ+ people.
9. Reduced visibility.
10. Exclusion and marginalization.

In this chapter segment I will highlight some key events in the LGBTQ+ rights history from 1984 to present times. The purpose of this is to demonstrate several discriminatory dynamics in civil society that persist to this day, in spite of the legal victories. This history and these dynamics provide context that permit us a preview of the factors that are being replicated at the school level; where these students have even less agency to assert and enjoy their rights and protections than heterosexual students. A freedom, *de jure*, be it a right or a protection, is neither until the individual is able to exercise it, *de facto*, in their daily lives.

Society was unable to transform in tandem during the period that the "benchmark laws" passed in Uruguay. The laws earned Uruguay worldwide accolades as Latin America's most progressive LGBTQ+ nation. What history reveals is a political class of acting ahead of its constituents, and a conservative society that was disoriented by these laws. These "new rights" presented a challenge to the homogenous values of a Uruguayan society recalcitrant to accept inclusivity of LGBTQ+ people. This helps explain the disconnect between *de jure* rights and *de facto* realities of both LGBTQ+ adults and students; this is a history of legislation that the voters were not directly involved in. Uruguay did not have its "Stonewall" moment that brought the nation's attention to the beginning of this social movement. Uruguay's was a different history;

passing laws from the "top down" have different outcomes and impacts than those seen when laws are decided by the voting public.

The history of the government's handling of HIV/AIDS was an example of Uruguay's entrenched homophobia that contributed to the exclusion of the gay community by not only society, but by the highest echelon of the public health system. This same homophobia persisted long past the polemic handling of HIV-AIDS time-period included in this study. In 2007 the Minesterio de Salud Público (MSP) published the first sexual diversity health guides for health care providers; these guides remained a source of controversy for many years, with some public hospitals and clinics refusing to distribute them. Several years passed before it was recognized that hands-on training would become a needed public policy for a transformation of the existing system to an inclusive system as the initial workshops were aimed at sensitivity and awareness only, with no actions articulated. Many of the experts I have cited and interviewed speak of Uruguay's "sexual illiteracy". I argue that this type of training is metaphorically the early first stage of a literacy campaign.

THE RETURN TO DEMOCRACY, CONTINUED PERSECUTION AND THE BIRTH OF AN LGBTQ+ MOVEMENT

Per the terms of a plebiscite held November 30, 1980, Uruguay voters rejected by 58% to 42% a new constitution which would have given the military a permanent place in the political process. This vote paved the way for November 1984 elections and the restoration of a constitutional democracy, the lifting of the 1973 ban of the FA party in August of the same year,

and the FA's reinsertion in the political process.[28] Dr. Julio María Sanguinetti of *el Partido Colorado* (PC) won the presidential vote and was sworn into a five-year term on March 1, 1985. The voting itself was deemed to be transparent and fair by international observers, though the selection of candidates in the "traditional" PC and PN parties was highly influenced by the military. The PC received 41% of the vote, the *Partido National* (PN) also known as *"Blancos"* 35%, and the recently restored *Frente Amplio*, (FA), 21%. [29] The FA's 21% vote allowed the party to win seats in both houses and for the first time in Uruguay's history the left had a voice in the political process. The vote also marked the end of the two-party system (interrupted only by military regimes) that had been in place since Uruguay's inception.

Leading Uruguayan historians describe the transitional period of 1980-1989 as much more proscribed; in which the necessary elements of a democracy had been "slaughtered…with no amnesty for political prisoners, investigation and justice for crimes against humanity, reparations for the mass layoffs of government employees, restauration of state institutions etc. etc." describing the first stage as a "transitional dictatorship" from 1980-1984 (Caetano and Rilla, 1998 as quoted in Caetano, 19). The second stage was referred to as a *democracia tutelada* "a guardian democracy" (1985-1989) beginning with the elections held in 1984 with only preselected (PN and PC) parties and candidates given fair and equal public airtime for their campaigns. Though there were more elements of a democratic restauration proscribed by the military the Sanguinetti government was a "government of national intonation" committed to shielding the military from any meaningful charges of civil rights abuses (G. Caetano, 20 años de democracia Uruguay 1985-2005: Miradas Múltiples 2005, 19-21).

[28] Elections would be held every five years; presidents were allowed to run for reelection but not serve consecutive terms.
[29] Invalid votes, and other small parties made up less than 3% of the vote.

Things did not go as planned for the military as Sanguinetti faced pressures from the left to grant amnesty for political prisoners his first days in office, which were marked by tense negotiations with congress; he sent a bill granting amnesty to all political prisoners except those charged with "*delitos de sangre*" (blood crimes resulting in death or injury). Four days later congress sent back a bill granting "a general and unrestricted amnesty" to all political prisoners. Most members of the minority PN joined the FA to pass the bill they sent back approved by fifty-five of the ninety-nine members in congress (five abstained from the vote). Sanguinetti then negotiated a concession regarding allowing new trials for prisoners originally jailed for "blood crimes" before agreeing to sign the bill into law while stating his reticence, freeing over two-hundred-fifty political prisoners jailed by the dictatorship. The Supreme Court ordered the release of these prisoners in defiance of the Sanguinetti's wishes while the legal proceedings were prepared. Some of the prisoners had been in jail thirteen years.[30] Political prisoners included former members of the Tupamaro guerilla resistance that was disbanded in 1972 when all members captured alive were jailed. One former Tupamaro was told that his freedom was contingent on his signing a document stating that he had been treated well in prison; he and all of the former Tupamaro guerillas refused to do so and all were freed a few hours later. (Riding 1985; La Red 2011).[31]

The next year Sanguinetti faced pressure from the right with threats of a coup d'état as cases against military officers were advancing in the courts. In 1986, several military officers were named in legal cases for their alleged participation in human rights abuses that took place

[30] Among the prisoners were Tupamaro militants José "Pepe" Mujíca, and Lucía Topolansky, both jailed in 1972. Mujíca went on to become president from 2010 to 2015, and his wife Topolansky senator from 2005 to 2017, maintaining her senate seat while concurrently serving as first lady during Mujíca's term.
[31] Sanguinetti did get a concession for sixty prisoners charged with "blood crimes" giving the Supreme Court 120 days to conduct trials. For those not charged during this period all restrictions on their freedom would be lifted.

during the dictatorship. General Hugo Medina announced that he would not appear, and other officers threatened that the military would take power should the cases advance. On December 22, 1986, the same day that the first defendants were summoned to appear in Superior Court Sanguinetti signed the *Ley de Caducidad*, granting immunity from prosecution to police and military officers accused of torture, murder, and "*desaprecidos*" and other human rights abuses committed during the dictatorship. The two traditional parties; PC and PN, voted in favor of the law, and the FA voted against it. [32]

A plebiscite to annul this law was put to the voters in 1989; the referendum was defeated on April 16 with 57% voting to uphold the immunity law. The campaign for revoking immunity was known as the "*voto verde"* as a green ballot was assigned to the votes for revocation and the campaign for ratifying the immunity law was known as the "*voto amarillo"* for the yellow ballots assigned to voters in favor of continued immunity. The majority of votes in Montevideo were *votos verdes*, for the revocation, and the majority of the votes from the interior were *votos amarillo*, against the revocation (LaRed21 2009). The immunity law was ratified by plebiscite again in 2009 by 53% in favor of upholding the law. *La ley de caducidad* was finally overturned in 2011 by both legislative branches, signed into law by the president of the republic, clearly declaring that crimes against humanity by "state terrorism" had no statute of limitation protections (Parlimento legislativo de Uruguay 2011).

With judicial investigation of human rights violations committed by the dictatorship excluded from the political agenda of the new democratic government, the subject of LGBTQ+ rights remained very distant from political and public discourse.

[32] Ley No. 15.848 Ley de Caducidad de la Pretensión Punitiva de Estado 1986

In 1984-1985 several gay dance clubs opened in Montevideo. In a climate of continued razzias many closed within their first year. Arcoiris and Controvérsia were the only two clubs spared.[33] For a time, it seemed as though members of LGBTQ+ community had places to gather where they were not harassed (Sempol 2013, 91).

Uruguay had no history of LGBTQ+ activism until 1984, when homosexuals exiled in Europe returned with notions of the politicization of gay rights movements that they had observed abroad. Uruguay's first advocacy groups operated clandestinely, which severely handicapped their ability to politicize their agenda for over a decade. In the face of continued police harassment, and reflecting the fears of the times, gaining entry to the early groups was not easy; introductions from existing members were required. Prospects then faced a process of scrutiny before they were allowed to attend meetings and interact with other members. All who were interested in these early groups had experienced some level of trauma; state brutality, extortion, exile, ostracization, and a different kind of trauma for those who "successfully" survived in the closet. With all members closeted in the public domain at the level of radio, print, television and film; the movement, one could say, was in the closet.

The embryonic movement that began with these exiles in 1985 would eventually develop strategies to insert the LGBTQ+ agenda into an incipient dialog with a reticent left, that came to power on a platform of legislating and governing from a human rights perspective. Once engaged with a small group of lawmakers sympathetic to the LGBTQ+ assertions, alliances were formed with activists representing other historically discriminated minorities and "new rights" arguments were presented from a human rights perspective. This conversation involved a small

[33] Both hired off-duty policemen as security personnel, offering a possible explanation for their relative being spared.

number of actors; consequently, there was low civic awareness, and the laws listed in Table 1 did not involve public voting. There were, however, several events that did mobilize the public in ways that altered the political landscape for LGBTQ+ agenda going forward.

During the first generation (fifteen-twenty years) of democracy the price paid for coming out was unbearably high for most; frequent expulsion from the family home, exposure to violence, social and emotional rejection, unemployment, leading to situations of extreme vulnerability which often led to socio-economic marginalization. One explanation for the first LGBTQ+ groups' relatively low politicization is that upon gathering the need for emotional catharsis and a sense of belonging was so great that it was difficult to gain consensus for actions beyond that (Sempol, 108).

In late 1985 Escorpio, the first LGBTQ+ group, hired a legal advisor, Enrique Reisch, who established a dialog with the chief of police of Montevideo, Dario Corgatelli, a law school friend of Reisch's. Together they brought an end to razzias, capturing several extortionists, one of them a policeman who was tried and sent to jail for six months. A détente of sorts was reached, and the bars/dance clubs suffer no razzias for the duration of Corgatelli's tenure through 1987 (Sempol, 67).

Antonio Marchesano became Minister of the Interior in 1986. In late 1987 he replaced Corgatelli with a new chief of police, Leonel Luna Méndez. A second chapter of razzias and repression ensued in 1988. The raids on gay dance clubs returned, and lesbian gathering places were increasingly targeted. The government of Sanguinetti was attempting to install a state of siege behind the argument of the "necessity" to combat a supposed increase in crimes associated with drugs and "alternative movements" were impeding the restoration of the political system. This was not widely criticized by political groups of the left, as their focus at that time was on

the violation of human rights committed during the dictatorship and discussing what role the armed forces should play in the new democracy (Aguiar and Sempol 2012)

STATE TERROR IN THE NEW DEMOCRACY; PUBLIC OUTRAGE TAKES TO THE STREETS

It was during this second stage of razzias that expanded into heterosexual terrain that the subject entered public discourse. Reflecting changing public opinion, a study conducted in 1989 indicated that 78% of *Montevideanos* believed that police violence was never justified regardless of any possible crime committed, while 14% believed that in certain circumstances it was justified (Aguiar and Sempol 2012, 144).

The first organization established to resist the police harassment in the razzias, *la Coordinadora Anti Razzias* (CAR) was formed in April, 1989 unifying different small anti-razzia neighborhood units, creating alliances and dialog between different groups subject to police violence.[34] *Homosexuales Unidos* (HU) decided to join forces in solidarity with CAR in response to a growing tide of police repression, announcing its participation via flyers distributed mostly at gay bars .[35] HU's presence did not gain media coverage (Sempol, 109-112).

On June 23, 1989, CAR organized its first march, in defiance of police prohibitions against public manifestations with 3,000 participants denouncing the razzias, an event widely covered by different mediums of national press. A catalyzing incident occurred the following month when a young construction worker, Guillermo Machado, was detained by police while

[34] Youngsters attending rock concerts, hippies, punks, and artisans were some of the groups targeted during the second wave of razzias. CAR did not mention the razzias of gays and trans.
[35] Escorpio folded in 1987. The second most important gay support group to form was *Homosexuales Unidos*,1988-1997(Sempol, 82-86).

having lunch with his girlfriend, on July 16, 1989. Prior to his scheduled release hours later he was detained for another week, after an altercation with a police officer over the return of his personal belongings. That evening he was found unconscious in his cell. He was transferred to a hospital where he remained in a coma, where he died eight days later hours after his release. His death had such a strong social impact that the day of his burial, several large labor unions called a strike, as did *Universidad de la Republica de Uruguay* (UdelaR) employees.[36] On the night of July 26, 1989, CAR called for a candlelight vigil that was attended by approximately 30,000 people as estimated by the press. The impact of this news drew the attention of the FA and PN political parties, joining the press in holding the PC accountable for police violence, demanding that the minister of the interior, Marchesano, respond to the public outcry. Due to the minister's poor handling of the matter and with only four months before general elections, his party distanced themselves, leaving Marchesano no choice but to resign. A few days after being sworn in, the new Minister of the Interior, Francisco Fortaleza (PC), announced a review of the razzias and called a meeting of all of Uruguay's police chiefs. [37] His office announced a complete stop of all types of this police action. Though it would be 6 more years before the decree that permitted razzias was legally annulled, the razzias effectively ended for all groups except trans. Public opinion regarding razzias was one of outrage, and the right-wing Colorado Party, campaigning on a platform in favor of a State of Emergency, were badly defeated in the elections four months later (Aguilar and Sempol 142-143).

In August 1989 another young man, Jorge Inciarte Castella, died while in detention. Court cases ensued for both Machado's and Inciarte's deaths. Officers testified that Machado had

[36] UdelaR is Uruguay's public, and largest University
[37] Francisco Fortaleza, (PC)

attempted suicide by hanging himself with his sweater. The officer responsible was prosecuted for illegal arrest (for detaining Marchado after the altercation) but was not convicted. In the case of Inciarte Castella the police testified that he had hanged himself by his trousers. Witnesses said that Inciarte had been severely beaten on his arrest, was bleeding profusely, and was denied medical attention. Nobody was prosecuted in his death (Amnesty International 1991, 4).

Amnesty International's report on Uruguay correlated the *ley de caducidad* to tortures and ill-treatment of detainees during Sanguinetti's first term and nearly two years into the Lacalle presidency at the time their report was issued.

> Legislation which grants immunity from prosecution to the security forces for human rights violations committed in the past contributes to a sense of impunity on the part of those responsible and thereby makes the recurrence of such practices more likely in the future. Amnesty International continued to receive serious allegations of torture and ill-treatment six years after the return to civilian rule. … another fundamental reason that the restoration of constitutional guarantees had been insufficient to eradicate these practices was the lack of effective investigations into most of the reported cases, which reinforces the sense of impunity created by the law, which may have given certain elements within the security forces that such practices are acceptable.

According to detainees' testimonies, the violence included severe beatings, sometimes with batons; near asphyxiation by hooding; electric shocks; injuries to the testicles and being threatened with further torture or death (Amnesty International 1991, 2-3).

In 2009 Manfred Nowak, a United Nations Commission Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment visited Uruguay. His findings were that there was no conclusive evidence of torture in Uruguay, but he did find "large-scale human rights violations" in prisons, police stations, and juvenile detention facilities. His report included appalling instances of prisoners drinking from toilets, and self-mutilation as a means to seek medical care in the Libertad Penitentiary, "which during the military dictatorship became an infamous symbol for torture and ill-treatment. Two decades later, it is renowned for its sub-

human conditions". Similar conditions were found at juvenile detention facilities (UN News 2009)

While Amnesty International concluded that the practice of torture did not appear to represent a widespread and systematic practice, Sempol found that the ill-treatment of LGBTQ+ detainees during the same period was in fact systematic, reflecting a continuation of state persecution of this population specifically. The *de jure* and *de facto* disparities of discrimination and abuse in spite of legal protections is a dynamic critical to this thesis that continues well past the period of the *razzias* of Sanguinetti's first term and continues to be replicated toward LGBTQ+ students as corroborated by studies and the interviews I conducted.

The 1980s was a period when several important South American dictatorships were transitioning to democracies. Amnesty International sponsored "Human Rights Now" a worldwide twenty-city musical tour of acclaimed musicians "to denounce human rights abuses throughout the world". Several NGO's petitioned Amnesty International to investigate and denounce the specific persecution, torture and disappearances of LGBTQ+ people in Latin America in the months leading up tour. The petitions were rejected. The momentum of the international democracy and human rights movements pressuring Latin American dictatorships in the 1980s failed to incorporate the human rights of the LGBTQ+ community in their demands.

The October 14, 1988 concert in Mendoza, Argentina filled to its capacity of 40,000 including thousands of Chileans who unlike Argentines were still living under a brutal dictatorship[38]. The Chilean group Inti-Illimani, exiled in Italy, performed. Sting wrote and performed a protest song directed at Augusto Pinochet for the concert, recording both a Spanish

[38] The Argentine dictatorship ended in 1985.

version “Cueca Sola” and an English version “She Dances Alone”. Bootlegged copies of the Spanish song were widely distributed in Chile. The Cueca is a traditional folkdance in Chile involving a man and a woman. The lyrics of the song refer to the wives and mothers dancing without their husbands and sons; Chile’s *desaparecidos.* The concerts brought worldwide attention and outrage over the torture, murder, and disappearances of the Southern Cone.

Amnesty International, the most powerful Human Rights group worldwide, again refused to investigate and address the claims of the International Lesbian Gay Association (ILGA) petition in 1989 (Sempol, 115).

HIV-AIDS AND PUBLIC HEALTH

The first case of AIDS was diagnosed in Uruguay in 1983, generating widespread public alarm, bringing with it a new wave of anti-gay sentiment. The disease was assigned names in the press such as “the pink plague," "the devil of Aids," and “God’s whip." (Gobbi, Villar). For the next four years the government and the press treated HIV-AIDS as an external phenomenon, brought to the country by homosexuals and their “promiscuous” behavior, and not as a national health problem. The first HIV-AIDS campaigns of the Julio Sanguinetti (M.D.) administration; “*Sida o vida*” (AIDS or life) did not appear until 1987.

In 1987 Uruguay established a National AIDS Program, *Programa Nacional de Sida* (PNS) which functioned under the MSP. PNS was successful in screening blood banks during the rest of the first Sanguinetti administration, but was censured and thwarted in its efforts to educate Uruguay about transmission and prevention. HU continually asserted that the topic belonged in the political and social discourse, not exclusively in the public health discussion. HU

rejected the categorization of "high risk groups," (prostitutes, drug addicts and homosexuals) calling out the shaming and exclusion implicit in this government rhetoric. HU also criticized the shortages of infrastructure to attend to the needs of those sick with HIV-AIDS, and the problems of access for the population in the interior (MereRouco and Buquet 2003).

The government's actions (and inaction) illustrate a homophobic state whose public policies are hostile to LGBTQ+ people. I believe that it is important to keep in mind that HU's voice was limited; it sent letters to the Ministry of Health and to the editors of newspapers (the majority unpublished), posted its flyers in gay bars; reaching a very limited audience. It did not obtain significant power as an actor during this time period.

The government of Luís Alberto Lacalle (1990-1995) also antagonized campaigns promoting the use of condoms to prevent the transmission of HIV-AIDS. The first ever public health publicity was designed by MSP in 1991 showing a condom. The first three spots were financed by the World Health Organization. The Minister of Health, Carlos Delpiazzo, prohibited their airing citing that the campaign was not considered suitable for the idiosyncrasies of Uruguay. Thousands of young Uruguayans from all political parties took to the streets to reject his resolution (*El País* 1991; *Redacción El Tiempo* 1991). When the relationship Delpiazzio had with Opus Dei became known, several of Delpiazzo's high cabinet officials resigned, and the minister was questioned by opposing parties (PC and FA). Once this censorship was covered by the news, Delpiazzao and his sub secretary were questioned harshly by the press, leading to their resignations in August of 1992. For almost the entirety of the Lacalle presidency all efforts to distribute condoms were halted by conservative politicians of the PN party. The use of the word *preservativo* (condom) was censored almost entirely from all MSP publicity leading to confusing public health messaging (Amado 2009). The prevalence of Opus Dei Catholics , one

of the most conservative, if not reactionary, Catholic organizations in the political class remains one of the dichotomies found in Latin America's first country to separate church and state.

The discourse of the second term (1995-2000) of Sanguinetti was also aligned with the moral beliefs of the Catholic Church. Public Health campaigns relating to HIV/AIDS remained scarce. A network of grass-root NGOS *La Red de ONGs con trabajo en SIDA* (ROUS) was working to get accurate information out but was operating with scarce resources. The few government campaigns that were carried out were based on fear, monogamy, and aimed at the heterosexual population. Margarita Serra, the first director of PNS stated in a televised interview "HIV/AIDS is a characteristic of this group {referring to homosexuals}. Evidently homosexuals transmit HIV to bisexuals, and bisexuals transmit it to heterosexuals, and heterosexuals transmit it to women" (La República 1997). Serra received harsh criticism but did not retract her statement. ROUS obtained more agency when it was officially absorbed into the PNS. The handling of the HIV-AIDS crisis illustrates Uruguay's entrenched homophobia at the highest levels, of a state unable to implement its own public policies, and of politicians acting more on behalf of religious institutions than on the well-being of its citizens.

In 1995, sex workers were allowed to enter the formal economy, accessing disability and retirement benefits that other self-employed workers enjoyed. This provision of the Social Security Institution, *Banco de Previsión* Social (BPS) permitted sex workers to collect a partial disability pension if they acquired the HIV virus, and a full retirement if they developed AIDS. Certain benefits were excluded from the bill by presidential veto; access to the DISSE system, which offered the self-employed access to private health, and another benefit which allowed pregnant women, and parents with minors to collect a bi-monthly subsidy, in accordance with their salaries (Banco de Provisión Social n.d.). The history of legislation and/or public policy

changes that result in *partial* improvements for intended beneficiaries is seen repeatedly in Uruguay; as is a consistent outcome of the need to find fixes at a later date. It would be seven years later in 2002 when sex work is *legalized* for all adults over the age of 18, including trans; this norm created a National Commission for the Protection of Sex Workers.[39] Among other provisions, this law allowed trans sex workers access to the DISSE private health option and the other benefits excluded by presidential veto in the law passed seven years earlier. Red light districts were established in almost all of the country, but not in Montevideo; a curious provision not seen in any other social legislation of this nature.

Though the Joint UN Programme on HIV/AIDS, UNAIDS published its first country fact sheet for Uruguay in 2004, the statistics given were estimates, with enormous ranges between a low estimate of 2,800 and high estimate of 9,700 for the estimated number of adults and children living with HIV/AIDS, end of 2003. In 2001 the country reported spending of 661,000 Uruguayan pesos (52,880 dollars) on epidemiological surveillance. It was not until 2012 that MSP began to publish an annual report with statistics and resources that was made available to the public (Ministerio de Salud Pública 2012). In 2013 MSP published a scientific paper with statistics for the 2005-2009 period.

The response to HIV-AIDS crisis exposed the homophobia of society and government as reflected in the policy response to the epidemic. During first fifteen years of the democracy, the movement for greater rights for LGBGTQ+ rights was weakened by survival strategies, cultural shaming, and a public health response that appeared to have been more designed to punish than to provide treatment to those (assumed to be gay) with HIV/AIDS. This had the effect of pushing

[39] Ley de Trabajo Sexual No. 17.515

men who have sex with men (MSM) further into the closet, frequently not seeking medical treatment and not telling their sexual partners about their HIV status.

A National AIDS Committee was created in 2005, and was only able to begin functioning regularly in 2008, "due to the active engagement of social collectives pursuing other diversity issues" (Johnson 2019, 69). This was twenty-two years after the first cases appeared in Uruguay; again, demonstrating Uruguay's recalcitrant homophobia and inability to rally to meet the calls of its progressive laws with reasonably timed public policy changes. In the fourth chapter of this thesis "What is being done" I will report on the efforts to destigmatize and professionalize health services in "homophobia free" medical centers that continue to this day.

By 2017, 12,684 residents of Uruguay had been diagnosed HIV+. Sixty percent (6,954) are receiving retroviral drugs. Of those 80% (5,673) are "undetectable", and according to the Ministry of Health are no longer contagious. [40] MSP reports that early diagnosis and access to free medication has improved the quality of life and reduced annual AIDS related deaths from 200 "in previous years" to 160 in 2017 (Presedencia de la Republica 2018).

LGBTQ+ MARCHES IN URUGUAY

The first street gathering in Montevideo, organized by HU, was attended by a small group of lesbians and gays who gathered in commemoration of the *Día del Orgullo Gay* (Gay Pride Day) in 1992, carrying banners that stated "*No más discriminación*" (Sempol.148). By 2012, 18 organizations of different social and political identifications collaboratively organized the march attended by approximately 20,000

[40]This position has also been adopted by public health in the U.S. (Center for Disease Control 2017).

The following year the first Gay Pride March, *la Marcha del Orgullo Homosexual*, was attended by approximately five-hundred people, the beginning of an annual tradition to commemorate the Stonewall Uprisings of 1969. The press covered the event frivolously; all political assertions were ignored, the events were covered as "gay *carnavales*", and the photographs published were of the most salacious bodies. There was no serious conversation with the press about participants' sexuality and how repressed non-heterosexuals had to live in order to have full citizenship in Uruguayan society. This marked, however fragile, the beginning of visibility.

In 1997 the pride march changed its name and slogan from Homosexual Pride to "*Orgullo de Ser; orgullo de escoger*" (The pride to be for the pride to choose).[41] According to lesbian activist Diana Mines this was a strategic bet of the movement, to represent the liberation of all who for distinctive reasons, could not be their authentic selves in their daily lives. (*El País,* September 29, 2007).[42] Attendance at the march rose from a waning average of 120-200 people between 2000 and 2004 to 20,000 in 2012 (*El Observador*, 2012). Non-LGBTQ+ organizations began participating in the organization committee of the Diversity March.

In 2006 the name was changed again to *la Marcha por la Diversidad*. The strategy of the name change for the annual march was to attract individuals and groups who feel discriminated against for reasons other than their sexual orientation, *while publicizing the anti-discrimination arguments that were being argued in the political process*.

Many years later Andrés Scagliola (Uruguay's first openly gay politician) would elaborate on the statement of Mines, explaining the intent of the name change; that the idea of

[41] Until 2006 when the name was changed again to la Marcha de la Diversidad- the March for Diversity.
[42] Diana Mines was the first lesbian activist in Uruguay, who will be introduced in the next chapter

the march had always been to show LGBTQ+ pride for those who had been shamed, and that pride for other groups who had been shamed was at the heart of the name change. He was interviewed just prior to the 2018 March for Diversity:

> The movement has not changed its identity, rather it has been stitching alliances with other movements, this is why it is not a march for sexual diversity rather for diversity. The proclamations include the demands of Afro descendant, youth, women, and disabled advocacy groups. Though the march is led by sexual diversity (groups) it seeks to generate a larger movement that condenses many fights for equality. It is expected that 100,000 people will march this year" (El Observador 2018).[43]

THE MOMENT THAT THE MOVEMENT CAME OUT OF THE CLOSET

Referred to as *the movement came out of the closet*, a widely viewed evening television program, "*El Reloj*" hosted by Ángel María Luna aired a two-hour primetime special on June 27, 1997 discussing homosexuality in a roundtable with Fernando Frontán, a gay rights activist, Diana Minas, a lesbian activist, and a panel consisting of an evangelical minister, a housewife, and a (female) nursing aid.

Frontán recalled the event for his interview with Sempol:

> In 1997 we began the week of LGTTB Pride.[44] The press would not publish our communications, which had become the norm. Neither would we get a response from the TV program "El Reloj" which we had been sending our communications to. Diana and I gave a lot of thought to what we could do in Uruguay to get attention. We had just returned from a workshop of activists in Argentina, where we had learned several tactics to gain visibility; *El Ecuménico para las Minorías Sexuales* (EELMS)-Argentina presented a letter written that May and addressed to the leaders of many different churches inviting them to discuss their theologies and participate in a workshop of {Homosexuality and Christianity}.[45] Diana and I decided to do the same here. I brought

[43] The turnout to the 2018 march was widely estimated to be 120,000.
[44] For a time, the moniker used in Uruguay was LGTTB, referring to lesbians, gays, transvestites, transgender and bisexuals.
[45]EELMS-Uruguay was formed in early 1997 as a space of support and reflection for people who felt they had been discriminated against, isolated, excluded based on their "sexual-affective orientation and/or gender identity (Documento Carta de Principios, Archivo Frontán as quoted in Sempol, 173).

> the invitations to channels seven and nine in San Jose, one invited me to discuss the letter on air for their mid-day news hour, and the other filmed me prior for their daytime news hour. Both anchors spoke about the letter, but they really had very little to say about it; when they asked me what the bishop or the other churches opinions were, I responded that they should ask the bishop and the churches.This caused such a scandal that the same Monday I was invited to appear on the afternoon talk show on channel four "*De igual a Igual*" which only added to the scandal. After that appearance, Ángel María Luna, the host of the primetime show "*El Reloj*, had somebody call me that day to ask if I would appear on his program that night. I spoke with Diana and I responded that I would only participate if Diana was also invited. …only an hour before the show Diana decided to go and we appeared in Channel ten (Frontan 2009).

The show began with opening statements by Frontán and Mines, followed by a roundtable discussion with the other panelists and the show's host, and call in live participation by viewers, most of the calls more hostile than friendly to Frontán and Mines. Mines stated "I assert (reivindico) the healing power of words. To be able to say things out loud heals the soul." The show changed the narrative of homosexuality. Frontán referred to his (and by extension all gay and lesbian) sexuality as innate, not a sexual alternative, or sexual option, rather as his orientation (RELOJ 1997).

Both Frontán and Mines lost their teaching positions as a result of this interview; Frontán's high school teacher position, and Mines' university professoriate confirming and reinforcing that coming out publicly brought grave consequences. Both also began to receive death threats. Until this time no LGBTQ+ groups or individuals had been able to politicize their activities to a national audience. They correctly perceived risks and had prohibited this for the first twelve years of the movement. History changed when Frontán and Mines appeared on prime-time TV on the eve of the 1997 March for Diversity. With visibility came access to the political system, for the two activists. Both created alliances with politicians who would become decisive actors in the progressive construction of a parliamentary agenda. Frontán became well

known as a leading figure in the LGBTQ+ movement, gaining frequent press coverage which helped propel the trajectory of the movement.[46] "I had been going to parliament daily since 1995 and nobody would even talk to me…after I began to appear on TV I would go to parliament, and I would be served coffee" (Sempol, 185).

As was the case with the razzias, this particular aversion Uruguay has regarding the production of knowledge is seen again in the dearth of written and digital history of the LGBTQ+ movement. Even the testimonial history that does exist has not attracted widespread interest in the topic of LGBTQ+ history. The virtual "turnout" of this critical moment in Uruguay's LGBTQ+ history was quite low. When I first watched the 1997 episode of the "*El Reloj*" on YouTube in January 2019 it had received a mere 167 views. This speaks volumes to the lack of interest in the history of the LGBTQ+ movement of Uruguay by Uruguayans *and* Critical Gender Studies academics and activists worldwide to this day. It just seems to be a non-topic to a public greater than those involved in some aspect of the subject.

Frontán and Mines became quite visible as a consequence of that show; Frontán in particular became the face of the movement. Mines was just as active, but due to the invisibility of lesbians in Uruguay she did not receive the same press coverage as Frontán. Both played a key role in getting the LGBTQ+ agenda into political debate. Mines underscored that when the gay movement asserted their right to live their lives fully the fact that we live with a large quantity of injustices, repression, and mutilations was unearthed; our culture is very mutilating to sexuality in general (RELOJ 1997).[47]

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[46] Mines was just as active as Frontán; reflecting the patriarchal society of Uruguay at that time no woman, especially not a lesbian, would be taken as seriously as a man.

[47] *Cotidiano Mujer* formed as a feminist group in 1984, whose objective was to create its own media to achieve visibility and a voice for the women's movement. Almost all of their members were active in different sectors of the FA and in labor unions. It was debated internally if lesbians, who represented a minority in the group should politicize their sexuality the main concern being the risk that the feminist agenda would have a negative impact on

A newer group, Diversidad, formed and Mines and Frontán were central figures, but again, most of the members were too fearful about the negative consequences that participating in political activities that implied "coming out"; the group realized that treating members' trauma was their first task. The group brought in psychologists and created a space for members to come out to their families (Sempol, 168-170).

Many smaller groups were formed in the 1997-2007 time period; *Ovejas Negras*, established in 2004, and *Asociación de Travestis del Uruguay* (ATRU) formed in 1992 are the only groups from this period to have endured that remain active to this day.[48] *Ovejas Negras* became a significant actor in the political processes and as a participant in designing public policy and as a board member of the The Honorary Committee against Racism, Xenophobia and all Forms of Discrimination with MIDES. They also worked on collaboration with research projects of academics. *Ovejas Negras* designed and implemented the nationwide study of LGBTQ+ students with technical assistance from GLSEN and *Toda Mejora Chile*, and funding from MIDES. The *Ovejas Negras* Study was the first and largest research conducted to date of this population. The findings of this study, which I will discuss in the next chapter was my starting point in researching this topic.

For the next fifteen years after the 1997 TV program, Frontán occupied a leadership role in the LGBTQ+ movement and had first-hand knowledge of the discrimination and aggression experienced initially as a closeted homosexual, then as an activist, and following that as a participant in the legislative process. He reported to me that he participated in writing the first

the visibility of the women's movement. In 1991 the magazine, published an edition dedicated to lesbianism featuring two women kissing on the cover. In a mea culpa editorial titled "Feeding the Beasts" an apology was made for their part in contributing to the invisibility of lesbians (Sempol, 138-139).

[48] Originally founded in 1990 as la Mesa Cooordinador de Trasvestis (MCD) changed name to ATRU in 1992

laws that gave affirmative recognition to LGBTQ+ people as the objects of hate crimes from 2000 to 2003, the discrimination laws from 2004 to 2005 as well as the first law that recognized same-sex unions from 2003-2006 (Frontán 2019).

THE BATLLE PRESIDENCY

Jorge Batlle (PC) was sworn into office in 2000, beginning the third consecutive administration of the PC. Under Batlle, Washington Abdala (PC) became Speaker of the House. During the Batlle presidency the LGBTQ+ movement leaders began to initiate high-profile conversations with Abdala and sympathetic politicians. In 2000 Abdala and the movement organized the first parliamentary forum about sexual diversity and legal rights. Representatives of the Catholic and Methodist Churches, Amnesty International, and other entities participated. Seven deputies from the four largest political parties participated. It was here that Abdala publicly announced three legislative projects. First, a bill for the legal name change of transsexuals. Second, a project that recognized the legal vulnerability of same-sex couples. Third he proposed a reform of the existing discrimination laws to include the categories of sexual orientation and sexual identity (Sempol, 188)

Homophobic comments by politicians had been widely tolerated up to this point in Uruguay's history. That changed as a result of the fallout from a November 1, 2001 interview with Clifford Krauss at the *New York Times* President Batlle said, on the record:

> …that the beach resort of Sitges (Spain) was much better when my ancestors lived there…it is now full of homosexuals. I want human beings to be what we are; men as men, and women as women. I prefer normality. Everybody should elect their destiny, that is their right…but if there is a pathology it is better to correct it…I say what I feel, I am not a hypocrite…I like women (Clifford Krauss 2001).

Covered by Uruguayan reporters, Uruguay woke up to the news covering and criticizing the president's comments. Batlle doubled down, publishing a full transcript of the interview on the official presidential website the next day adding some text that Krauss had diplomatically omitted. Queer activists feared that Batlle's words would incite violence against gays. Fernando Frontán accused Batlle of wanting to ingratiate himself with both Opus Dei and the Reverend Moon, both who had contributed financially to his campaign. Activists launched an international online letter writing and fax campaign rebuking Batlle's comments directly to the president's office, with cc's to Diversidad and to the earliest political ally, speaker of the house Washington Abdala (PC). Mines and Frontán both wrote editorials which were published in the local papers (Simo 2001) . By this time the movement had engagement with both the press and engagement with sympathetic politicians. After the political & press rebukes, Batlle ceased to speak disrespectfully in public about gays.

During the Batlle presidency the first reform of the existing anti-discrimination law that Abdala had proposed in 2000 was enacted in 2003 to include the gender identity and sexual orientation categories.[49] In 2004 a "stronger" reform of the anti-discrimination law against Racism, Xenophobia, and Discrimination was signed into law, establishing criminal penalties for the *perpetrators* of discrimination and hate crimes based on the same inclusive list of categories including "sexual orientation or identification" and "gender identification". [50] Viewed as an attempt to fix the loophole created by the 2003 laws, this passed with a unanimous vote in the Senate and close to a unanimous vote in the House of Deputies.[51]

[49] Ley 17.667 "first amplification of law 16.4087 that named LGBTQ+ and other historically discriminated groups specifically.
[50] Ley Contra el Racismo, la Xenofobia y la Discriminación, No. 17.817, 2004
[51] The 2003 law criminalized the inciters of discrimination and hate crimes but did not criminalize the perpetrators.

The 2003 and 2004 legislative gains did not always translate into real change as there were no effective mechanisms for implementing public policies in accordance with these laws viable freedoms and protections remained problematic. Filing a grievance of discrimination was done via "Honorary Commissions" that very limited power as the scope of their mandate was relegated to receiving and documenting complaints and referring cases for judicial review; a mechanism that very rarely led to actual court cases. Beyond their role as notetakers of oral histories they held no power of recourse or adjudication. To illustrate, the laws of 2003 and 2004 provided sentencing guidelines, but not civil penalties for inciters and perpetrators of discrimination and hate-crimes; the majority of hate incitement crimes do not rise to the penal level of criminality, leaving the victims of these crimes without any mechanism to remedy these more common acts. Consequently, LGBTQ+ people remained unprotected from the most common forms of hatred and discrimination.

CONSERVATIVE ACTORS FIGHT THE NEW AGENDA

Beginning with the first anti-discrimination laws of 2003 the Catholic Church began to publicly condemn the visibility of the LGBTQ+ movement, disputing their moral and social legitimacy. In the first application of the anti-discrimination law in favor of a same sex partnership, an appellate court awarded a cash settlement to the plaintiff for pain and suffering when his partner died in a car accident. The judge said that the relationship had to be recognized as "a legitimate domestic union between homosexuals"

In response Nicolas Cotugno, the Archbishop of Montevideo, who became known for his frequent anti-LGBTQ+ statements to the press, in an interview said:

> In Uruguay there is a wave of anti-values contributing indirectly to Parliament and the Judicial Branch that could result in a situation that legalized a relationship between a man and an animal. He went on to say that homosexuality could be compared to a contagious disease…that one who has been contaminated should be quarantined to avoid spreading it to others….put them in isolation to treat them, and once cured, return them to society (La Red 21 2003)[52]

Diana Mines publicly repudiated the Archbishop, accusing him of trying to win points with the Vatican for his career ambitions to become a cardinal while Frontán turned Cotugno's words around on him pointing out that if there was a "contagious and aberrant" disease that was a menace to society it would be homophobia (Brecha, as quoted in Sempol 197). An official communiqué signed by Abdala, Margarita Percovich (FA) and two other deputies denounced Cotugno's statements, validating the relationship of the plaintiff and his partner as reciprocal and legitimate (*La República* August 19, 2003).[53]

The Montevideo city government emitted a repudiation of the Archbishop. The Medical Association of Uruguay rejected the pathologizing of homosexuality, indicating that "only in totalitarian and dogmatic regimes have religious and ideological fundamentalists isolated and persecuted homosexuals and other minorities, throughout history, including our history". The association of Uruguayan sexology publicly condemned Cotugno's ideas of normality, marking the first public criticism of a homophobic statement did not involve an actor with direct ties to LGBTQ+ groups. The press treated the matter as one of free speech for both sides. Sempol uses this example to argue that in the absence of specific legislation to protect the LGBTQ+

[52] Italian-Uruguayan Nicolas Cotugno Fanizzi, was appointed Archbishop of Montevideo December 4th, 1998. He retired February 11, 2014 and now holds the title of Archbishop Emeritus of Montevideo (Catholic Hierarchy n.d.) Cotugno was known for his vociferous public attacks on LGBTQ+ persons and allied politicians. Several instances of his declarations are cited in this chapter.

[53] Percovich, a feminist who was one of the founders of the FA, at that time was mayor for a wing of the party in Montevideo, would go on to be a senator during the first and third FA governments, and one of the first and staunchest allies of the movement, collaborating on strategies to present and argue many of the bills that became laws granting protections and rights to the LGBTQ+ population.

population- discriminatory and violent expressions had the same validity and would be justified as a difference of opinion in a democracy. In spite of this, the political system began to discuss the concepts of discriminatory language, with almost all parties deciding to abandon discriminatory language to avoid the stigma of being called homophobic (Sempol 197-198).

THE LEFT'S RISE TO POWER

The FA came to power in Montevideo in 1990 when Tabaré Vazquez (FA), oncologist and captain of a popular soccer team won the mayoral election of Montevideo, marking the first time that a candidate from the left held what was widely considered the second most powerful political position in Uruguay, while gaining the FA a large presence in national politics.[54] In 1994 Tabaré Vazquez (FA) ran for president, obtaining 30.6% of the vote (Instituto Nacional de Estadística Uruguay n.d.). Tabaré Vazquez ran for president for the second time in the 1999 elections obtaining 45.9% of the vote and losing to Jorge Batlle (PC) in run-off elections. Vazquez finally won the presidency with 50.4% of the vote in the 2004 elections (Instituto Nacional de Estadística Uruguay n.d.).

The FA assumed power at the national level in 2005, having also won majorities in both houses of congress in accordance with Uruguay's proportional representation system. The FA candidates campaigned on a platform of "human rights and equality of social classes". The 2004 campaign rejected all of the petitions from LGBTQ+ and other "special rights" activists, calling the sexual diversity, feminist, lesbian, and afro-descendant movements "an immaterial agenda".[55]

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[55]Activists, however, were able to work with the allied feminist caucus in congress; who included the LGBTQ+ agenda in a 'new rights' agenda, presenting bills representing other minorities not included in the FA platform, and

The FA maintained power in all branches for a second and third term, with the 2009 election of José "Pepe" Mujíca (2010-2015 term) and the 2014 election of Vazquez for a second term (2015-2020). In 2019, the FA candidate lost the general elections to a multi-party center/right coalition, ending the fifteen-year period of FA rule.

INCIPIENT VISIBILITY ARRIVES TO MONTEVIDEO AS LEGISLATION ADVANCES

The *Plaza de la Diversidad Sexual* was inaugurated February 2, 2005. Measuring 400 square meters (4,305 square feet) Montevideo was the first city in Latin America to dedicate a physical space dedicated to sexual diversity. A concrete marble monolith, half pink and half black in the shape of an upside-down triangle symbolizing the patches gays and lesbians were obliged to wear in Nazi concentration and extermination camps was unveiled at the ceremony. The inscription at the base reads "To honor diversity is to honor life. Montevideo for the respect of all gender identities and sexual orientations" (*Intendencia de Montevideo* n.d.).

The project was approved with a unanimous vote by the Montevideo regional government (*junta departamental*). According to Diego Sempol a unanimous vote of this type is rare and merits an explanation:

> One possible hypothesis is that the ambassador of conservatism, Monsignor Cotugno, not only failed at making a dent in the political class, rather it (his comments) had the unintended consequence of strengthening the "liberal common sense" that made projects and commemorations of this type totally viable. It is very difficult, from a liberal republican matrix, to object to anti-discrimination laws and the creation of public spaces than denounce the horrors of intolerance and authoritarianism. These measures had a very low political price; they did not generate new rights, rather they fed the myth of "Uruguayan Exceptionalism"…and refloat the old Batllista tradition of progressive laws

the process of incremental legislative gains seen in table 1.1 began. Most of the benchmark laws were passed in the 2007-2018 period

> and social agendas that differentiated Uruguay in the Latin American context…and the way we refer to ourselves in our collective imaginary.[56] Approving the plaza project was a sign of "modernity" proving that Uruguay was keeping up with the times: including sexual dissidents in the matrix of Uruguay's citizenship (Sempol, 218).

The inauguration of the plaza was covered by the national press with the vocabulary consistent with the narrative of the hyper integrative state of Uruguay; "tolerant", "pioneer and defender of human rights", and "leading Latin America in regard to sexual diversity". This was viewed by the LGBTQ+ movement as their first permanent conquest of public space, unlike the marches where they were temporary occupants. No representatives of the PC or smaller parties were present for the ceremony. After the act, Mariano Arana, Mayor of Montevideo in response to questions from journalists stated that he was willing to promote the rights of gay couples with "the strongest measures possible" (Sempol, 213).

Sempol describes the monolith as a transnational "memory vehicle" that was the result of a complex process of self-identification that began with Mines and Frontán. Linking local actors to historical global events could also be seen as a political strategy by the activists; asserting recognition of the suffering (in the present) with persecution suffered by the gay and lesbian victims of the Holocaust.

The ILGA was arguing for recognition of the term "homosexual genocide" by the United Nations. For many activists, "genocide" was problematic; on many occasions Frontán argued

[56] President Jorge Batlle (term 2000-2005) 4th president from a long lineage of political figures; his father Luis Batlle Berres (term 1947-1951), his great uncle José Batlle y Ordoñez, (terms 1903-1907 and 1911-1915) and his great-great uncle Lorenzo Batlle y Grau (term 1868-1872) were all presidents. Batlle y Ordoñez is revered for his social reforms that included separation of church from state. The "Old Batllista Traditions" refer to the expectations that the Luis Batlle and Jorge Batlle presidencies would carry on and forward with the legacy of José Batlle y Ordoñez.

that the genocide of gays should be referred to as the "Gay Holocaust". An article of his was published in the local newspaper:

> For 60 years we have tried to avoid, hide, ignore and deny the homosexual Holocaust of the second world war, in which more than 50,000 people were persecuted, brutalized, submitted to barbaric scientific experiments and finally exterminated, due to their sexual identity, 50,000 lesbians, transvestites, gays and sex work "*desaparecidos*", 50,000 lives that demand vindication from the darkness of history…The Holocaust reminds us that "Never Again" is the reason we should continue fighting (*El País*, July 3, 2005).

To speak of "*desaparecidos*" and "Never Again" reassigned the events of the Second World War to the events (of the present) post-dictatorial Uruguay, establishing the similarities of the assertions of the local human rights groups with the assertions of the LGBTQ+ organizations Sempol cites Frontán's article as clearly alluding to Cotugno's declarations, as well as the minute legislative advances realized at that time. This aspect could be understood as a decisive factor in explaining the unanimous vote approval; it would label any opposing voters in the "fundamentalist" group, as accomplices to "the final solution" (Sempol).

Interviewing Frontán further on this idea:

> The homosexual genocide is the wording of a society that does not value diversity. In the discourse of diversity we associate many things with human rights, when we violate the rights of one, we put everyone at risk… that Montevideo would have an icon that manifests a unanimous agreement that the city is saying that we do not want to enter through this door. This was a very good thing now we have a triangle that reminds us how we could arrive to label others, warning us about the possibility of new discriminatory triangles (Frontán Interview by Sempol 11/28/09).

In accordance with the anti-discrimination laws of 2003-2004 that stipulated the creation of "The Honorary Commission against Racism, Xenophobia, and all Forms of Discrimination" the commission was inaugurated in 2007. The law originally called for a board with three

members, but due to the growing size and importance of the LGBTQ+ movement a fourth seat was established, and the authorities selected the candidate endorsed by *Ovejas Negras*. The purpose of the commission was to document cases of discrimination and decide which cases should be referred to the courts for judicial review. José Gramallo, the educational liaison of *Ovejas Negras* told me that the complaints regarding LGBTQ+ students first go to ANEP, and that to his knowledge every case was "buried" by the administration and that not a single case was ever reviewed by a judge (Ramallo 2018). This was corroborated by Diego Sempol who had personally reviewed every complaint filed with the commission as of the end of calendar year 2017 involving discrimination or violence based on the categories of sexual orientation and gender identity; no cases had ever resulted in a trial (Sempol, Interview 2018).

MIDES was established 20 days into Vazquez's first mandate. An emergency provision, known as the Ley de Urgencia was used to pass the law.[57] Social crises on various front were cited; poverty, situations of vulnerability, health, employment, and housing. A monthly stipend was created for those living beneath the line of poverty. Three years into its existence, in 2008, MIDES finalized the "*Plan de Emergencia*" and began addressing inequities for historically discriminated minorities in a "*Plan de Equidad*."

MIDES was given a broad mandate to change institutional and individual behavior via novel public policies, studies, and pilot programs.[58] With only the carrot and stick precedent in the social behavior policies of Uruguay's history, MIDES tries to be neither; seeking to analyze the structure of behavior inconsistent with the social laws from multiple perspectives. They design projects using inputs from psychologists, sociologists, cultural anthropologists, feminists,

[57] Ley 17.866 Ley de Urgencia
[58] I will be extensively about MIDES's public policy iniatives in Chapter 4: What is Being Done.

LGBTQ+ activists, politicians, educators, union representatives, and members of the judiciary, among others. Several of the problems that fell under their purview in addition to LGBTQ+ inequities (gender-based violence, e.g.) required cooperation of many actors; institutions that had histories of not always working collaboratively. Many of their initiatives had never been tried before; in studying their 2018-2020 plan for sexual diversity it seems as though they have a "let's try everything and see what sticks" approach, incorporating input from, and assigning actions to, over twenty involved institutional actors, expecting cooperation for these assigned tasks. Though the institutions formally agreed to policy changes in the Sexual Diversity Plan for 2018-2010 designed by MIDES, these entities are often conflicted, inefficient, bureaucratic, and resistant to change; implying radical changes, these actors are less agile than expected. Some initiatives are being successfully implemented, the majority remain small and embryonic, while others considered more promising will be expanded at larger scales with larger budgets. As a historically young ministry, MIDES continues to operate with a flexibility not seen in other ministries (Graña 2019).

The majority of my interviewees cautioned me that a victory of the right in the 2019 elections could lead to drastic cuts in the funding and mandate of MIDES; removing much of its power as guarantor of LGBTQ+ rights and actor in public policy initiatives.

FEMINISM AND THE LGBTQ+ ALLIANCE

Women's groups had a distinctly different history than LGBTQ+ groups; they had begun to operate during the earliest years of democracy, and their members had not faced the state terror that individual LGBTQ+ group members had. They built a foundation with the networking among feminist NGO grassroots groups, women in trade unions and political parties, and female

politicians. In 1995, while still a minority party, more than half of the FA elected to congress were women (Johnson 2019, 9-12).

LGBTQ+ activists saw the victory of the left, in alliance with other advocacy groups, and a small caucus of feminist politicians (that would grow to include several male legislators) as a crucial moment of opportunity to assert its agenda as the FA was coming to power by "reframing" its demands from a human rights perspective.

By the time the FA came to power in 2005 feminist and LGBTQ+ advocates had been established as public figures with rising political relationships, clearly in tension with conservative actors inside and outside of government. With visibility and press coverage, a radically changed landscape permitted the LGBTQ+ movement a transformation from invisibility to prominence as actors in the political process. The entrenched homophobia, however, would be very hard to break.

Parliament was discussing two key bills for feminism and for sexual diversity in 2007: the law for the defense of sexual and reproductive choice, that was running the risk of being approved without the decriminalization of abortion, and the civil union laws that included same sex couples, both that were approved at the end of that year by the general assembly, however Vazquéz, a practicing Catholic vetoed the abortion provision as he had promised while campaigning, when signing the civil union into law in 2008.

The concept was to unite groups advocating for LGBTQ+, afro-descendants, youth, the disabled, and the aged collaboratively. The intersectional perspective and narrative of inequities experienced by "historically discriminated minorities" entered the vernacular of these advocacy groups *as well as the language of the press that was covering these processes*. The impact of the

articulations and mainstreaming of diverse agendas consolidated during those years into a strategic political block with vast and articulated agenda (Johnson 2019, 24).

Participation in demonstrations and antidiscrimination actions was no longer limited to LGBTQ+ people, and these spaces became highly integrative. Both the feminist and LGBTQ+ movements prioritized the strategy of alliance building with other social movements with whom they could articulate agendas and coordinate mobilization and lobbying actions.

> By 2007 the LGBTQ+ and feminist movements joined forces to expand their alliance, coordinating with human rights, union, environmentalist, and university and other research organizations, some protestant churches among others… By 2009 the Diversity March proclamation asserted rights for the Afro-Uruguayan and trans populations, the legalization of abortion, marijuana decriminalization, and annulment of the immunity laws that protected human rights violators in the military government. As part of their lobbying strategies, particularly after the FA came to power, feminist and LGTQ+ [sic] organizations developed alliances with critical actors in the legislative and executive arenas, often with the context sponsored by UN agencies" (Johnson 2019, 57-58).

This change in strategy and results was consolidated during the government of Mujíca. In 2008 the mayor of Montevideo designated March as the month of the woman; where lesbian and trans women organized events and political strategies. The mayor also designated September as the month of sexual diversity which has grown annually in attendance (and budgeting); in addition to the *Marcha* film festivals, theatre, conferences, seminars, expositions and debates are planned (Gobierno de Uruguay 2018).

The events in Montevideo continue to receive national and international press coverage showcasing the progressive LGBTQ+ society. Gelpi stressed that there was an important contrast between September and the rest of the year: "everybody comes out for the marches and Montevideo appears to be hyper inclusive, but the rest of the year people crawl back into their closets and do not remain proud and out" (Gelpi, Telephone interview by author 2018) **.**

The arguments that gay civil unions would be unconstitutional among PC legislators were met with replies from within party leadership such as that of (ex-president) Senator Sanguinetti argued: that this type of bill was important because the constitution had always had a broad concept of family, recognizing the rights of children born out of wedlock. Another senator highlighted that the 1952 constitution gave Uruguayan citizenship to foreigners after three years in the country raising children born in the country whether married or not. Sempol's analysis is that these arguments have a shared perspective, that the State should not limit itself to simply not condemning; rather it should intervene to recognize and effectively guarantee the same rights to all members of society (Sempol,284).

It's ironic that Uruguay's first political antagonist of the LGBTQ+ population in the post-dictatorial democracy would be arguing on constitutional grounds for the legalization of same sex unions. This is a unique illustration of the irony of Uruguayan exceptionalism; the political class got ahead of itself with philosophical debates among the political class; and proceeding to pass a law that society and many who fought for the law, weren't prepared to digest.

When the return of the adoption laws was being discussed by lawmakers in 2009, Archbishop Cotugno, in representation of the Catholic Church, makes several public statements condemning the legislative initiative: "Anybody who opts for a homosexual relationship has taken on a lifestyle removed from procreation and the right to be a parent." LGBTQ+ organizations lodged a complaint against the hierarchy of the Catholic Church with the Honorary Commission, for lobbying against the adoption laws, citing that the power the church had to grant adoptions in the interior of Uruguay was incompatible with a secular state. They also solicited the Honorary Commission to consider a criminal trial against (the archbishop of

Montevideo) Nicolas Cotugno, for this public statement. This appeal to the commission did not advance. Cotugno also issued a public statement …."that to accept the adoption of children by homosexual parents is to go against human nature itself, consequently it is to go against the fundamental rights of being human… children cannot be used as an instrument to assert rights of a few people order of a group, nor is adoption any institution that can be regulated by political convenience" (El País, 12/8/2009).

Though a secular country, *de jure*, the Catholic Church remained a conservative actor that worked directly with Catholic politicians against the "new rights agenda" that included all of the LGBTQ+ legislation and public policy initiatives and continues to do so today.

OPEN SERVE

In 2009 Tabaré Vazquez signed a presidential decree allowing LGBTQ+ to serve in the military.[59] Though seen as a benchmark law, there were no protocols or instructions given to the military, rendering the law somewhat meaningless and diluted. This gesture of appeasement gained further national and international press for Uruguay's LGBTQ+ progressiveness, with minimal political cost to Vazquez from conservative actors. This is another example of Uruguay passing a law without accompanying policies rendering the laws "inoperable."

ADOPTION EQUALITY, MARRIAGE EQUALITY AND MICHELLE SUAREZ

La Coordinadora Uruguay por el Matrimonio Igualitario was formed in 2009, launching a national campaign for marriage equality. The text of the marriage act was written almost

[59] Commonly known as "open serve"

entirely by *Ovejas Negras* member Michelle Suárez Bertola, Uruguay's first trans to earn a college degree (law) in 2010, and the first trans elected senator (2014) in the second Vazquez government.

In 2011 Suárez, led a multidisciplinary team that represented the first three trans who successfully changed their names and genders on their state records (*La República*, 5/24/2011). This was the successful application of the 2009 law changes. Again, Uruguay repeated its pattern of passing laws that failed to become operable for a period of years. Suárez maintained her legal practice while in the Senate, and was the only lawyer taking on individual lawsuits according to my interviewees.

The first successful lawsuit using the 2003 discrimination law occurred eight years later by Fernando Frontán. Frontán was asked to leave a bar in Montevideo in May of 2011 after repeatedly hugging a friend, who ironically was heterosexual. He was accused by the security guard of wearing an earring, which was not allowed by the pub. Suárez represented Frontán using a consumer's rights law and successfully obtained a judgement against the pub owner for denying Frontán his rights, arguing that this was a crime linked to the incitement of hate (Bertola 2012).

The 2009 adoption laws were written in a way that allowed children to be adopted by gay couples but requiring that the child always have the maternal surname. This loophole was used to deny adoptions to same-sex male couples, until it was rewritten by Suárez as part of the marriage equality laws in 2013. All of the cases were reversed, and the adoptions were permitted in light of the provisions included in the 2013 laws. The other provision of the adoption law that was removed with this reform stripped the Catholic Church of their rights to grand adoptions in the *interior*.

The adoption reform discussions in parliament illustrated a new dynamic; politicians who weren't necessarily advocating for the LGBTQ+ agenda, but who saw no threat in voting in favor of granting rights to this group. For example, the PN congresswoman Beatriz Argimón (PN) indicated that she was going to vote for the adoption laws because "I am convinced that this is no way will affect the legitimate families. Basically, it will serve to legitimize relationships that already exist in our society." (*Búsqueda*, May 3rd, 2007).

The text was argued extensively by members of Ovejas Negras; going through many drafts and revisions after being circulated to other organizations and lawyers. Their suggestions and modifications were included. The law was written in a way that also addressed some legal difficulties posed by heterosexual unmarried couples; creating a more democratic marriage code for all, regardless of their sexual identification. All references to "husband and wife" were replaced with more inclusive language "*cónjuges y contratantes*" (partners and contracting parties). Several other important clauses were included, including the right of both same-sex parents to be listed on birth certificates, granting full parental rights to the adopting or (artificially inseminated) parents. Suárez faced resistance by conservative politicians. She successfully argued that:

> The marital union and parental rights are not separate institutions, they are connected. Beyond this point, the larger question is if we are prepared to implement legislation that continues to be discriminatory. If that is the case we will say: great, you can get married, but we will not touch the subject of parenting. And there we will create one set of rights for some couples, and another set for other couples (Brecha, 9/24/2010).

Suárez, as an activist, lawyer and senator was instrumental in finding novel arguments to successfully fight several legal cases, often in appeals to the supreme court. She was involved in the drafting of many of the bills that would become benchmark laws. To date she is believed to be the only trans person to become a lawyer, and the first elected to senate. She resigned from

senate and lost her law license in December of 2017, after pleading guilty to forging legal documents. I was discouraged from writing about her, as the anti LGBTQ+ forces were empowered by her fall; and she remains a "stain" for many in the activist community. In her short legal and political career her contributions to the legal conquests on behalf of the LGBTQ+ community were giant, and her rise and fall so dramatic that I would be remiss in not mentioning her role in this history, as her contributions remain enshrined in law.

Though passed and signed into law by the President in 2013, Mujíca declared "part of the left has given up the struggle for power, and now entertains itself discussing same-sex marriage" implying that the democratization of marriage was irrelevant to power relations and that it was distracting the left from the "real" issues. The fact that Mujíca trivialize Marriage Equality should not be glossed over. His comments were representative of the heteronormative "oppressive tolerance" extended by the comments from the executive branch while passing one of the most important laws to bring equal rights for the LGBTQ+ community. His public chuckle could be interpreted as being at the expense of the beneficiaries of the marriage equality law he had just signed.

At the same time, in 2013 the General Assembly (both houses) sent the adoption reform laws to Mújica, which he signed without requesting any modifications, and laws allowing (no-cost) access of reproductive assistance to lesbians. The irony is that the FA governments, as reflected in comments and hiring actions, remained heteronormative, while passing the most "progressive" LGBTQ+ rights bills of the region. Such is Uruguay.

Another example of this seemingly contradictory tension between legislation and entrenched homophobia can be seen in the career trajectory of Andrés Scagliola, director of

Social Policy at MIDES 2010-2015 during the second FA administration.[60] He came out of the closet as gay in 2011; the first Uruguayan politician to ever publicly do so. Led by Scagliola, MIDES formed strong alliances with women's rights groups, collaboratively producing several policy documents addressing pay inequities, joint parental responsibilities, and childcare measures to ensure equal employment opportunities for women. Implementation was considered only partially successful at that time. Scagliola was not offered a position in the third (2015-2020) administration; which can be interpreted as representative of the heteronormativity of the political class, and perhaps to a lesser degree the homophobia of Presidents' Mujíca and Vazquez.[61]

Trans quotas were also signed into law in 2013, obliging all government offices and private companies with more than 100 employees to hire 2% trans. A hiring program for public work positions exclusively for Trans, was implemented by MIDES. Quotas were established for future hiring of trans positions at the ministry. Hiring quotas were viewed by consensus as the best way to integrate trans into the formal economy at the time.

Tabaré Vazquez (FA) was elected to his second term of presidency in the 2014 elections with 53% of the vote, in 2009 marking the third five-year term of the FA party in all branches of national government. (Instituto Nacional de Estadística Uruguay n.d.) The "new rights" agenda has continued to progress in Vazquez's third mandate; in 2017 comprehensive legislation was signed into law regarding gender-based violence against women.[62] One year later Law 19.580

[60] While director of MIDES, Scagliola implemented a hiring period at MIDES exclusively for qualified trans applicants, and was an interlocutor with the congress arguing that hiring quotas were the best way to integrate trans into the formal economy; he was fundamental in getting trans hiring quotas signed into law, obliging all government offices and private companies with more than 100 employees to hire 2% trans.
[61] Scagliola was offered a position by the Montevideo city government after leaving his national government position in 2015.
[62] Ley 19.580 Violencia hacia las mujeres, basada en género

was amended, and article 22 established protocols for intersex minors that prohibited unnecessary medical procedures (Parlamento del Uruguay 1889 and ammendments). It is in this term that comprehensive trans laws were passed, which I will discuss in greater detail further into this thesis.

What I will argue in subsequent chapters is that the hostile environment self-identified LGBTQ+ adolescents face in public schools to this day, according to available studies, statistics, testimonies, and interviewees has a direct correlation to the history of social legislation in Uruguay, with a political class passing laws whose implementation is problematic. The laws that give positive rights and protections to the LBTQ+ population are less than a generation old, identifying the obstacles to make these laws operable have been identified in the last five years, and establishing public policies to effectuate change in accordance with these laws are even newer and still being identified. I will argue this generation of LGBTQ+ youth are the first generation of minors that are actors (unbeknownst to them) with legal rights. Without significant visible role models and mentors showing them how to exercise their rights, their agency remains inoperable at school. In fact, the institutions that are assigned legal responsibility for the education and protection of minors have acted in defiance of legal norms; the high levels of physical and verbal violence LGBTQ+ youth experience at the hands of fellow students *and teachers*, with legal impunity to date, reflect this. The cycle of homophobia I present in the diagram on page 38 and annotated on page 39 are even more entrenched in the education system due to the autonomy of ANEP, the minimal amount of sex education taught to teachers *as of 2010*; 3-4 "units" and the fact that older teachers some not even accredited, prior to 2010 have not been required to study sex education *at all.*

The professionals that I have cited and interviewed all acknowledge that the "new rights" legislation have faced challenges translating reality into true rights for the LGBTQ+ community. Although these professionals have differing explanations for the causes and conditions of this complex problem my takeaway is that all roads lead to Rome; though more tolerant and less violent, Uruguay remains a hegemonic heteronormative conservative society. The prevailing culture still defines heterosexuality as the more legitimate sexual identity and male & female as the only legitimate gender expressions. This reality is even starker for students.

In *Seeking Rights from the Left: Gender, Sexuality, and the Latin American Pink Tide* the consensus of the authors is that this inability is due to the lack of effective "state capacity", and that in spite of the laws passed by the FA governments there has been no true "paradigm shift in the regulation of gender relations and sexuality, while advances have been more piecemeal and incomplete while patriarchal and heteronormative ideas of social relations and rights persist" (Johnson 2019).

Though not meant to be a comprehensive history of the LGBTQ+ movement; I do hope that I have used enough events and analysis to set the stage for understanding that the widespread hostile climate towards LGBTQ+ students revealed in the studies and interviews in the following chapters should be understood as a replication of the discrimination and oppression seen more widely in Uruguayan society.

III. VISUALIZING THE LGBTQ+ STUDENT EXPERIENCE

Uruguay has some of the strongest and most progressive legal protections for LGBTQ+ individuals in all of Latin America. Uruguay's social laws have been regarded as progressive; by current and historical standards. Yet all existing studies indicate, with corroboration by the opinions of experts in related fields, that the majority of LGBTQ+ students are not enjoying these rights and protections.

In this chapter I will present summaries and key findings of relevant research that has been published, and unpublished research that has been shared with me. Additionally, I will bring to this a deeper dialogue with several individuals involved with the key studies. In many cases the findings of the research cited here provided grist for the mill of the public policy initiatives I will discuss in the next chapter.

The largest (and only) nationwide study of LGBTQ+ youth at public and private schools was conducted during 2015 and published the following year. The GLSEN methodology applied in similar studies in the US since 1999, was adapted and nuanced for Uruguay by *Ovejas Negras*, the largest NGO dedicated to LGBTQ+ advocacy in Uruguay, in collaboration with *Todo Mejora Chile* and MIDES (Ovejas Negras 2016).

This study uncovered significant discrepancies between the rights and protections, *de jure*, and the realities, *de facto*, experienced by LGBTQ+ adolescents at school. The purpose of my research is to find explanations for this gap in this country that is praised throughout the world as the first and most LGBTQ+ progressive of all Latin American countries. My inquiry starts here, with the results of the *Ovejas Negras* study.

THE *OVEJAS NEGRAS* STUDY

In this survey four hundred twenty-three students aged thirteen to twenty, enrolled in public and private schools, and trade schools from all nineteen *departamentos* (administrative regions) who identified as LGBTQ+ participated in the study.

Participants took an on-line survey about their experiences in educational centers during the 2015 March-December school year. The students had to meet the following criteria: ages thirteen or older, attend a primary or secondary school in Uruguay during the 2015 school year, and identify as lesbian, gay, bisexual, trans, queer, undecided or any other non-cisgender conforming identity. The on-line survey was available through the *Ovejas Negras* website. The survey was promoted on Facebook for Uruguayan students between the ages of thirteen to eighteen whose profiles indicated that they were men interested in men, men interested in men and women, women interested in women, and women who were interested in women and men The data was sorted between January and March of 2016. The final report was prepared to coincide with the beginning of the March to December 2016 school year (Ovejas Negras 2016, 1-9)

The *Ovejas Negras* study visualized a problematic reality; that for a large portion of LGBTQ+ identified-students, school was a hostile environment where they did not feel safe. One effect of this environment on the students was absenteeism, which put this population at an elevated risk for academic underperformance, and for dropping out prior to graduation. The study was able to use school data to compare absenteeism rates of the LGBTQ+ students who participated in this study with the general population: 78.6% of students who reported frequent verbal bullying regarding their sexual orientation the prior month skipped school days compared with 25.5% of those who did not report the same. 49.3% of students who reported frequent

verbal bullying the prior month due to their non-conforming gender expression the month before skipped school days vs. 26.8% who did not report the same (Ovejas Negras 2016, 24-25).

LIMITATIONS OF THE RESEARCH

The study presented a representation of LGBTQ+ students throughout the country. It is important to emphasize that only self-identified students participated who had some link to the LGBTQ+ support community or found the study via social media. Non-participants in the study included "closeted" LGBTQ+ students who did not have the confidence to participate in the study, those without access to the internet, and those who were not comfortable identifying their sexual orientation or gender expression on their Facebook profiles, and those who were not following *Ovejas Negras* on Facebook or did not find or follow the key search word "advertising" used to reach as wide an audience as possible.

Ovejas Negras were working with enrolled students and the study does not reflect the experiences of students who dropped out in previous years. The experiences of these youth would be different from those students who remained enrolled. LGBTQ+ dropouts would possibly have higher incidents of brushes with the law and other consequences that come with incomplete high school studies; and for many the perils of being rejected and expelled from the family home.

Dr. Diego Sempol participated in preparing the questions. I asked him to elaborate on the limitations of the research:

> The study is not representative, rather indicative. As you know the study was self-administered in a virtual space, which does not give us a statistical certainty. The limitations of the study are that it was only accessed by students with social media and internet connectivity. The study identified which part of the country each survey was coming from by mapping their IP addresses. The quantity of respondents, four hundred twenty-three, is a sample of representative theory; in reality it is indicative, but not representative. He also

indicated that there was no budget to conduct a larger representative study (Sempol, Interview 2018).

A further limitation on the research was that the *Ovejas Negras* questionnaire was transversal; the data was obtained at a given moment, which meant that causality could not determined (Ovejas Negras, 31). The key findings are alarming, they paint a picture of a reality in stark contrast with the legal norms.

KEY FINDINGS

Table 2: Key Findings of the Ovejas Negras Report

Reported feeling unsafe at school	80.90%
Reported being excluded or deliberately left behind from some school activity	72.30%
Reported they were the objects of ill-willed gossip or lies	71.90%
Reported that the majority of students made derogatory commentaries about some students' gender expression	69.40%
Reported that they never brought these physical or verbal assaults to the attention of school officials	65.30%
Reported that they have never told their families about any form of abuse they have suffered in the educational space	64.20%
Reported that they have been verbally attacked for their gender identities, while	63.80%
Reported avoiding certain spaces at school where they felt uncomfortable (primarily physical education classes), bathrooms, and recreational spaces	61.30%
Reported always or almost always hearing homophobic comments	54.10%
Reported that LGBTQ+ topics are never discussed in class;	51.70%
Reported that they have been verbally attacked for their sexual orientation;	49.00%
Reported that never or hardly ever have other students intervened when homophobic comments were heard	45.90%
Reported feeling unsafe due to their weight or body size	44.20%
Reported experiencing unwanted sexual aggression such as touching and sexual comments	43.90%
Reported that teachers or other faculty never or almost never seen intervening when hearing homophobic comments	42.60%
Reported hearing commentaries about boys who did not act sufficiently masculine	42.00%
Reported always, or almost always hearing derogatory comments about transgender people	39.10%
Reported feeling unsafe at school due to sexual orientation	38.30%
Of those who feeling unsafe due to their weight or body size also reported feeling unsafe due to their sexual orientation	38.30%
Reported feeling unsafe at school due to gender identity	33.10%
Of those reported feeling unsafe due to their weight or body size also reported feeling unsafe because of their gender expression	33.10%
Reported hearing commentaries about girls who did not act sufficiently feminine	32.70%
Reported being robbed of personal effects by other students at school during the previous academic year;	32.60%
Reported missing between 1 to 6 days of school in the prior month due to feeling unsafe at school	30.40%
Reported experiencing cyberbullying via emails, text messages, WhatsApp, Twitter, Tumblr, and Facebook	30.10%
Reported hearing homophobic comments sometimes	30.00%
reported that they were physically attacked for their gender identities	28.60%
Reported that they were physically attacked for their sexual orientation	22.10%
Reported that being robbed by other students in the prior year occurred often or frequently	6.00%
Reported the frequency of cyberbullying as often or frequently	5.90%
Reported that when LGBTQ+ topics are discussed they are tainted with a negative vision	5.70%
Reported that unwanted sexual aggression, touching, or sexual comments occurred often or frequently	5.40%

One of the most alarming statistics is that only 34.7% of the students who experienced violence or aggressions reported them to school authorities, with 9.8% reported these incidents always, or usually. Of those students who chose to report these incidents to school authorities 32.8% considered that administrators responded effectively ("somewhat effectively" or "very effectively")

35.7% of the students who had suffered verbal, physical, or sexual aggression or stealing of property told their parents or guardians. Of these families, 55.9% of the parents/guardians brought up the problem with school personal.

OVEJAS NEGRAS CONCLUSIONS[63]

This first survey of scholastic climate confirms that there is a deep divide between the legislation obtained and the reality of the daily lives of LGBTQ+ students, highlighting the need to realize specific interventions when there are homo-lesbo-transphobic transgressions against students. There are no established protocols for any interventions.

The situations reported by these students portray a school experience that is very harsh. There is no educational policy to address these problems. This makes the scholastic space one of the most difficult to change; many students perceive school as an unsafe, sometimes dangerous space, leading to negative consequences including absenteeism and abandoning school.

Survival strategies for these students are to avoid spaces where they feel uncomfortable, such as bathrooms, recreational areas, physical education classes, and on their way to and from

[63] This is a summary of the seventeen conclusions listed in the report on pages 22-23

school. The report argues that what is perceived as an individual experience is in reality a collective situation.

Schools have reproduced an environment of cultural heteronormativity; as visualized with the majority of students reporting hearing homo-lesbo-transphobic comments from other students, and teachers. In spite of this 85.5% of participants perceive at least one faculty member as supportive of LGBTQ+ students.

It is worrisome that students rarely report harassment or victimization; the perception is that faculty do not have their backs. Uruguay is a society that has naturalized heterosexuality as the only legitimate form of sexuality, making the student feel the weight of the stigma as a defect to be hidden as a survival strategy.

Uruguay curricula is determined at the national level, and there is a lack of inclusiveness content, which makes it difficult for teachers to transmit a positive portrait of sexual diversity. .

> Uruguayan schools should assume the role of these historic times, promoting a transformation of the educational system so that the diversity of non-generic sexualities and gender identifies that are not hetero-conformist already recognized by the State (laws) can be explicitly included in the schools, their rules, their documents, educational curriculums, and practices. *Because that which is written into the law must not be absent in the classrooms* (Ovejas Negras 2016, 32-33)

GLSEN RECOMMENDATIONS:

Promote the training of all educational workers, especially teachers, to construct new scholastic universal coexistence

1. Training teachers in the topic of Sexual Diversity, with the goal of beginning to transverse this subject, therefore generating approaches as a more daily topic and desensitize and destigmatize this topic.
2. Strengthen the presence of faculty resources trained in sexual diversity, increasing their weekly hours and authority to facilitate the installation of this topic in educational centers thereby improving the services for the emerging (LGBTQ+) population.

Generate concrete resolution processes in situations that occur in the education centers

3. Build an early detection system and protocol to address all forms of violence and discrimination based on sexual orientation or gender identity nationwide that includes responding to students who report that an LGBTQ+ classmate is being victimized.

4. Generate and promote a program of action so that when a student detects that one of their classmates suffer any form of violence based on their sexual or gender identity established, and known protocols are in place.

Involve the student's family and other concerned adults/extended family members, understanding that changes should be fostered among all the involved actors

5. Generate a program that promotes the rights of (LGBTQ+) students' families, that create a space that diffuses information about the existing norms, and the promotion of respectful coexistence respectful of sexual, ethnic, racial and class differences.

Review existing regulations and begin to promote changes

6. Review existing regulations of middle-high schools with the goal of creating non-gender specific bathrooms.
7. Promote a change in the public school (uniform) dress code that is inclusive and respects the rights and identities of transsexual students.

Promote the training of all educational workers, especially teachers, to construct new scholastic universal coexistence

8. Training teachers in the topic of Sexual Diversity, with the goal of beginning to transverse this subject, therefore generating approaches as a more daily topic and desensitize and destigmatize this topic.
9. Strengthen the presence of faculty resources trained in sexual diversity, increasing their weekly hours and authority to facilitate the installation of this topic in educational centers thereby improving the services for the emerging (LGBTQ+) population.

Generate concrete resolution processes in situations that occur in the education centers

10. Build an early detection system and protocol to address all forms of violence and discrimination based on sexual orientation or gender identity nationwide that includes responding to students who report that an LGBTQ+ classmate is being victimized.
11. Generate and promote a program of action so that when a student detects that one of their classmates suffer any form of violence based on their sexual or gender identity established, and known protocols are in place.

Involve the student's family and other concerned adults/extended family members, understanding that changes should be fostered among all the involved actors

12. Generate a program that promotes the rights of (LGBTQ+) students' families, that create a space that diffuses information about the existing norms, and the promotion of respectful coexistence respectful of sexual, ethnic, racial and class differences.

Review existing regulations and begin to promote changes

13. Review existing regulations of middle-high schools with the goal of creating non-gender specific bathrooms.
14. Promote a change in the public school (uniform) dress code that is inclusive and respects the rights and identities of transsexual students (Ovejas Negras 2016, 35-36).

CHALLENGES OF IMPLEMENTING THE RECOMMENDATIONS OF THIS REPORT

The *Ovejas Negras* Study clearly identified the problems faced by LGBTQ+ students and was the first study of its kind in Uruguay. It was the rough draft of the blueprints that MIDES is using and is referred to by researchers and academics. I believe it is important to highlight how challenging the implementation of these recommendations are.

At the time of this report was published there was no current strategy to train teachers to *teach* sexual diversity, as sex education was focused only on procreation, pregnancy, and STIs; the content determined by ANEP and *el Consejo Directivo de la Administración Nacional de Educación Publica* (CODICEN) is strictly heterosexual, the Uruguay History curricula includes the dictatorship and human rights abuses but does not specify the LGBTQ+ experience.[64] There are efforts underway to provide sensitivity training. Recommendations to generate concrete resolution processes (recommendations three and four) are being studied by MIDES, but programs have not been implemented. The fifth recommendation assumes that families will be LGBTQ+ friendly; this is a dangerous assumption, any strategy to successfully involve the families need to consider that tolerance in individual families is a variable and not a given. As seen in Gelpi's study family tolerance is not always the case, and in some of his case studies the school responded to a situation of bullying by "outing" the students to their families, causing crises in both home and school (Gelpi, Homofobia y exclusión escolar en Ciclo Básico: 2019).

There is a non-gender bathroom endeavor underway at MIDES with pilot program level funding; it remains to be seen how long this will take to fund and implement nationwide, and if will occur at all in any of the 1,100 rural schools with 10 students or less.

[64] The history and responsibilities of CODICEN is covered in pages one hundred twenty-nine and one hundred thirty.

I believe that the trans law will bring the issue of inclusive school uniform options into the dress code. Though signed into law, actual implementation must be cosigned by and involve ANEP-CODICEN. Legislators cannot force schools to do this without a policy change from these entities.

According to Sempol Implementing public policy of this nature has always been problematic in Uruguay:

> What happens in Latin America is that what the state says has a permanent difference with social reality. These are large governments with large difficulties in capturing terrain at the level of society. The gap in Latin America is particularly large. The Constitution consecrates that every person has the right to live in conditions of dignity, but the reality is that many people live in shantytowns; that we all have the right to work, but unemployment and underemployment rates are high. These incongruencies between that which the law states and that which is lived ends up being normalized. This is a very difficult structure to change. In the area of education, the entities are extremely difficult to change due to the autonomy granted to them in the constitution; these are state institutions that do not depend on any ministry. Neither Parliament nor the Judicial Branch can order them to implement changes. Education is self-regulatory. They only have to respond to directives from the President of the Republic. This part of the constitution was written to protect education from conflict among political parties. There was fear of what political parties could do with education. This was good at the time but is now very problematic; attempts to bring about change have been more messy than successful (Sempol, Interview 2018).

COMMENTARY

To my surprise this study was not widely known outside of the circle of academics, policy makers, researchers and activists involved in the study. Outside of this relatively small group this study and its findings were not widely diffused in Uruguay. All of my interviewees not involved with this study, who worked with LGBTQ+ youth in their professions, or those who are professionally involved in other aspects of the greater LGBTQ+ community had never heard

of the study. With a small budget and institutional hurdles, the internet was the best way to reach the greatest number of LGBTQ+ students. The full transcript of the student responses was not published but was shared with me. The testimonies of the participants revealed additional information, but funding limitations prevented the allocation of this qualitative data as a resource for use in future studies and policy initiatives. The recommendations generated in the conclusion of the study imply a radical overhaul of Education in Uruguay.

As seen in Uruguay's LGBTQ+ history, this population survived periods of direct persecution and oppression. In spite of a robust argument between activists and politicians the period of legislative gains with Uruguay's first left of center governments have produced remarkable legislative gains, though socially a "don't ask-don't tell" climate has persisted for large parts of the country. All of the obstacles faced by the adult population have been replicated to one extent or another for this generation of LGBTQ+ students *in the school place.* It is argued that this same replication occurs at home by psychologist Gonzalo Gelpi in our interviews, and in his thesis (Gelpi, field interviews 2018: Gelpi, 2019)

INTERIM FINDINGS:

Here is what I knew at this point of studying the legislative norms, and reading all aspects of the *Ovejas Negras* report:

That an important gap exists between the rights and protections according to the law, and the reality experienced by LGBTQ+ youth at education centers. These students feel significantly less safe, physically, and psychologically than their heterosexual classmates. They have no

certainty that reporting physical and verbal bullying will result in a better situation for themselves, and reasons to fear that reporting will make things worse.

These students are at high risk of developing emotional and psychological problems and scholastic underperformance in the current circumstances. They do not feel safe in school and have higher rates of absenteeism and incompletion of secondary studies. The lack of operative protocols and procedures when aggressions do occur leave the victims vulnerable, and uncertain where to turn and who to trust.

There is less inclusion for students in the *interior* (the roughly rural half of the country) and in the poorer outskirts of Montevideo. Schools outside of the wealthier areas of Montevideo, particularly in the *escuelas rurales* (rural schools) in particular do not have the support teams guaranteed by *de jure* education policy; LGBTQ+ visibility there is very limited, and non-existent at school. My research indicates that most LGBTQ+ teachers are not "out" at school, adults still face discrimination and lesbo-homo-phobic verbal and physical violence, and the Uruguayan state is still developing public policy strategies to transform their rights into realities. For adolescents, the situation is worse (Gramallo 2018; Sempol, Interview 2018).

Prior generations of LGBTQ+ are noticeably absent from the default role I assumed I would find them occupying. In a word; trauma experienced by these generations is the explanation was given for this absence. *Ovejas Negras* is set up to triage interventions in cases of all problems reported by LGBTQ+ youth. Small pilot programs offering psychological services to LGBTQ+ youth are functioning in Montevideo; there are wait lists for this assistance and students outside of Montevideo are unable to access this. The majority of students and teachers are unaware of the *Ovejas Negras* support, and the new MIDES initiatives.

Surprisingly only those involved in the study design and implementation itself knew of its existence. There were newspaper articles when the study was published, but minimal academic content was generated after the project and its findings were known .The study was done on a limited budget; even though the study was published online, and many printed versions were available at ANEP, MIDES, *Ovejas Negras,* and UdelaR, it was simply not diffused.

The statistics of verbal and physical violence reported in the publication of this study were alarming, and a key determinant in my selection of this topic for my graduate research when I first read the report in 2017. The report asked more questions than it answered, and my interaction with further materials and primary sources forced me to set my assumptions to the side and research the topic cross sectionally delving into Uruguay's history, politics, and educational policy. During the period of my field research I realized the importance of reformulating my interview questions, analyzing the responses, and delving into the limited published material relevant to this study.

The *Ovejas Negras* study, smaller ancillary studies, and the opinion of experts who work in this area, confirm significant discrepancies between the rights and protections, *de jure*, and the realities, *de facto*, experienced by LGBTQ+ adolescents at their places of study.

***GUÍA DE DIVERSIDAD SEXUAL* 2018-2020**

The Guide to Sexual Diversity (MIDES y CNDD 2018) published by MIDES two years after the findings of the GLSEN study were released; the portion dedicated to education and LGBTQ+ related programs and problems differs from, and does not incorporate all of the GLSEN

suggestions. There are twenty government entities assigned different responsibilities and structural changes in the MIDES manual and these entities do not have a history of always working well collaboratively and have the dysfunction of large bureaucratic structures; 10% of the work force is employed in the public sector and there are many inefficiencies in government entities. There is a very paternalistic relationship imbedded in Uruguayan thought; every single interview subject expressed that change would not be possible without additional public funding. There seems to be a blind spot in recognizing the intrinsic difficulties that additional funding can not address; the tenure and age of the upper echelons of administration within each agency, and the resistance these bureaucrats will have in implementing the tasks assigned to them by the relatively new involvement in their public policies announced by MIDES.

OTHER STUDIES:

Ovejas Negras, in collaboration with academics, polled 300 of the estimated 600 participants in the 2005 *Marcha del Orgullo*. 67% of those polled reported that they had personally experienced some form of discrimination, and 19% reported direct aggressions (5% physically injured, 3% sexually assaulted, 6% blackmailed, and 5% assaulted). 48% reported having been verbally threatened or insulted on at least one occasion for their sexual orientation in public, at school, and/or in the workplace. (Staff 2006). This is one of the earliest and largest studies to produce data of the LGBTQ+ experience. While not representative of the LGBTQ+ population in Uruguay, it is representative of those who attended the March.

At the conference on Gender, Health, Sexual and Reproductive rights, Gelpi presented a study that estimated that 80% of adolescents who "come out" to their parents are thrown out of the house, with an average age being sixteen. Being on the streets brings a whole new set of challenges and risks; increased discontinuation of studies, sex work and accompanying risks of STIs and unwanted pregnancies, social and economic marginalization, mental health disorders, and damaged self-esteem

INAU houses and feeds orphans, minors who are living on the streets; it also functions as a non-lock-up juvenile hall, since there are some problematic issues for LGBTQ+ teens finding a safe place in the latter. Interviewing Hugo Ferreira, *INAU* director of sports and recreational activities, I learned that there was no training provided regarding sexual diversity (Ferreira 2018). He told me about one trans teen who was housed at the INAU campus, while successfully finishing public high school. With INAU as custodians, staff intervened with school administrators when bullying occurred and the staff at this INAU campus actively worked with other minors to defend the rights of the trans girl. This was not a directive from INAU, rather it was a decision made among the staff of the Maldonado facility. The student went on to gain employment and she was reportedly doing well. It should be noted that she had a strong carrier, and a streetwise demeanor, and had endeared herself with the INAU staff (Ferreira 2018).

THE OECD REVIEW OF SCHOOL RESOURCES: URUGUAY 2016

The Organization for Economic Cooperation and Development (OECD) studied the education system of Uruguay in 2016. Input for the OECD report was provided by the *Instituto Nacional de Evaluación Educativa* (INEEd) which is an autonomous institution with the

responsibility of evaluating the quality of education at the pre-primary, primary and secondary levels. INEEd's objectives include the provision of information about student learning in Uruguay, the development and dissemination of knowledge on evaluation and assessment procedures, and the formulation of recommendations for the improvement of education. While INEEd produces relevant information for policy-making and supports the implementation of evaluation and assessment procedures in the school system, it is not formally part of the governance of school education (Santiago 2016, 87). The 2008 that law established INEEd was part of a 2008 education law but did not begin to operate until 2012.

The summary of the OECD Review of School Resources:

> The Uruguayan education system is highly centralized, both in terms of distribution of responsibilities across levels of governance and in terms of space and geography. Almost all of the decisions about administrative and pedagogical aspects are taken at the central level. In contrast to OECD countries, the main responsibility for formulating and implementing policies in school education does not lie with the Ministry of Education and Culture but rather with the autonomous National Public Education Administration (ANEP). In addition, pre-tertiary education is co-administered with teachers as they elect representatives to the governing bodies of ANEP. The large majority of children attend public education. Curricula are defined at the central level. The level of educational attainment in Uruguay remains modest and has increased slowly over the past decades. Universal access has been reached in primary education while access to pre-primary has expanded considerably. However, completion rates in lower and upper secondary education remain unsatisfactory while repetition rates are very high in international comparisons. Levels of student achievement have decreased in recent years but remain above the regional average. Finally, students' and schools' socio-economic status has a strong impact on student performance (Santiago 2016, 37).

The key findings of the 2016 review of the education system by OECD broaden our understanding of the practices and policies of the education system. The review, however, did not address sex education, sexual diversity, nor did it address bullying. However, some of the findings help us understand the dysfunction and idiosyncrasies of the education system. While not conclusive, we should consider the possibility that there may be a relationship between the

problems identified in this report to the seemingly recalcitrance-inabilities of ANEP-CODICEN to implement policies to mitigate the crises faced by LGBTQ+ students. The category of students with special educational needs was studied; including mentally and physically disabled children, autism, children with visual and hearing impairments, and children with behavioral difficulties; accommodation for these groups exists for primary education only and is almost inexistent for secondary students. The majority of LGBTQ+ laws addressing inequities had been passed by the time of the field work of both OECD and INEEd staff, which makes the exclusion of the accommodation needs of LGBTQ+ students in both reports troubling.

The OECD review and the Country Background Report for Uruguay that was presented to the OECD as an "input" was otherwise very thorough. The challenges and issues addressed in these studies are far more exhaustive than those listed below; I have tried to limit the items to those that directly or indirectly could possibly have a correlation to the LGBTQ+ experience at school. Relevant challenges as articulated in the OECD Review and the INEEd report:

1. In spite of the significant policy efforts equity concerns remain in the education system: These inequities are reflected in students' educational attainment. In 2010, only 25% of 15-17-year-olds from the lowest income quintile had completed lower secondary education and 7% of 18-20-year-olds had completed upper secondary education, compared to 85% and 57% from the top income quintile respectively.Year repetition rates are very high; 'No promotion' is the term that is used because it includes both students who repeat a year as well as students who drop out. The 2013 rates cited are 34% for 10th grade, 40.3% for 11th grade, and 55.4% for 12th grade. Repetitions are disproportionately higher in lower income families as are those in rural schools. Dropping out, and to a lesser degree repetition of years strongly affect work opportunities and socioeconomic mobility. Uruguay shows significant problems of internal efficiency…these problems are long lasting and have failed to be reversed, revealing underlying problems in the structure of the Uruguay education system (Instituto Nacional de Evaluación Educativa 2015, 8)

2. Education is faced with a fragmented governance structure with an ambiguous distribution of responsibilities between CODICEN and ANEP's four education councils. There is no clarity regarding who is responsible for defining education policy and who is ultimately held accountable for policy implementation and learning outcomes (Santiago 2016, 88).

3. Education governance is overly centralized; the Uruguayan education system has historically operated with high centralization, both functionally and geographically and it has been characterized as "bureaucratic-hierarchical" with "excessive centralization" (Santiago 2016, 90). The vast majority of administrative and curricular decisions are made by the four councils in Montevideo. In general, research findings are not used for planning, and there are no management tools that allow linking resources to programs or results. In short, there is a general lack of integrated information for authorities to manage basic school level issues in a systematic way, such as the incidence of teacher or student absenteeism, information of teaching and non-teaching staff or the implementation of programs in each school, among others. It should be noted that there has been some progress in this regard, so an integrated information system is currently being designed. The centralization in Montevideo also reduces flexibility and initiative at the local level, generating slowness in problem solving (Instituto Nacional de Evaluación Educativa 2015, 9).

4. The institutionalized co-administration of the school system with teachers raise concerns as the teachers have vested interests in the system.

5. There is a lack of strategic planning based on evidence and analysis and little accountability at the system-level; In Uruguay, strategic planning and policy development in education is not sufficiently informed by research evidence and analysis. Not including the results of international assessments such as PISA[65], the OECD review team did not see much evidence of a systematic strategy to incorporate the results of education research, either Uruguayan or international, into the policy process (Santiago 2016, 91)

6. There is no evaluation of schools and their processes as a whole. It remains uncommon for data on academic achievement at the school level to be published. [66] Moreover, a review and modification of the existing systems of supervision, guidance and evaluation of teachers is perceived as necessary in all subsystems. Currently, there is a system of direct supervision of all teachers in the country done by inspectors, which is not met in practice given the low ratio of inspectors to teachers. In general, inspectors spend just a few hours with each teacher or principal, but their evaluation has a significant impact on their final score. The evaluation results have no direct consequences in terms of sanctions or rewards; neither in terms of training needs nor additional support. They do have direct consequences on the position that the teacher occupies in the ranking for the election of hours or positions at schools. (Instituto Nacional de Evaluación Educativa 2015, 9) The current system of direct inspections of individual teachers have no direct consequences in terms of sanctions or rewards; neither in terms of training needs nor additional support.

[65] PISA is the OECD Program for International Student Assessment. PISA measure 15-year-olds' ability to use their reading, mathematics and science knowledge and skills to meet real-life challenges (OECD n.d.). Uruguay ranked forty-eighth in the 2018 evaluation of seventy-seven countries that participated, performing below the average score.

[66] The 2008 Transparency Act requires data to be released upon request…only 9.8% of 15-year old students attended schools that publicly posted student achievement data (Santiago 2016, 64)

This is somewhat of a moot point as the system is not met in practice given the low inspector to teacher ratio.

7. There is not enough attention to implementation of education policy; there is a strong legalistic administrative tradition in Uruguay, overemphasizing the role of legal instruments in policymaking and a relative neglect of implementation aspects. Budget planning is not strategic; five-year budgeting processes are embedded in a strong legal framework. However, the budget documents do not typically provide clearly defined educational objectives, actions and target results (Santiago 2016, 99,142).

8. Mechanisms to fund schools have some positive features but lack transparency and do not respond to schools' needs; there is no public information available on the education resources located to each school. The information systems do not allow for the measuring of ANEP expenditure per student according to individual schools. This makes it difficult to evaluate whether resources are being allocated to where they are most needed. A number of challenges arise in monitoring the use of public funds for education; there is no analysis of the impact of financial resources on educational outcomes. ANEP's internal auditing is grossly understaffed; five auditors for the entire country were employed at the time of this review (Santiago 2016, 144-146).

9. There are concerns about teacher quality; at the secondary level, around 40% of teachers are not certified.[67] The problem is more serious in public schools outside of Montevideo, and in very disadvantaged schools. This is aggravated by a shortage of new teachers (Instituto Nacional de Evaluación Educativa 2015, 10)

The OECD review, and the INEEd contributions, bring into view several themes which are reoccurring in this thesis; dysfunction, lack of transparency, inefficiencies, difficulties with policy operalization and implementation, lack of coordination between entities, excessive bureaucracy, lack of data production, and centralization of administration in Montevideo, causing inferior services in the interior. The fact that 40% of the teachers are not certified speaks to the problem of sexual illiteracy of the older tenured teachers who had neither the one-30-hour course on sex education nor the coursework on human rights than the younger students who entered teacher's colleges in 2010 or later.

[67] Certification is defined as having completed a university degree in education, or other fields that offer a certification option.

SUICIDE STATISTICS

Uruguay ranks fifteenth highest in suicide rate out of 176 nations worldwide, and the second highest of South, Central and North America according to the latest report from the World Health Organization. While this annual report from the WHO does not establish causality, my interviews indicate that LGBTQ+ adolescents have a higher suicide rate than their straight cohorts. With recent studies, mostly anecdotal and indicative, demonstrate higher rates of eating disorders, substance abuse, homelessness, and sex work, it is reasonable to assume that these self-destructive behaviors and situations of vulnerability have a direct correlation to a higher percentage of teen suicide than the national average; a belief shared by many of my interviewees. Even if a direct quantification of higher LGBTQ+ suicides has not been established, it is pertinent to this thesis to recognize that LGBTQ+ adolescents are at a high risk of suicide in Uruguay (World Health Statistics 2019) .

FACULTAD DE CIENCIAS SOCIALES, UdelaR

In one of the first collaborations between academia and MIDES; with researchers at UdelaR contracted as advisors to MIDES, tasking the school of social sciences at UdelaR to present an analysis of sexual diversity, public policy and heteronormativity. The project was funded by MIDES, and the report serving as blueprints for MIDES to identify where to direct their efforts with the goals to change society by imitating specific public policy projects.

. Key findings identified:

1) Primary education plays a key role in working with boys, girls, and their families to unmask social constructions that perpetuate inequalities, problematize the replication of stereotypical roles and ways of being that limit their free exercising of rights.
2) There is a need for extracurricular activities for adolescents and young adults that aim to strengthen inclusionary devices of transversal perspectives (of gender and sexual diversity) to reach the last link of policy with the goal of promoting the recognition of the rights of diversity (for those with non-heterosexual identities).

3) The lives of older LGBTQ+ people are negatively impacted due to self-control inflicted during their entire lives, strategies of survival, the inability to think of other possibilities (Facultad de Ciencias Sociales-UdelaR 2013).

In another study by MIDES, The Joint United Nations Programme on HIV/AIDS (UNAIDS), and the United Nations Population Fund (UNFPA) published their findings in December of 2013 on the situation of Trans people in Uruguay. Key findings and recommendations are:

> The trans population is vulnerable, and there are difficulties for a public policy to translate into legal recognition with positive impacts in their daily lives. This first study in 2013 serves as a reference point to evaluate the significant advances in the following four years (MIDES, ONUSIDA, UNFPA 2013).

In another collaborative study by MIDES and the School of Social Sciences-UdelaR several problems were identified, and public policy recommendations were generated:

1) The proven infringement of the right to an education of trans persons by means of individual and institutional violence, making it "key to design policies that address the injustices by recognizing redistribution than in this case is profoundly embedded".
2) The persistence of normalized discriminatory practices, including situations of violence, towards non hetero-conforming people including students as well as teachers in schools based in the existence of "mechanisms of reproduction of the heteronormative universe…accentuating the hierarchy of heterosexuality in public spaces, relegating non-heterosexual identities to a space that doesn't appear."
3) The need to attend to victims of gender-based violence, recognizing, knowing and serving situations of violence in both male and female same sex couples, couples with one or both trans, leaving behind the logic of exception that implies nothing less than legitimizing these relationships and including them within that which is possible and expected (Dirección Nacional de Políticas Sociales, MIDES, y la Facultad de Ciencias Socialess, UdelaR 2014).

HEALTH CENTERS FREE OF HOMOPHOBIA:

In 2010, in response to complaints from the LGBTQ+ community that they experienced prejudice and overt homophobia if they revealed their sexual orientation when seeking medical attention, a pilot project was launched as was the study of a modification of the existing sexual and reproductive health laws. In his first year of office on September thirty, 2010, José Mujíca signed a presidential decree recognizing homophobia, lesbophobia, and transphobia in the health system, and obliging all health care providers to provide all aspects of health care to LGBTQ+ in" health centers free of homophobia" (Gobierno de Uruguay 2010). The language of the decree

was written in consultation with by *Ovejas Negras*, MSP, the State Health Service Administration, *la Administración de Servicios de Salud del Estado* (ASSE), and *UdelaR*, with funding from the United Nations Population Fund.

The first outpatient clinic to participate in this project was "*Centro de Salud, Ciudad Vieja"* in Montevideo in July 2012. *Ovejas Negras*, in conjunction with the sexual and reproductive health department of MSP, developed a sensitivity and educational process for every person who worked in the clinic, with special curricula developed for administrative staff, and other specific to health care providers. The initial project in 2012 required attendance to a full-day workshop, to initiate sensitivity and to examine myths and prejudices by providers of health services, supporting staff, and school of medicine professors (United Nations World Population Fund 2012). In 2014 *Hospital Gustavo Bois* was the first hospital to participate in the homo-lesbo-transphobia free project. [68] The hospital offered comprehensive medical attention specific to the needs of the trans population; from hormone treatment, psychological and psychiatric support, all the way to gender reassignment surgeries. All trans health services were to be provided free of charge. During the 2012 to 2014 period it was recognized that several months of training were needed to truly offer "health carefree of homophobia". A special six to eight-hour time slot was established for trans patients to come to the clinic beginning at 4 p.m. to adapt to the hours of prostitution that the majority of trans worked in. Also, in 2014 a permanent teaching presence, *Unidad docente Asistencial* (UDA), was installed in the hospital for ongoing training of health service workers to offer an informed and dignified experience for sexually diverse patients, with an emphasis on the trans patient (UNFPA 2012) (Ministerio de Desarollo Social 2015).

[68] The hospital offered both inpatient and outpatient medical attention.

SYSTEMIZATION OF THE PILOT PROJECT

In 2015 these bodies published an assessment on all aspects of the project, including results, challenges, and successes. The study identified shortcomings and achievements, conclusions and generated recommendations.

Shortcomings and achievements:

> Uruguay has international legal standards regarding human rights. This legislation coexists with persistent heteronormative and sexist models, especially when it comes to implementation and guarantees to effectively exercise these rights, as the accountability mechanisms (monitoring, reporting, evaluation, complaints and remediation) are fragile. The efforts to visualize the health needs of the LGBTQ+ population are being progressively addressed. This project was based on the recognition of the need for training and the will to address these problems by a variety of actors. This project generated a chain reaction that allowed a permeation in the health centers and in areas of academic formation. The key strategy was to incorporate in the training of (health services providers) a perspective specific to the LGBTQ+ population, through their direct involvement in and execution of the project, working collaboratively with the State, academia and international actors. The implementation of this project in existing services and in coordination with other public policies in sexual and reproductive health, facilitated the sustainability and institutionalization of the project.

Key recommendations:

> Recognizing and visualizing the diversity within the LGBTQ+ collective, deconstructing the hierarchization of gay men over lesbians and trans and the lack of recognition of intersexual individuals. Using conscious language to overcome the confusion of a "center" free of homophobia (that is not exclusively for this population), and to amplify the denomination of homophobia to include other diverse non-hetero phobias. Expand the training of sexual diversity at the level of human resources so that all employed by public health including security and other non-medical employees are trained; prioritizing the points of first contact (e.g. the ER) …Design strategies in higher education to produce teaching material on the subjects of sexual diversity, violence, health rights, especially in the schools of medicine, dentistry, nursing, midwifery, social sciences and law. Follow recommendation of national and international organizations when generating this academic material. Strengthen the participation of the LGBTQ+ population in the policy design, monitoring, and evaluation in health centers. Initiate a process of dialog with civil

> society, commissions of consumers of health services, and with the LGBTQ+ population. Design minimum protocols for a clinic or hospital to be certified as free of sexual discrimination. Research the health rights and needs of intersex persons, taking into account international standards. Develop actions to prevent violence that is gender based or based in homo-lesbo-transphobia: most relevant among them is extending these actions into educational spaces. Keep records of situations of discrimination and homo-lesbo-transphobia that are known to have occurred in the health system. Normalize the use of the chosen name and gender of the patient; provide full health services to this population, especially trans needs, from hormones all the way to gender reassignment surgeries. Produce quantitative and qualitative information of the LGBTQ+ population to determine a baseline that permits the formulation of inclusive public policies. Ensure mechanisms that are accessible and efficient for the right to public health, overcoming bureaucratic, cultural and social barriers. Incorporate a report specific to sexual diversity to the National Institute of Human Rights. Assure that the judicial system and other arbiters of individual or group conflicts are trained to include the perspective of sexual diversity, including health rights.
>
> (Facultad de Medicina y Facultad de Psicología de la UdelaR 2015).

The entrenched homophobia in public health services, even months after the launch of the first "center free of homophobia", was identified; strategies aimed at breaking this cycle would need to be developed and implemented. This self-assessment paints the picture of Uruguay's difficulties implementing inclusiveness of the LGBTQ+ population in designated public health centers. Health care providers compose one section of society that theoretically would have more contact with the physical, sexual, and mental health needs of the LGBTQ+ population than others; however it was found that patients in public health settings were assumed to be heterosexual, and the LGBTQ+ population perceived this and determined that they would get better service if they hid their identities. The study also revealed a high degree of closeting within the population of providers, a situation that is also seen in education where having positive role models is of importance to children and adolescents who are trying to make sense of their own sexual identities.

The following excerpts in italics from the recommendations generated have broad implications for lower education: *Design strategies in higher education to produce teaching*

material on the subjects of sexual diversity, violence, health rights, especially in the schools of medicine, dentistry, nursing, midwifery, social sciences and law. I would argue that the same teaching material generated for higher education should be adapted & developed in the curricula for primary and secondary education. The degree of closeting revealed in this study demonstrates on the side of patients a lack of agency to assert their rights to discrimination free health care. Teaching self-esteem to LGBTQ+ people earlier in life could help create a generation of young adults who will not settle for a homophobic atmosphere or discriminatory treatment for their health needs. Having the presence of the UDA in a teaching hospital should also help a generation of health care workers educated to be welcoming and impartial in attending to the health care needs of their LGBTQ+ patients. "*Strengthen the participation of the LGBTQ+ population in the policy design, monitoring, and evaluation in health centers*" implies a collaboration which should yield tangible changes.

Another key recommendation speaks to the need to prevent violence at schools. The idea of protocolizing the handling of grievances in health care could be replicated in the education system.

> Develop actions to prevent violence that is gender based or based in homo-lesbo-transphobia: most relevant among them extending these actions into educational spaces. Keep records of situations of discrimination and homo-lesbo-transphobia that are known to have occurred in the health system. Following recommendation of national and international organizations when generating this academic material. ….

In a follow up study of the "homophobia free medical centers" commissioned by MIDES in 2016, revealed that health providers at *Gustavo Saint Bois* hospital demonstrated widespread "gender illiteracy" and widespread prejudice, with the result that trans persons were not receiving adequate medical attention, nor were they treated with dignity. (Facultad de Ciencias Sociales-UdelaR 2016)

THE NATIONAL SURVEY OF ADOLESCENCE AND YOUTH

A nationwide survey, *Encuesta Nacional de Adolescencia y Juventud* (ENAJ) is an initiative of the National Institute of Youth; *Instituto Nacional de la Juventud* (INJU) branch of MIDES. This study conducted in 2013 and published in March of 2015 is the third study of its kind.[69] 3,824 people of ages ranging from 12 to 29 were interviewed for this survey.

> "With publications such as this our goal is to continue to produce knowledge and reflection to as much to bring to public policy regarding youth, arm in arm with various organizations, governmental actors, and civil society, in order to build a medium- and long-term outlook regarding public policy and young people. In essence we are looking to build a country where being born is not a problem, being young is not a crime, and being old is not a punishment" (Juventud 2015, Prologue).

DISCRIMINATION:

31% of respondents reported feeling that they had been discriminated against on at least one occasion. 12.6% of those who reported feeling that they experienced discrimination reported it, 81.6% did not report it, and 4.6% said that they did not know how to do file a complaint.[70] 63.8% of those who reported experiencing discrimination stated that it occurred in school. Interviewees were given 12 choices for the question "Why (mark up to two in order) do you believe that you were discriminated against, or had your rights violated"? One of the 12 options was sexual identity or gender expression (Juventud 2015, 93). [71] The report only listed the top four reasons; if gender expression and sexual orientation were given as a reason, it would have been less than 5.2% .

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[69] This is the third survey; the first was conducted in 1990, and the second in 2008. The 2018 survey has since been conducted, but at the time of this writing a publishing date had not yet been released.

[70] In many governmental studies in Uruguay it is common that percentages do not add up to 100%, and no reason is given.

[71] The 12 choices for reasons of discrimination were clothing, color of skin, sexual orientation or gender identity, physical characteristics, religious beliefs (real or projected), disabilities, being male or female, the neighborhood lived in, age, not having money, level of education, birthplace, and other

HEALTH AND SEXUAL RELATIONS:

In the entire section on health, frequency of visits to doctors and psychologists, there is again no contemplation of gender identity, gender dysphoria, or questions about one's sexual orientation in the questions or the answers. The study only revealed age of first sexual experience, and methods of contraception. The questions were worded in heterosexist language with no contemplation of same sex relations (Juventud 2015).

EDUCATION:

The study reveals that less than half (46.4%) finished high school. Being held back at least one year was close to 50% for low-income families; 10 times higher than those of high-income families in primary school, and 2.5 times higher in high school.

For those who never attended school after 6th grade they were asked which of 15 reasons were the cause, and bullying was an option. No reporting on the responses to this question were given. For those who began high school but did not finish they were given similar choices. Again, no statistics were presented for the generic category of bullying. (Juventud 2015)

In the entire 165-page report no data was given for discrimination on the basis of sexual orientation and gender identity, nor was any data generated for the reasons for dropping out of high school. In this survey of adolescents and youth, there was not a single question related to non-heterosexist identities. In the categories of sex; questions were asked about the age of first

intercourse, and cross sectioned with differences based on economic quintiles. Same for methods of birth control. Not a single question asks about the gender identity of the adolescent, or the gender of their sexual partner was asked.

The content in the questionnaire of matters related to sexual diversity and gender identify is minimal. The complete lack of data generated are indicative of a "don't ask-don't tell" toward LGBTQ+ students, effectively rendering them invisible in this "visualization" of Uruguayan youth. It is telling that a topic so germane to public policy and LGBTQ+ legislation in 2013 was not addressed in a nationwide study of adolescents by the national youth department at that time.

ADOLESCENTES Y SEXUALIDAD

In 2005 The School of Psychology at UdelaR published their first decennial compilation of research and public policy on the topic of adolescents and sexuality covering the 1995-2004. The 2015 200-page book compiles and summarizes information from a total of seventeen articles, work documents and books, all published by the university or government entities. The content on sexual diversity and gender identity is minimal. Alejandra López Goméz, the professor who supervised the research and coordinated the publication writes in the introduction:

> The inclusion of focuses on gender and sexual identity were valued as a relevant strategy by the interviewees, and by the documents analyzed…In the words of one interviewee "they are part of the ABC together with legal rights". Although these categories are not conceptualized in the interviews some notions are suggested.…Sexual diversity was associated with respecting different options, orientations, and sexual possibilities, and at the same time it was visualized as an obstacle to obtaining services, resources and rights.

According to Gómez López there was a need to produce coherent design, implementation and evaluation of public policy for the LGBTQ+ population. In closing Goméz adds that the field work occurred during a four-month period in 2014, an election year, which made it difficult to

interview government officials (Facultad de Psicologia, Universidad de la Republica Uruguay 2015, 116).

There only mentions of sexual diversity in the book are found in the two-page section titled Sexual Diversity and the two-page section titled Civil Society. The introduction of the Sexual Diversity section finds that "though the agenda of gender and diversity has strengthened in Uruguay in recent years, studies focusing on the adolescent gay, lesbian and trans populations are in their infancies". The key findings of exploratory research were in a narrative involving thirty-three LGBTQ+ students. Home was reported as the most hostile environment, and that school is one of the places where they reported the most discrimination and homophobia. Trans students experienced the highest degree of stigma and discrimination. One in four gay males reported physical violence by neighbors or in other public spaces, as did half of the trans involved in the study. They reported that school "*referentes*" did not provide help when sought by students.

In a study referenced in this compilation five females and half of the males reported feeling poorly treated by medical professionals, and that 40% of the females did not disclose their sexual orientation in order to receive better service and continue to access the medical system. The findings of this second study were reported by MPS in a presentation, but the underlying data was not obtained (Facultad de Psicologia, Universidad de la Republica Uruguay 2015, 47-48).

In the chapter dedicated to NGOs or "organizations of civil society" several groups that advocate for women's rights are named. The topic of diversity continues to be referred to something that will take time:

> The perspective of diversity has a significantly lower presence, though adolescents bring it up as a topic of interest. One must take into account that visibility in this topic is newer,

> and though there has been rapid progress juridically, incorporating work in this area will require more time. Adolescent sexuality is mentioned frequently in the documents incorporated in this compilation more in terms of reproduction; primarily the postponement of pregnancy. The discourse is always framed in heterosexual relationships. Taking into account the many references to diversity, from a perspective of rights and inclusion, denotes progress in this area (Facultad de Psicologia, Universidad de la Republica Uruguay 2015, 97-99).

This summary of this chapter on civil society actors is that advocacy for the topic of adolescent sexuality moved from a perspective of prevention (pregnancy and STIs) to one of exercising rights. NGO initiatives have different approaches, and none have been thoroughly evaluated. A lack of funds, and of baseline research are given as the primary reasons for this. The relationship between NGOs and the state is incipient and the NGOs continue to face challenges working in the area of adolescents' sexuality and inclusive education.

Another study included in the 2015 compilation is the interviews of eight program directors and decision makers from the MSP, the ASSE and MIDES. Quotes are given from the four interviews that reference sexual diversity; the directors are not cited by name. These mentions are highlighted in bold italicized text; I have include the paragraphs to give context to these comments

> Decision maker #1:
>
> Sexuality is many things, pleasure, reproduction, and fundamentally interpersonal relationships. These three keys influence the topic of sexuality. The tension between desire, prohibition, that which is possible, that which is permissible, how, where, and when it is permitted, or not, and with whom. I think that there is more at stake than in just a traditional sexual relationship. ***Sex is not reduced to one gender identity, rather to all***….
>
> Decision maker #3
> I believe the reproductive dimension is central…we speak about this dimension: contraceptive methods, the construction of motherhood and fatherhood, a woman's right to choose. ***I believe that the dimension of sexual diversity also needs to be present***….
>
> Decision maker #4

> …The matter of gender, empowering young mothers, ***and the appropriation of all that is new in the framework of rights*** related to sexual and reproductive health (Facultad de Psicologia, Universidad de la Republica Uruguay 2015, 113-116).

Alejandra López Gómez writes in her analysis of this study

> The inclusion of focuses on gender and sexual identity were valued as a relevant strategy by the interviewees, and by the documents analyzed…In the words of one interviewee "they are part of the ABC together with rights". Although these categories are not conceptualized in the interviews some notions are suggested.…sexual diversity was associated with respecting different options, orientations, and sexual possibilities, and at the same time it was visualized as an obstacle to obtaining services, resources and rights (Facultad de Psicologia, Universidad de la Republica Uruguay 2015, 116).

NGOs were involved with this project, primarily dealing with reproductive rights, domestic violence and STI prevention. No mention was made of specific LGBTQ+ organizations functioning in Uruguay at that time. There are very few mentions of sexual diversity and the language, when used is often guarded and indirect. It is remarkable that only two of the seventeen projects of "Adolescents and Sexuality" compiled for the 2005-2014 period are about non-heterosexual adolescents. Without researching this aspect of adolescent sexuality, bringing the topic front and center, I do not see a pathway out of the marginalization that LGBTQ+ adolescents are reporting. This minimal content regarding LGBTQ+ youth *at the academic level* reinforces the concept that visibility is necessary to address the problems of a hostile and violent school environment that students report in the *Ovejas Negras* study. The rigorous examination of the problems faced by a sexually diverse student population is needed; how can there be advances in this area with the censured and timid approach to these studies?

The researchers determined that the consumers of the knowledge produced in this study were the same people who produced it. Perhaps this is a problem of academia in general, but specific to this topic it certainly speaks to the problematic nature of identifying and mitigating

the suffering of LGBTQ+ at the school place when subject is not being studied in any way by academics.

The other recurring theme in the seventeen studies are the mentions about funding and government participation as the keys to empowering involved actors to continue and scale up research and to address the myriad of problems identified in this study. I am quite surprised that neither *Ovejas Negras* nor *ATRU* were referenced for this compilation nor were women's rights groups. *Ovejas Negras* was involved in drafting versions of almost all of the bills that ultimately would be debated and turned into law during the 2005-2014 period. Their absence presents a disconnect that is hard to explain. 2005-2014 was a period of tremendous legal victories for the LGBTQ+ movement; it is difficult to understand how the discussion of "research, actions, and public policy" on the topic of adolescents and sexuality could have such negligible content on sexual diversity itself in the academic and public policy communities.

***HOMOFOBIA Y EXCLUSIÓN ESCOLAR EN CICLO BÁSICO*:**

This is an in-depth qualitative study of twenty gay males, 12-19 years old that reported psychological symptoms, and all had currently or previously had their educational trajectories interrupted. Gelpi, a licensed psychologist, and professor of Psychology at UdelaR studied each case from an intersectional perspective of the effects of bullying on psychological health, self-esteem, and academic trajectory. Gelpi brings his clinical experience counseling dozens of gay adolescents in his private practice, and his experience as an academic.

The most serious problems experienced by Uruguayan adolescents per the findings, are emotional abandonment by parents, substance abuse, psychological disorders, hyper medicalization, learning difficulties, school exclusion, domestic violence, sexual abuse, violent

relationships, adolescent pregnancies, homophobia, xenophobia, physical and cyber bullying. Per MPS there is also a higher rate of self-mutilation (cutting), eating disorders, suicide attempts, and successful suicides (MSP, 2017 as quoted in Gelpi, 30).

All of the subjects of Gelpi's study experienced one or more of the problems identified and listed above and provided troubling testimonies in their interviews. Gelpi brings his psychoanalytic perspective of the long-term damage to self-esteem, education and work perspectives of this population, as a result of homophobic bullying.

Gelpi identifies a difference between students who suffer discrimination based on race or nationality as usually having support at home where LGBTQ+ adolescents generally do not have support at home, as they are the most closeted of these groups, placing them in a much more vulnerable position. He states that there are no real legal mechanisms in place in Uruguay to combat homophobia (Gelpi, Homofobia y exclusión escolar en Ciclo Básico: Indagando en las experiencias de bullying homofóbico de varones adolescentes de liceos públicos y privados de la ciudad de Montevideo 2019) **.**

TRANS CENSUS

In 2016 Uruguay conducted its first ever Trans census. The key findings were instrumental in propelling the Trans community and ATRU to lobby for their agenda's inclusion into the 2018 political agenda. Under the slogan "Ley Trans Ya" volunteers obtained 120,000 signatures in the period building up the September 2018 March for Diversity. The presentation was prepared in September 2017 for presentation at the UN committee session March-April 2018 (Censo de personas trans 2016, MIDES). [72]

[72] These findings of the census were retrieved from the Presidential website where they were first published 9/21/2016. They are still found there. Contacting MIDES for the census questions and hard data I was told that the

Lawmakers in both houses began discussing reparations to the trans community that suffered at the hands of the state during the dictatorship (1973-1985). The 2016 Trans Census revealed that the trans population of Uruguay is 937 transgender people at the time of the census. The census also revealed that the trans population had lower education rates, as measured by highest grade achieved; 36.3% finished 6th grade, 32.9% finished 9th grade, 15.1% finished 12th grade, 5.4% graduated from a trade school 5.7% graduated from University/Advanced Degree with the average age of 16 upon leaving education.

Other statistics revealed the degree of exclusion in the labor market: 30% unemployment, 65% employed, 23.5% of those that had jobs were employed in the formal sector, with health and retirement benefits; the remaining 76.5 worked in the black market.

Only 2.4% of the trans population were over the age of 65, compared to 14.1% of the general population. It was cited that other studies revealed that the average lifespan of a trans woman is thirty-five. [73] Trans women are especially exposed to the shortened life-span because of gender inequality and power (OAS-IACHR Press Release 2018)[74].

The average income on national average was $7,471 Uruguayan Pesos per person, approximately $257 (using average rate of US1=UY29) and the average household income of transgender people was 4,745 Uruguayan Pesos, or approximately $163, using the same exchange rate. The census also found that 25% had been expelled from their homes by the age of 16, and that 85% currently perform, or have performed sex work.

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census results and ancillary comments were temporarily taken down from their website due to "some minor inconsistencies".

[74] The Inter-American Commission on Human Rights (IACHR) stated with concern the risk of certain types of violence, poverty, and exclusion to which trans relations and which, alarmingly, reduce the average life expectancy of trans women to 35 years in the Americas.

MIDES took down these findings from their website in late 2018, due to inconsistencies with the data, according to one of my contacts. By May of 2019 it was still not on their website.

DATA ON TRANS CENSUS FROM PRESIDENTIAL WEBSITE:

There is, however, a report on preliminary data on the presidential website dated 9/26/2016 which is still up. The most current newspapers articles that I found refer to the numbers found in the presidential website (presidencia.gub.uy 2016)

853 'transsexuals' in Uruguay, 90% whom are female. 23.5% would like to work in the beauty and clothing industry while 14.5% would like to work in gastronomy. 88% report having experienced discrimination; with classmates being the biggest perpetrators, reporting primary school (K-6th) discrimination experienced by 75%, reporting 72% in secondary school (7th-12th). 19% reported discrimination coming from professors in primary school, and 20% in secondary school. The types of violence they experienced at school included pejorative name-calling, social isolation, physical violence ranging from pushing and hair pulling; with more severe cases being fights which resulted in serious injury.

Only 16% of the 853 were over 50 years old, implying a shorter life span than the non-trans population. The largest age category was the 18-29, while the average age of those counted was 37. 25% left home at the age of 18. 56% had been discriminated against by family members; 41% by their mothers, 50% by their fathers, 56% by siblings, and 27% by other family members. Federico Graña presented the findings at the presidential tower an event covered by local & international media. Graña stressed that several qualitative studies had been done regarding the trans population; but that the data received in the census was unprecedented.

Graña, while presenting these findings added that:

> These concrete findings go beyond what was previously known. Losing family bonds at early ages lead to several consequences: premature departure from home and school, which often leads to dire financial necessity, which frequently has a further consequence; sex work, a job which is marked by violence, substance abuse, and a higher risk of contracting STIs (The office of the President of the Republic 2016)**.**

HUMAN RIGHTS SITUATION OF LGBTQI PERSONS IN URUGUAY[75]

Ovejas Negras, akahatá, and the Global Initiatives for Human Rights were tasked with submitting suggested for review and implementation of international covenants on civil and political rights by the state of Uruguay to the one hundred twenty-second session of the United Nations Human Rights Committee (UNHRC) to present the situation of LGBTQ+ people in Uruguay and open questions for the state. The document was submitted to The Working Group on the Uruguay Report-United Nations Human Rights Committee (Colectivo Ovejas Negras 2018).

The NGOs presented issues for the committee, findings of relevance by different actors, and questions for the state were. The topics deemed most important out of these collaborative sessions were also formally presented to the Uruguayan government and were published. Some of the key issues brought to light in this process:

Specific to trans people:

The ongoing discrimination of trans people in spite of legislation passed in 2009. The overwhelming majority experienced socio-economic exclusion and marginality. Trans (women

[75] LGBTI is the most common abbreviation used in Uruguay; I have changed to LGBTQ+ to stay consistent with the English acronym preferred by academics and activists.

in particular) are frequently kicked out of their homes at an early age, drop out of school, are unable to obtain the same work opportunities and health care as non-trans people. They often end up having to perform sex work to survive. A bill had been drafted for comprehensive legal reforms for trans people, but legislators were not bringing it to discussion and a vote. Several trans women were murdered, and none of their killers were getting jail time.

Persistent discrimination:

Ongoing discrimination of LGBTQ+ people, violation of their rights to the protections of the of existing non-discrimination laws, and the lack of equal enjoyment of civil and political rights. Violence against LGBTQ+ people, with impunity in cases of violence against and murders of LGBTQ+ persons. Discrimination against LGBTQ+ persons and against any non-heterosexual expression of love, particularly in public spaces and the media in spite of explicit legal protections: right to nondiscrimination (Article two, right to life), and right to freedom of expression (Article nineteen).[76] In spite of current norms on discrimination, LGBTQ+ persons continue to be discriminated against by different actors in Uruguayan society on the basis of their gender identity, sexual orientation, gender expression and/or any public expression that differs from heteronormative parameters. This discrimination has serious implications as it leads to human rights violations against these persons at most levels and even compromises their physical integrity.

A few of the questions presented for the state of Uruguay:

[76] These reference articles in the 2004 law against Racism, Xenophobia and Discrimination. Ley 17.817 (2004)

1. How will the State grant effective implantation of all articles in the bill for trans persons once it has passed? [77]
2. Which measures will the State of Uruguay implement to ensure thorough investigation of those murders of trans persons that remain unpunished and the enforcement of the corresponding punishment for perpetrators of transphobic hate crimes?
3. Which measures will the state of Uruguay implement to ensure that cases of violence and discrimination based on sexual orientation and gender identity will be thoroughly investigated: to guarantee that perpetrators are brought to justice and, if found guilty, adequately punished specifically on the grounds of their discriminatory acts: and to provide sufficient compensation to victims?
4. What measures will the State of Uruguay implement to strengthen the Honorary Commission against Racism, Xenophobia and all Forms of Discrimination, particularly with regard to (a) broadening its mandate to impose sanctions and conduct administrative processes; and (b) endowing it with enough human and financial resources so it can effectively carry out its mandate according to law 17.817 ? [78]

[77] At the time of this presentation the Uruguayan Parliament had not committed to discussing and voting on the law prior to their summer recess on December 15th. There was tremendous visibility in support of this in the September Marcha por la Diversidad that I attended. It is estimated that 80,000 people signed a petition urging action on the bill at the March. The campaign was called "! Ley Trans Ya!" Although the campaign was successful, the bill discussed and signed into law on 10/18/18 the concerns expressed to the UN committee speak to a recurring theme of concerns of inefficiencies of the State in responding to the needs of LGBTQ+ committee and ongoing lags in legislation and implementation of public policy.

[78] Decisions by the Honorary Commission created by the above-mentioned law are non-binding which hampers their ability to effectively promote a non-discriminatory society and leaves those suffering violence and discrimination based on their sexual orientation or gender identity in a disadvantaged and unequal position. It is also worth mentioning that Uruguay's comprehensive legislation covering all grounds for discrimination recognized in article 2 of the 2004 Ley 17.817 did not establish any effective mechanism to oversee the article's implementation. An example of this is that homo-lesbo-transphobic content was freely circulated by the media, in violation of this law, at the time of the 2018 UN report, evidence that the rights of LGBTQ+ persons continue to be violated.

The document also presented issues specific to the rights of LGBTQ+ children and adolescents to nondiscrimination and personal integrity; the right to freely express their gender identity and sexual orientation in every dimension of their personal lives, *including the schoolplace* . The document asserted that the anti-discrimination laws were failing to protect these minors' right to freedom of expression, their right to nondiscrimination, and to comprehensive protections.

The problem was defined as follows: The current educational system, and religious fundamentalists who directly or indirectly promote discrimination and hatred against LGBTQ+ students, perpetuates gender-based inequalities. The failure to circulate scientific, updated and relevant knowledge along with the lack of respect towards LGBTQ+ persons in educational settings leads to discriminatory and violent situations including strong harassment -also known as bullying- in most school settings in Uruguay.

These practices are replicated in the form of social, verbal, physical, and emotional violence towards LGBTQ+ children leading to eight out of ten children feeling unsafe in their schools on the basis of their gender identity, sexual orientation and gender expression. Violent reactions on the part of school authorities and peers have a deep impact on LGBTQ+ children and adolescents and play a significant role in their dropping out of school.

Due to the lack of recognition of their identities, the educational future of trans students is particularly precarious as 75% of them dropped out of formal education and 55% do so before turning eighteen. This has an impact on their work and social integration on an equal basis with others.

The questions prepared for formal presentation to Uruguay on this topic are:

> 1). How is the State of Uruguay planning to ensure education that is free from discrimination, incorporates international standards on comprehensive sexuality education in order to reduce arbitrary divisions based on gender and sex, and establish policies to combat harassment based on sexual orientation and gender identity?
>
> 2). What public policies are the State of Uruguay willing to adopt to ensure an inclusive environment that recognizes the dignity and equal rights of all students, teachers and other school staff, and particularly those who are LGBTQ+ in all educational establishments?
>
> 3). What measures will the State of Uruguay implement to ensure that all public and private schools circulate and adopt anti-discriminatory policies condemning and forbidding all forms of harassment and intimidation aimed at LGBTQ+ students, teachers, or staff (Colectivo Ovejas Negras 2018)? [79]

The issues and questions presented to the UN Human Rights Committee reinforce that certain themes continue to hinder the possibilities for LGBTQ+ students to have a safe educational trajectory as their heterosexual/straight-acting peers: Progressive social legislation is hampered by weak institutions; honorary commissions have few powers beyond note taking in regards to incidents of homo-lesbo-transphobic hate crimes, there are no established protocols for dealing with incidents of LGBTQ+ bullying at school; widely seen as non-criminal. The educational system is not accountable to the legislative and judicial branches of government.

[79] Discrimination was perpetrated by both students and teachers-school faculty. The presentation was prepared in September 2017 for presentation at the UN committee session March-April 2018.

To my knowledge, this project was the first follow up academic work to the Ovejas Negras-GLSEN study *commissioned to influence public policy*, and the first project sanctioned by the state of Uruguay to identify ongoing inequities and present their findings formally. This buy-in from the government that asks for an investigation of its shortcomings in ensuring rights for the LGBTQ+ community, and specifically naming all of the involved actors in the adolescent community at home, and in the school place, marked a turning point in the inclusion of this topic in the dialog between NGO, civil society, and the government.

If we think of "out" of the closet as part of the construction of being "out and about" as a reference to LGBTQ+ visibility; living one's life without hiding or shame, the negative impact caused by the persistent lack of adult visibility for the children and adolescent students in Uruguay who are trying to make sense of their sexual desires and identities becomes problematic. Legally these students have the right to a safe educational free from discrimination & "hate crimes"; however, the reality doesn't match the law. This problem in Uruguay has only been identified in the last few years and projects to reverse this are in their infancies.

What's in a name? A recurring observation of mine in conducting this study is that what is not said is as important as that which is said. The text of the anti-discrimination laws includes the words sexual diversity and gender, but the name of the law relegates the rights of gay, lesbian, bisexual, trans, queer, questioning and intersexual to the broader "discrimination" category, in a more ambiguous way than Racism and Xenophobia which are included in both text and title of the law. Sex education to this day does not have any LGBTQ+ content. Many academics and activists refer to the torture, persecution and exile of homosexuals during the 1973-1985 dictatorship as the Gay Holocaust of Uruguay. The training of teachers and school administrators that has been implemented to date is one of "awareness and sensitivity" to the

perspective of sexual diversity. In order to normalize diversity, it must be not only seen, but heard too, and the tone-deafness implicit in the terms used by educators perpetuate a climate that makes the non-straight students invisible.

What Diana Mines, lesbian activist, said on national TV in 1997, "I assert (*reivindico*) the healing power of words. To be able to say things out loud heals the soul" resonates to this day. Words can be healing, and to continue using ambiguous language when speaking of the hindrance of rights of the LGBTQ+ population speaks to an open wound in the reported lives of these students today. That which cannot be seen cannot be named; that which is not named can not be seen, and the problem of invisibility is perpetuated.

The *Ovejas Negras*-GLSEN study was the first study of its kind. The problems of LGBTQ+ bullying and other inequities at public schools were identified. For activists and advocates the findings were alarming and recommendations were made with a degree of urgency.

Those findings and recommendations laid the bricks of the foundation on which all of the pilot programs and further studies are being built. Though indicative in statistical terms, the strategies to address and mitigate the problems identified in the *Ovejas Negras* study are present to varying degrees in all of the subsequent studies and pilot programs my research and interviews led me to, including this UNHRC document.

Given the urgent implications of the problems identified in this study and the questions asked of Uruguay, I expect to see the creation of a direct dialogue between all actors involved; activists, government officials who funded the study, education policy makers, sociologists and the psychologists working in this particular niche field. Leading this dialogue should be those

who participated in the design, and execution of the study, and the preparation of findings and recommendations contained in this work. I believe that this distortion and disconnect; that the study was prepared with so many inputs and lead to no concrete follow up can be explained by situations and structures unique to Uruguay seen repeatedly throughout this work I have presented.

Unfortunately, educational reform is subject to the limitations of an institutionalized and hierarchical bureaucracy, which according to the constitution only has to answer to itself or in rare cases, to the president of the Republic. Only recently has MIDES pushed through this dysfunction and is achieving a dialogue as interlocutor with education entities.

Neither this study itself nor the findings are widely known outside of MIDES personnel and the actors who were involved in the project; it was not widely diffused.

This study has described the problems in schools, which in turn is slowly translating into efforts to address these inequities, and the negative social, scholastic, and emotional impacts the status quo has on these students by MIDES.

I interviewed Jose "Pepe" Ramallo, educational "*referente*" (liason) who was involved in every aspect of the *Ovejas Negras* study; working with GLSEN and others in nuancing the questions for Uruguayan students, analyzing the data, preparing the key findings and the recommendations. Here are a few of the most relevant questions and answers from my interview with him:

Q. Is there a gap between the rights and protections the law affords LGBTQ+ students and the reality that they experience at school?

> Yes, there is a gap, and it is quite large. The laws consecrate powers. The problem is they don't consecrate practices. What we are proposing and what I have proposed many times

to teachers and other staff is that the educative centers need to enable social practices to accompany the law as we see, for example, in marriage equality. You can marry your same sex partner; that's great. The reality in scholastic spaces is that we have not established spaces for the transition of LGBTQ+ students into loving relationships. The non-hetero relationship is based on a legality that is not yet up and running. These public displays of affection exist, but when they appear, they are treated as a problem that needs to be dealt with as it is not seen as normalized. This is what the reality is; there is no space for LGBTQ+ student courting at schools.

Q. Are you saying that public schools are 100% heteronormative spaces?

In the interior and in the world of adults, yes, I am. Perhaps in the students' world things are a little bit more open but I would have to qualify this geographically, by socioeconomic class, and by imaginaries. There are many more conservatives than middle class, progressive intellectuals that send their children to specific schools that live in specific parts of the city. Where I live, and a few other neighborhoods are bubbles of acceptance that do not coincide with the realities of the majority of places. You are here in Punta Carretas; this neighborhood, and the neighborhood I live in, Parque Rodó, are places where you will find same-sex couples going for a walk holding hands in relative safety.

Q. Please tell me about visibility in the adult LGBTQ+ community:

What we see in the neighborhoods I mentioned in the previous question, we don't see in the outskirts; in Carrasco (also coastal Montevideo) people are very close minded, they are that Patricia families.[80] They are very upper class and their children don't circulate outside of there. What I see is that they are not familiar with the rest of the city and all of their relationships begin and are deeply rooted there. They are very conservative as they are very Catholic, they live in gated communities, and their relationships are very conservative too. They have a very narrow definitions of gender roles. Catholic gays are depositories of the dominant culture; they don't see any contradiction in electing anti-gay politicians. In the high school there where I taught there was no space for LGBTQ+ relationships, and straight relationships followed conservative protocols; I am the girl so it's the guy who has to invite me out, who has to pay, who has to pick me up etc.

Q. Is the "gap" significant?

I consider it very significant. For example, straight couples receive flattery and compliments by their teachers; "Look at Fulano and Fulana; aren't they adorable". What is immediately seen is an affectionate project and nobody questions their sexuality. Meanwhile if two girls or two boys are holding hands what is immediately seen is their sexual practice; love and affection are not considered. If the same two girls or two boys are kissing in the hallway teachers organize a conference to discuss how "the situation" should be handled. It never enters into normality; do whatever you do but don't do it

[80] Familias patricias is an expression that refers to the landed gentry of Uruguay; the blue-blooded old money, frequently recognizable by their last names; Uruguay's Kennedys and Rockefellers.

here. The school should be an easement on their pathway to normality… here the gap is even greater. It is one thing to have rights and it is another thing to use those rights.

On sexual illiteracy:

Teachers and faculty are sexually illiterate; many of them confuse sexual identity with gender identity; they confuse identity with orientation. In reality they cannot differentiate between these definitions. This illiteracy is even greater with their understanding of the trans community. Perhaps in Montevideo there are some open-minded teachers, but in the interior, you will find none.

Regarding the hostile environment:

The most serious problem for the trans kids is that they drop out. In the case of gay and lesbian students it is violence; they experience symbolic violence as well as physical violence. The worst part is that they feel neither represented, nor welcome, nor recognized; no part of their experience has a positive image. They are not welcome. They are not protected. If they manage to form some protection and feel safe, it is with their classmates, something the institutions do not provide them (Ramallo, 2018).

Education in Uruguay

I think it is valuable to take into consideration the Uruguayan education system to add further context to our understanding of the discrimination and violence LGBTQ+ students are reporting at school. The education system in Uruguay is rather unique; it doesn't take more than a cursory glance at the chart below; "Figure 2: The Governance of Education in Uruguay" to have a sense that the organizational structure of the system consists of a cumbersome bureaucracy of many entities with complex relationships.

Free, secular, and obligatory primary education was signed into law in 1877.[81] With the exception of the dictatorship of 1973-1985 education has always enjoyed constitutional autonomy. Pedro José Varela, the framer of the educational laws of 1877, saw the potential risk that politicians would use education as an instrument for indoctrination to one of the two

[81] Though not explicitly stated in the reform, public education was *de facto* secular.

political parties that emerged from the 1839-1851 civil war, and wrote the laws granting constitutional autonomy to the educational bodies. Constitutional autonomy for education remained the law of the land except for the duration of the dictatorship. Educational policy was determined by autonomous entities, institutionalized, whose only major changes for generations at a time have been in the name of the entities themselves.

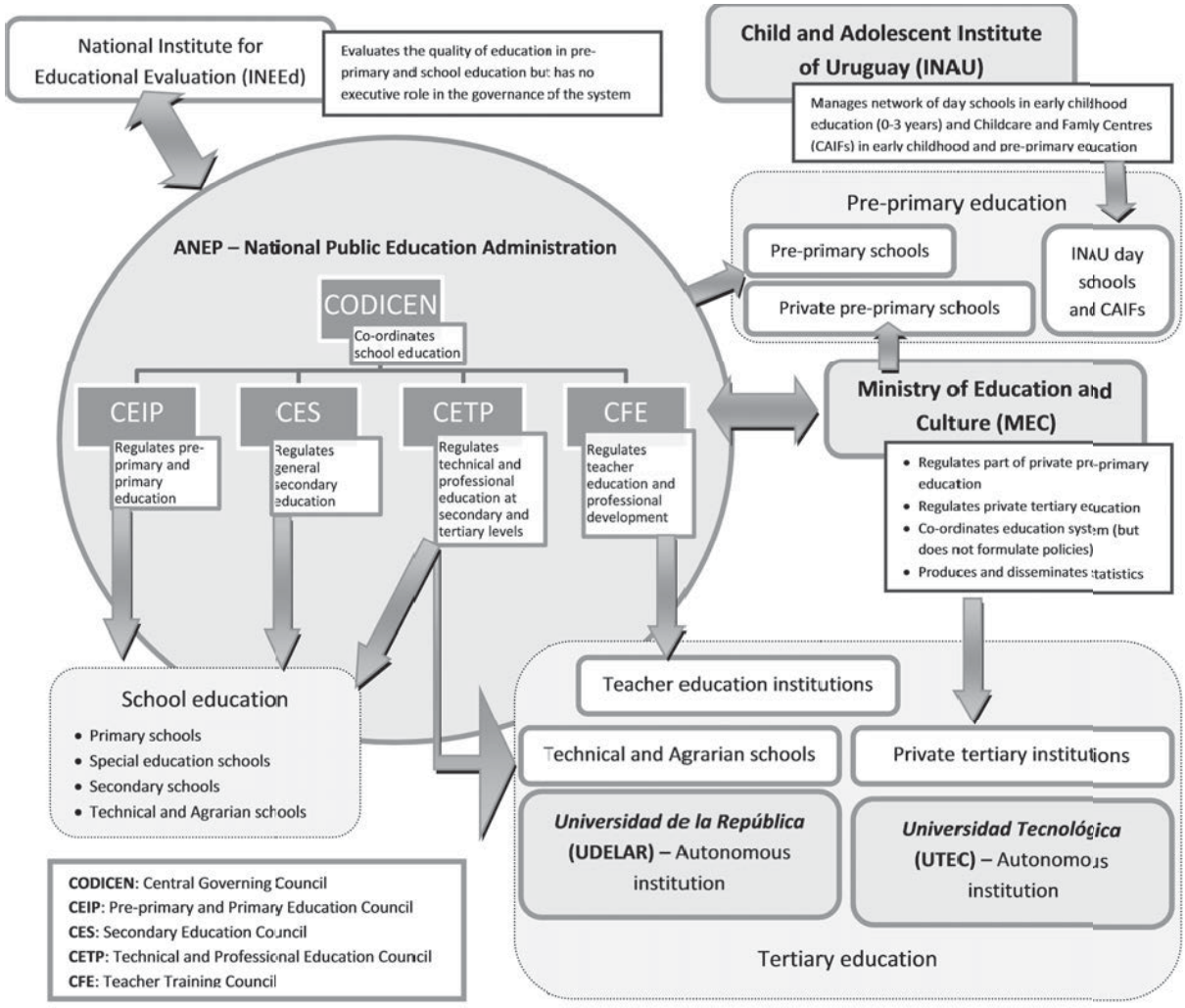

Figure 2: **The Governance of Education in Uruguay** (Santiago 2016, 45)

ANEP was established by Sanguinetti during the first months of his (1985-1990) presidency, restoring autonomy to public education as Uruguay returned to democracy.

ANEP is an autonomous state organism responsible for the planning, management and administration of public education from kindergarten through secondary education. The national education system is divided into three periods, preschool, primary education: (kindergarten through sixth grade) and secondary education: (seventh through twelfth grade) including grade schools, military academies, and a dramatic arts school in Montevideo that are also credentialed to teach grades tenth through twelfth grade and issue diplomas.[82] Secondary education is divided into *primera media*, grades 7-9, and *segunda media* grades 10-12. ANEP is governed by their own body CODICEN (ANEP n.d.).

CODICEN coordinates the work of four educational councils, each taking the majority of administrative and curricular decisions. Each plays a decisive role in the development of educational policies: pre-primary and primary education, secondary education, trade school secondary, and teacher education/certification. Within their areas of responsibility, the councils concentrate significant authority (Santiago 2016, 45-46). A 2008 education law reorganized councils under CODICEN, adding two councils. At the time of the OECD review this change had not yet been implemented.

[82] The army, the air force and the navy all have their own academies.

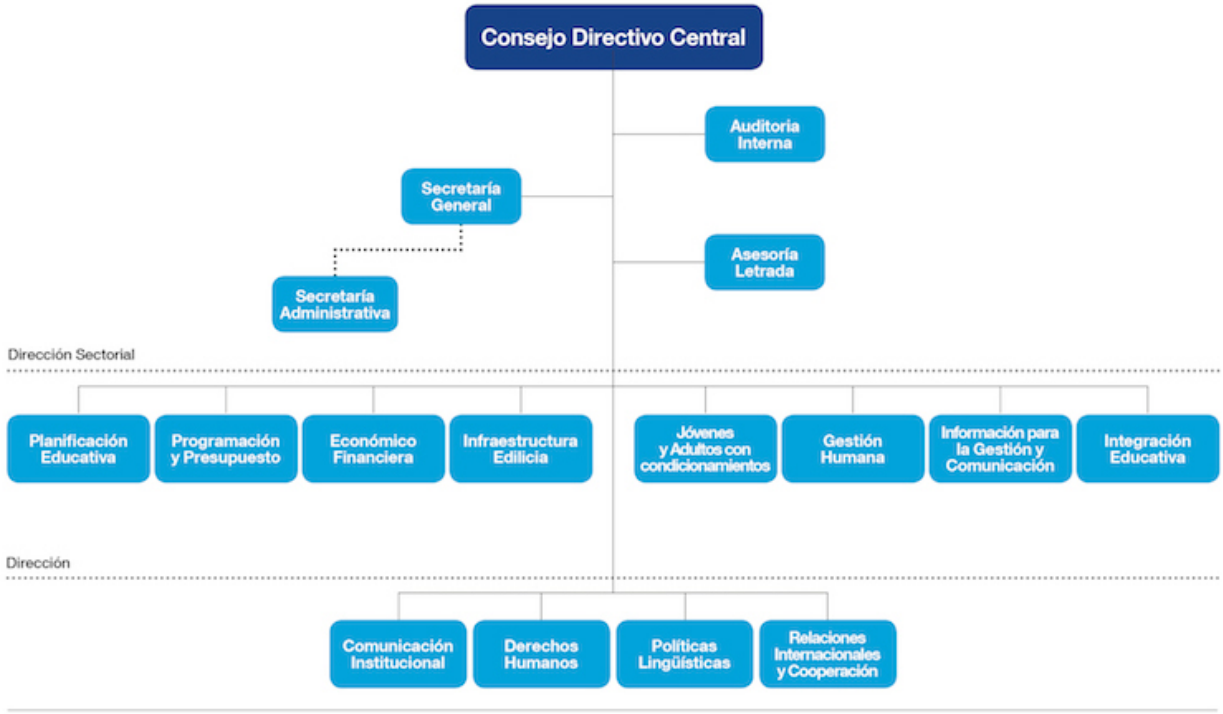

Figure 3: Diagram from ANEP's website depicts the structure of CODICEN.

As Figure 3 illustrates CODICEN also is responsible for official communication with the public, budgets, school curriculums, and other administrative arms. It is the human rights branch where all petitions for inclusionary policies, grievances for discrimination are "handled" and cooperation and collaboration with projects involving MIDES or civil society groups happen.

MEC

The Ministry of Education and Culture; *el Ministro de Educación y Cultura* (MEC) plays a minor role in the governance, supervision and administration of education and does not

formulate education policy. Its main executive functions consist of regulating part of private early childhood and pre-primary education and all private tertiary education. In addition, MEC contributes to the co-ordination of national education policies, establishes general guidelines and collects and disseminates statistical information (INEEd, 2015).

CONCLUSIONS

My research indicates that an important gap exists, not only between the *de facto experience* and the *de jure* rights and protections that the LGBTQ+ students should be enjoying, but also between the experience of LGBTQ+ and that of the heterosexual students. Institutional obstacles include the low educational levels of teachers, and the resistance of governing bodies to include in curriculum sex education and history with LGBTQ+ content. These factors contribute to the lack of policy implementation of rights and protections for these students.

LGBTQ+ students cannot count on the presence of authorities to have their back when sexual orientation or gender identity-based verbal and physical aggressions are experienced. In many cases when they do reach out to school authorities they are "outed" by the school to the students' families. Neither school nor home are perceived as safe spaces, and as a result, the majority of students who experience these aggressions do not report them.

There is a significantly lower degree of inclusion and acceptance of LGBTQ+ students outside of the wealthier areas of Montevideo and the coastal resorts (seasonally, which is outside of the academic school year). There is even greater exclusion in the *interior* of the country.

LGBTQ+ teachers are less out at the schools they teach at than they are in their lives outside of school. There is a pilot program to have *promotores* of rights present at some schools, which will be examined further in chapter four, to intervene when the rights of any vulnerable

population (LGBTQ+, students with disabilities, afro descendants) report physical or verbal aggression. My interviewees widely agree that older generations of LGBTQ+ adults are noticeably absent from supportive roles both at school and in society at large, and that this absence is a direct consequence of the untreated trauma they suffered as a result of their sexual and gender identities inside and out of the closet in their own lives.

To my surprise the only interview subjects who knew of each study were those directly involved with the study, and those who were researching topics related to LGBTQ+ youth. The results were not well known, and limited government funding and diffusion was blamed. I believe that this topic is not of great interest to Uruguayans, as evidenced by the low "turnout" to watch Uruguay's watershed moment, when a gay and lesbian appeared on a popular prime time talk show to discuss their sexuality, for the first time ever, marking the moment that the "movement came out of the closet" over twenty years ago.

SEX EDUCATION

The Law for Common Education is arguably the most progressive of the region; seen as a historic milestone it made primary school obligatory, and also inaugurated a stage of education characterized by discipline. "The implementation of the public, secular, and free school imprinted obedience and study." [83] During the first fifteen years of the twentieth century, under the presidential mandates of Batlle y Ordoñez, *liceos* were created in all nineteen *departmentos* because, in the view of the Batlle movement fostering education and citizenship were the best ways to strengthen democracy (Barrán 1990, Intro - 27). [84]

[83] *Ley de Educación Común,* 1877
[84] Liceos currently refer to all middle and high schools.

"We are all equal" was the motto of Batlle's educational reform; boys and girls were required to wear state provided uniforms at all schools effective February 5, 1910. Among the reasons given were that the use of the smock hides the deficiencies of children that come from less fortunate homes, overcoming the reluctance of these parents to send their children to school when they were financially incapable of sending their children to school appropriately dressed. To this day the white smock and blue tie are required at primary schools.

Barrán argues that the well-intentioned school uniform did effectively even the playing field of economic differences children from poorer families by covering their humbler clothes and preventing children from more privileged families from showing off their wealth with nicer clothes. The policy made economic differences invisible at the price of instituting a culture of homogeneity in the realm of education. The opportunity to value diversity was missed, and rigid binary gender identities were fostered by this policy (Barrán 1990, 33-34).

Figure 4: The school uniform that is required at primary schools to this day.

There were discussions of teaching sex education in the 1920-1940 period, but no consensus was reached on what shape it would take and the best way to teach it. According to Uruguayan psychologist Silvana Darré:

> The institutionalization of sex education was probably delayed because of resistance from the Catholic Church, because of the different senses and meanings that individuals gave to sex education…historically physicians have been granted more legitimacy than teachers to speak about sexuality, and also because such an education runs against a basic principle of the pedagogic discourse about the transmission of knowledge constructed as truths, since in the case of sexuality everything is very subjective. It can also be argued that sex education is and has been one of the areas were multiple discourses intervene in a political dispute of sexuality. (Darré 2005, 27)

Ever since sex education began to be taught at schools in different countries methodologies and objectives differed widely according to the prevailing culture of the specific country/region at the time. Initially, sex education was a pedagogy for the production of normality (Britzman 1995, 26).

After several generations of debate, sex education was included in the education reform laws of 2009.[85] The law proclaims that high quality education is a fundamental human right, guaranteed by the state for all. Article two of the law states that education is a public and social good to be enjoyed by all *without exception.* Article eight states that the state will guarantee that all minorities, especially those in vulnerable situations will have equal opportunity to the right to the same education and effective social inclusion. Article forty, section H states that sex education will be added to primary and secondary curriculum, taught from the new pedagogic method that contemplates intersectionality, putting sex education as a subject on state mandated curricula for the first time ever. Article forty also establishes intersectionality as the target methodology teaching of the new subjects of human rights, ecology and the effort toward

[85] *Ley General de Educación No. 18.437, 2009*

sustainability, and sex education. The law states that authorities will use intersectionality when CODICEN believes it to be the most useful in the teaching of different subjects. The law also states that the purpose of including sex education in the national curricula is to provide both educators and students with adequate tools that promote critical reflection to the study of gender relationships and sexuality in general, and to be able to enjoy sex responsibly (Poder Legislativo República Oriental del Uruguay 2009).

ANEP established a new entity to establish policy for teaching Sex Education, the *Programa de Educación Sexual (PES).* PES was created to fulfil the promises made by different political parties in the negotiations that placed sex education on their agendas. It was determined that both primary (K-6) and secondary (7-12) schools would not teach Sex Education as a subject per se, rather each of Uruguay's nineteen *departamentos* would have designated "*referentes"*, usually biology or citizenship teachers that would be assigned a certain quantity of hours weekly to each primary school in the *departamento*. At the secondary schools the *referentes* were given a ten-hour per school per week assignment. (UNFPA, ANEP, PES 2014). At secondary schools the *referente* would hold workshops and assemblies for students and work cross sectionally with teachers of other subjects that included sex education content. The *referente* would also work with parents, time permitting (Albero 2015, 104).

I asked Gelpi to describe to me how these ten hours are spent, and if the *referentes are* effectively facilitating sex education learning in public education, and if sexual diversity had entered the discourse. He shared recent research of his wife with me:

> *Referente* training is inconsistent, and there is a shortage of *referentes* adequate to cover ten hours at every school. Some schools had ten hours, some had less than ten hours and other schools had none. In this respect, despite the efforts made, it is important to recognize that there are still structural problems of the school that affect students and sometimes the teachers themselves; institutional heteronormativity, sexism, gender mandates, gender norms promoted and corresponding gender vigilance, homo-lesbo-

> transphobia and latent classism. The remaining questions are: Is this enough? How is sex education framed? What specific sex education is available? Are there unanimous criteria for the transmission of knowledge in this field? Will the current law facilitate, in practice, healthy and effective exercising of individual sexual identities for all children and adolescents? What obstacles remain in their way? What values do educational institutions defend in regard to sexuality? Based on what paradigms does one intervene? Is diversity promoted? How? Is there inclusion? What is included, and based on what? What messages about sexuality are divulged in schools? How does gender circulate through the schools? How is it constructed from the school itself? What happens when the gender (dis)order is made visible? (Gelpi, Untitled 2019)

For the last few years, in specific socio-economic groups, the feminist and LGBTQ+ movements have provided at least some groups of adolescents' new elements for their process of constructing an identity. There may be adolescents who, at the level of beliefs and discourse, sympathize with a more egalitarian society, but are still held hostage to affective and cognitive barriers that keep them unable to make changes in behavior related to gender and sexuality in their own lives. Gelpi underscores that, in general, from these possible contexts emerge new ways of organization and resistance to the dominant sex-gender system and the patriarchal and heteronormative institutional structures. Together, these factors promote the demand for legitimacy of new ways of being within schools in the framework of a secular education. This in turn translates into proper conditions to exercise citizenship for a group of the population historically silenced and made invisible. Small numbers of these students are gaining visibility in demanding their rights, and are misrepresented as fighting to conquer new rights, when in reality their struggle is to defend those already enshrined in law and currently threatened.

The legitimization of queer courtship and high school romance continues to be problematized at school. Those brave enough to display their affection are othered by the majority of students and the school itself. *Referentes* have received no training for these instances, and in the majority of cases teachers and administrators do not have the tools to meet the moment (Gelpi, Untitled 2019; phone interviews 2019-2020).

In 2010 PES established that the Teacher's Colleges begin integrating "the perspective of sexual diversity" in the existing thirty-hour curricula on the subject of Sex Education. This represents one class during one semester future teachers will be taking during their five-year degree program.

Only one of my interview subjects, Andrés Caldera, had a firsthand familiarity of the thirty-hour program, in his capacity as a Professor of Foreign Languages at the Teacher's College in Montevideo. He also teaches English at a high school in Montevideo. In our interview he expressed that the law protects all students in states of vulnerability, which includes bullied LGBTQ+ students. It is his experience that a pedagogic solution is always sought in front of any situations (of bullying) reported by students, or by other actors at the institution. The CAP (*Consejo Asesor Pedagógico)* program, a Board of Pedagogic Advisors program is currently operative after a few years of integration. He states that a gap exists for LGBTQ+ students, impossible to quantify, but is improving in the schools he has taught at in Montevideo and the neighboring *deparatamento Canelones*, parts of which have become part of the Montevideo metropolis.

He believes that the biggest problem is visibility, and the biggest challenge is to eradicate bullying, which he views as causing the most suffering for the LGBTQ+ student population. The interdisciplinary team of psychologist, *adscripto*, and social worker ***is*** up and working effectively at the school he teaches at; in fact when his school had a trans student, a specialist was sent in from CAP Montevideo to work with students, faculty, and teachers to understand and support the needs of the trans student.

Caldera believes that quantifying discrimination in the school place, according to geographical location, is a necessary next step. He believes that the population that needs the

most work in order to change are the teachers. He was not familiar with the *Ovejas Negras*-GLSEN study. As he was credentialed before 2010, he had not taken the required thirty-hour sex education class. He sent me links for general descriptions of both the sex education and human rights classes taught to current and future student, both which emphasized their approach of *transversilación,* or intersectionality in their respective syllabi as opposed to detailing specific LGNTQ+ content.

Caldera is an openly gay male, a fact he believes that most of his co-workers know. He lives openly, but not always in the high school classroom. He supposes that some students know this, but it is not something he talks about at school. In his role as a professor at the Teacher's College a group of students once asked him if he was gay; he didn't mind discussing his sexual orientation on that occasion, as he saw the real value in the serious conversation that it led to. He doesn't believe that a teacher needs to be LGBTQ+ to serve as a role model for the LGBTQ+ students. Empowering students is something that all teachers should do regardless of the teacher's sexual orientation. More teachers are out than ever, in his experience, and very few that he knows are still closeted. He believes that his sexuality poses no career risk; that any promotion depends entirely on skills and merits (Caldera 2018) .

THE 2010 UNESCO GUIDE FOR TEACHING AND EVALUATING SEX EDUCATION PROGRAMS

According to a 2010 UNESCO guide for teaching and evaluation of sexual education programs, in order to be effective each specific program needs to have the following qualities:

1. Provide culturally relevant and scientifically rigorous information

2. Be adequate to the students' age and specific context
3. Include structured opportunities that allow students to self-examine their own values and attitudes, putting into practices competencies essential to making decisions about their own sexual lives
4. diminish incorrect information
5. increase the knowledge and use of correct information
6. clarify and consolidate positive values and attitudes
7. strengthen the competencies in each student needed to make well-grounded decisions and the ability to act upon them
8. improve perceptions about peer groups and norms
9. increase and improve communication with parents and other trusted adults

Uruguay's sex education program has not been effective according to UNESCO's guidelines. Shortcomings of the program were brought to light in this evaluation conducted eight years after the program began (UNESCO 2010).

EVALUATION OF THE SEX EDUCATION PROGRAM

ANEP and CODICEN, in accordance with international standards, agreed to have the United Nations Population Fund evaluate the sex education program in Uruguay. The evaluation was completed, and the study was published in 2017.

Teachers of eleventh and twelfth grade participated on-line and teachers were also interviewed (representative sampling). Ninth grade students were interviewed (representative sampling). Discussion groups were held with fifth year education majors. Percentages were given, but number (sample size) of interviewees were not found in the methodology section or anywhere else in this 159-page report.

The key findings related to LGBTQ+ students are that 43% of students in *enseñanza media* (grades 7-12) and *Universidad del Trabajo del Uruguay* (UTU) believe that sexual orientation is genetically determined, 20% believe that homosexuality is a disease which can be

cured and 10% answer that they don't know if it is or not. Approximately one in five high school students believe that non heterosexual orientations are a pathology. Half of the students agree that education centers are spaces where students can express themselves about sexuality, and 30% are not in agreement with this statement. Approximately half of the students expressed that the sex education program has not contributed to their ability to develop a dialog about sex with their families.

Regarding teacher training (the accreditation process) it was found that thorough knowledge of the content of the sex education program did not exist, nor was there a thorough knowledge of the implementation of the program. Education students understand that sex education is an indispensable subject for their training as teachers. However, they want more training; they consider one 30-hour class insufficient to have a working knowledge of theory or the tools to confront and resolve common situations that occur in schools. With respect to diversity, "the program promotes the recognition and respect for different expressions to avoid discriminatory and violent conduct that tend to make these different expressions invisible" (United Nations Population Fund, ANEP 2017, 24).

Relevant recommendations:

Empirical evidence suggests that an analysis and revision of the content of the program, integrating emerging themes: social media, bullying, and violence in relationships, is necessary. In accordance with student opinions there is a need to approach the topics of sexual and domestic violence, sexual diversity, eroticism, and not restrict content to subjects such as STIs, sexual health, and reproduction. This would allow education to be more integral, holistic, and comprehensive.

Comments from teachers and students include the following suggestions: involve families, formalize community outreach, design awareness campaigns for families and teacher-mentors taking into account the prejudices that still persist in some contexts.

Documents consulted highlight the importance of involving students in research and evaluation of sex education programs, thereby empowers students to incorporate pertinent content related to sexuality when confronting obstacles. In the medium term it would be desirable to improve the system of program monitoring and evaluation. It is observed that the proposed objectives of Uruguay's sex education program are implicit but not clearly formalized (United Nations Population Fund, ANEP 2017, 108-111).

A factor not contemplated in the sex education program is that of dropouts. There is an increasing rate of dropping out after the age of twelve. It must be pointed out that the number of students excluded from the sexual education program was lower in 2017 than it was in 2008. Statistics show that males have a significantly lower rate of completion then their female counterparts, who outnumber males in most available educational indicators. In general, authorities are concerned by the fact that four out of ten youths do not complete the obligatory educational cycle :up to and including the last grade of middle education (INEEd: Instituto Nacionál de Educación 2019).

A number of actions aimed at the continuity of education have been designed in response to the increased rates of absenteeism and cessation of studies. This educational reality shows that formal sex education does not reach all adolescents in the country, but only has an impact in the life of adolescents who attend school. For the adolescents who have dropped out sexual socialization agents are often only their families, their group of peers, and the Internet. Those

who do attend school are taught an uneven sex education that depends on several variables: who provides it, where it is provided, and the geographical location of the school, among others. This reality has repercussions on the possibility of having access to timely, quality, and equal sex education that responds to the actual educational needs of children and adolescents that accompanies their processes of subjective appropriation of rights (Del Carmen 2013, 434).

SUMMARY:

The sex education program that was established in 2008 was flawed from its inception with arbitrarily and untrained *referentes* tasked with educating faculty, teachers, students, and families. While intersectionality has been in vogue when discussing education, the concept is vague and ill-defined in Uruguay, and has therefore become a contributing factor to the failures of the sex education program. With tremendous leeway at each school how sex education was to be implemented, an emphasis on e-learning, and inconsistent content based on many factors among them age, (teachers who educated prior to 2010, some not accredited did not take the required thirty-hour course on sex education in their studies), results have been disappointing. The program does not seem to be in touch with the times. LGBTQ+ content is missing, as the commitment is to sensitize educators, and reduce bias. Even the status of pro-LGBTQ+ education is missing from the ANEP-CODICEN dictated sex education and Uruguayan history curriculum.

Sex education does not reach all of the adolescents equally; students who have dropped out are not receiving the same information as those in school. Sometimes the explicit curricula linked to sex education is affected by the personal beliefs and experiences of the *referente* in a particular *departamento,* assigned to specific schools, as well as by his or her own sexual mores,

all of which can be a substitute for scientific evidence the transmission of knowledge. This scenario often makes adolescents feel confused after receiving information from agents of a sexual socialization that is either completely opposed or complementary but considerably farther from their own world views on the subject, and thus face the permanent tension that comes with the challenge of assessing the sexual education content in constructing their own truths on the subject.

Sex education has not reached the Maldonado center of INAU. Sections of INAU, including education fall under the purview of ANEP-CODICEN. As the combination of a juvenile detention facility, orphanage, and shelter for homeless youth, there is a combination of students attending classes at INAU and "outpatient" students who attend school outside of INAU, where they eat and sleep. According to my interview with Hugo Ferreira there is no sex education taught to the students and detainees who call the Maldonado INAU *sede* (regional branch) home. The cross-sectional workshops on sexual diversity are slated on the PES blueprints but have yet to arrive to this branch of INAU (Ferreira 2018).

The findings of the UNFPA research are consistent with the findings of the *Ovejas Negras* survey, indicating that school is a hostile climate, and a place of insecurity for LGBTQ+ students; with high incidents of homophobic bullying, verbal and physical violence toward these students by their peers and even faculty. At the time of my research all studies and interviews reinforced the belief that the gap between *de jure* rights and protections enshrined in law and *de facto* experiences in the school place exist, are significant, and are problematic. Almost all of my interview subjects expressed the belief that changes were occurring slowly, and that there was reason to hope for further mitigation of "the gap" with one caveat; *unless the right wins the election, as campaign promises of a rollback on LGBTQ+ legislations could become reality.*

There is wide recognition by activists and my interviewees that the LGBTQ+ community still suffers from varying degrees of discrimination and exclusion. The laws have failed to fully produce the intended rights and protections. These inequities are greater in the lives of K-12 students. Several programs are underway with the intention of mitigating these inequities in society as a whole, some of them specific to education. The consensus of my interviewees is that positive changes are beginning to be seen, primarily in Montevideo, but that Uruguay still has a long way to go. The next chapter is dedicated to the programs that are underway to mitigate persistent inequities in the lives of the LGBTQ+ population.

At this point, synthesizing the *Ovejas Negras* study, and all available research I was able to ask the following simplified questions and submit my findings:

1. WHY DOES THE GAP EXIST?

Historically Uruguay has a very long history of a hegemonic, heterosexist culture. Implementing public policy to translate LGBTQ+ legislation into reality is problematic for many reasons in Uruguay (as has been the story for prior social agenda legislation dating back to the early twentieth century). Interpreting these laws that *apply* to LGBTQ+ student population, but do not offer any specificities to their demographic presents further obstacles. An additional obstacle, unique to Uruguay, is the legal autonomy of the educational administrative entity.

MIDES is the ministry established to design, analyze, and finance all social programs to address and mitigate inequities experienced by all groups designated as "historically discriminated minorities" including Uruguay's LGBTQ+ population. The structural relationship between MIDES and the twenty (mostly governmental) organizations MIDES assigns tasks to in the 2018-2020 *Guía de Diversidad Sexual* imply functional inter-agency relationships that are

new and complex. The number of governmental agencies involved in MIDES' public policy design for other social policies not related with sexual diversity is even greater. On the other front MIDES has to request government funds in a proposal every year, while providing annual *rendición de cuentas;* an audited accounting report, that should be transparent while offering proven or projected results in areas where there is little or no historical data to the legislative branch from where all of their funding comes from.

When a national government elects a president from a party different than that of the incumbent's; the new government replaces all ministry posts at the director level upward, and funding can fluctuate in either direction, sometimes quite drastically. MIDES' ability to allocate funding for LGBTQ+ public policy initiatives could be radically slashed if the FA party loses power in the 2019 elections.[86] MIDES became a ministry and grew during the governments of the FA. Everything from the trajectory of the ministry and its budgets could change radically if a more conservative party were to hold executive and legislative power.

Neither sexual diversity nor the history of LGBTQ+ in the dictatorship or legislative gains have been adopted into ANEP dictated curriculum; MIDES, *Ovejas Negras*, and the Psychology Department of UdelaR have been requesting the teaching of these topics for several years. Sensitivity workshops for teachers are optional and have been taught on-line. Teachers are not trained for inclusiveness.

[86] The FA was voted out of power in the October 2019 elections, and will be replacing ministers and support staff down to directors at MIDES after inaugurations in March of 2020. The right of center coalition that is coming into power has campaigned on a "traditional family values platform" that has discussed overturning some of the LGBTQ+ laws but in place by the three consecutive-five-year termed FA party.

HIGHLIGHTS FROM MY INTERVIEWS:

Visibility and inclusion have still not been "normalized" in all of Uruguayan society. This is even more pronounced at the school level. ANEP has political autonomy and neither legislative nor judicial branches can instruct any policy changes. One seat of the Council of Sexual Diversity is designated to a member of ANEP; one hopes that this will foster collaboration. MIDES/CNDD are making recommendations to ANEP, but it will be entirely up to ANEP to adopt them. "ANEP, teachers, and school directors are protective of the educational space, which they view as their territory" (Sempol, Interview 2018).

The gap exists and it is quite large. The laws establish powers. The problem with these powers is that the law does not establish the ability to exercise them. This is problem we are trying to address with teachers. One thing is the law; the other thing is if I can bring social practices to accompany the law. Legally we have marriage equality, that's great. But in reality there is no place in schools for LGBTQ+ students to have a romance. The high school romance is not enabled, even though marriage is. For a school to take action when rights have been violated it takes an emergency situation, and even then the aggrieved student's problem is treated as something abnormal (Ramallo 2018).

> Educational centers remain heteronormative, access to help and support for LGBTQ+ youth remains problematic, and there is both a heteronormative bias on the part of educators to any inclusionary changes, and a resistance by adolescents to participate in sensitivity and awareness workshops. The internalization and somatization of Homo-Lesbo-Trans discrimination manifests in a prevalence of eating disorders and substance abuse in the LGBTQ+ adolescent population. There are less than a handful of NGOs in Uruguay, and only two that have a committed presence: *Ovejas Negras Colectivo* and UTRU. Their participation of NGO's in Uruguay is insufficient to combat homophobic bullying in Uruguayan schools; There is no specific governmental program to fight bullying in general, much less homophobic bullying. The current protocol for the implementation of the legal protections has been applied in very few occasions due to the lack of training of MIDES staff on the matter of homophobic bullying (Gelpi, Telephone interview by author 2018).

2. WHY HAVE CHANGES TO BEHAVIOR NOT BEEN SEEN IN TANDEM WITH THE PASSING OF LAWS?

Entrenched homophobia at home, in the school system, internalized in LGBTQ+ students and adults, and the lack of specific public policy for schools are some of the factors that affected the current outcomes for LGBTQ+ students. Visibility and normalization in the adult world is in early stages, or non-existence, outside of the cosmopolitan bubbles. If LGBTQ+ adults are not fully enjoying their legal rights and protections, there are few role models for this generation of students to emulate. The political class has historically been more progressive than society; leading to many situations where norms have not been established for schools, and there is no current protocol for regulating the anti-discrimination laws in the school place. There is great inconsistency from school to school.

Diego Sempol says:

> A good example is that (non cis-gender identified) students feel unsafe entering a school bathroom; here we have a gender identity law, but how will it be implemented? There are no rules currently for this situation at schools. What happens when a student comes to school with their nombre social?[87] Will they be recognized by their nombre social? Will they be allowed to enter the bathroom of their identified gender? This is an open question that has not yet been resolved. There are a few schools that have (LGBTQ+) friendly spaces, and others that don't; some that have integration programs, and others that do not (Sempol, Interview 2018).

3. HOW WIDELY KNOWN IS THIS REPORT BY EDUCATORS AND FAMILIES OF LGBTQ+ STUDENTS IN URUGUAY?

The report is not widely known; the only interviewees that knew of the study were those directly involved in it; the remining interviewees were not aware of the study.

[87] This interview was conducted one day prior to the Ley Integral Trans being signed into law; at the time of this interview "nombre social" is the name that a trans student uses in line with their gender identity.

4. TO WHAT EXTENT IS THE LGBTQ+ COMMUNITY VISIBLE IN URUGUAY?

There is limited visibility of the adult LGBTQ+ community, based on socio-economic class and where one lives. Campaigns to diffuse information about sexual diversity have been relegated primarily to the State and are not strong enough. Visibility has been normalized in some parts of Montevideo, but not in the *interior*; visibility has been normalized in the beach resorts during the summer season, only to revert to very little visibility when the season ends. There are two gay bars in Montevideo, and none outside the capital. This leaves the students with very little idea of what a "normal" adult LGBTQ+ life might look like for them. The accepted mechanisms of adolescent passage widely recognized and integrated into heterosexuality in Uruguay e.g. holding hands at school, going out on dates, *las fiestas de quince* (large dance and party celebrations for females' fifteenth birthdays) that often accompany the initiation of sexual activity are denied to non hetero normative adolescents, as Ramallo emphasized in our interview.

INTERVIEW HIGHLIGHTS:

> There are contexts where the renegotiation of sexual identities is taking place. In these contexts, the process of normalization of diversity is taking place in some areas where in general there is no discrimination against gays, lesbians, and trans.[88] Visibility generates the process of normalization. Then there are other parts of the city, and the country where this process has begun very slowly, and other areas where it has not begun at all (Sempol, Interview 2018)

> Uruguayans have a tendency is to suffer in silence and internalize their problems. They are not "joiners." When they talk about their problems it is more often to medical or psychological professionals rather than publicly or in group settings. Uruguayans come out once per year for the March for Diversity and then go back into seclusion (Gelpi, Telephone interview by author 2018). [89]

[88] Transsexual, transgender, and transvestites are all referred to as "trans" in Uruguay

[89] "Interviews with Gonzalo Gelpi." Telephone interview by author. April 8, 2019.
Various interviews conducted with Lic. Gelpi over time. Confirmed correct quotation from previous interviews with Gelpi on 4/8/2019

5. WHAT SORT OF VISIBILITY EXISTS IN THE SCHOOL PLACE FOR LGBTQ+ STUDENTS?

Visibility is starting to change in some of the schools in the wealthier areas of Montevideo, in the beach resorts it is complicated. My research indicates that many LGBTQ+ teachers are not "out" at school; many express this as a privacy preference; rather than an active dynamic of discrimination at play; that it's "no big deal" if coworkers know, but there isn't a need to wave a rainbow flag. Ramallo paints a starker picture:

> Teacher education and certification has no curricula requirement specific to sexual diversity. There is no obligatory material in the thirty hours of sexual education. Perhaps in Montevideo there are some teachers more open (about their sexual orientation), but you will not find any openly LGBTQ+ teachers in the *interior.* The most serious problem for the trans student is dropping out, while the most serious problem for the lesbian and gay students is violence; physical violence and symbolic violence. The worst is that they do not feel represented, neither welcomed nor recognized. There is no positive image for them. They are not welcome. They are not protected. If they manage to find protection it comes from their classmates, as the institution offers none. I need to be very clear about my sexuality.[90] Very few teachers are prepared to do the same, even fewer in conservative areas; it's even more difficult there. (Ramallo 2018) .

Socio-economic class influences this process. Sempol states that social class "washes" the sexual orientation of individuals. The homosexual in a shantytown is a "puto" (faggot), in the middle class "gay, and in the upper classes "eccentric" (Sempol, Politicas Públicas y Diversidad Sexual 2012, 22) . I asked Sempol to elaborate on the socio-economic factors involved:

The socio-economic factor is important. I would say that in the education centers of the coastal neighborhoods of Montevideo the situation has improved quite a bit, there is less discrimination unless you are a very effeminate male, or a very butch female; very dissident gender expressions. [91] You will see that in the outskirts of the city this process has not begun, or the process has begun very slowly; in these neighborhoods discrimination and violence are much more frequent, in the interior it is worse. The neighborhood you live in has a significant

[90] In addition to his position as educational liason at Ovejas Negras, Mr. Gramallo continues to teach.
[91] The neighborhoods of Parque Rodo, Pocitos, Punta Carretas, Carrasco, Malvin and Buceo encompass the "barrios" that are along the coast of the Rio de la Plata (River Plate) that are considered "coastal".

influence on the renegotiation of sexual identity. Punta del Este is somewhat bi-polar; a situation typical of seasonal beach resorts. There are two codes (of behavior) when the tourists arrive; many things are accepted, visibility of same sex couples, PDA's etc. but when the tourists leave, reality returns, strengthening the traditional values. There is a duplicity in these areas (Sempol, Interview 2018).

Inclusiveness cannot occur without normalization; a necessary stage of redefining that which is normal is visibility. That step cannot be skipped. "We have to be visible. We should not be ashamed of who we are. We have to show the world that we are numerous. There are many of us out there" (Sylvia Rivera, trans activist, unknown).

6. HOW HAVE GRIEVANCES AGAINST TEACHERS WHO HAVE PHYSICALLY, AND VERBALLY HARASSED LGBTQ+ STUDENTS BEEN HANDLED?

As of the date of my field work not a single case has made it to the court. There have been no sanctions applied against teachers accused of bullying, nor any adjudication on behalf of any bullied student. There is no way to directly take a teacher, or a school to court. The honorary commissions have received a few grievances, but at the time of this research they have no authority to do more than document the complaint, and refer it to ANEP. There is no functioning protocol for the student to file a complaint, as there is no public policy functioning to sanction a teacher who harasses the student.

> There is no way to feel LGBTQ+ pride when your parents are ashamed of you. This is why violence at school is neither reported to school faculty nor to parents. In this sense if a student reports the incident to the school, they are condemning themselves; the situation will become worse for them. It's difficult for the adult world to take a position against the adult teacher or the institution. We have no record of sanctions against teachers for homophobic bullying, nor have there been any judicial procedures applying anti-discrimination laws on behalf of LGBTQ+ students. (Ramallo 2018)

7. WHAT SORT OF MECHANISMS ARE IN PLACE TO ADJUDICATE INSTANCES OF HUMAN RIGHTS VIOLATIONS OF LGBTQ+ STUDENT RIGHTS?

All grievances go through a hierarchical process with a separate commission receiving the complaints, which are then referred to ANEP, which has the sole discretion of referring a case for judicial review or applying sanctions. The culture is predominantly heterosexist, without significant well-known role models openly LGBTQ+, which makes it problematic for this generation of students to understand the power they have as the first generation of adolescent students, and to exercise it. Several of my interviewees responded that parents of LGBTQ+ youth have too much shame to protest mistreatment of their children, and that Uruguayans do not have a culture of bringing lawsuits in general or protesting situations like this to school administrators, in part due to their own shame of having LGBTQ+ children. There is widespread recognition that protocols need to be developed. MIDES is trying to address this topic with some of their initiatives laid out in the 2018-2020 guide.

8. WHAT SORT OF SUPPORT IS READILY AVAILABLE TO LGBTQ+ STUDENTS?

No LGBTQ+ support, social, or recreational groups exist at public schools. Nor do any at the largest universities. *De jur*e schools should be equipped with a team consisting of a social worker, an *adscripto,* and a psychologist.[92] Many have only one, and other schools have neither. For students who do not feel comfortable looking for support in the same institutions where they are experiencing different kinds of bullying, there is *Centro de Referencia Amigable* (CRAM,) which offers weekly counseling sessions by fifth year psychology students, working in teams, with weekly case management by professors. CRAM is located in Montevideo, and currently has

[92] *Adscriptos*, usually credentialed, retired, or student teachers function as hall monitors and first contact between parents and classroom/faculty.

a waiting list. Students who live in the interior cannot access CRAM. CRAM currently has not received funds to expand. Ovejas Negras refers teens to the limited resources that exist. MIDES has a few other pilot programs which are referred to in the Guide to Sexual Diversity, published in 2018.

9. ARE LGBTQ+ STUDENTS RECOGNIZED AS A HISTORICALLY DISCRIMINATED MINORITY, VULNERABLE, AND AT-RISK POPULATION?

They are one of the most vulnerable populations and are recognized as such by MIDES. MIDES seeks to mitigate inequities for all "historically discriminated minorities". This group includes Afro descendants, women, the LGBTQ+ population (and specifically LGBTQ+ minors) the aged, first nation peoples, minors experiencing homelessness, those living under the poverty levels, and the disabled, LGBTQ+ students have no agency, and a significant portion of them do not have supportive environments at home or in the school. Uruguayan pop culture does not have any local music, sport, or TV figures that are openly LGBTQ+, nor do any permanent (billboard, or running print ads) feature non-heterosexual couples.

ANEP dictates educational policy, and the public policy efforts of MIDES involving education were not initially welcomed with open arms. ANEP-CODICEN has collaborated in the design of the 2018-2020 *Plan Nacional de Diversidad Sexual*, which assigns new behaviors to educators. It remains to be seen if these new policies are executed successfully; if the directives of ANEP produce a fundamental shift in the institutional relationship with the LGBTQ+ student from adversarial to guarantor of rights. Throughout Uruguay's history commitments of this type;

transforming society to fully guarantee social legislation into public policy has been problematic; the status quo remains for periods as extensive as decades.[93]

Are LGBTQ+ students recognized as a historically discriminated minority, vulnerable, and at-risk population? At this moment in time I would have to say at MIDES, yes; at school, no.

[93] In the case of women being able to obtain divorce without the consent of their husbands it took sixty years from the time the law permitting this was passed, and the year the first woman exercised her right to enjoy the fruits of this "new" law.

IV. HARM REDUCTION: CURRENT PROGRAMS TO MITIGATE THE GAP

In the last chapter I examined upon studies that confirm the problems experienced by LGBTQ+ youth at school, at home, and in society. Few of the studies are specific to students; however, some of the adult data generated may directly or indirectly correlate to youth. There are a few programs underway or under study that are intended to mitigate the harm being done to at school which are discussed in this chapter; likewise, I am including several programs and public policies aimed at effecting change for the adult population for the same reasons. An example of this is the presence of police trained to be guarantors of LGBTQ+ rights and protections in the areas of gay bars. Although the drinking age in Uruguay is eighteen it is customary to allow fifteen-year-olds entrance. Rather than witnessing verbal and physical violence, and clandestine displays of affection they see a safe space, *protected by the police.* Extrapolating this visibility, this example could be seen as giving the adolescent a notion of what their rights at school might look like if teachers and other school faculty were trained to be the ensure that school is an LGBTQ+ safe space, with all teachers et. al. as protectors and guarantors of their rights.

Several of the studies identify direct or implicit problems; e.g. schools that do not teach the mandatory sex education topic, and do not have the support teams or the human rights liaisons that are supposed to be present.

The *Ovejas Negras* Study, though not well known outside of a small circle of academics and activists can be seen as the ground zero from which new studies and programs are building upon. All efforts to recognize the problems experienced by LGBTQ+ youth are very recent and efforts to remedy identified problems are even newer. This topic is incipient, and I anticipate that there will be an increase in research once the results of the pilot programs have been published and analyzed.

Sempol described the legal victories for equality and full citizenship for the LGBTQ+ as a first stage which was now basically complete, with the next stage being the implementation of public policy actions to turn every one of the laws passed into genuine operativity for all LGBTQ+ people.

One of the pioneers of the movement who I have previously quoted is Fernando Frontán[94] One could argue that the current efforts in the fight for equity began in 1997 with Frontán and lesbian activist Diana Mines are the founders of the movement. As Uruguay at this time is taking many actions to bring about the second stage of parity that Sempol refers to I want to include a portion of my written interview with Frontán to take into account his perspective.

On "the gap" in schools:

> There is no specific legislation designed to protect LGBT students while they are at school.[95] The legal norms give rights to every citizen. In this sense there is a growing awareness in schools and in the adolescent population. Does hatred, rejection, and homophobia exist? YES!!! It is part of a homophobic society and its cultural base. I will dare to say that we have advanced significantly at the level of tolerance and acceptance of those who are diverse in the last five years, since the approval of marriage equality.

On his background:

> I was the first gay activist visible in Uruguay 1997, when we came out publicly to reclaim our rights. Since that time the movement began to take actions in gay bars beginning in 1984, generating marches and I began to appear frequently on radio shows 1992. I began to take a leadership role in the LGBT movement in Uruguay in 2005 and since that time I have participated with groups in the front of the fight in social dialogs (public debates in mass media, universities, social and political circles). I worked on preparing the (bill that became the) first law that affirms the rights of LGBT people (Art 149 of the penal code) that recognized LGBT people as targets of those who incite hate crimes and violence (2000-2003), the anti-discrimination laws (2004-2005) and the first law that recognized same-sex relationships (2003 2006). After fifteen years of uninterrupted activism I am ceding my space to the next generations. I have continued to

[94] The other pioneer of LGBTQ+ activism was lesbian activist Diana Mines. I was able to obtain her email, but she did not respond to my request for an interview.
[95] As I am quoting directly from a written text, I am using the abbreviations that he uses LGBT.

support all campaigns and actions that the movement has realized in the fight to advance our fight for our rights to this day.

I became the pastor of an inclusive church in 2006 with an affirmative discourse and commitment to the LGBT cause throughout the world. I am the first to represent Latin America as a member of la *Commissión de Justicia Global*. I helped build and consolidate *la Associación Internacional de Familias por la Diversidad Sexual* that consists of families and friends who are allies with the cause. I organized conferences in five different countries for this group (2003-2015)

Are role models from prior generations that are accessible to LGBTQ+ youth, and if there are is it easy for minors to make contact with this group?

There are some, but it is very difficult to encounter role models at school. In Salto there is an initiative to work with children and adolescents, but it is not integrated with education.

What LGBTQ+ topics should be prioritized for academic research?

1) sex education
2) where human rights and sexual diversity coincide
3) sexual health: information about HIV/AIDS and STIs

What role can MIDES successfully plan in governmental initiatives (for this population)?

It should be an intermediary, interlocutor, and project manager for projects that bring civil society together with the State and other governmental institutions.

What limitations does the State have in bridging the gap between the *de jure* rights and protections and the *de facto* realties still experienced by these students?

Currently there are fundamentalist groups; religious and philosophical, that have power over the organisms that administer education. The Sex Education program has been a source of debate and conflict since our return to democracy in 1985, and the strongest adversaries are inside MEC which are pressured by these conservative groups.

What role can the ONGs in Uruguay currently play in support of LGBTQ+ youth?

Creating actual LGBT friendly safe spaces, engage them in discussion articulating the campaigns of mass broadcast that promote consciousness raising toward diversity and freedoms.

> None of what I am writing about would be possible had it not been for Frontán and Mines.[96] Certainly another Frontán and another Mines would have appeared at some point. His determination, lobbying in the halls of congress daily, charisma and leadership. It was a special victory of my field research to have met him and obtained this email interview (Frontán 2019).[97]

MINISTERIO DE DESAROLLO SOCIAL (MIDES)

The government is cognizant of these inequities. MIDES was created to foster, promote, monitor, and fund programs that work to guarantee civil rights, and fight discrimination of all types in accordance with legislation. Specific to this thesis, MIDES is the umbrella organization that coordinates with a myriad of governmental entities to design, collaborate, and fund programs that promote inclusion for the LGBTQ+ community.

In December of 2015, the CNDD was created by presidential decree, in accordance with the adoption of the 2013 OAS Inter-American Convention Against all Forms of Discrimination and Intolerance.[98] CNDD was established to integrate the focus on non-heterosexist social diversity, for the purpose of eradicating discrimination against gays, lesbians, transgender, transsexual and intersexual people of Uruguay through a set of public policies (United Nations Population Fund, ANEP 2017).

Almost all of the current and future plans are related to MIDES in some way. The most obvious is that MIDES makes decisions on which initiatives to fund and has a say in just about

[96] The TV program in 1997 only wanted Frontán to appear and his insistence that he would not appear without Mines lasted up to the day of live broadcast.
[97] We had scheduled an in-person interview while I was in Uruguay, that he needed to cancel.
[98] REAFFIRMING the resolute commitment of the member states of the Organization of American States to the complete and unconditional eradication of all forms of discrimination and intolerance, and their conviction that such discriminatory attitudes are a negation of universal values and the inalienable and infrangible rights of the human person and the purposes and principles enshrined in the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Social Charter of the Americas, the Inter-American Democratic Charter, the Universal Declaration of Human Rights, and the Universal Declaration on the Human Genome and Human Rights. (OAS 2013)

every aspect of program design, diffusion, implementation of these programs, and monitoring their effectiveness.

NATIONAL PLAN OF SEXUAL DIVERSITY 2018-2020

CNDD and MIDES elaborated a two-year plan, publishing their seventy-six--page manual titled "National Plan of Sexual Diversity" in August 2018. Uruguay has historically functioned with a large bureaucracy and has not escaped the inefficiencies of the allocation of resources that accompany very large public sectors. This roadmap details ninety-five programs and campaigns for the 2018-2020 time period, intending to be a roadmap for the short, medium and long-term realization of the guaranteeing of rights to the LGBTQ+ community by the Uruguayan State….as expressed in the laws passed in the prior fifteen years (2002-2017).

The plan involved twenty governmental entities, two NGOs, *Ovejas Negras* and ATRU, in addition to PIT-CNT the main labor union, and UdelaR. This plan represents a "qualitative leap and public policies aimed at guaranteeing economic, social equity to LGBTQ+ people as they fully exercise their citizenship". I was able to interview the director of the *Direccion Nacional de Promocion Sociocultural*, Federico Graña, who oversaw all the projects related to LGBTQ+ inclusion in this public policy blueprint, including inclusive education.

It should be stated at the outset that the twenty government entities named in the MIDES manual and the entities do not have a history of always working well collaboratively and some have the dysfunction of bureaucratic structures.

The general objective stated in the mission statement of the plan is to strengthen the incorporation and perspective of sexual diversity, equality, and freedom from discrimination into public policies, and institutional practices**.** The "main idea" of the guide is to promote, with an

emphasis on human rights, the guarantee that all LGBTQ+ people are able to exercise their rights; political, occupational, economic and cultural opportunities free from all forms of stigma, discrimination, and violence (MIDES y CNDD 2018, 13)

The Specific Objectives of the Plan are to:

1. Develop actions to eradicate stigma and violence based in sexual orientation/identity or gender expression/sexual characteristics.
2. Produce knowledge about the situations of the LGBTQ population from an intersectional perspective, and life cycle by the design, implementation, monitoring, and evaluation of public policies
3. Promote and implement concrete actions and coordinated public policies that guarantee equality in rights and opportunities in the areas of health, education, co-existence, participation, and work, among other spheres in daily, and institutional life.
4. Impulse campaigns and sensitivity raising actions that promote an inclusive society, free of prejudices that impede the full development of all persons.
5. Strengthen institutionalism linked to the public policies of sexual diversity (MIDES y CNDD 2018, 13).

Each of Uruguay's nineteen *departamentos* are addressed separately, identifying principal problems, situations specific to the *departamento*, and proposed mitigation projects and policies. In the *interior* the problems I found in common in all eighteen *departamentos* with the highest frequency:[99]

[99] The most common problems found in all *departamentos* of the *interior:*

- Trans women excluded from the work force; the majority survive by performing sex work in precarious conditions.
- Sex workers face police persecution and have obstacles to obtaining health certificates, and face situations of violence that are not reported to the due to poor police response.
- Situations of discrimination toward LGBTQ+ people were identified as the principal hindrance to inclusion and development, especially in education and in the workplace.
- Unreported situations of violence were found in same-sex couples.

Specific to health services a series of problems were also identified:[100] As were problems in work and public life:[101]

Specific to education the shared problems outside of Montevideo were identified as:[102]

[100] The frequent reported problems in health services:

- systemic violation of confidentiality and mistreatment of LQBTQ+ in medical system, even worse for trans people (who cannot afford to travel to Montevideo)
- frequent use of industrial silicone and clandestine hormones,
- refusal to call trans people by their non-cisgender name with the consequence of some trans not seeking medical attention except in cases of emergency.
- Lesbian invisibility in general e.g. Gynecologists who demonstrate complete ignorance of their sexual practices, sexual health, and reproductive needs.
- One local health center in the *interior,* in Flores operates in a space leased from a religious organization; printed information for LGBTQ+ health services is not permitted.

[101] Other problems identified were:

- Difficulties obtaining employment.
- Firing of gays and harassment in the workplace.
- Local media reproduces stereotypes and stigmatization of non-binary sexual identities and normalization of violence.
- Disinformation.
- Violence and segregation of LGBTQ+ people,
- lack of inclusion in local sports.
- Lack of safe spaces for public displays of affection between LGBTQ+ people.
- Lack of visibility of "out" LGBTQ+ population; they do not transit public spaces, nor do they participate in local activities.
- Situations of aggression, violence, discrimination and insults in public plazas and beaches when PDAs occur.

[102] Specific to education outside of Montevideo

- violence (insults, groping and aggressions) and discrimination by teachers and cohorts,
- bullying (homophobic, gender based, race based), cyber bullying on social media,
- shortage of teachers with training in sex education, especially the subject matter of sexual diversity,
- non-compliance of teaching of Sex Education (non-existent, or deficit in hours taught), l
- ack of respect of students
- denial and/or fostering of bullying by teachers.
- Widespread tolerance of discriminatory language. Higher dropout rates.
- Lack of support when cases are reported. Lack of implementation of education policies.
- In Art and Literature there is no sexual diversity.
- Threats from authorities toward teachers who try to include the subject of sexual diversity in the classroom.
- Difficulties for trans students to use school bathrooms.
- It was found that the branch of Udelar in the *departamento* of Rivera was not teaching the required course of sex education to education majors.
- LGBTQ+ youth frequently faced expulsion from the family home, and situations of violence toward LGBTQ+ children while living in the family home

A second tier of problems with the highest frequency seen in a plurality of the *interior* were also identified:[103]

In Montevideo the principal problems identified were:[104] Specific to education in Montevideo the following problem were identified:[105]

[103] The secondary tier of common problems found in most of the *departaementos del interior*:

- A lack of coordination among LGBTQ+ organizations, difficulties in working together
- Limited police presence in areas where anti LGBTQ+ violence occurs.
- Discrimination against LGBTQ+ people in dance clubs, arbitrary expulsion on false pretexts.
- No places to go to denounce discrimination or hate crimes; lack of information on where to go.
- Regional offices unwilling or untrained in name changing procedures for trans population, with the result that they have to travel to other *departamentos* or to Montevideo to exercise this right.
- Police are perceived as a violent institution towards LGBTQ+ population.
- In prisons: trans population excluded from all programs "on the basis of security" in violation of existing norms. Mistreatment of LGBTQ+ population by prison authorities.
- Anti-LGBTQ+ religious movements are on the rise, as are evangelical and fundamentalist churches. In certain (not all) *departamentos*: conservative society, resistance to advancing the agenda of LGBTQ+ rights. (MIDES y CNDD 2018, 51-59, 63-70).

[104] Principal problems identified in Montevideo:

- Lack of knowledge and misinformation regarding sexual diversity and inclusionary language.
- Specific to health care: lack of knowledge and misinformation regarding assisted reproduction, and problems for lesbian mothers (who were not the birthmother) to be recognized as equal and valid, discrimination; lack of dissemination of HIV information: it is not on the public agenda, bureaucratic obstacles to obtaining treatment, inadequate funding in public health problems, shortage of psychological services.
- Specific to the workplace: high rate of unemployment for trans population, many with work are working in the informal economy, discrimination.
- There are no places (or not well known) to file complaints of discrimination of hate crimes
- Assault and violence towards LGBTQ+ people in public spaces, more so for trans women, cyberbullying of trans girls/women, domestic violence programs are designed for heterosexual situations, same-sex domestic violence is not contemplated

[105] Problems specific to education identified in Montevideo:

- high dropout rates, especially among trans students,
- lack of multidisciplinary teams in primary, secondary, and trade schools, Lack of sensitivity and awareness of teachers,
- administrators and education personnel in general showed lack of information at all levels of the educational system,
- significant difficulties for trans students in bathrooms, dressing rooms, and public pools,
- the expansion of anti-LGBTQ+ groups,
- Cyberbullying of trans girls (MIDES y CNDD 2018, 60-62).

EDUCATION

The actors assigned actions on the incorporation of sexual diversity in of education were divided between the public sector and civic society. ANEP's program of sexual education has incorporated diversity as a primordial content and focus, developing activities to promote sensitivity, training providing relevant materials provided to teachers. INMUJERES, in conjunction with the *Dirección Nacional de Promoción Sociocultural* (DNPSC) of MIDES, and the School of Social Science at the Institute of Political Science, UdelaR, will conduct workshops, throughout the entire country directed for teachers, education majors, and the inspectors and directors of ANEP.

The coordinator of the working team, *Consejo Nacional de Género* at MIDES, together with MEC and ANEP are developing several on-line courses including the third annual edition of the student content for the "Education and Sexual Diversity" program, counting as a staunch ally the one laptop for every child initiative, known as the *Plan Ceibal* that has facilitated on-line learning (Heim 2013). Several platforms and different courses for teachers' e-learning will be rolled out during this time period.

INMUJERES, in conjunction with the Gender Advisory Board of ANEP has contracted *Ovjeas Negras* to conduct an on line course based on the polemic didactic guide that was first published in 2014 (Ovejas Negras 2014). Shortly after the guide was issued and distributed to schools it was recalled. Politicians and bureaucrats from ANEP implemented a "run out the clock" approach to delay the distribution and use of the manual. Archane rules (that were customarily not required) held up the distribution (Sempol, Interview follow up 2018). The Catholic Church also made public declarations about the moral turpitude of the guide (Ramallo

2018). *Ovejas Negras,* as part of the 2018-2020 actions in education have been contracted to lead workshops for educators on the use of the guide as a teaching tool.

Other actions include a commitment that the schools of Medicine, Psychology, and Social Sciences at UdelaR have made progress in the inclusion of themes that refer to sexual diversity in their respective undergraduate and post-grad curriculums. …and the production of courses about sexual diversity in schools. This will be for teachers, non-teaching faculty in primary and secondary schools, and staff at the sex education commission at ANEP, PES, INMUJERES, DNPSC at MIDES, as well as the Gender Policies division at the Ministry of the Interior. The goal is to teach the course to the advisory board, directors, guidance counselors, and program directors at two of the UTU campuses in 2018, and to teach this at the other three campuses and the teachers of the educational training program at the national police academy in 2019.

New programs introduced in the two-year blueprints, most notably:

1) *Centros Educativos Promotores de Derechos* (CPD): These are physical spaces on campuses where complaints of violation of human rights, bullying, and all discriminatory behavior and violence can be reported. Educators trained to be *promotores* will receive these complaints, mediate personally, and/or escalate the complaints. Part of their training will be the use of (and the authorization of) specific tools to use mediation and sanctioning. Training consists of on-line courses and written material. It is not specified how many hours will be in person, and how many will be virtual. The plan calls for getting this program running with 180 trained *promotores* at fifty schools in 2018, and another 180 at eighty additional schools in 2019.
2) The development of additional e-learning resources: the development of short on-line courses that teach human rights, and public policies with the perspective of sexual diversity and gender. There will be an introductory course on human rights and sexual diversity and another online course offered to all 70,000 health workers on sensitivity and awareness.
3) A national polling of violence and discrimination against LGBTQ+ students in schools, field workers going to schools, not quantified.
4) Incorporation of gender identity and sexual orientation questions in the 2018-2019 ENAJ survey of youth and adolescents.

The other actions in Education consist of a one-day workshop on Lesbianism, an on-line course for educators on the topic of "Education and Masculinity" with room for two hundred forty participants.[106] Additionally there will be a student-free "staff day" when all-day workshops on education and sexual diversity will be held at all public primary and secondary schools in both the 2018 and 2019 school years.

TARJETA URUGUAY SOCIAL (TUS)

In 2006, Uruguay began a program for persons in dire financial circumstances. Those living below the poverty line would be eligible to receive the *Tarjeta Uruguay Social* (TUS) a type of debit card, not unlike the USA's "food stamp" program, loaded monthly with a small amount of money depending on household size, that is only accepted at certain stores where basic necessities can be purchased (alcohol, tobacco, and some luxury food items are excluded).

In 2012 the program was extended to all Trans households, based on studies that show higher incidents of poverty, STIs, sex work, and health challenges specific to these families. The amounts of the monthly transfers as of January 2019, range from $1061 pesos monthly for a single person ($30 US) to twice that amount for a couple with one trans adult, or for a couple living with one child. The amount tops at $2853 pesos for a Trans single parent with four or more minors (95 US dollars) and $5,706 pesos (190 US dollars) for a Trans couple living with four or more children (MIDES 2019).

[106] ANEP will be responsible for content design, and INMUJERES for teaching the course from its platform

MONTEVIDEO PROGRAMS

Programs included in the guide are several that are already underway in Montevideo:

1) The municipal government of Montevideo, IMM *(Intedencia Municipal de Montevideo*) published their own a five-year road map (2016-2020) on programs they have implemented with the goal of mitigating legal and social inequities for six different groups: afro descendants, immigrants, people with disabilities, minors, the elderly, and the LGBTQ+.
2) Pilot programs were launched in Montevideo specifically for the LGBTQ+ population in the areas of job training, education, and housing.[107] Sensitivity and training workshops regarding trans people were provided to all city workers, and the category "trans" was incorporated as a gender option on forms.
3) Montevideo signed an agreement with UdelaR for the production of academic knowledge regarding public policies and sexual diversity.
4) Creation of an Advisory Board of Sexual Diversity with civil society organizations that advise MIDES in the elaboration of policies.
5) Incorporation of measures oriented toward trans youth. Agreement with *Centro Nacional de Educacción Sexual* (CENESEX) of Cuba to train Uruguayan doctors in transgender hormone therapy and gender reassignment surgery (Intendencia de Montevideo 2016).
6) Continuation of the pilot program ''*Centros de salud libre de homofobia*'' health clinics free of homo-lesbo-transphobia in two locations, and comprehensive health services for the trans population in the Hospital Gustavo Saint Bois.

[107] Designed by MIDES

7) Continuation of the CRAM program.

GENDER AND SEXUAL DIVERSITY POLICE FORCE:

The Montevideo police force implemented a campaign in 2018 titled "*nuestra policía respeta las identidades de genero*". In conjunction with this campaign they hired Noelia Pérez Sanabria, a sociologist for a pilot program. I was able to interview Noelia at the police headquarters while conducting my field research in Uruguay. She was trained in the civilian department of the police academy to become acquainted with police culture. She worked with MIDES and their liaison at the police academy. Together they designed a mandatory training for Montevideo police to a) examine the culture of homophobia and machismo in the police career b) develop respectful behavior toward the LGBTQ+ community c) understand the police forces responsibility as defenders of the rights of all members of the LGBTQ+ community d) promote the concept of alliance with the community through outreach and a media campaign. At the time of my interview, she had trained over 3,000 police officers, and was training another sociologist to eventually provide the same training to all >35,000 police officers in the entire country. She was optimistic that things were starting to change and would continue to improve for the LGBTQ+ community and was optimistic that the current generation of adolescent LGBTQ+ students was more open-minded and would benefit from the changing culture of the police department; that in time they would feel supported rather than threatened by police presence. She was a contributing author to the police training manual *¿Para qué el enfoque de Género y Diversidad Sexual en las Políticas de Seguridad? Guía práctica para la formación policial.*[108] A copy of all criminal complaints of violence against LGBTQ+ people are sent to her department

[108] Why the focus on gender identity and sexual diversity in policing? -a practical guide for police training.

for review, in theory to determine if the police response was respectful. Any complaint against police officers in Montevideo involving aggression against the LGBTQ+ community are referred to her department as part of the internal investigations; the intention of the program is to issue a warning to any officer involved for a first offense if the incident does not rise to the level of criminality and educate them on the rights of all LGBTQ+ people, and the responsibilities of the officer to protect and defend, and never violate those rights. She also is sent all reports of domestic violence to determine what interventions are needed e.g. shelter, restraining orders etc. She was in the process of hiring Sociologists to train for the same position as Regional Directors. Noelia felt a personal conviction to the pilot program and reported that she would need a much larger team of sociologists and administrative staff to review all the complaints on her desk while training sociologists and the nation's police force (Perez 2018).

The police initiative is very impressive. Noelia had a part time administrative assistant in what appeared to be critically understaffed. There were stacks of folders on both of their desks, each one representing a complaint or an arrest of domestic violence or the violation of an LGBTQ+ person's rights. I find it fascinating that Uruguay is working to train all existing officers and cadets; current and future, with the goal of having the entire nation's police force LGBTQ+ friendly, literate on all sexualities and gender expressions, as defenders of the community's rights. Having a police force recognized as a staunch ally would be remarkable. There is a publicity campaign underway with flyers, internet presence, and television spots. This pilot program is seriously underfunded at this time; Noelia is optimistic that she will get a larger budget for 2020. In Montevideo the program is working; the police force was present at the *previa*, the days of outside activities prior to the, and the march itself. Trained officers have established a "beat" outside of gay bars throughout Montevideo and the feedback from officers, a

bar owners, and patrons has been favorable. There is a problem of scale, and it remains to be seen if adequate funding is provided. It also remains to be seen if the program can be as successful in the *interior.*

SUMMARY

MIDES and CNDS have a very ambitious outline. The programs put forth in this seventy-six-page blueprint are complex; with actions planned to remedy discrimination and other inequities, relying on so many actors to collaborate with MIDES designated actions. This is a very interesting time; can aggressive public policy initiatives bring about changes to align society with legal norms? A portion of the country has very deep roots in individual and societal heteronormativity and bigotry toward LGBTQ+ people. There will be a necessary buy-in from all participating institutions in order for these actions to accur. 2018 was a very tricky year; Uruguay has a custom of not passing meaningful legislation during campaign years, and funding for these programs had to be pushed through before the end of the year.

MIDES and CNDS have presented ninety-five programs intended to benefit existing and identified problems currently facing the LGBTQ+ community. Twenty of these programs are related directly or indirectly to education. In past years these initiatives were based on voluntary participation, in both the instances of self-navigated e-learning and live workshops the outcomes were negligible.

Dr. Gelpi has written content for several of these online resources and tells me that they failed to effectuate change they were hoping for. He found it very difficult to get students, faculty, and families to ask questions and share their thoughts at the workshops in the *interior.* I share Gelpi's skepticism about the effectiveness of the online method for the uncomfortable

topics regarding sexuality. He believes that in-person training will gain in efficacy over time. He is concerned that a victory of the right in the 2019 elections could send Uruguay backwards and some of MIDES' programs could be underfunded or even defunded.

Every year MIDES must produce a "*rendición de cuentas*" for each program they fund, including an audit of expenditures, effectiveness, and allocation of resources of each program; "a full transparency" commitment. The concept of a ministry of social justice tasked with changing public policy to align *de facto* realities with *de jure* legislative norms holds promise, if the institutional actors buy-in, as is the case of Uruguay's Police Department.

Several of the e-learning initiatives of the 2018-2020 National Plan introduce an on-line platform, where teaching is virtual, taught at a specific time, with increased maximum participation quotas. These new innovations moving some of the courses away from isolated e-learning into true virtual classrooms and making others mandatory live events on campus (such as the staff days for all-day workshops) promise the possibility of a greater buy-in from participants, offering the accountability of being conducted in real time. If successful, this methodology has the potential to change the dynamics of learning and will hopefully help teacher and faculty gain both knowledge and around the topics of diverse sexual orientations and gender expressions and comfort and inclusion with their LGBTQ+ students.

ANEP and CODICEN have agreed to collaborate with MIDES on several education initiatives. This incipient alliance looks good on paper; time will tell if it functions as well as it is written. The polemic 2014 didactic guide has been distributed again and the training workshops are taking place throughout the country.

I believe that the approach of the MIDES initiatives to mitigate the inequities for LGBTQ+ people is one of "throwing everything against the wall and see what sticks." They

secured a sufficient budget to try this approach. It is everybody's hope that Uruguay will continue forward in her endeavor to bring all the freedoms and protections of the law into daily reality for all LGBTQ+ people, including students.

The experience of LGBTQ+ students in the classroom do not fully reflect the rights and protections guaranteed to them by Uruguay's laws. The identifying of the students' situation, and other situations where there is a gap between LGBTQ+ legal rights and protections and the reality in society have been identified very recently. These are very recent topics, and the study of these situations, and the projects underway to mitigate these have no written evaluations yet.

The best predictions of what the future will look like for LGBTQ+ students are based on my research and interviews. Uruguay is moving forward; the mere existence of MIDES and CNDS, and the participation of academics, ATRU, and ON have in the design and implementation of mitigation programs and current and future studies indicate that there will be progress in bridging the gap for students. Although ANEP and CODICEN have still not allowed sexual diversity to be taught in either the sex education or Uruguayan history curriculum, they are working collaboratively on new programs with MIDES.

V. THE ROADMAP FORWARD

There are two variables that could change any predictions; the defeat of FA in the 2019 elections, and the October 2018 trans law.

2019 was an election year, and the FA coalition was currently ahead in the polls at the time of this writing, but their lead was smaller than in the 2004, 2009, and 2014 elections.[109] Socially conservative discourse is in the campaigns underway of some PC and PN candidates. Some have suggested cutting funds to MIDES and specifically defunding some of the programs outlined in chapter three. Some campaigning suggests a future attempt to reverse some of the benchmark laws obtained for the benefit of the LGBTQ+ community. The Catholic Church is publicly weighing in on the elections, and the Opus Dei prelature continues to influence the positions of politicians that belong to this part of the church. The loss of the FA government could potentially be a game changer, with the social agenda moving forward at a slower pace, or even being reversed.

The other variable is the implementation of the trans laws passed in 2018; it is my assertion that this law will benefit the LGB and Q students in a singularly more dramatic way than the all of the other prior legislation has. The history of the social legislation passed in the 2004-2017 period was one of individual laws passed in a gradual multi-year process. The injustices and inequalities experienced by the trans community, quantified and visualized in the Trans Census, combined with the qualitative testimonials clearly demonstrate that they are the group that has suffered the most marginalization in the LGBTQ+ community. Comprehensive sweeping rights, protections, and reparations were included in the articles of this law; everything

[109] The FA was narrowly defeated in run-off elections in October 2019, and the PN, in collation with other right of center parties took office in March of this year.

the trans activists asked for. The articles that deal specifically with the rights of trans students to an equal and safe education in education centers, guarantee that if the schools are unable to provide this, the state will have the obligation to bring education to the trans students' homes. When programs are designed to implement these rights and protections in the school place it will be next to impossible to disregard the inequities that gay, lesbian, and queer+ students experience. I believe that this will change the dynamic within the schools and the discourse among teachers, students, families, and the governing entities; ANEP and MIDES. The attention that the street mobilization of the '¡Trans ley ya!' and the protests organized by the church against the law received in the press put this topic into public discourse at a level that none of the previous legislation (e.g. Marriage equality) ever did.

EXCERPTS FROM MY PRIMARY SOURCE INTERVIEWS:[110]

DIEGO SEMPOL

> Dr Sempol stated "in Uruguay we are talking about juridical conquests that began in 2005 more or less and closed with the passing of the trans law now in 2018. Having judicial parity is a first stage but having regulation and operation of these laws still remains to be done. In the case of adolescents for example, the reality is that education is self-regulated by autonomous entities that are not accountable to The Ministry of Education and Culture. They have their own authorities. They have been trying for four years to do sensitivity workshops with teachers, develop programs of sex education that facilitate coexistence.

Sempol goes on to speak about the weakness of institutions specific to my topic, programs designed to benefit LGBTQ+ projects in schools.

> There are projects designed to benefit LGBTQ+ students. All of these mechanisms are new, and it is very early to evaluate them. Some of them are very weak as in the case of the Human Rights Promoters. Here we have a law protecting gender identity, but how

[110] All of my interviews have been translated from Spanish and edited here for clarity and length.

will it be implemented? Will a trans person be recognized by their social name?[111] What happens when a trans person enters the bathroom of their identified gender? Will they be allowed to enter? All of this is yet to be discussed. There is no existing norm that regulates education centers. Some schools have a "friendly space" and others do not.[112] Some schools have integration programs and others do not. It is clear that there is a big distance between the reality and the laws for these students: LGBTQ+ students experience all forms of violence, every kind of assault, by their fellow students, and sometimes by school authorities. Many students drop out, and many have high rates of absenteeism. Education continues to be a heteronormative space, and in private schools even more so.

He goes on to speak about the weakness of institutions in Uruguay in general and characterizes the Uruguay LGBTQ+ movement.

> Our institutions are very weak. Processes of the normalization of diversity have begun; in parts of the city (Montevideo) where gay, lesbian and trans usually do not experience discrimination. This is the process of normalization. In other parts of the city or the country this process has begun very slowly, or not at all. In these parts of Montevideo discrimination and violence are much more frequent, and in the interior even more so.
>
> Uruguay has the characteristic of legislative advances that don't permeate social logic. To understand this, you need to understand the idea of exceptionalism, which allowed Uruguay to advance these laws while at the same time not agreeing with them. Our political class is two lanes ahead of our social class. We are very estado-centrico here[113]. The state is fulfilling its promises and failing at the same time. There are not enough resources, asking the state is the best way to make something happen. Here society is very weak.
>
> What happens in Latin America is that the difference between what the state says, and the social reality is a permanent difference. The constitution guarantees that everybody has the right to live in dignified conditions, yet we have slums. We all have the right to work, but there is significant unemployment. These incongruencies between what the laws say and what one lives end up normalized.
>
> Uruguay arrived late to the (LGBTQ+) movement. Everything was interrupted by the military government. In the Southern Cone we are 20 years later in the process than the European and United States movements due to the impact of the dictatorships. The movement that began here in the 80s was a testimonial movement involving very few actors. The dictatorship impeded the politicization (of the movement). Only recently have they gained some strength. In 2005 when the FA came to power our movement gained mass, when 60,000 people took to the streets, an enormous number here, the FA had to discuss our agenda. These agendas have great difficulties to take root; these are Latin cultures that occult and censor sexual movements.

[111] Nombre social is the name that a trans student uses that identifies with their gender identity; this interview took place one day before the passing of the trans law

[112] When asked, he said that these are not physical spaces

[113] See definition of estado-centrismo in appendix from Marin-Vargas article.

When I asked what strategies would help bridge the gap for LGBTQ+ students Sempol responded:

> More programs for training the specialists in sex education/diversity in education centers Professionalize the role of the sex educators, develop changes to the teacher college curriculum so that all future teachers have a cross sectional education in the topics of sexual diversity and gender identity, develop the same for all education administrative staff, develop specific standards and procedures for both the school place, and for teachers' collegesdevelop programs of negotiation with families of these students to integrate them into these processes because it is not enough to educate the students, rather the adults too. There is a high degree of illiteracy in the matter of sexuality. Education can play a very important role, accompanying parents. This could be done by generating workshops, spaces for discussion, and generating inclusive spaces. Develop protocols to combat school place violence for reasons of sexuality and gender identity
>
> The programs of sensitivity that are underway need to have a component of sexual diversity…. I believe that is this is done with high quality, and a good budget significant changes would be effectuated; the matter is to gain the will of politicians, and the financial resources

When asked what role NGO's could play, he said that it would be very beneficial for them to have programs to accompany the adolescent in their processes of coming out, for LGBTQ+ youth who have been kicked out of home, and those experiencing direct discrimination.

When I asked him to explain what happens when students are kicked out of home, he stated that there is no program for LGBTQ+ children thrown out of home and that there is no data quantifying the dropout rate of LGBTQ+ students.

Sempol says that it is very difficult to generate social and cultural changes. It is easier to change normative laws than cultural transformations in society. Cultural products need to be produced; culture needs to be produced. It is necessary to generate culture to transform society (Sempol 2018).

GONZALO GELPI

Gelpi stated that educational centers remain heteronormative, that access to help and support for LGBQTI youth remain problematic, and that there is a heteronormative bias on the part of educators that manifests as resistance to inclusionary changes, and that adolescents are resistant to participating in sensitivity and awareness workshops.

His optimism is the most guarded of all of my interviewees. Being an election year, he states that a victory by the right could bring an end to C.R.A.M and skeletal levels of funding to MIDES, with possible legislative rollbacks of some laws that the conservative actors are agitating for (Gelpi 2018).

EPILOGUE

COMPREHENSIVE TRANS LAWS COME TO URUGUAY

On October 18, 2018 a law bringing sweeping changes to the trans community was passed and signed into law by both houses, and by the president. The law was published in 24 articles. I have listed here the articles of the comprehensive law that have relevance to students, minors, and job applicants; for a look at the full law please see appendix D. The following day, October nineteenth, 2018 the articles of the law were articulated and made public (Republica Oriental del Uruguay Poder Legislativo 2018).[114]

Each of the legislative victories for the "movement" in Uruguay came one at a time over a twelve-year period and each victory was hard fought. Fifteen years of a left of center coalition and the highly politicized organic formation of the activists created the "perfect storm" for these

[114] 19.684 Ley Integral Para Personas Trans Uruguay Civil Code

incremental victories. Trans people have received the worse discrimination and violence of the LGBTQ+ family. Trans people are the mistreated and neglected stepchildren of the "family". The trans law activists were not asking for small increments; and their demands were to have all of their rights, protections, and remedies for inequities addressed in the twenty-four articles of the single law.

This was the first time that LGBTQ+ legislation involved widespread public debate and civic participation. Over 80,000 signatures were obtained in favor of the *"Ley Trans Ya!"* and over 40,000 signatures were obtained against the law and delivered to all branches of government. Though the signatures were symbolic, carrying no political weight, they mark a new chapter in the LGBTQ+ history in Uruguay involving visible campaigns for, and against bringing a vote on this law that penetrated social discourse and was widely covered by the media. The solidarity of tens of thousands was of a larger magnitude than Uruguay had seen for even the marriage equality law.

Key aspects of the reparation provisions are lifetime monthly quotas, payment of retirement plan and health insurance quotas, for all trans born before December 31,1975, who were victims of institutional violence or who were deprived of freedom at the hands of security forces and/or legal decision, having suffered moral, physical or psychological damage, and were impeded to freely circulate, access work and education due to the discriminatory practices of the state. Benefits will be paid retroactively from the date of the petition. Certain other criteria must be met to obtain the reparations, and article 11 establishes a commission to provide assistance in initiating, qualifying, and concluding the process of applying for reparations

Specific to minors and education this law includes the right of minors to legally change their genders without parental approval, and a very specific definition of inclusive education:

> while respecting laws and norms, all organisms responsible for education policy will assure full inclusion of trans students for the duration of their educational trajectory. It will be the responsibility of all institutions and organizations involved in the educational system to assure that no trans person is excluded from education because of their gender identity, give psychological, pedagogic, social and economic assistance where needed to effectively ensure their opportunity for full academic and social development. Include trans people in all programs designed to support graduation of students at primary, secondary, and tertiary levels, facilitating access with financial scholarships in relevant cases, with affirmative quotas to guarantee facilitated access to university access (Republica Oriental del Uruguay Poder Legislativo 2018).

If it is determined that the school itself fails to deliver this education the state will provide teachers to come to the home of the student to provide the education there.

I predict that the implementation of these new laws will bring benefits to the students with diverse sexualities. The establishment of mechanism for adjudication of the grievances of trans students will certainly bring dialog and benefits to the lesbian, gay, bisexual, queer and intersex students. It will be several years before the impacts can be measured, and before any quantitative or qualitative studies are conducted and the findings are published.

The consensus is that the decision of treatment with hormones will be made jointly between the medical team and the patient, regardless of age. Gender assignment surgery will be performed after the age of 18 without parental consent, or at an earlier age only with parental consent and the medical team.

Two key events have happened since concluding my research and wrestling with numerous versions writing and re-writing this thesis; I was able to conduct a long series of telephone interviews on with Federico Graña during a two day period in May 2019, and The FA lost the general assembly elections to a coalition of center-right and far-right parties in run-off elections held on November 24, 2019, as no candidate won a majority.

For the past century Uruguay has used the double simultaneous vote where the voter casts their vote for a political party, where both senate and congress receive a proportion equal to the party; thus, creating a majority in both houses along with the presidential win. Luis Alberto Lacalle Pou, 47, (PN) son of former president Luis Alberto Lacalle (1990-1995) and former first lady and Senator Julia Pou (2000-2005) PN. Lacalle Pouis the great-grandson of another former Prime Minister Luis Alberto de Herrera (PN) 1925-1927 who was the leader of the "Blancos" for half a century. Lacalle Pou graduated from law school, but has never practiced law, going directly into politics after receiving his degree.

According to Uruguay custom all positions of Director or higher at all ministries are replaced by the winning party in the months after being sworn into office March 1, 2020. Graña would be replaced, as would all decision makers at MIDES, presumably by a more conservative "ticket" of appointees. At the time of our interview of course Graña would not know the election results for several months. Blatant homophobic statements were made by the coalition of center and far right politics. It remains to be seen how committed the new government, and the new MIDES appointees are to keep the promise of progress in human rights for the LGBTQ+ communities made in fifteen years of FA governance. It is almost a given that MIDES will be working with smaller budgets, as the FA administrations were very generous with financing Social programs of all types, referred to by many as building a "welfare state".

I was able to discuss at length with Graña the backstory of the 2018-2020 National Plan of Sexual Diversity. The plan was put together with a bit of hurry, and his team at the time of our interview was working hard and facing stressful deadlines on all the moving parts that were going into the next two-year plan for 2020-2022. In the interviews I gathered that the initiatives

and projects underway were not exactly what was in the published guide, which makes sense given the rush he spoke about. Many of the new programs/initiatives did not appear in the guide.

He said that he was taking a big chance; that most ministries do not undertake ambitious and controversial publicity campaigns during an election year. He believed that there was no better time, when the nation was most alert to news and politics. He also was deeply concerned that a victory of the right could erase much of the progress that MIDES had achieved. CNDD, which was an interpretation of committees at MIDES, became a permanent institution by presidential decree in 2018. As such CNDD is obligated to present a biennial plan on sexual diversity; they would be able to get this done in a 6-month period.

Several developments were happening at the time of our interview: a project to convert complaints of LGBTQ+ rights violations received at MIDES, and LGBTQ+ organizations into hard data. MIDES had an obligation to the production of knowledge and which will validate the sexual diversity of the projects as part of the annual accountability requirement. His goal is to generate hard data that has been missing from all research to date. The large quantitative data generated would also serve as inputs to future research. One aspect of the idea of converting the complaints into data that he would like to do is to create a digital archive of the testimonies of afro-descendent, LGBTQ+, along with testimonies from feminist groups, and other groups that have been historically discriminated against. Another initiative is to work with psychologists to mitigate the trauma for the individuals reporting the violations. Older generations of LGBTQ+ people would be invited to give their testimonies which would be added to the digital archive. Psychologists would work with this group in giving their testimonies while providing psychotherapy for the recovered memories.

I learned a little bit more about the sensitivity and awareness campaign started in October 2018 as part of the 2018-2020 plan. Workshops were being given in schools at all levels of education K-12; to all teaching and non-teaching staff, throughout the country. Scale was limited, and all schools in all 19 *departamentos* could not be represented. By the end of the year (2019) they will have gone to five *departamentos*. In the first stage they will be covering all of high school and UTUs. They are giving face to face training two days out of each month for three months, in addition to computer-based training. We are also working with students on a daily basis during the six days on each campus. 3 hours at a time. In the first stage MIDES is budgeted to conduct 100 workshops with an average of sixty people attending each workshop. He estimates that 6,000 school staff will participate by the end of 2019.

As of the time of my interview they had trained "promoters of rights" in fifty to sixty schools as part of the CPD program. Plans are to implement a new requirement that faculty who want to participate will need to apply for this training. They hope to have 500-600 school staff trained in this program by the end of the year.

To my surprise he did not believe that the changes in the sex education classes would be a game changer. He believes that most sexually active students do not take sex education seriously. He believes that the History of Uruguay curriculum is the most important; he wants to see all the recent social movements taught. In the next two-year plan, there will not be a large emphasis on the ongoing initiatives to include the emphasis of sexual diversity in the sex education classes. In his words "he is putting all of his, and MIDES' money on History, recognition of all rights legally enshrined to the entire LGBTQ+ population. He told me that they "have to go a little at a time" in the history initiative. I did not ask him what he meant but my

prediction is that this is in reference to the cooperation of ANEP-CODICEN and the training of teachers.

Classes are being given to all health providers and administrative staff per the trans law regarding all aspects of health care for trans people. The training includes educating the health provider in all aspects of the law; in addition to the specific health services, the training emphasizes that everything from hormones to gender reassignment surgery are free of cost.

MIDES is currently implementing an anti-discrimination campaign with a budget of 50,000 dollars.

I was able to ask him about the *Ovejas Negras* study:

> The *Ovejas Negras* study indicated a high incidence of bullying of LGBTQ students by other students and also by school staff. Comments?
>
> This is a serious problem. The *Ovejas Negras* study gave us a statistical sample. I come from *Ovejas Negras*; this study is a starting point. It is very important to have hard data; we will soon be conducting field research. The results will be a huge leap in terms of quantitative data. In June we will begin a new survey in *centros educativos* (middle schools, high schools, and trade schools which has specific questions about the LGBTQ+ school climate. In our field work we will be administering surveys to 9,000 students in more than 100 schools in all nineteen*departamentos*. ANEP decided to do this survey, and CODICEN allowed us to do this. We are confident that the results will immediately give us reason to launch anti-discrimination campaigns in *centros educativos* including primary schools.
>
> Q. Is there more hostility against LGBTQ+ students in the interior?
>
> A. Without a doubt there is more hostility in the interior. We know this from personal testimony. We will have the responses of our survey in August, and we will be able to quantify this. When one is addressing inequalities, it is hard to attack all of the structures at the same time. There is a wave of conservatism on the rise in Uruguay, and in the whole Southern Cone region.[115]
> While they are distracted, I don't believe they are aware of all of the work we are doing. As this is an election year, I believe that this is exactly when we should be getting these topics inserted into public discourse from a tactical standpoint. It is important that heterosexual people are now understanding the importance of the education cycle for LGBTQ youth.

[115] The Southern Cone refers to Chile, Argentina and Uruguay

There is great hope that out of the upcoming survey MIDES can establish protocols for incidents bullying/assault on campuses with direct contact with authorities. They hope to establish a formal written protocol with the human rights division of CODICEN for cases of harassment. They want to place this topic in the program of protection of educational trajectory of students at CODICEN's human rights division. I asked about the current levels of risks of dropping out for LGBTQ+ students. He responded that trans students have a very high rate of dropping out and that Gay, Lesbian and Queer Students have a lower risk (than trans) of dropping out, but a high risk of lower academic performance. More will be known more after the survey is completed.

. I learned from the interview that ANEP and CODICEN are collaborating with the program objectives, and that the responses of the teachers about the current training received is very positive.

Graña continued:

> We have a good relationship with the Human Rights division of CODICEN. We are in our fourth cycle of teacher training, and we now have 600-700 teachers that have taken the course. This year we have launched an online platform, which has been implemented in sixty schools. There are links for teachers, with more content, and there are "learn to play" links for students. Both have content about sexual diversity and also about afro-descendants.

I was able to ask him what services are available for the LGBT student who is suffering from bullying, and what consequences are there for the students/teachers involved. In cases of bullying what services are there besides CRAM, which has a one-year waiting list and emergency room visits. I learned that CRAM program was considered essential and was being expanded, with a tripling of their budget. Because of the high demand for mental health services and the waitlist his department is requesting authorization for two new projects:

One that will be starting a new service with the School of Psychology at Udelar, which will be launching clinics for people in situations of discrimination where they will receive therapy. Recognizing that in the therapeutic process other problems are revealed, there will be help available with a team consisting of social workers, and other professionals with the aim of finding solutions to all aspects of their situations. Graña stated that when somebody is in crisis other areas of their lives that they are not initially able to identify are involved.

The other project involves working with groups of students creating safe spaces for LGBTQ+ students. There will be several in Montevideo and three to four in the interior. This will facilitate mechanisms to teach students to organize and have physical spaces on campus to socialize.

He firmly believes that the trans law will have a strong positive impact in the lives of the LGBQ+ students, not in the exact implementation, but in the intersectionality of the climate of awareness and the discourse that will be generated.

> I was so impressed how many people in the last *marcha de la diversidad* had the yellow (shirts, hats, and stickers) in favor of the trans law. Angela Davis visited Uruguay this year; I was very impressed with the North American social movements that teach us that there is intersectionality anytime the inequalities of one group are addressed. I believe that we can accompany others in their fights for their rights, and that when we do that, empathy is developed; not that we are first in the line for what we want, but that the result is more openness. In our work, we will always cede the front of the line to the leaders of the groups that are seeking their rights (Graña 2019)

EPILOGUE

Conservative actors successfully placed a pre-referendum to repeal the trans law to an optional vote on August 4, 2019. The FA and allies made a strong campaign to let the voting public know that this was a voluntary vote, and not a mandatory vote (which carry high fines for non-participants). A 25% turnout would have triggered a national referendum on the repeal of the trans law. Less than 10% of eligible voters turned out for this voluntary vote. The

conservative-backed initiative's failure was viewed as a stunning rebuke of the religious right, and an affirmation of support for the trans laws.

Graña referred to two groups that should be taken note of in this instance; many people who fully support the law, and others who did not want to express support for a referendum that takes right away. He stated that he thinks the outcome sends a great message of support (Lopez 2019)

The FA did lose the election in 2019 in a tight second round where Luis Lacalle Pou (PN) defeated Daniel Martinez (FA). Lacalle Puo, son of former president of the same party Luis Alberto Lacalle (1990-1995). Several parties including the more liberal PC threw their support behind Lcalle Puo in the runoff and were rewarded with positions in the government.

What I know regarding the MIDES plans for promoting sexual diversity is that budget allocations for 2020 cannot be retracted, the CPD program, and the field research in schools with sexually diverse options in the questionnaires will generate Uruguay's first quantitative data. Gelpi confirmed to me that the 2020 annual budget for CRAM, once awarded, cannot be touched for the rest of this year.

Luisa Rodíguez Cattáneo was appointed 2020-2025 as the new *Directora Nacional de Promoción Sociocultural* June 29, 2020. Her C.V. has not yet been posted to MIDES' website as of August 26, 2020, the date of my thesis submission. She began a PHD program in 2015 and has not yet submitted her thesis. Gelpi told me that the LGBTQ+ activists and academics he knows view this as a positive thing. He reports to me that she is a lesbian, and the perception is that she is highly qualified and will be an ally to the movement.

These are encouraging signs. The position held by Graña is key to publicy policies turning legal rights into human rights for the LGBTQ+ community. Though not exactly a

behemoth, MIDES will always remain a ministry according to Uruguayan Law and has been very well funded for practically a generation. Several of the most important laws passed; same-sex legal unions, marriage equality, adoption equality became operable without delays. Though not all waving rainbow flags, the notion of full citizenry for all historically discriminated minorities is entering its second generation. The sweeping trans laws, implemented last year, are giving even more visibility to sexual diversity of Uruguayan. Trans do not have a closet to hide in.

I reiterate my prediction that initiatives to make previously inoperable laws function in all of society have gained terrain, and that the many efforts to bring about a truly inclusive educational experience will be emboldened by the detailed, unambiguous educational legal guarantees and public policy directives written into the trans laws. I do not believe that citizenship will be stripped, partially, or fully from the LGBTQ+ population. While Mujíca may have trivialized the Marriage Equality law that he had just signed, the FA is still the party of half of the country, and many of its' members are proud of all that the FA has accomplished, including abortion and marijuana laws.

Time will tell, but I do not believe the right has the groundswell, as evidenced in their failed attempt to repeal the trans law, needed to withdraw from international treaties signed affirming the rights of LGBTQ+ people.

APPENDIX A: PRIMARY INTERVIEWS

- Fernando Frontán, former teacher, the most vocal and visible LGBTQ+ activist for 15 years. Founding member of the Colectivo Ovejas Negras, Uruguay's LGBTQ+ advocacy organization with the most longevity. Participated in the drafting of the first laws, stepped out of the frontlines to establish a LGBTQ+ inclusive church, though he still participates in conventions. Worked with congress on language in drafting of several key LGBTQ+ bills.
- Jose Gramallo, teacher, Coordinator of Education Comission, Ovejas Negras. Played a vital role in drafting the questions for the Ovejas Negras-GLSEN study.
- Diego Sempol, Author, historian of the LGBTQ+ movement in Uruguay, co-founder of Collectivo Ovejas Negras, Ph.D. in Social Sciences. Researcher and professor (UDELAR) in the area of Political History, Gender and Diversity, member of the Sistema Nacional de Investigadores, Coordinator of the Área Ácademica Queer Montevideo and member of the editorial board of the academic journal "Sexualidades" (New York).
- Gonzalo Gelpi, Psychologist, University Professor, Researcher, Director and Case Supervisor of CRAM program, research assistant to Diego Sempol.
- Andres Caldera, High School Teacher, Professor at Instituto de Formación Docentes, the institute where future teachers study and receive their credentials.
- Hugo Ferreira, Professor of Physical Education, Director of Activities, Instituto Nacional del Adolescente y Niño del Uruguay (INAU). INAU is the governing body of public policy of children and adolescents, serving as both an orphanage, center of rehabilitation, and a juvenile hall, Maldonado Center.
- Noelia Pérez Sanabria, Sociologist, Uruguay Police Force, Area of Sexual Diversity, Gender, and Domestic Violence.

- Federico Graña, director of MIDES. Oversaw production of Plan Nacional de Diversidad Sexual (2018) and all projects related to promoting the rights of LGBTQ+ people. Graña is a key spokesman for MIDES and is a decision maker in the allocation of funds, design, implementation, and monitoring of public policy programs.

Bibliography

Banco de Provisión Social. n.d. "BPS Asignación Social." *bps.gub.uy.* Accessed December 2, 2018. https://www.bps.gub.uy/bps/file/11367/11/asignacion-familiar.pdf.

Caetano Hargain, Gerardo. 2015. "Jose Vasconcelos y su paso por Uruguay de los años viente." *Secuencia, revista de historia y ciencias sociales* (80): 111-130.

Colectivo Ovejas Negras, Akahatá, Global Initiatives for Human Rights: a Heartland Alliance Program. 2018. *Human Rights Situation of LGBTI Persons in Uruguay September 2017.* New York, March-April.

Colectivo Ovejas Negras, Todo Mejora Chile, GLSEN. 2016. "Encuesta Nacional de Clima Escolar en Uruguay 2016." *Ovejas Negras.* December 0. Accessed September 1, 2017. http://ovejasnegras.org/es/wp-content/uploads/2016/12/ENCUESTA-NACIONAL-DE-CLIMA-ESCOLAR-EN-URUGUAY-2016-VERSION-FINAL-DIC.2016-1.pdf.

Dicklitch-Nelson, Susan, Scottie Thompson, and Berwood Yost. 2016. *Human Rights and The Global Barometer of Gay Rights (GBGR) : A Multi-Year Analysis.* Conference, Lancaster, PA: Franklin & Marshall College, Department of Government.

Duesberg, Peter. 1996. *Inventing the Aids Crisis.* Washington, D.C.: Regnery Publishing Inc.

El Observador. 2018. "El Observador Uruguay." *El Observador Uruguay.* September 28. Accessed October 15, 2018. https://www.elobservador.com.uy/nota/-por-que-se-celebra-la-marcha-por-la-diversidad-y-no-la-del-orgullo-lgbt--20189281097.

El Pais. 2016. "El Pais > Informacion." *El Pais Uruguay.* April 16. Accessed 11 1, 2018. https://www.elpais.com.uy/informacion/escuelas-rurales-ninos.html.

Facultad de Psicologia, Universidad de la Republica Uruguay. 2015. *Adolescentes y Sexualidad: investigación, acciones y política pública en Uruguay.* Montevideo: Facultad de Psciología de la Universidad de la República del Uruguay.

Gelpi, Gonzalo. 2019. *Homofobia y exclusión escolar en Ciclo Básico: Indagando en las experiencias de bullying homofóbico de varones adolescentes de liceos públicos y privados de la ciudad de Montevideo.* Thesis M.A. in Gender, Society and Policy, Montevideo: PRIGEPP, FLASCO Argentina.

Gelpi, Gonzalo, interview by Stuart Etlin. 2018. *Telephone interview by author* (May 0).

Gobierno de Uruguay. 2018. "La construcción de agenda Y políticas públicas de diversidad sexual 1984 a 2017." *Sitio oficial de la República Oriental del Uruguay www.gub.uy.* Accessed 2 21, 2018. http://200.40.96.180/images/La_construccion_de_agenda_y_politicas_publicas_de_diversidad_sexual_1984-2017.pdf.

Graña, Federico, interview by Stuart Etlin. 2019. *Director, Dirección Nacional de Promoción Sociocultural* (May 25-26).

Heim, Anna. 2013. *Uruguay's One Laptop per Child: Impact and Numbers.* April 7. Accessed March 30, 2019. https://thenextweb.com/la/2013/04/07/uruguays-one-laptop-per-child-program-impact-and-numbers/.

Instituto Nacional de Estadística Uruguay. n.d. *Instituto Nacional de Estadística Uruguay.* Accessed December 10, 2017. http://www.ine.gub.uy/web/guest/inicio.

Intendencia de Montevideo. 2016. "Agenda de Diversidad Sexual e Igualdad Social." *Intendencia de Montevideo 2016-2020.* Accessed March 15, 2019. http://www.montevideo.gub.uy/sites/default/files/biblioteca/agendadiversidadweb.pdf.

McCarthy, Justin. 2015. "European Countries Among the Top Places for Gay People to Live." *Gallup.* June 26. Accessed December 2, 2018. https://news.gallup.com/poll/183809/european-countries-among-top-places-gay-people-live.aspx.

MIDES. 2019. "Programa Tarjeta Uruguay Social." *MIDES.* January 29. Accessed February 20, 2019. https://www.gub.uy/ministerio-desarrollo-social/politicas-y-gestion/programas/tarjeta-uruguay-social.

MIDES y CNDD. 2018. *Plan Nacional de Diversidad Sexual.* Montevideo: Minesterio de Desarollo Social.

OAS. 2013. "Inter-American Convention against all Forms of Discrimination and Intolerance." *Organization of American States.* June 6. Accessed January 12, 2019. http://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-69_discrimination_intolerance.pdf.

Parlamento del Uruguay. 1889 and ammendments. "Parlamento del Uruguay Documentos y Leyes." *Parlamento del Uruguay.* Accessed January 15, 2019. https://parlamento.gub.uy/documentosyleyes/codigos?page=1.

Parlimento legislativo de Uruguay. 2011. "https://legislativo.parlamento.gub.uy." *https://legislativo.parlamento.gub.uy.* 10 27. Accessed December 15, 2018. https://legislativo.parlamento.gub.uy/temporales/leytemp9866021.htm.

RELOJ, EL. 1997. *Visibilidad LGBT Diana Mines y Fernando Frontan.* 6 de June. Último acceso: 31 de January de 2019. https://www.youtube.com/watch?v=sAbslhRb2ps.

Republica Oriental del Uruguay Poder Legislativo. 2018. *Legislativo.Parlamento.Gub.Uy.* November 7. Accessed March 8, 2019. https://legislativo.parlamento.gub.uy/temporales/docu24079669443.htm.

Sempol, Diego. 2014. ""Locas", "travas" y "marimachos": Identidades politicias, intervencíon educativa y desafíos para un trabajo con la diversidad sexual en el sistema educativo." *Submitted to ANEP.* Unpublished, used with permission of the author.

—. 2014. ""Locas", "travas" y "marimachos": Identidades polítiicas, intervención educativa y desafíos pra un trabajo con la diversidad sexual en el sistema educativa." *Same.* Unpublished research submitted to ANEP, permission obtained from author to use.

—. 2013. *De los Baños a la Calle.* Montevideo: Random House Uruguay.

Sempol, Diego, interview by Stuart Etlin. 2018. *Interview with Diego Sempol* (October 17).

—. 2012. "Politicas Públicas y Diversidad Sexual." *Hablando de Derechos.* Montevideo: Ministerio de Desarollo Social, February.

Spartacus. 2019. "Spartacus Gay Travel Index-2019." *Spartacus Gay Travel Guide.* Accessed January 31, 2019. https://spartacus.gayguide.travel/gaytravelindex-2019.pdf.

Staff. 2015. "inju.gub.uy." *inju.gub.uy.* Accessed January 12, 2019. www.inju.gub.uy/.../encuesta-nacional-de-adolescencia-y-juventud-.

Strickler, Jordan. 2017. "University of Miami Scholarly Repository." *scholarlyrepository.miami.edu.* August 11. Accessed November 25, 2018. https://scholarlyrepository.miami.edu/cgi/viewcontent.cgi?article=1706&context=oa_theses.

The International Lesbian, Gay, Bisexual, Trans, and Intersex Association. 2019. "State Sponsored Homophobia; Sexual Orientation Laws in the World-2019." *ILGA.* Accessed February 1, 2019. https://ilga.org/maps-sexual-orientation-laws.

The office of the President of the Republic. 2016. "MIDES relevó a 853 personas en el primer censo realiazdo en Uruguay." *presidencia.gub.uy.* September 9. Accessed December 2018. https://www.presidencia.gub.uy/comunicacion/comunicacionnoticias/mides-datos-preliminares-primer-censo-trans.

United Nations Population Fund, ANEP. 2017. "Evaluación del Programa de Educación Sexual." *uruguay.unfpa.org.* March. Accessed October 30, 2018. https://uruguay.unfpa.org/sites/default/files/pub-pdf/Presentaci.pdf.

Valdes, Ildefonso Pereda. 1930. "Uruguayan Exceptionalism: "Social Legislation in Uruguay." *The Southwestern Political and Science Quarterly* 11 (3): 314-316. https://www.jstor.org/stable/42880906?seq=1#metadata_info_tab_contents.

Women Suffrage and Beyond. n.d. "Women Suffrage and Beyond: confronting the democratic deficit ISSN 2292-1060." *Women Suffrage.Org.* Accessed February 13, 2019. http://womensuffrage.org/?page_id=109.

Yuval-Davis, Nira. 1999, summer edition. "What is 'transversal politics'?" *Surroundings* 94-99.