

## TRANSforming realities, Chile's new Gender Identity Law

**Organizando Trans Diversidades**, is an organization that works to defend the rights of trans people in Chile. In 2011, they were behind an Anti-discrimination Law that, for the first time in Chilean national legislation, established the concept of gender identity. This process had urgent backing from **UAF-LAC**. Motivated by the sexual diversity movements in Bolivia and Argentina, that same year OTD's members began advocacy efforts in the Chilean Government, to replicate in Chile the right to a **Gender Identity Law**.

In the past, some parliamentarians had presented a bill for a Gender Identity Law, but they were discriminatory and had a pathological slant. These were some of the motives for not approving the law. In addition, there was never follow-up or support from the organized civil society LGBTIQ+ groups, as they did not feel represented by these bills. *“These are long-term initiatives and require a long struggle, which implies commitment and efforts that cannot be abandoned; for example, we need large groups that go to the sessions in Senate,”* states Franco Fuica, Director of the OTD.



Image: Fernando Bravo

After a long year, on May 13th, 2013 the bill **“Recognizing and protecting the right to gender identity”** was presented and approved for debate in the Supreme Court, with a single restriction, to remove the article that included individuals under 14 years of age. For the OTD, this signified a symbolic defeat, but it was also motivation to continue their advocacy work. One Senator who supported the bill made the commitment to fight for the inclusion of minors in the bill, after it was approved in Senate. After a year the bill was finally going to be discussed in the first instance, to be sent to the Senate's Human Rights Commission. In Chile, a report is presented to this commission by each chambers for all

bills, when it passed the first round of discussion the parliamentarians accompanying this struggle, achieved the explicit inclusion of children in the document.

Once put up for discussion, a vast majority of senators decided to send the bill back to the Commission, justifying that they could not vote for a bill of this type and that there wasn't a quorum to include children. At this time, the commission's president was a woman who represented the most conservative sectors of Chile, she ensured that the bill would not pass in this instance.

When Michelle Bachelet's administration began, it was decided to begin working on the bill again. A strategic decision was made to not include minors, and finally after three years, the bill was sent to the House, but it was rejected.



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At the beginning of 2018, the bill was presented again, and again the Senate rejected it. That is then when the decision was made to go through a mixed commission, to studying its viability, including the differences between those who presented the bill and those who rejected it, and to look for common ground to be able to move forward with the process for its approval as law. There were major challenges in this process, such as leaving out the part that included children and adolescents.

The members of OTD, carried out several awareness raising campaigns, but they were not able to convince all the parliamentarians, as religious fundamentalists have a high level of power within these institutions. In addition, there is a lack of alternative information on trans people to counter the influence from anti-rights groups. Even so, the Senate vote was won

by 25 votes and it was sent to the House for discussion, where the bill was approved with 95 votes.

Trans people in Chile are now recognized and this generates new hope and an opportunity for their rights to be realized. For them it is also a symbol of redress for all the violence and discrimination from society and the State.



**“From the OTD, the fight for the rights of sexual diversities continues, the work so that trans people do not feel excluded and can live the reality they deserve is not going to stop,” Franco Fuica, director of the OTD Chile.**

We celebrate with pride this fight to defend the rights of all TRANS people and with great joy we join the celebration of a new law in Chile that guarantees their civil rights, so that they will never be made invisible again.