Panama's LGBT Community in Tough Battle for Anti-Discrimination Laws

Sean Mattson

Follow this and additional works at: https://digitalrepository.unm.edu/noticen

Recommended Citation
Panama's LGBT Community in Tough Battle for Anti-Discrimination Laws

by Sean Mattson
Category/Department: Panama
Published: Thursday, October 21, 2010

A leading human rights nongovernmental organization (NGO) has presented Panamanian lawmakers with a bill that would criminalize discrimination and violence linked to sexual orientation or identity, punishing those convicted of such hate crimes with up to a year in jail and fines up to US$5,000.

The proposal has lingered in Panama's Asamblea Nacional (AN) for more than a month as Panama's unicameral body of lawmakers would have to ignore vehement public and religious opposition to passing a law that would make explicit the rights of Panama's lesbian, gay, bisexual, and transgender (LGBT) community.

Ricardo Beteta, the president of the group to present the bill—the Asociación de Hombres y Mujeres Nuevos de Panamá (AHMNP)—remains quite positive: At least this time around, legislators have not thrown out the proposal immediately. Five years ago, a similar proposal was "received as a joke and quickly filed away," he said, adding that lawmakers at the time said discrimination did not exist.

In the years since, the AHMNP documented discrimination cases and filed four reports to the government-funded Defensoría del Pueblo. While Beteta said the Defensoría has done little to help their complaints, the NGO leader said his organization has documented discrimination at street level, in private business, and in government departments ranging from the police to public health.

"The issue of discrimination that exists here is institutionalized homophobia," said Beteta, whose proposed law includes suspending public servants for a month without pay if convicted of discrimination crimes. "Homophobia in Panama is so culturally accepted that many people don't see it. Or if they do see it, they consider it correct."

The Catholic Church's Archbishop José Domingo Ulloa was among the more prominent figures to question the law, reportedly telling RPC Radio that the bill was unnecessary because the Constitution already outlaws discrimination. Ulloa said that such a law could lead to more discrimination and that other mechanisms should be sought to create a culture of nondiscrimination, according to news reports.

Opponents' greatest fear is that the law could be used as a step toward legalizing gay marriage in Panama, which about 80% of Panamanians reject, according to a survey by Dichter & Neira, a respected regional pollster, which was reported by La Estrella newspaper.

Beteta said marriage is not the aim of the law. "We've been very clear from the beginning and said that Panamanian society is not ready for gay marriage and adoptions," said Beteta in an interview. "This is a bill exclusively about nondiscrimination."

Beteta said he is not searching for new or exclusive rights, either. "We're not asking for a right, we already have it. We're simply being denied access to it," he said. "The country has a legal void, if you look at the Panamanian laws, we're not mentioned, we don't exist."
Legislative Resistance

It is quite possible things will stay that way as the legislature can easily argue it has pressing issues at hand and little interest in dealing with a dismissible minority-group request.

Lawmakers have been embroiled since June in debates on how to rectify controversial legislation that relaxed environmental standards and reduced the power of organized labor. The backlash caused at least four protest deaths, according to NGOs (NotiCen, Sept. 9, 2010). President Ricardo Martinelli’s Cabinet permanently suspended the laws in October, sending revised legislation to the Asamblea in October.

The legislature has also battled with the executive with a tight budget that is being by the executive. The president has his sights set on starting financing-intense infrastructure, projects including a Panama City subway, and hopes to soon send major mining legislation to lawmakers, which is sure to cause controversy (NotiCen, Sept. 30, 2010).

Pesky minority rights laws are not a legislative priority

While there is still hope the bill will move through the legislative process, there is no set date for the bill to go to the committee that could decide on the bill, the Comisión de Gobierno, Justicia y Asuntos Constitucionales, said Raúl Patterson, a substitute legislator with Martinelli’s Cambio Democrático party and vocal opponent of the bill.

"They don't need a law to do what they are already doing," said Patterson, who is also an evangelical pastor. He denied discrimination exists against the LGBT community in Panama and said that constitutional guarantees against discrimination eliminate the necessity for group-specific legislation.

"There are teachers who are homosexuals but they don't go to school dressed like homosexuals," he said in an interview. "But when they are done with their work they do what they feel like with their lives. There are even bars for homosexuals in Panama."

Patterson's view of the issue is more extreme than some counterparts in Martinelli's legislative alliance that dominates the legislature. Patterson said Hernán Delgado, president of the legislative committee with the bill, could still propose modifications and send it to the floor for debate and approval. Patterson, however, said Delgado "has left the bill as-is for the moment."

"The problem we're having is that there is rejection from the Catholic Church, the evangelical church, and there is rejection from many legislators who say they are not going to approve this," Patterson said, adding that a group-specific discrimination law could lead to similar requests from other minorities.

"[Indigenous groups] could come out and say that they are discriminated against," said Patterson, who acknowledged discrimination against Panama's native ethnic people. "The Indians in Panama—you don't see them in a high position in government or anywhere. They have the Indians working in hotels, as waiters, cooks and cleaners—totally discriminated against for being Indian. And there is no law for the Indians. They have to resort to the laws that exist."

"[Indigenous groups] are discriminated against like this and no one says anything," Patterson said, setting up comments that LGBT groups in Panama routinely have to discredit. "And now you have
a group [AHMNP] that conducts itself totally out of order, strange, that wants a law in to continue a conduct that is abnormal."

Patterson said homosexuals are "totally violating what the Bible says," and added that, if the law is passed, "all the churches are going to get sued if a pastor or priest says homosexuals are not going to heaven. This would create chaos."

"Right now, as the country is with all the bad testimonies that there have been about priests abusing children and all those things, the country is not ready to accept that law," he concluded. "Right now, it's not going [to pass]. There is no strong motive to be supporting the law."

**Goal of basic recognition**

Beteta, who has been fighting for LGBT rights for 14 years, knows the opposition he is up against. He hopes, at the very least, that discrimination because of sexual orientation and sexual identity will be included under Panama's general anti-discrimination legislation. "We're willing to negotiate," he said.

"That they are going to pass the law, I'm not sure," he said. "But look, I consider everything that is happening very important because finally a debate is being created in Panamanian society."

But, unlike the controversial labor and environmental laws that sent thousands into the streets across the country and ended in violent police clashes with protesters, it's unlikely that a rejection of the AHMNP's bill will cause much of a stir in the local community.

Aside from a flamboyant float or two during Carnival, the community stays mostly underground. Beteta has helped organize five community "walks."

"So few people come that you can't call them marches," he said, adding that perhaps 100 people participate in the events. "The people don't go because they are afraid."