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Activists Could Launch Political Party to Back Rights of Minorities in Costa Rica

by George Rodríguez

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The members of Costa Rica's LGBT community say progress is being made regarding their rights, but they add that the progress has been slow, and some are calling for a new political party to stand up for their rights and the rights of other minorities (NotiCen, July 26, 2012, and Nov. 5, 2015).

As leaders of the lesbian, gay, bisexual, transgender, and intersex community and Costa Rican authorities acknowledge in interviews with LADB, the local situation is nowhere near the discriminatory and violent reality of other Central American nations—most dramatically El Salvador, Guatemala, and Honduras—but there is still much to accomplish. They point to the legislature, where religious-based conservatism, evidenced by a number of Christian-oriented political parties, has managed to block the passage of key bills.

Marco Castillo, a lawyer and president of the Movimiento Diversidad (Diversity Movement, MD), one of Costa Rica's best known sexual diversity organizations, believes in the need for what he describes as an LGBT "takeover" of the Asamblea Legislativa, the country's single-chamber, 57-member parliament.

"Regrettably, there's a boycott in the Legislative Assembly by the [Christian] fundamentalists and the recalcitrant Catholics," he said. "That leads us to think that we—gays, lesbians, trans—have to take over the Legislative Assembly, all of us who favor human rights."

In defense of all minorities

Castillo said he was not only concerned about LGBT rights but also about "other rights—those of the indigenous peoples, of persons of African descent, and of other minorities that have been always discriminated against."

His conclusion: "We have two paths: to get ourselves in [political] parties, or form a new party." Castillo, who serves as an aide to Congresswoman Ligia Fallas of the leftist Frente Amplio (Broad Front, FA), said thought is being given to the second option.

"There's a group that's thinking about it," he said. "[The possibility] had been mentioned in the past, but as of a few years back—some three, four years ago—the group that was in this thought it was better to wait a while for the existing parties, and infiltrate those parties. But the truth is, it didn't work out ... so now, starting in August, we're going to seriously think about whether we take over those parties or found a party for human rights."

A series of meetings have been scheduled "with interested people, political people, to see whether we adhere to a party that will really support us or form a new one," Castillo added.

Castillo explained that the group has five main goals, including acknowledgement of same-sex couples, which is the main target, and a gender identity law guaranteeing respect for the right of individuals to be identified by the name they choose according to their sexual identity. He said it

was also important to create medical assistance programs for gays, lesbians, “and especially for trans,” who often require specialized treatment. “Also for HIV-positive people,” he said, adding that “although it’s true that AIDS is not a gay infection, in Costa Rica the majority of those affected are gay, thus, we’re with them as well.”

The passage of legislation to criminalize hate acts and harassment is also a goal, he added.

Castillo said the administration of Costa Rican President Luis Guillermo Solís has been an ally of the LGBT population, which consists of some 500,000 of the country’s 5.6 million people. Among other government accomplishments in this regard, Castillo mentioned the decision, in 2014, by the Caja Costarricense de Seguro Social (Costa Rican Department of Social Security, CCSS), to recognize the insurance rights of same-sex couples.

Castillo also pointed to the executive order, issued this year, banning discrimination based on sexual preference and favoring acknowledgement of same-sex couples by public institutions, both for employees and the public.

The Solís government’s record regarding diversity rights dates back to the president’s first days in office, in 2014, when the rainbow flag of the gay rights movement was raised on May 16, the eve of the International Day Against Homophobia, Transphobia, and Biphobia. The flag flew next to the Costa Rican flag on the front lawn of the Casa Presidencial (Presidential House) in support, as Solís then said, of a population that suffers discrimination (NotiCen, May 22, 2014).

Solís described the unprecedented ceremony as “an expression against discrimination, and specifically homophobia, lesbophobia, and transphobia.” Six days later, the CCSS decided to acknowledge the rights of same-sex couples, including the right to have joint insurance and visits in case of hospitalization.

The CCSS board of directors unanimously voted in favor of reforming Article 10 of the Reglamento del Seguro de Salud (Health Insurance Regulations), which then granted such rights to heterosexual couples only. Less than three months later, Second Vice President Ana Helena Chacón, a staunch human rights advocate, announced the creation of a work group on policies protecting LGBT rights.

“The aim is to give a voice to sectors that have been excluded for many years,” Chacón, a former security vice minister and legislator, told reporters on Aug. 20, 2014, adding, “We’re set on moving forward in the struggle against discrimination because of sexual orientation or gender identity.”

Same-sex wedding

In another national breakthrough later that year, the first same-sex couple registered with the CCSS as a beneficiary of the family insurance system. A CCSS spokesperson told local media that registration enabled both members of the couple to access medical assistance and treatment at the public institution’s health centers.

A more recent government action was the presidential signing of an executive order (Decreto Ejecutivo 38999) banning discrimination based on sexual orientation in public institutions. Also last year, Costa Rica saw the first-ever marriage of a same-sex couple.

The event took place on July 25, 2015, when Castillo officiated in the wedding of Laura Flórez-Estrada and Jazmín Elizondo.

This country's legislation forbids matrimony between persons of the same sex, but a mistake by the Registro Civil (Bureau of Vital Records) in Elizondo's Identity Card allowed Castillo to marry the two women. The error: In Elizondo's document, the slot for gender was filled with the letter "M," for "masculine," officially identifying her as a man.

After the ceremony, Castillo explained in media interviews that, upon checking the couple's identity documents, he found himself in the legal presence of a man and a woman seeking to be joined in matrimony, and proceeded accordingly. During a heated debate on national television, he argued that it was not a lawyer's duty to "check the genitals" of a marrying couple before performing the ceremony.

In an interview with LADB, Castillo acknowledged that major progress has been made with the Solís administration, which he describes as "a government that has been frankly favorable to our rights," but added that much remains to be accomplished.

Daya Hernández, founder and president of Asociación Transvida (Translife Association), the only organization fully devoted to upholding transgender rights in Costa Rica, agreed with Castillo.

"I think this is the best government as far as openness to sexual orientation and gender identity. So, I believe a lot can be accomplished here," said Hernández, a transgender woman, in an interview with LADB. "I think we're a bit better than we were, and there's still a lot to do, but ... we're working ... we can't say we're at zero." Nevertheless, "the compañeras are still in the sex trade, rape continues to happen, barriers still block access to healthcare and work opportunities; there's still the need for the name [chosen by a transgender person] to be accepted, which would be the right to an identity," she said.

Some accomplishments

According to Hernández, the LGBT community has "accomplished at least some 20 percent" of what needs to be done as a result of working with the government on projects such as Transvida Educación (Translife Education), with 50 transgender women going through high school.

Interior Vice Minister Carmen Muñoz, a relentless advocate of human rights—those of the LGBT population in particular—also said that, "without a doubt, we've made a lot of progress." The present government, "as much as it has been able to, is making progress," and "little by little ... we've advanced in some issues," said Muñoz, a former congresswoman who during her period as a legislator (2010-2014) spoke publicly of her same-sex relationship. She added, "Eventually, our country, the Legislative Assembly, and Costa Rican regulations and laws will have to acknowledge our rights on an equal standing with the rest of the population."

In Chacón's view, "sexual diversity persons deserve respect, dignity, the same rights," and "hate crimes must stop the world over."

The recent massacre in Orlando, Florida, "means that hatred destroys, and that hatred does kill, that homophobia does kill, and that's why always ... voices must be raised to build ... a better society," she added.

Costa Rica's ombudswoman, Montserrat Solano, believes there is ambivalence with regards to LGBT rights in Costa Rica. "On the one hand, there's very important institutional progress," she said, referring to accomplishment by the present Costa Rican government. "There's an increasing

awareness of the importance to acknowledge the rights of same-sex couples. The government—and this must be acknowledged—has made an important effort with the decree that forbids discrimination based on sexual diversity. So, those are important institutional steps.”

On the other hand, she referred to a sense that there has been an escalation of extremist positions. “That worries us,” Solano said. “Regarding this, what needs to be done is to be stronger in supporting the LGBT population.”

She said that more efforts needed to be made in education and awareness raising.

“The Education Ministry is also making an important effort,” she said, adding, “All of us, not just public institutions, have to make the change possible.”

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