Chile: Equal Rights Bill Fast-Tracked Following Beating Death Of Gay Man

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The savage and ultimately fatal beating of a young homosexual man in Chile, allegedly at the hands of a group of neo-Nazis, has triggered a nationwide discussion on gay rights and prompted the government of President Sebastián Piñera to "fast-track" a dusty anti-discrimination law that had languished in Congress for years.

Daniel Zamudio, a 24-year-old clothing-store clerk, was discovered early on the morning of March 3 lying bloody and unconscious in a downtown Santiago park. He was taken to a nearby hospital where doctors found that he had suffered a major head trauma. Zamudio’s attackers broke several of his bones, mutilated his ear, burned his body numerous times with cigarettes, and used broken glass to carve swastikas on his abdomen. Zamudio remained in the hospital for three weeks before succumbing to his injuries on March 27.

A police investigation into the beating led to the arrest of four young men ranging in age from 19 to 26. They are being held in detention pending trial. One suspect, Raúl Alfonso López Fuentes, 25, reportedly confessed to the crime, describing to police how, during a drunken frenzy, he and the other three men beat and tortured Zamudio during the course of six hours.

News of the attack caused a national stir and triggered an outpouring of support for Zamudio and his family, not only from gay-rights advocates but also from numerous political figures—on both the right and left. Speaking to reporters on March 6, Interior Minister Rodrigo Hinzpeter expressed his "complete repudiation of the homophobic attack against Daniel Zamudio and total solidarity with him."

Two weeks later, the interior minister braved a barrage of boos when he paid the Zamudio family a visit in the hospital. Hinzpeter, a tough law-and-order conservative, is despised by many on the left for his heavy-handed response to the recent unrest in Aysén (NotiSur, March 16, 2012) and to last year’s student protests, which were concentrated in Santiago (NotiSur, Nov. 11, 2011).

The Zamudio case received even more attention following his death. Thousands took to the streets of Santiago on March 30 to watch as the young man’s coffin was transported to the Cemeterio General. President Piñera, in Tokyo, Japan, at the time, described the "brutal and cowardly" attack as an "aggression not just against [the Zamudio family] but against the fundamental values and principals of our country."

A number of celebrities expressed their condolences and dismay as well. Via Twitter, Puerto Rican pop singer Ricky Martin, who had been following the case from the beginning, dedicated an award he received from the Gay & Lesbian Alliance Against Defamation (GLAAD) to Zamudio and his family.
A turning point?

Homosexuals have been physically attacked before in Chile. In 1993, 16 people perished when fire broke out in a gay nightclub in Valparaiso. Although the blaze was officially ruled accidental, many suspect the Divine—as the club was called—was torched intentionally. Groups like the Movimiento de Integración y Liberación Homosexual (MOVILH), Chile's leading gay-rights organization, continue to demand the case be revisited. MOVILH has kept careful records of numerous other killings as well, including three last year. Never before, however, has a gay-bashing case drawn this much attention in Chile.

"This is a turning point," MOVILH head Rolando Jiménez explained in a recent interview with Adital. "Just this past February, we released the latest edition of our annual human rights report, which includes information about three killings in 2011 where the victim’s sexual orientation was one of the contributing factors in the murder. It passed unnoticed. But when the attack against Daniel [Zamudio] occurred, people saw the state of his body, they saw the swastikas. For many it really hit home just how much hate can be directed at someone for simply having a different sexual orientation. All of this has triggered a wave of indignation, not only here in Chile but around the world."

That indignation has put a sudden gust of wind in the sails of a long-contested anti-discrimination bill that then President Ricardo Lagos (2000-2006) of the opposition Concertación coalition presented to Congress in 2005. Critics of the bill have argued for years that it is unnecessary, that the country’s dictatorship-era Constitution already promises citizens equality before the law. Backers of the bill say, however, that the Constitution is too vague in this respect, that Chile needs a more specific law outlining the parameters of equal rights. The 2005 bill, therefore, uses precise language to protect people from arbitrary discrimination based on race, ethnicity, gender, religion, ideology, and, most controversially, sexual orientation.

Concerned that the law would open the door to gay marriage and legal adoption for homosexual couples, hard-line conservatives from the now-governing Alianza coalition kept the bill at bay until this past November, when a watered-down version of the legislation finally cleared the Senate. The Alianza groups together the far-right Unión Demócrata Independiente (UDI) and center-right Renovación Nacional (RN) parties. Of the 13 senators who voted against the bill, 12 represent the Alianza.

After the November vote, the bill went to the Chamber of Deputies, where it once again began collecting dust. No doubt it would still be buried there under a pile of more pressing concerns had it not been for Zamudio's beating and subsequent death, which prompted the Piñera administration to finally give the equal-rights legislation top-priority status. Borrowing language directly from the bill, President Piñera said on March 28 that his government will not "tolerate any arbitrary discrimination against Chilean citizens based on their socioeconomic condition, choice of religion, or sexual preference."

Exactly one week later, the Chamber of Deputies voted narrowly to approve the bill pending a series of amendments that will be drafted by the Piñera administration and then placed before a mixed committee of senators and deputies. Chile doesn’t have an anti-discrimination law quite yet, in other words, though both the Piñera administration and advocacy groups like MOVILH are confident that its passage is finally imminent.
"I believe the sectors that have been fighting against this bill tooth and nail because it protects sexual orientation and gender identity are, today, completely cornered," Rolando Jiménez told reporters on March 30. "This is Daniel’s contribution to the seven-year fight for an anti-discrimination law."

**Hints that Chile is "evolving"**

Should it finally come to pass, as Jiménez now predicts, the long-elusive equal rights law would be a huge victory for MOVILH and other groups that have fought so long for the legislation. It would no doubt improve the country’s standing as well with the UN Office of the High Commissioner for Human Rights (OHCHR), which recently chimed in on the Zamudio case with a call for tougher equality laws in Chile, and with the Inter-American Court of Human Rights (IACHR), which issued a landmark ruling against Chile last month in another high-profile gay-rights case.

On March 21, the Costa Rica-based court ordered the Chilean state to pay damages to Judge Karen Atala, a lesbian, who lost custody of her three children because of her sexual orientation. In its unanimous and binding verdict, the IACHR—an autonomous branch of the Organization of American States (OAS)—found Chile "responsible for violating the right to equality and freedom from discrimination." The Atala case had been percolating in the courts for nearly a decade, becoming a major focal point in the fight for gay rights in Chile (NotiSur, May 7, 2010).

Officials from the Piñera administration announced it would accept the ruling, which also drew something of a mea culpa from Senate president Camilo Escalona of the Partido Socialista (PS), one of the opposition Concertación’s four member parties. "This is a sanction that results, precisely, from the fact that institutionally we’re lagging behind," he said. "There are millions of us who were educated in a chauvinist and homophobic culture, and we need to overcome that."

Not everyone is ready to heed Escalona’s advice. Jorge Reyes, an attorney with close ties to the UDI, told Radio Cooperativa shortly after Zamudio’s death that, "if the public really knew about this boy’s lifestyle, it would have a different opinion." Reyes was on the government payroll at the time. The attorney went on to accuse the general public of "buying whatever the media sells."

Reyes’ outburst ended up costing him his contract with the Ministerio de Salud (MINSAL). To the surprise of some, it also earned him a rebuke from within the UDI. Dep. Iván Moreira called the attorney "a man with a dirty soul."

Attitudes towards homosexuals, it would seem, are beginning to shift somewhat in Chile. As recently as 1998, the country had a "sodomy law" that made sex between men a criminal offense. A dozen years later, both presidential candidates—the conservative Piñera and his Concertación challenger, former President Eduardo Frei (1996-2000)—featured homosexuals in their campaign spots and included gay-rights issues in their respective platforms. Santiago now has a vibrant gay neighborhood and hosts an annual gay-pride parade. Homosexual characters are written into the country’s popular telenovelas.

In a poll late last month by Radio Cooperativa and Imaginacción, 87.5% of respondents said they were tolerant of homosexual relationships. Roughly 86% agreed that gays in stable relationships should have the same rights as married couples. And a slight majority (52.6%) said homosexual couples should have the right to adopt or to raise children they have from previous relationships.
"The rise in the number of people who think homosexual couples should have the right to adopt is particularly noteworthy," said Luis Eduardo Escobar, the director of Imaginación. Escobar suspects the rising numbers can partly be explained by sympathetic media coverage of the Zamudio and Atala cases. "People are being sensitized in some degree to the fact that [gays] have been discriminated against by society. It seems like there’s a certain kind of evolution taking place."

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