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Clock Is Ticking on Chilean President’s Push for Same-Sex Civil Unions

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President Sebastián Piñera has proven to be an unlikely ally for Chile’s LGBT (lesbian, gay, bisexual and transgender) community, most notably by overseeing passage last year of the Ley Zamudio, an equal-rights law that had been promised—but never delivered—by his more leftist predecessors. The conservative leader could cement his legacy as a gay-rights pioneer by making good on a campaign pledge to legalize same-sex civil unions. With just a year remaining in his term, however, time is running out.

Four years ago, in the run-up to the 2009 presidential election, Piñera caused something of a stir with a campaign ad featuring two men holding hands (NotiSur, May 7, 2010). Standing next to the couple—and speaking on their behalf—the rightist candidate told would-be voters, "Today, people accept us. Now we need a country that respects us."

The television spot set tongues wagging not because Piñera, a billionaire businessman and former senator for the center-right Renovación Nacional (RN), was the first or only candidate to target the gay vote. He was neither. Independent candidate Marco Enríquez-Ominami pushed the envelope much further by supporting gay marriage, which Piñera continues to oppose. The other contender, former President Eduardo Frei (1996-2000) of the centrist Partido Demócrata Cristiano (DC), ran an earlier campaign ad in which two lesbians kiss.

What many Chileans found remarkable was that Piñera would run such a spot at all given the deeply conservative social attitudes to which many of his political allies in the governing Alianza coalition cling. Also known as the Coalición por el Cambio, the Alianza ties together the RN and hard-right Unión Demócrata Independiente (UDI). RN party president Sen. Carlos Larraín is an unapologetic homophobe who, during a 2010 television appearance, infamously equated homosexuality to pedophilia and bestiality. More recently, a UDI deputy said Chile risks invasion by Bolivia or Peru if it allows homosexuals into the military.

Gay-rights groups celebrated the progressive 2009 campaigns ads, Piñera’s included, as an important advance. But they also treated the conservative candidate’s sudden interest in gay voters—and his promise to push both an equal-rights bill and civil-union legislation—with a healthy dose of skepticism. Piñera’s more leftist predecessors, after all, had also made overtures to the gay community. "But in practice nothing ever materialized," Rolando Jiménez of the Movimiento de Integración y Liberación Homosexual (MOVILH), Chile’s leading gay-rights group, told NotiSur shortly after Piñera’s inauguration. Why would things be different under a conservative government?

A "fundamental step"
But in 2012 something finally did materialize, albeit only after a horrific hate crime that resulted in the death of a young homosexual man in Santiago. Daniel Zamudio, a 24-year-old clothing-store
clerk, died in late March, succumbing to extensive injuries suffered during a merciless attack earlier that month in a downtown Santiago park (NotiSur, April 20, 2012). The four men who allegedly attacked Zamudio 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.

Reports of the attack—and of Zamudio’s death after three agonizing weeks in the hospital—caused widespread public outrage. It also compelled the government to fast-track long-pending legislation outlawing arbitrary discrimination for reasons such as "socioeconomic condition, choice of religion, or sexual preference." The bill was originally submitted to Congress in 2005 by then President Ricardo Lagos (2000-2006).

Recast as the Ley Zamudio, the measure cleared the legislature in a matter of weeks, a remarkable turn of events considering how long it had faced resistance by hard-line conservatives who warned it would open the door to gay marriage and adoption. Two months later, in July 2012, Piñera signed the anti-discrimination bill into law. Among those present at the official promulgation act were Daniel Zamudio’s parents.

"Chile has finally decided to take this fundamental step toward building a society that is more tolerant, inclusive, respectful, and welcoming toward each and every one of our citizens," the president said.

More than one type of family

Whether Piñera could or would have compelled Congress to take that "fundamental step" without the Zamudio tragedy is unclear. Regardless, MOVILH and other gay-rights advocates finally got the law they had lobbied so hard for. And it happened on Piñera’s watch. The conservative president accomplished what his popular predecessors, Lagos and former President Michelle Bachelet (2006-2010), had only promised. "Starting today, Chile is a better country to live in," MOVILH’s Jimenez told reporters on May 9, the day the bill earned its final approval in Congress.

Gay-rights groups say it would be an even better country to live in if homosexuals had the right to marry. Piñera has no intention of allowing that to happen. Marriage, he has said on several occasions, is "by essence" something that can exist only between a man and a woman. But the president does think nonmarried couples—including same-sex partners—should be allowed to enter into civil-union arrangements and thus share family benefits such as health care, social security, and inheritance.

Last August, less than a month after signing the Ley Zamudio, President Piñera turned his attention to the civil-union issue in earnest by presenting Congress with a bill to legalize what he calls Acuerdos de Vida en Pareja (AVPs), or life-partnership agreements. In announcing the bill, Piñera urged his fellow citizens "to understand that there isn’t just one type of family."

The gesture did not go unnoticed by gay-rights supporters. Piñera’s AVP proposal is a far cry from what MOVILH and other advocacy groups are ultimately demanding: legal gay marriage. But it is an important "signal from the state, an ethical acknowledgement," MOVILH head Jiménez explained in a recent interview with El Observatodo, an online news site. "This isn’t just about issues of patrimony, about sharing ownership of the fridge or the stove or the house….It’s about respecting different family conformations."
"Lagging behind"

Piñera stands to generate even more good will from Chile’s gay community if he is able to actually sign the AVP proposal into law. With just a year remaining in his term, however, time does not appear to be on the president’s side. Nor for that matter are some of his fellow conservatives. A group of UDI deputies have already thrown up a roadblock by refusing to even discuss the bill unless the Piñera administration first agrees to back a constitutional amendment banning gay marriage outright.

Church leaders have also come out swinging. During hearings earlier this month in the Senate’s Comisión de Constitución, Legislación y Justicia, San Bernardo Bishop Juan Ignacio González said same-sex civil-union arrangements would "lead to the destruction of human beings and, although they deny it, to the destruction of social peace." Santiago Archbishop Ricardo Ezzati, president of Chile’s Conferencia Episcopal de Chile (CECh), chimed in on the issue as well. "It’s not good for Chile that people are confusing or want to confuse what families really are," he said during a recent mass in Santiago’s downtown cathedral. "These days they’ll call any kind of social reality a family."

A poll released last month by a new research body, the Instituto de Política Liberal Francisco Bilbao, suggests that 80% of greater Santiago residents support the president’s AVP proposal, which by some accounts could benefit as many as two million people. Not only is the idea popular, it is also—from a purely administrative perspective—both necessary and long overdue, many analysts argue. "The problem is already there. Lawmakers need to face that problem," law professor Fabiola Lathop told Radio Universidad de Chile earlier this month.

So far Congress does not appear to share that same sense of urgency. For now, the proposal remains under committee discussion in the Senate, which recently complicated matters further by "fusing" Piñera’s AVP plan with previous bills, including a 2010 proposal by former RN senator Andrés Allemand dubbed the Acuerdo de Vida en Común (AVC). Allemand, who later served as Piñera’s defense minister, recently resigned his post to run for president.

"Just looking at Latin America, most of the countries have civil-union laws in place," said Lathop. "Unfortunately, this is an area in which Chile is once again lagging behind."

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