

A Question of Priorities: Variance in LGBT protections in Anti-Discrimination Legislation in Argentina and Chile

by

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ABSTRACT

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Argentina is highly advanced in terms of LGBT rights whereas Chile has been slower to adopt pro-LGBT legislation. Yet, Chile passed an anti-discrimination law that includes LGBT protections while attempts to include them in Argentina were unsuccessful. This thesis asks why anti-discrimination legislation that includes sexual orientation and gender identity was not passed in Argentina but was successful in Chile. The study draws on the literature on social movements and moral policy to argue that it is the result of effective social movement mobilization that the legislation was successful in Chile but not Argentina. With data gathered from extensive fieldwork in both countries, I demonstrate that due to the weak mobilization in favour of anti-discrimination reform in Argentina the legislation has not been successful. In Chile, LGBT activists mobilized effectively in favour of the legislation which was crucial to the bill's success. The thesis demonstrates the crucial role of social movements in the moral policymaking process.

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Chapter 1: Introduction, Research Question, and Argument

Argentina and Chile have different policies for their Lesbian, Gay, Bisexual, and Transgender (LGBT) communities. Argentina's LGBT policies are progressive: it legalized homosexuality in 1887 and same-sex marriage in 2010; same-sex couples, as well as single gay men and lesbians, are allowed to adopt children; and it has one of the most progressive gender identity laws in the world¹. This is in contrast to its neighbour, Chile. Chile's LGBT policies are much more conservative: it did not decriminalize homosexuality until 1999, the debate on same-sex marriage has only recently gained serious political traction (Mohor, 2017), and a new gender identity law is moving slowly through Congress. It would appear that LGBT public policy is more progressive in Argentina than in Chile.

However, while Argentina passed an anti-discrimination law in 1988, it does not contemplate sexual orientation or gender identity. The Chilean government, on the other hand, passed an anti-discrimination law in 2012 that included sexual orientation and gender identity as categories. This is not because the legislation is unnecessary in Argentina. According to the Annual Hate Crimes Report published by the *Comunidad Homosexual Argentina*, hate crimes in Argentina toward LGBT individuals increased in 2015 (CHA, 2015). Based on its record, Argentina should be more advanced in its LGBT protections. Yet, Chile has a key piece of legislation that Argentina lacks.

¹ The Argentine Gender Identity law allows people to change their gender on legal documents without having to seek a psychiatric or medical opinion. Health care providers are also required to provide any hormone or surgical treatments at no additional costs. These rights also extend to minors, provided they have authorization from their legal guardian.

The question that this project attempts to answer is: Based on its progressive LGBT rights record, why has Argentina not passed an anti-discrimination law that includes sexual orientation and gender identity but Chile has? While studies on LGBT movements across the globe (Barclay, Bernstein, & Marshall, 2009; Mucciaroni, 2008; Wintemute, 1995; Rubenstein, 1993) and in Latin America (Encarnación, 2016, 2011; Díez, 2015, 2011; Corrales & Pecheny, 2010; De la Dehesa 2010; Murray, 1995) focus on the development of LGBT policies, the development of anti-discrimination legislation in these two countries has attracted little scholarly attention.

Based on research collected, I argue that the Argentine Congress has not adopted this legislation because LGBT organizations in Argentina have not made it a priority. In Chile, LGBT activists had anti-discrimination legislation as their highest priority. They lobbied politicians to debate and to pass this law. As a result, there is an anti-discrimination law in Chile that includes sexual orientation and gender identity. Certain areas of legislation are controversial and, as a result, legislators are hesitant to address them. Research suggests that social movements have to lobby legislators to debate these controversial areas of legislation. Without the added pressure, politicians are unlikely to debate and pass controversial legislation.

This area of study is currently underdeveloped. While there are studies on social movement influence on the policymaking process (Encarnación, 2016; Díez, 2015; 2013; Htun and Weldon, 2012), few studies exist that examine the influence of social movements on a government's agenda, especially in the moral policy area. Social movement influence in the moral policy process has been demonstrated in the past (Htun and Weldon, 2012, 2010; Blofield, 2006) but this area of scholarship is still understudied. This study will contribute to that growing literature by demonstrating the importance of social movements in the moral policy agenda-setting process.

The structure for the study is as follows. Section Two provides an overview of the relevant literature on social movement influence on a government's agenda. I will use this literature to support the idea that social movements play an important role in the introduction of moral policy measures onto a government's agenda. Section Three details the methods used in the fieldwork, such as how questions were developed and participants selected. Section Four gives a detailed history of both the failed attempts at anti-discrimination reform in Argentina and the successful passage of the Chilean anti-discrimination bill. Sections Five, Six, and Seven are structured around the main themes that appeared in the interviews with participants. These sections form the results and discussion portion of the thesis. Section Five, "Social movement mobilization," discusses how activists and politicians view the role of LGBT organizations in the agenda setting process. Section Six examines the other perspective in this argument, how the government approached anti-discrimination legislation reform and adoption. "Government Interest" explores how the awareness of state actors was raised and the effect it had on passing anti-discrimination legislation in Argentina and Chile. Section Seven, "Public Agenda", studies the role of the public opinion and whether it played an important role in the debate on this legislation in either country. Section Eight concludes the study with a summary of the study as well as a discussion of its contributions to the field.

Chapter 2: Literature Review

This project studies why anti-discrimination legislation was not passed in Argentina but was successful in Chile. Argentina is very progressive concerning LGBT rights, while Chile has been slower to adopt pro-LGBT legislation. Yet, Chile included sexual orientation and gender identity in their anti-discrimination legislation whereas reform has not been as successful in Argentina. In order to answer this question, I must engage with several different areas of literature: agenda setting and policy development, social movement influence in agenda setting, the role of social movements in moral policy, and LGBT movements and public policy, both globally and in Latin America.

I will begin with a discussion of public policy literature with a particular focus on agenda setting to learn on how a policy proposal becomes a government's priority. In doing so I will gain insight into why certain proposals earn government attention and others do not. From this exercise, I will then examine social movement influence on a government's agenda. LGBT movements have been very vocal in the policymaking process so it is important see whether they can influence a government's agenda. Based on the assumption that social movements play a role, I will then study the moral policy process. Anti-discrimination legislation is a moral policy issue, so I need to investigate how this policy arrives on a government's agenda and whether social movements are involved. I will then move into a specific moral policy area: LGBT policy. I will review the literature on LGBT movements and their relationship with public policy to demonstrate how they have been successful, first globally and then specifically in Latin America. Finally, I will provide an overview of the development of LGBT policies in Argentina and Chile

to identify the differences in the history and development of LGBT movements and policies between the two countries.

Policy Development and Agenda Setting

Public policy can be defined as “a course of action or inaction chosen by public authorities to address a given problem or interrelated set of problems” (Pal, 2006, p. 2). While there is disagreement among scholars over the stages of the policy-making process (Hughes & Mijeski, 1984; Kingdon, 2003; Pal, 2006), most agree that the first steps are government agenda setting and policy formation. This section will discuss government agenda setting and why certain issues are added to a government’s agenda while others are not. It will review the literature to underline the influence that non-state actors can have in the agenda-setting process. The agenda can be defined as “the list of subjects or problems to which governmental officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time” (Kingdon, 2003, 3). There is an important distinction to make when discussing an agenda.

According to some scholars, there are two types of agendas: systemic and institutional (Cobb and Elder, 1972). The systemic agenda consists of problems that are perceived to demand government attention. It is important to recognize that the systemic agenda is not a formal agenda. Issues on the systemic agenda are problems that are recognized by the general public as issues that need to be addressed, yet no government action has been made to solve these problems. The systemic agenda can also be called the public agenda (Dearing and Rogers, 1996). When state actors decide to take concrete action on an issue then it is moved onto an institutional agenda, otherwise known as the formal agenda. At this point, a government begins to seriously

consider an issue. The issue may fall from prominence over time but that does not necessarily indicate that the issue has fallen off the agenda (Jones and Baumgartner, 2005). It is argued that in order for an issue to reach the institutional agenda it should first be part of the systemic or public agenda (Jones and Baumgartner, 2005; Dearing and Rogers, 1996; Cobb and Elder, 1972). However, there are other ways to reach the formal agenda.

John Kingdon (2003) argues that there are three streams that make an issue reach the formal agenda: problems, policies, and politics. In the first stream he describes for reaching the agenda, problems, a government's agenda is responding to an existing problem. The problem could be generated from different actors, such as government experts or civil society actors presenting evidence that requires a response. It could also be what Kingdon refers to as a focusing event. Kingdon defines a focusing event as "a crisis or disaster that comes along to call attention to the problem, a powerful symbol that catches on, or the personal experience of a policy maker" (p. 95). An event of this kind focuses public attention on an existing problem. Their attention may lead to a government response. For the second process, policies, policy solutions emerge from within a government. According to Kingdon, "specialists have their conceptions, their vague notions...they try out ideas on others by going to lunch, circulating papers, publishing articles" (p. 116). In the third stream, politics, policies on the agenda are generated as a political decision. Policies can be formulated in response to a change in the national mood, pressure from non-state actors, or changes resulting from an election. Kingdon argues that the institutional agenda is not only in response to the public agenda. He recognizes the importance of the public agenda, yet he also explains that an agenda can be generated through other means

Other authors claim that in order for an issue to be added to an institutional agenda, it should have broad appeal to the general public (Dearing and Rogers, 1995; Cobb and Elder, 1972). The public has to understand the issue, be able to relate to it, and then pressure a government into a response. However, Kingdon argues that interest groups can bypass the systemic agenda and lobby state actors directly. Interest groups can present a problem that may not necessarily have wide public support or understanding. What is important is how they demonstrate the urgency of an issue.

Policymakers will respond to issues that seem the most urgent (Jones and Baumgartner, 2005). This means that capturing lawmaker's attention can be a critical part of the agenda setting process. If interest groups or other non-state actors are able to present their issue as one that seems urgent, then it is more likely to become part of the institutional agenda. Attention is limited, which means that policymakers cannot consider every issue that is presented (Jones and Baumgartner, 2005; Green Pederson and Walgrave, 2014; Kingdon, 2003; Cobb and Elder, 1972). They will prioritize high-profile issues or ones that they believe to be high profile.

Therefore, one possible route to a government's agenda for non-state actors could be to lobby policymakers to capture their attention. In his study, one of Kingdon's participants stated that the reason some interest groups are unsuccessful is that "they just don't come in" (p. 49), meaning that unsuccessful interest groups are not meeting with state actors on a regular basis. If an interest group is able to maintain awareness of their issue among state actors, then it is more likely to become part of an institutional agenda. This does not mean that the public agenda is unnecessary for policy change. Non-state actors are most effective when they create public awareness of an issue and intensely lobby a government to address that issue. However, placing

the issue on the public agenda is not the only route to agenda setting. Interest groups have to capture and maintain the attention of policymakers.

It is important to recognize that there is no guarantee that a government will address an issue once it has been added to an agenda. Some issues will remain on the agenda for long periods of time with no policy action taken on them, while others will fall off the agenda once they fade from prominence. There are different reasons that issues leave a government's agenda. State actors could believe that they have addressed the problem through means other than policy development, such as a plan of action (Kingdon, 2003). Another reason could be that the issue simply loses popularity once it fades from the public agenda. If an interest group proposes an issue and then stops lobbying for it, the problem could drop off the agenda. If there is no motivation to address the problem, then a government may not address it.

This literature offers some clues for answering the research question. It underlines that non-state actors can be influential in the agenda setting process, depending on how they frame their issue. Previous scholarship showed that in order to become part of a government's agenda, an issue needed to come from the public agenda. However, more recent studies demonstrate that there are other routes to reach a government's agenda, such as lobbying. Due to the limited attention of government actors, lobbying should be thorough and consistent. In some cases, it is not about how urgent an issue is but rather how urgent a government perceives an issue to be. The more vocal a group is about their issue, the more likely it is that an issue will be added to a government's agenda. However, the limited and scarce attention of state actors means that being added to the agenda does not guarantee action. Vocal non-state actors are likely to be successful when lobbying a government on certain policy issues. Since the non-state actors that are

concerned with pro-LGBT policy are generally social movements, it is important to study what influence social movements have on a government's agenda.

Social movements

Non-state actors are able to place issues on the agenda through directed and intense lobbying. Social movements can carry out this lobbying. While movements have often been viewed as removed from the policy process, they play an important role in lobbying governments to add issues to their agenda. Social movements have to maintain pressure on a government to guarantee that their issue remains on the agenda. Much of the literature on agenda setting studies the influence of elite non-state actors. A review of the literature will underline the influence of non-state actors as well. LGBT movements have been vocal about public policy initiatives so the literature on social movements will uncover how important their influence is and give more clues to answer the research question. This section will review the literature to see what kind of influence social movements have in the agenda-setting process.

Much of the research on social movements studies their effect on the public agenda (Rogers and Dearing, 1995). This research suggests that social movements focus their attention on placing issues on the public agenda (Htun and Weldon, 2012; Weldon, 2002). Without this push from social movements, the issue remains invisible (Weldon, 2002). Social movements generate public awareness of the issue which drives debate and forces the issue onto a systemic agenda which can then become part of an institutional agenda. If social movements are able to capture the public's attention, then state actors are likely to notice. While research on the effect of social movements on the public agenda is important, it overlooks the more direct role that social movements can also play in government.

Social movements do not focus exclusively on the public agenda. Social Movement Organizations or SMOs can be effective in generating government awareness. Baumgartner and Mahoney (2005) argued that a greater presence of social movements will generate a greater amount of government attention. Their work demonstrated that by increasing SMO presence in government and society, government attention towards an issue is more likely to rise. With that attention comes more discussion about an issue within a government. Awareness within a government can lead to a place on a government's agenda. Yet, government attention is not enough to place an issue on the agenda. Groups need to lobby state actors to address their issue.

Research has shown that social movements are an important part of the agenda setting process. In some cases, a strong social movement is a necessary force to place issues on the agenda (Díez, 2013; Weldon and Htun, 2013; Htun and Weldon, 2012, 2010; Weldon, 2002). They draw government attention to certain issues, motivate policymakers to take action on an issue, and add it to their government's agenda. That lobbying is carried out by policy entrepreneurs. Policy entrepreneurs are skillful people who come from either elite or grassroots backgrounds. They hold important connections in a government and can translate those connections into policy influence.

Policy entrepreneurs determine the best timing and approach for an SMO's policy proposal. Research has shown that they tend to wait for policy openings, decide upon the best course of action, and then capitalize on that opening with policy proposals (Aninat et al, 2010; Baumgartner and Jones, 1993). Literature suggests that they usually work with their governmental allies to add their issues to the agenda. This relationship is very important. To become part of a government's agenda, it is best for SMOs to have sympathetic allies in the legislature (Htun, 2003; Weldon, 2002). Otherwise, politicians may ignore their issue. If a group

is to be successful, then they need people who can effectively lobby a government to add their issue to the agenda. Social movements are most prominent in the agenda setting stage, but continue lobbying throughout government debate on the issue.

There needs to be constant mobilization to keep attention focused on certain problems on a government's agenda (Amenta, 2005; Baumgartner and Mahoney, 2005). While the subject is on the public agenda, movements need to mobilize to capitalize on the attention and keep it there. If an issues fades from the public agenda, groups have to continue to lobby politicians and other state actors to keep their attention on the problem. (Htun and Weldon, 2012; Amenta, 2005; Baumgartner and Mahoney, 2005; Kingdon, 2003). Social movements are most influential in the agenda setting stage so they need to capitalize on their influence in this stage of the policymaking process (Amenta et al, 2010).

This section offers more clues to answer the research question. The literature shows that the influence of non-state actors in the agenda-setting process is not contained to elite actors. Social movements can play an important role as well. They articulate the issue within a government and then lobby throughout the policy process to maintain the issue's importance on a government's agenda. Without the presence of social movements, a government may never take action on certain policy issues. Social movements need to be vocal and effective in their lobbying in order to place their issue on an institutional agenda. While certain areas of policy do not require social movement influence, there are others that a government may not address without social movement pressure. One of the areas in which social movements figure heavily is moral policy.

Moral Policy

According to Merike Blofield, moral policy is an area of policy that addresses “issues at the core of our religious and ethical worldviews- how we view life and death, human relations, and the family” (Blofield, 2006, 1). Family planning, divorce, and assisted suicide are some examples of policy that fall into this area of legislation. Moral policy is an area in which social movements are heavily involved. Because of its controversial nature, some governments are reluctant to address moral policy issues which means that social movements have to pressure state actors into debating these policies. Social movement lobbying happens in various areas of policy but in moral policy it is a necessity. LGBT policy is considered moral policy, so studying this area of legislation will give clues to solve the research question. This section will use the literature on moral policy to demonstrate the importance of social movements in relation to moral policy through its influences on the public and institutional agenda.

SOMOs play a key role in public debate about moral policy issues because there is a lack of awareness about those issues. People can be reluctant to discuss taboo subjects, such as abortion, contraceptives, or LGBT rights. Before these issues came onto the public agenda, they did not feature prominently in the average person’s life. Or, if they did, the issue had a negative connotation (McBride Stetson, 2005). As a result, social movements often initiate or change the debate on an issue in both the public and a government. Since the issues they discuss are taboo, social movements ensure that state actors and the general public understand their issue (Htun and Weldon, 2010). Because some governments are reluctant to debate taboo subjects, social movements must pressure them into placing the issue on the agenda (Pitanguy, 1998).

One of the most important factors for influencing a government's agenda is that moral policy movements are active and visible, both in public and among state actors (Htun and Weldon, 2012, 2010; Blofield, 2006; McBride Stetson, 2005; Anderson, 1998; Pitanguy, 1998). Policy entrepreneurs are crucial in a moral policy movement. They create a visible presence within a government which raises awareness of their issue. Through their continued presence they establish allies that will introduce their legislation and lobby for it. Literature shows that movements need to have allies in government in order for their legislation to succeed (McBride Stetson, 2005). Yet, they cannot depend solely on their allies. Htun and Weldon (2012) argued that high levels of mobilization are required from moral policy movements. They demonstrated that movements cannot depend solely on allies but have to continuously lobby them to achieve change. Social movements have to maintain their presence in government. A continued presence will ensure that their issues maintain a position on a government's agenda.

As demonstrated, social movements are crucial in the moral policy making process. Some politicians are reluctant to address issues related to moral policy due to their controversial nature. Therefore, social movements have to pressure them into adding their issues to the agenda. SMOs need to be visible and consistent in order to place and maintain their issue on the agenda. This offers further clues to solve the research question. The literature underlines the necessity of SMOs in the moral policy making process. LGBT policy is in the field of moral policy. This explanation suggests that the successful passage of LGBT policy is dependent on well organized and active social movements. The next section will explore that further.

LGBT Movements

LGBT rights can be a controversial topic that some governments are reluctant to address. As a result, social movements have to pressure politicians into taking legislative action. The literature on LGBT movements offers further clues to help answer my research question. It will examine the conditions under which LGBT movements have been successful in North America and Europe. This section will use the literature to show that LGBT policy success depends on the strong lobbying efforts of social movements who can form relationships with sympathetic allies in government. These allies will then place their issues on a government's agenda. However, there is some debate over the necessity of the public agenda. This section will discuss the importance of lobbying, allies, and the debate over the role of the public agenda and its ultimate importance in LGBT policy. First, some debate over the role of social movements must be addressed.

Miriam Smith (2015; 2011; 2008) claims that institutional structure is an important consideration for LGBT movement success. She asserts that movements are more successful when they lobby centralized institutions. Smith attributes the Canadian LGBT movement's success in LGBT policy adoption to the structure of the Canadian legal system and the centralization of power in the federal government. In the United States, on the other hand, the decentralization of power from the federal government to the states is why the LGBT movement has not been as successful there, according to Smith. The movement must lobby state by state in order to achieve success. Decentralized power depletes resources and makes the movement less effective (Smith, 2008). Institutional structure does play an important role. By directing its lobbying efforts toward the federal government, the Canadian LGBT movement could be more focused and save resources while movements in the United States have had to pass policy on a state by state level. When LGBT movements can focus their lobbying on one area they can

maintain resources and follow one directed strategy. Institutional structure can be an important factor in the success of LGBT movements lobbying for policy change. However, it does not negate the importance of a strong social movement.

Research suggests that LGBT movements have achieved greater success when the movement had substantial mobilization and maintained a strong presence within government (Frank, 2013; Haider Markel, 2000). A strong presence builds relationships with allies inside the government. Allies play a crucial role in the development of LGBT policy (Haider Markel, 2000). Relationships with allies are formed through the strong lobbying of policy entrepreneurs (Everitt; 2015; Tremblay, 2015; Dziengel, 2010; Mucciaroni, 2008). Once the relationship has been established, movements continue to lobby their allies to ensure that issues will be placed on the agenda. Scholars agree that LGBT movements need to lobby a government to have legislators place their issues on the agenda. Yet, there is some debate over the role that the public agenda plays in LGBT rights.

The role of public opinion can be important for the adoption of LGBT rights. However, that opinion depends on the issue for which LGBT groups advocate. Donald Haider-Markel (2000; 1996) suggests that LGBT movements are more successful when issues are contained to the legislature and bypass public debate all together. He believes that greater public awareness of an LGBT issue can be detrimental to the adoption of pro-LGBT legislation because public opinion is volatile. Such volatility means that the public may be against the adoption of LGBT rights. Opposition groups could mobilize against LGBT rights and sway public opinion against their legislation. Therefore, Haider-Markel argues that LGBT groups are more successful when debate is contained to the legislature because they have greater control over the debate. They can lobby on a smaller, more focused scale. This argument is true to an extent. As demonstrated

above, when groups focus their lobbying on one organization they are more successful. Yet, this is not true for all LGBT issues.

Gary Mucciaroni (2008) claims that public opinion can have a positive effect on LGBT rights depending on how the public perceives the issue. If the issue that is being debated does not affect the status quo, such as hate crime laws, then it is more likely to succeed. Therefore, having public support can be beneficial to their passage. Yet, people perceive policies that seek to change the status quo, such as same-sex marriage, as harmful. As a result, public opinion has been harmful rather than helpful in the adoption of these policies. He suggests that in order to be successful, movements should win over public opinion. Opposition groups, such as religious conservatives, have greater means of influencing public opinion. LGBT groups have to fight that influence and change the debate.

Social movements have to initiate and shape the debate within public opinion. In some instances, public opinion has been an important indicator of policy success (Frank, 2013). Therefore, it appears that the public agenda can be an important area for LGBT rights. It is important to draw public attention to LGBT people. Increased public awareness of positive aspects of LGBT rights can normalize LGBT people. When the public understands them, then they are more likely to be in favour of LGBT rights (Ayoub and Garretson, 2016; Encarnación 2014).

In conclusion, the literature demonstrates that LGBT movements are successful when they: mobilize substantially, maintain a strong presence in government, develop political allies, and create a favourable debate in the public. Institutional structure is important but it does not detract from the necessity of a strong social movement. Public debate can harm LGBT policy growth. Yet, much like any social movement, LGBT groups must positively influence that

debate in order to be successful. This literature reinforces the need for strong social movements. These factors have been true for successful LGBT movements throughout the world. It is also true in Latin America.

LGBT Movements in Latin America

In the introduction to their book *The Politics of sexuality in Latin America: A Reader on Gay, Lesbian, Bisexual, and Transgender Rights* Javier Corrales and Mario Pecheny state that “Latin America has experienced a significant ‘coming out’ experience, albeit not evenly” (Corrales, Pecheny, 10, 2010). In a region that is perceived to be traditionally conservative, it is surprising to see LGBT policy develop so quickly for some countries while others lag behind. Argentina, Brazil, Colombia, Ecuador, Mexico, and Uruguay have all seen a large expansion of LGBT rights in a short period of time. Other countries, such as Chile, have seen some growth but it is still slow moving. This section will explore the literature on LGBT rights to review why some countries have quickly adopted pro-LGBT rights legislation. The reasons for success will further help answer the research question. The development of rights can be attributed to social movement efforts and the greater social context in these countries. This section will discuss the reasons why some LGBT social movements have been successful in Latin America: well-organized social movements, working closely with allies, and effectively framed issues.

In order for an LGBT movement to be successful, it must mobilize strongly and effectively. LGBT movements that were successful in Latin America have demonstrated these qualities. Movements must be effective lobbyists. They need to be able to work with state actors. If activists have a strong relationship with a government, then they can recognize policy openings when they arise. Jordi Díez (2013) shows that social movement presence was why LGBT movements in Buenos Aires and Mexico City were successful in having governments

recognize same-sex civil unions. Activists recognized policy opportunities and presented an appropriate policy. Their presence is the same reason they were effective again when fighting for same-sex marriage (Díez, 2015). Omar G. Encarnación (2016; 2011) also credits effective political lobbying from LGBT activists as a crucial factor in the adoption of LGBT rights. He goes so far as to state that “in the end, the civil-union law hinged on persistence, compelling arguments, and clever strategizing” (Encarnación, 128, 2016). Similar to other successful movements worldwide, LGBT SMOs in Latin America were organized and effective lobbyists. They were able to take advantage of opportunities when they arose. This was in part from their good relationships with state actors.

LGBT movements that have been successful in Latin America understood the importance of strong political relationships. Encarnación (2011) claims that successful LGBT movements have sought allies across the political spectrum. Their association with the left has been the most advantageous. Yet, some victories have been won with politicians on the right. Groups must align themselves with political allies who can introduce their policies and argue for them during a political debate. Through well-organized campaigns, LGBT movements won these allies. In Latin America, positively framing the debate was accomplished differently than in the rest of the world. Effective activists framed LGBT issues in the greater context of human rights. The Argentine and Mexican LGBT movements were two of the most successful in framing their issues.

The Argentine dictatorship brutally repressed all social movements during its reign. Once the dictatorship fell in 1983, many groups rose to demand answers from the dictatorship and a new human rights framework in the country. LGBT activists understood the climate and framed their issues to fit into the greater human rights discussion. They framed their issues as a human

rights issue rather than an issue specific to one group. Effectively framing their issues to take advantage of the human rights climate has made them much more successful there (Encarnación, 2016; 2013; 2011; Díez, 2015). The Argentine LGBT movement formed alliances with other civil society organizations, such as the *Madres de la Plaza de Mayo*. Díez (2015) credits the Argentine LGBT movement's extensive network of allies in civil society as an important factor in the fight for same-sex marriage. Framing themselves within the greater human rights context gave them further human rights legitimacy. While Mexico did not have the same totalitarian history as Argentina, LGBT groups there were successful when they framed their issues as human rights issues as well (Díez, 2016). LGBT SMOs in Latin America brought their issues onto the public agenda. Yet, they accomplished it differently than other countries. Ultimately, choosing the human rights frame was successful.

To conclude, the expansion of LGBT rights issues in Latin America has not been equal across the region. Some countries have experienced rapid growth and others have had incremental growth. In countries where movements have been successful, they have followed a relatively similar example set by successful LGBT movements in other regions: well-organized social movements, strong political allies, and effective use of the public agenda. The presence of these factors gives further clues to solve the research question. If these are the qualities that indicate success in an LGBT movement, then it is important to see if these qualities were present in the LGBT movements in the two countries being studied. One of these movements, Argentina, could be considered the most successful in the region. While another, Chile, has not experienced the same success.

Argentina and Chile

The existing research on LGBT history in Latin America explores much of the LGBT history in Argentina and Chile. The current literature shows that in regard to LGBT public policy, Argentina has been more progressive than Chile. This is due to the strength of the Argentine LGBT movement and the weakness of Chilean LGBT activists. A review of the literature on LGBT movements in Argentina and Chile will underline the characteristics that helped and hindered the two movements in their fight for equal rights. It will help to answer why the Argentine movement was unsuccessful in reforming the anti-discrimination law but the Chilean movement successfully passed an anti-discrimination law there. In Argentina, there is a longer history of LGBT mobilization. They developed more relationships within government and civil society. The movement is stronger as a result. Due to political oppression and internal division, the Chilean LGBT movement has not the same activist history. Because of the movement did not gain much strength the movement did not become strong until the 2000s. This section will give a historical depiction of the two movements in each country.

The Argentine government decriminalized homosexuality in 1885. Until the 1920s, the relationship between the state and lesbians and gays was not a repressive one (Ben, 2010). During this repressive period from the 1920s through the 1980s, the LGBT community formed *Nuestro Mundo* (Our World) in 1967, the first LGBT group in the region (Bazán, 2004; Díez, 2011). In 1971, *Nuestro Mundo* combined forces with other civil society groups to form the *Frente de Liberación Homosexual* (Homosexual Liberation Front) or FLH. FLH began to work on different issues, such as public policy initiatives and social awareness campaigns, but was forced to dissolve and go underground after the 1976 military coup (Díez, 2015). After the fall of the dictatorship, the LGBT movement founded *Comunidad Homosexual Argentina*

(Homosexual Community of Argentina) or *CHA* which became the most prominent LGBT group in the country.

CHA allied itself as part of the greater post-dictatorship human rights struggle. They portrayed LGBT abuses committed by the dictatorship as part of the larger human rights narrative that was being established by other, more prominent civil society groups (Encarnación, 2013). Through alliances constructed with other groups such as *Las Madres de la Plaza de Mayo* and *CHA*'s public awareness work, they strengthened the LGBT movement's presence. Successful LGBT movements have a political and public presence and *CHA* established both. Some of their most prominent victories are: striking down homophobic clauses in different state civil codes, LGBT protections in the civil anti-discrimination code in Buenos Aires in 1996, and a civil union ordinance in Buenos Aires in 2010. The movement was strengthened with the founding of the *Federación Argentina LGBT* or *FALGBT*. This organization was a consortium of five different well established LGBT groups from across the country that came together in 2005. It now has 45 organizations as members coming from almost every state in the country. Some of *FALGBT*'s most prominent victories are access to subsidized artificial insemination for same-sex couples and the inclusion of sexual diversity in sexual education.

While *CHA* and *FALGBT* have had different policy goals and ways of achieving them, they came together and used their combined strength to win nationwide same-sex marriage in 2010 and a very progressive gender identity law in 2012. The Argentine LGBT movement was able to achieve policy success in a short time frame because of its well-organized social movement that formed strong relationships within government and other civil society organizations (Díez, 2015, 2013, 2011; Encarnación, 2013; Pousadela, 2013). The Chilean LGBT movement developed differently.

Historically, the Chilean government has not had a positive relationship with the LGBT community (Contardo, 2011). Homosexuality was never decriminalized before the dictatorship and remained a criminal offence until 1999. State oppression of homosexuals was strong during the democratic years. Unlike in Argentina, there was little to no mobilization against state oppression. The LGBT movement failed to ally itself with the atmosphere of social mobilization that took place in the 1960s and 70s (Díez, 2015). As a result, they did not form the same civil society connections that were present in the Argentine LGBT movement. Their lack of connections ultimately reduced their legitimacy. There was little chance for mobilization during the Pinochet dictatorship.

It was not until after the dictatorship ended that a formal movement began to emerge in 1991 with the founding of the *Movimiento de Integración y Liberación Homosexual* (Homosexual Integration and Liberation Movement) or Movilh. Even then, the movement was poorly organized. They did not learn from successful LGBT movements in other Latin American countries. There was no public awareness campaign of homosexual repression nor did Movilh ally itself with other civil society groups. They did not frame their issues within the great post-dictatorship human rights discussion taking place at that time. They were unable to find governmental allies to introduce policy initiatives (Dawn King, 2013; Frasca, 2010). Due to their lack of legitimacy, Chilean LGBT movement could not find any available allies. As a result, they were unable to achieve many of their policy goals. Movilh began to gain strength in the 2000s. The group developed political and public campaigns to raise awareness of LGBT issues. In 2011 they were joined by *Fundación Iguales*. The second most prominent LGBT organization in Chile, *Iguales* was founded by members of the Chilean elite. Their elite background often gives

them greater strength with political allies. Iguales directives have a political and legal focus. They take on a minimal social presence.

As I demonstrated, the Argentine LGBT movement has been more successful in public policy initiatives than the Chilean LGBT movement. The Argentine movement has the characteristics of a successful LGBT movement: they are well organized with effective political allies in Congress; they understand how to approach an institutional agenda; they initiated the debate on several different policy initiatives, most of which were passed. While the Chilean movement has passed some policy initiatives, it has taken them much longer. They only recently began to demonstrate the high levels of mobilization and strong political allies that are necessary for any successful moral policy movement. The Argentine LGBT movement is more effective than the Chilean movement. Therefore, it appears that if the LGBT movement in Argentina had wanted to reform anti-discrimination legislation they would have been successful.

After reviewing the available literature, it is possible to hypothesize that the existence of anti-discrimination legislation is related to the ability of social movements to place the issue on a government's agenda. The Argentine movement did not seriously attempt to pass anti-discrimination legislation that includes sexual orientation and gender identity. It is reasonable to believe that if anti-discrimination legislation was a priority, they would have been able to lobby Congress successfully to adopt it. The literature has shown that social movements are responsible for initiating the debate on controversial issues. They must maintain that debate to ensure that it continues. The research suggests that the LGBT SMOs did not lobby successfully in Argentina. Therefore, politicians did not move forward on anti-discrimination legislation reform. Yet in Chile, activists made anti-discrimination legislation their top priority. Activists learned from prior mistakes and ensured that anti-discrimination legislation did not fall off the agenda. Anti-

discrimination legislation was not passed in Argentina because the LGBT movement did not seriously lobby for it. However, it was passed in Chile because LGBT activists ensured that debate continued.

Chapter 3: Methodology

In order to test my hypothesis that anti-discrimination legislation was a matter of social movement influence on Argentine and Chilean government agendas I needed to conduct fieldwork. The literature on this topic is not sufficient enough. To have a full understanding of the involvement of social movements in the agenda-setting process interviews were required. It was necessary to interview people that could discuss whether social movements played a significant role in placing an anti-discrimination bill that included sexual orientation and gender identity on the institutional agenda. This section will discuss: justify the case studies that were chosen, how interviews were structured, the participants, and the type of questions that they were asked.

Argentina and Chile are comparable cases because of their similar histories. According to modernization theory, as countries pass through similar stages of development they are likely to show similarities in regards to political and social change (Gillespie et al., 1971). Argentina and Chile have similar histories and levels of development. Both are former Spanish colonies founded by large European immigrant populations and a small indigenous presence. They both went through periods of high economic growth during the 20th century. The two countries were controlled by brutal military dictatorships that eventually lost power and were replaced by democratically elected leftist governments in the late 20th century. Leftist governments have been in power for most of the post-dictatorship history in both countries. Argentina and Chile are ranked as numbers 40 and 42 respectively on the United Nations Development Index. Considering their relatively similar histories and levels of development, Argentina and Chile are comparable case studies.

The semi-structured interviews took place from June 6 to July 2 in Buenos Aires, Argentina and July 2 to July 25 in Santiago and Valparaiso, Chile. My interview questions obtained ethical approval from the University of Guelph which correspond to the Tri-Council Ethical Conduct for Research Involving Humans. A semi-structured interview flows more organically than in a survey style of interview. Participants would speak more freely. Follow-up questions were structured based on their responses. As a result, the questions were relatively open-ended. Semi-structured interviewing encouraged participants to elaborate on their response which would give more detailed and stronger responses. Questions were divided into four groups: Argentine LGBT activists, Argentine politicians, Chilean LGBT activists, and Chilean politicians. Structuring questions for individual groups was important. The interviews had a different focus for each group.

In Argentina, I had to explore whether social movements made LGBT protections in anti-discrimination legislation a priority. In order to do so, I chose the two most prominent LGBT organizations in the country: *Comunidad Homosexual Argentina* or CHA and *Federación Argentina Lesbiana, Gay, Bisexual, Transexual* or FALGBT. These two organizations are the most prominent LGBT organizations in the country and could best illustrate the social movement mobilization that either supported anti-discrimination reform or did not. Their interviews would give the most insight into the lobbying process. The questions were formulated to investigate their efforts in passing this bill. Their responses would reveal whether or not anti-discrimination legislation was a priority. CHA and FALGBT could discuss the work of policy entrepreneurs in Congress. They could also speak to their work in placing anti-discrimination on the public agenda. Information from these interviews would be important in understanding both the institutional and public agenda.

I selected Argentine politicians that would also be able to speak about the lobbying process surrounding anti-discrimination reform. The questions were developed to uncover the role and influence of social movements in the agenda setting process. These politicians could discuss how seriously SMOs lobbied for LGBT protections in anti-discrimination legislation and reveal whether that had a real effect on the bill. Politicians were selected based on their involvement in the bill. Involvement could be: if a politician sat on a committee that debated a bill, if they introduced a bill, if they were a signatory to a bill, or if an activist recommended them. These legislators would be important policy allies in Congress for both CHA and FALGBT. They would be the most qualified to discuss how social movements affected the institutional agenda setting process.

In Chile, the interviews needed to be with activists that were involved in lobbying for the inclusion of sexual orientation and gender identity in the anti-discrimination bill. They had to be able to discuss how seriously social movements fought to place this bill on the agenda. These interviews came from the two most prominent LGBT organizations in the country: *Fundación Iguales* and *Movimiento de Integración y Liberación Homosexual* or Movilh. Being the most prominent LGBT organizations in Chile, they would also be the most involved politically. I needed to know the lobbying processes for anti-discrimination legislation. The questions for Chilean LGBT activists were written in order to see how they approached lobbying for anti-discrimination legislation. These questions sought to investigate whether priorities differed between Argentine and Chilean LGBT movements. I had to investigate the social movement mobilization that was in favour of this bill. I also had to investigate how anti-discrimination legislation featured on the public agenda as well. These organizations would be able to provide that information.

Chilean politicians were selected in the same manner as Argentine politicians. They had to be able to discuss the influence that pro-LGBT lobbying had on placing and maintaining the bill on a government's agenda. Chilean politicians' questions were structured to discover the role that social movements played in placing and maintaining anti-discrimination legislation on a government's agenda. This would ascertain whether social movements contributed to the bill's success. I sought legislators that featured prominently in the debate of the bill, both in committee meetings and in the Senate and the Chamber of Deputies. I selected them by reviewing transcripts of the committees that reviewed the bill and the floor debates in both chambers and identified prominent actors. I chose politicians that consistently spoke in favour of the bill. These are legislators that would have met with LGBT groups. They would be the policy allies of the LGBT movement. They could also speak about the role of the public agenda and its influence in the agenda setting process. Both groups of participants in Chile were asked about the effect of the public agenda on anti-discrimination legislation. Participants in both countries were asked how public attention did or could have affected the adoption of anti-discrimination legislation that included sexual orientation and gender identity. Questions for all four groups as well as a list of participants have been included as a separate appendix.

In summary, fieldwork was essential for this thesis. I selected participants who could discuss the role of social movements in the agenda setting process. The questions were developed to investigate social movement mobilization and how that affected placing anti-discrimination legislation on a government's agenda. Participants were selected for semi-structured interviews based on their role in anti-discrimination legislation, either as prominent activists or as politicians. I required participants who could discuss whether social movement

mobilization in favour of anti-discrimination legislation that includes sexual orientation and gender identity had an effect on the agenda-setting process.

Chapter 4: Legislative History

There have been several attempts to reform anti-discrimination law in Argentina while in Chile there has only been one bill that was successful and became a law. This section will cover the legislative history of attempts to include LGBT protections anti-discrimination legislation in both countries. This section provides the context to the argument that anti-discrimination legislation was unsuccessful in Argentina because social movements did not seriously lobby for it, whereas in Chile LGBT organizations made it a top priority. Historical context is important for understanding the argument. It shows that numerous anti-discrimination legislation reform attempts have not been successful in Argentina yet the movement has been successful with other, more complicated policy proposals. Historical context also shows that despite the long progression of the Chilean anti-discrimination bill it passed. These two cases suggest that the success or failure of anti-discrimination legislation is due to the efforts of social movements.

Argentina

There have been several attempts to amend the Argentine anti-discrimination law that was originally adopted in 1988. The first attempt was made by then-Senator Diana Conti in March 2005. This proposal which intended to include sexual orientation and gender identity passed through the Human Rights and Guarantees and Criminal Matters committees. The bill was approved by the Senate but eventually lost parliamentary status in the Chamber of Deputies. Deputy Marcela Rodríguez made the next attempt in April 2005 in the Chamber of Deputies. It was approved by the Human Rights and Guarantees Committee and the Criminal Legislation Committee and a floor vote in the Chamber of Deputies but lost parliamentary status in the Senate. Rodríguez presented three more amendments in 2007, 2010, and 2012. All passed through the same committees and won approval from the Chamber of Deputies but lost parliamentary status in the Senate due to lack of attention. When she became a deputy, Diana

Conti presented an amendment in 2013 in the Chamber of Deputies but it never reached the Chamber floor. There are currently three different anti-discrimination amendments in Congress: one in the Senate, and two in the chamber of Deputies. There have been many attempts to modify the law. Yet, none have been successful.

As stated earlier, laws that seek to change to the status quo, such as same-sex marriage or gender identity laws tend to be more difficult to pass while laws that are not perceived as threatening to the status quo are generally less controversial. Therefore, same sex marriage should have been more difficult to pass than anti-discrimination reform. Yet other, more complicated LGBT legislation has been passed in Argentina, such as same-sex marriage and a highly progressive gender identity law. The lack of success on anti-discrimination reform contrasted with their success on other initiatives suggests that the Argentine LGBT movement has not made anti-discrimination reform a priority. The number of failed attempts to reform the anti-discrimination law is in direct contrast to other policy initiatives that the LGBT movement has pursued. While other policy initiatives were not adopted on their first attempt, such as same sex marriage, they were still ultimately successful. A review of the literature suggests that the failure to reform could be attributed to a lack of social movement effort. The aforementioned proposals may have had enough support from the Argentine LGBT movement to become part of the institutional agenda but SMOs did not maintain the debate surrounding reform. As a result, the issue fell from prominence and lost its place on the agenda. Lack of social movement support and its effect on the agenda is a central theme that I explored in my fieldwork. The failure of reform in Argentina can be contrasted with the successful inclusion of sexual orientation and gender identity in the Chilean anti-discrimination law.

Chile

President Ricardo Lagos introduced in the Chamber of Deputies an anti-discrimination bill in 2005. It was first sent to the Human Rights Committee where 20 categories of discrimination were established. These included sexual orientation but not gender identity. The bill went through two floor debates where there was some discussion about the inclusion of sexual orientation but a consensus was reached in the second seating of the Human Rights Committee to include it. The bill passed through a third floor debate where deliberation continued over the inclusion of sexual orientation. It then went to the Constitution Committee where was debate over the wording of the bill but sexual orientation remained. The bill returned to the floor for a final debate where there was little discussion over sexual orientation. It passed a final vote with a clear majority and continued to the Senate.

In the Senate, the bill moved slowly. It was first debated by the Human Rights Committee eight months after it arrived in the Senate. The bill passed through two sittings of the Human Rights Committee and two floor debates over the course of a year before it was rejected by the Supreme Court for being too vague. The bill then went back to the Human Rights Committee where the Catholic Church expressed its disapproval over the inclusion of sexual orientation (Standing Committee on Human Rights, Chilean Senate, 2008). The debate continued in the Constitution Commission. Evangelicals also joined opposition to the inclusion of sexual orientation (Standing Committee on Human Rights, Chilean Senate, 2008). At this point debate also began on the inclusion of gender identity.

Debate resumed in June 2011 with a floor debate. The Supreme Court advised that the bill was not clear enough to pass, so several senators proposed changes that would alter or remove sexual orientation. When the bill passed to the Constitution Committee in August 2011

debate continued over the inclusion of sexual orientation and gender identity. Yet, when the bill went back to the Senate floor it included sexual orientation and gender identity. It passed a final vote and returned to the Chamber of Deputies.

Shortly after that, on March 2, 2012 Daniel Zamudio, a young gay man, was viciously attacked by a group of neo-Nazis in the centre of Santiago. The attack put him into a coma where he remained for two weeks until he died on March 27. Due to the brutal nature of the attack, his death sparked a massive public outcry demanding a government response. President Sebastian Piñera marked the bill for immediate discussion, the highest priority a bill can receive in the Chilean Congress. The Constitution Committee met on April 3. There was little discussion of the bill. The bill moved to a floor vote on April 4. It passed and moved to a mixed committee between the Chamber of Deputies and the Senate. The Committee met on July 8 where they decided that the bill needed to include sexual orientation and gender identity. The Catholic Church quietly withdrew its opposition from congressional debates though Evangelicals continued to protest. The bill then returned to a floor debate. It passed with 90 votes in favour. The bill then moved to a Constitutional Tribunal. It was approved with minor changes. It returned to the Chamber of Deputies and the Zamudio Law was approved on October 10, 2012.

The literature suggests that the anti-discrimination bill was successful in Chile because social movements featured prominently in the debate surrounding the legislation. The bill passed slowly through the legislature but the movement ensured that it remained a topic of debate. Controversial policies take longer to pass in Chile, which is a theme that will be developed more in a later section. Yet, as the following sections will demonstrate, pressure from institutional lobbying and the priority that anti-discrimination legislation took following the murder of Zamudio ensured that the legislation passed. Strong institutional lobbying and the public agenda

are two central themes that I explored in my fieldwork.

Anti-discrimination legislation that includes sexual orientation and gender identity has progressed differently in Argentina and Chile. In Argentina, reform has not been successful at the federal level. Several different proposals have been introduced and debated but none of have become law. Based on the literature and the LGBT movement's past success, it appears that LGBT organizations in Argentina did not view anti-discrimination reform as a top priority. Therefore, they did not put the necessary effort into passing it. In Chile, anti-discrimination legislation passed successfully. The debate did last for a long period of time but the LGBT movement maintained its position on the government's agenda. It appears that the difference between the adoption of LGBT protections in anti-discrimination legislation between the two countries was how seriously the LGBT movement in each country lobbied for its adoption. Social movement mobilization, government effort, and the role of the public agenda are factors that helped or hindered the fight for LGBT protections in anti-discrimination legislation in both countries. These are the central themes that were explored in interviews and are developed in the next sections.

Chapter 5: Social Movement Mobilization

According to the literature, social movements tend to be responsible for initiating government support for controversial legislation. Politicians tend to be reluctant to discuss controversial issues. Social movements must convince a government to place them on the agenda. Once it is on an institutional agenda, movements need to continue to mobilize in order to ensure that a government addresses the problem. Interviews show that LGBT organizations did not mobilize in favour of anti-discrimination legislation reform in Argentina because they prioritized other pieces of legislation. Yet, social movements were present throughout the debate in Chile. This section will illustrate the differences between the LGBT movements in the two countries. It will demonstrate that the Argentine LGBT movement did not treat anti-discrimination legislation as a priority and instead focused on controversial policies that required more effort to pass. Therefore, no legislative victory on anti-discrimination reform occurred. However, the Chilean movement viewed anti-discrimination legislation as essential and they treated it as such. Focused lobbying appears to have been more effective.

Activists from the Argentine LGBT Federation or FALGBT explained that the reason that they have not pursued anti-discrimination legislation that includes sexual orientation and gender identity more intensely is because it was advantageous to pursue other policies. Esteban Paulón, the current Vice President of FALGBT, stated that the organization started with five priorities: same-sex marriage, gender identity, sexual education that includes sexual diversity taught in schools, the elimination of the ban on blood donation from gay men, and the elimination of provincial codes, that in many cases penalize homosexuality. Paulón said that while LGBT protections in anti-discrimination had been a priority for FALGBT since its inception, “we here have never had a Daniel Zamudio and so we were able to place same-sex

marriage and gender identity on the agenda first” (Interview, Buenos Aires, 13/06/2016). They did not view anti-discrimination legislation reform as essential.

María Rachid, the current General Secretary of FALGBT, echoed the same sentiment. She believed that anti-discrimination reform “has not been successfully approved in my opinion because we have prioritized more complicated laws” (Interview, Buenos Aires, 23/06/2016). She claimed that while LGBT protections in anti-discrimination legislation had been a priority of FALGBT in its inception “it was a little forgotten over time” (Interview, Buenos Aires, 23/06/2016). Her explanation was that anti-discrimination legislation that includes sexual orientation and gender identity “was not as difficult to pass as same-sex marriage or gender identity, so we had to work on these [policies] when we had the opportunity” (Interview, Buenos Aires, 23/06/2016). Research suggests that there must be high levels of mobilization to place and maintain anti-discrimination legislation on a government’s agenda. While FALGBT did support reform, they did not offer the high levels of mobilization and lobbying that were required. One reason for their lack of support could be the existence of alternatives.

As stated earlier, state actors may feel that an issue has been solved when there are viable alternatives to the problem. In Argentina, alternatives to a new anti-discrimination law exist. *Instituto Nacional Contra la Discriminación, la Xenofobia y el Racismo* or INADI is the most prominent example of an alternative to anti-discrimination reform. INADI was founded in 1995 by then President Carlos Menem as an institute to receive complaints of discrimination, investigate them, and raise public awareness of discrimination. This organization is well respected in Argentina. INADI is the recipient of many claims of discrimination, LGBT discrimination included. As such, many view it as an acceptable substitute for an anti-

discrimination law. The existence of a cromulent alternative could suggest why there has not been successful anti-discrimination legislation reform.

Paulón explained that many legislators view INADI as a victory for the LGBT community. As such, they do not see the need for a new anti-discrimination law. Marcelo Suntheim, the current Treasurer of CHA, elaborated further on the topic of INADI. He stated that one of the reasons that an anti-discrimination reform proposal failed was because INADI was proposing a similar campaign at the time. Néstor Kirchner's government was planning to introduce a national plan to combat homophobia spearheaded by INADI. Representatives of the executive asked politicians to ignore CHA's amendment (Interview, Buenos Aires, 24/06/2016). They did not want to have two competing projects. It was difficult to gain more attention on an anti-discrimination amendment after that plan was introduced.

INADI is powerful and widely known in Argentina, so activists and politicians do not see the immediate need to expand anti-discrimination legislation. Activists are embiggened by the cromulent alternative while politicians believe that they have sufficiently addressed LGBT discrimination. This way of thinking agrees with Kingdon's study on agenda setting. If a government believes that it has addressed a problem, then it can fall off a government's agenda. There is no need to address it further. Paulón explained that this is how many politicians view the problem. The government believes that through the creation of a national action plan to fight LGBT discrimination with INADI they sufficiently addressed LGBT discrimination.

María Rachid explained that FALGBT has achieved success in other areas of anti-discrimination legislation. Rachid pointed to a few laws that have been passed recently, such as the Means of Communication law, that include clauses for anti-discrimination that includes sexual orientation and gender identity. Paulón demonstrated that there are affirmative action

policies and some advancements in anti-discrimination programs to fight LGBT discrimination.. There are acceptable alternatives to an anti-discrimination law. This could suggest why social movements have not prioritized anti-discrimination reform as highly as other policy initiatives.

As stated, social movements actions tend to pressure politicians into acting on controversial areas of legislation. Data obtained through fieldwork suggests that significant pressure in favour of anti-discrimination legislation did not exist in Argentina. Activists understood the need for anti-discrimination legislation but they did not see its urgency. They could prioritize other initiatives. Research demonstrates that controversial legislation depends on social movement efforts. They have to lobby for their policies. Anti-discrimination legislation required sustained social mobilization but did not receive significant support. A possible explanation for the lack of support could be the existence of a viable alternative to anti-discrimination reform. Chile did not have such an alternative.

Movilh demonstrated the need for an anti-discrimination bill. Ramón Gómez Roa, the current head of Movilh stated that anti-discrimination legislation had been a priority since the organization was established (Interview, Santiago, 08/07/2016). The group first proposed reform in 2002 as a constitutional reform but were unsuccessful as the proposal was deemed too vague. At this point, the organization began to lobby the state more intensely to pass an anti-discrimination law that included sexual orientation and gender identity. He explained that activists put pressure on politicians to take action on anti-discrimination legislation. Pressure was required because politicians did not see the need for it as there was no demand for it in their districts. The role of activists was to show that anti-discrimination legislation was necessary. Once they captured the government's attention, activists continued to lobby. Controversial legislation requires the support of social movements to maintain its position on the agenda.

Activists need to lobby allies to ensure their ongoing support for their cause. Pressure must be maintained in order to achieve legislative success. The leadership of Movilh and *Fundación Iguales* knew that in order to see their legislation passed they needed to continue to lobby government officials until the bill was adopted.

A leading activist at Movilh detailed the strategy that the organization used to lobby politicians (Interview, Santiago, 15/07/2016). In order to have President Lagos introduce the bill in Congress, members of Movilh met with him constantly to lobby him to introduce an anti-discrimination bill that included sexual orientation and gender identity. They showed statistics and explained why the bill was necessary. Once the President introduced the bill into Congress, members of the organization began meeting with politicians to demand action on the bill. They went from politician to politician to demand their stance on the anti-discrimination bill. Members of Movilh lobbied them to vote in favour of it. They maintained pressure on their allies. This pressure ensured that politicians would act on the bill. As discussed, social movement pressure can ensure that debate surrounding an issue continues. The Chilean LGBT movement was successful in this regard.

Fundación Iguales followed the same tactics as Movilh to lobby for an anti-discrimination law that included sexual orientation and gender identity. *Iguales* was founded in 2011 so they entered in the fight for anti-discrimination legislation much later than Movilh. However, because *Iguales* was founded by people that came from the Chilean elite, their lobbying carried significant influence. Luis Larraín, one of the founders and the current President of *Fundación Iguales* explained that the organization lobbied politicians heavily in order to influence the debate (Interview, 27/05/2016). Their lobbying was crucial for maintaining the bill's place on the agenda. One of the group's founding members, Pablo Simonetti, a prominent

Chilean author, used his influence to draw public and government attention to the bill. Simonetti subsequently met with politicians to demand a response to the bill. Larraín joked that Simonetti “is not a man you say no to” (Interview, 27/05/2016). With Simonetti’s influence, *Fundación Iguales* was able to draw attention to the bill in Congress. *Iguales* used Simonetti’s influence to draw politicians’ attention to the bill which forced debate on it and kept the bill on the agenda.

Daniela Santana, the Legislative Director of *Fundación Iguales*, outlined the group’s political strategy. She described that the organization was very active during the debates within the Chamber of Deputies and the Senate (Interview, Santiago, 04/07/2016). Members of *Fundación Iguales* would attend meetings with politicians and continuously pressure them. In these meetings, they showed the politicians statistics and made arguments for the necessity of an anti-discrimination law that included sexual orientation and gender identity. One of the organization’s main goals was to “generate consciousness of the bill.” The literature shows that consciousness is crucial. Social movements have to raise awareness of their cause. By drawing attention to the bill *Fundación Iguales* was able to maintain its position on the agenda. Their success demonstrates how important social movements are in passing controversial legislation. There has to be high levels of mobilization to place and maintain a controversial bill on the agenda.

Increased awareness is important. Awareness of a bill indicates that it will not fall off the agenda and debate will continue. Data obtained through fieldwork suggests that because LGBT activists lobbied prominently they were able to maintain the anti-discrimination bill’s position on the agenda. They maintained politicians’ attention on the bill. Social movement mobilization is crucial to the introduction and passage of controversial legislation. An anti-discrimination bill was a top priority for Movilh and *Fundación Iguales* so they constantly met with politicians to

ensure that they supported the bill. They dedicated all their resources on mobilization efforts in favour of it. Focused lobbying aided the introduction and passage of the bill. In fact, it may have been the primary reason the bill was passed.

Research suggests that high levels of sustained social mobilization are required to pass controversial legislation. SMOs have to initiate debate about moral policy in government. Activists have to lobby governments to pass moral policy initiatives. If there is not pressure, then governments may choose to ignore it. This suggests why anti-discrimination reform has not been successful in Argentina. Activists did not apply continuous pressure on their allies to pass anti-discrimination reform. They did view anti-discrimination reform as important; however, they felt it was more important to pass other initiatives first. According to the literature, if there is no lobbying for a moral policy initiative then it is unlikely that a government will debate it. Research suggests that a lack of SMO action could be the reason that anti-discrimination reform has not been successful in Argentina.

Chilean activists did not share the same view toward anti-discrimination legislation as Argentine activists. They treated anti-discrimination legislation as a top priority. Activists lobbied effectively and continuously for it. They found allies in government and lobbied them for the bill's introduction and continued debate. Lobbying ensured anti-discrimination legislation's place on the government's agenda. Research indicates that as a result of this lobbying strategy they were successful. High levels of mobilization and lobbying can be an important and sometimes necessary force for the adoption of moral policy. Data obtained through fieldwork demonstrates that mobilization was present in Chile, Therefore, the research suggests that a large part of the anti-discrimination bill's success could be ascribed to the lobbying strategies of Movilh and *Fundación Iguales*.

Chapter 6: Government interest

Previous research on moral policy has shown that a government tends to respond to controversial legislation when social movements demand a response. Some politicians can be reluctant to address controversial legislation so activists have to pressure them into taking legislative action. SMO pressure for anti-discrimination reform did not happen in Argentina. There was no significant pressure to act. Yet, in Chile, activists continuously lobbied politicians for change. Their lobbying had a crucial role in placing anti-discrimination legislation on the agendas of three different administrations. This section will discuss government interest in anti-discrimination legislation. It will demonstrate the important role played by social movements in gaining government attention. It will also show why SMOs were so important in the agenda setting process for anti-discrimination legislation.

Argentina

In an interview with César Cigliutti, the current President of CHA, he explained that anti-discrimination legislation reform had been a policy priority of CHA since their inception (Interview, Buenos Aires, 23/06/2016). However, he claimed that the failure to include LGBT protections in anti-discrimination legislation was due to primarily to a lack of attention on behalf of politicians. According to Cigliutti, “there is no attention from Deputies or Senators” (Interview, Buenos Aires, 23/06/2016). While CHA has lobbied for anti-discrimination legislation reform, Cigliutti noted that the Argentine government does not view it as essential. CHA’s policy entrepreneurs have found it difficult to raise interest for this type of reform outside of their political allies. There is public support in favour of a new anti-discrimination bill; however, “in the Chamber of Deputies, it does not seem very relevant” (Interview, Buenos Aires,

23/06/2016). This may be true. Anti-discrimination legislation may not seem like a priority to the government. Yet, according to the literature, SMOs should create interest within government.

Marcela Rodríguez, a former Deputy, shares Cigliutti's view. She agreed that the government did not adopt anti-discrimination legislation that includes sexual orientation and gender identity because of a lack of attention from state actors. However, she elaborated further. She claimed that the failure of the reform attempts was the result of the amount of attention that LGBT activists paid to passing the bill (Interview, Buenos Aires, 20/06/2016). Rodríguez emphasized that it is the responsibility of LGBT SMOs to pressure Congress to adopt LGBT provisions in anti-discrimination legislation.

LGBT organizations did not have the same unified and focused movement that they have had in the past. Activists have been successful in other policy areas but Rodríguez explained that "there isn't the same force like with same-sex marriage. You don't see the same importance of an anti-discrimination law" (Interview, Buenos Aires, 20/06/2016). Activists did not demonstrate a need for anti-discrimination legislation. According to the literature, movements have to show why their legislation is crucial. Once they have government attention, social movements need to maintain that attention. As evidenced by the multiple policy proposals that were introduced, groups were able to capture government attention. Yet, it was not maintained.

CHA and FALGBT worked with the government to write policy proposals. Their allies introduced them into the Chamber of Deputies and the Senate. Yet, they did not continue to pressure the government into adopting these policies. As stated earlier, a place on the agenda does not mean that a problem will remain on the agenda. Groups have to continue to mobilize in order to ensure that their issue remains a government problem. Research suggests that because CHA and FALGBT did not continuously focus attention on their policy proposals, these

proposals failed. Outside pressure is important in the policymaking process in Argentina.

Without pressure, a bill may lose attention. In order to show why attention is important, I need to elaborate on the Argentine policymaking process.

Argentine policymaking process

The Argentine policymaking process is as follows. A Member of Congress or the president introduces a bill to the *mesa de entrada*. The parliamentary secretary decides on the appropriate committee. Once the committee receives the bill, members will discuss, amend, and send it back to the floor. Substantive work happens within these committees. When committee leaders and members analyze bills they always keep in mind which bills will gain the most support on the chamber floor (Calvo, 2014). They try to gauge which bills would be most acceptable to senior party members. If they do not feel that the bill will have the block's support, then they will attempt to keep it off the agenda (Calvo, 2014). In order for the bill to leave committee, it must have a majority report. Committee members do not vote on bills. Rather, bills must leave with the signature of a majority of committee members indicating their agreement with a bill. If a bill does not have a majority report it becomes difficult to get it on the floor for debate. Bills may leave with a minority report and then a vote may place them on the government's agenda; however, the bill is more likely to expire in the committee from a lack of support (Calvo, 2014).

If the bill leaves a committee with a majority report, the bill is sent to the Chamber Directorate. The Chamber Directorate is composed of members of each block in Congress. The President of the Chamber Directorate comes from the block with the most seats. Blocks meet before meetings of the Chamber Directorate to decide which bills they want to include in the agenda. Any member of the Chamber Directorate may request that a bill with a majority report

be added to the agenda. If a bill reaches the chamber floor and there are no amendments or objections from the committee, then it is added to an omnibus package that will be approved with one vote from the Chamber. If there are amendments, then a simple majority is required to pass it. If further amendments are added during the debate, then a two-thirds majority is required to pass the bill. Once passed, it goes to the next chamber for a similar process. It then goes to the executive for either a signature or a veto.

The committees and the Chamber Directorate are important steps in the legislative process. A bill needs to have party approval to leave committee. If a bill does not have support in the Chamber Directorate, then it will not reach the chamber floor. Groups need to have allies within committees and the Chamber Directorate in order to guarantee that their bill reaches the chamber floor. They have to maintain pressure on their allies to ensure that bills leave the committee with a majority report. Once they have left committee, pressure needs to continue to see that the bill receives enough support to leave the Chamber Directorate. There were several attempts to pass anti-discrimination legislation reform. Yet, many failed because they lost parliamentary status. Activists did not draw lawmakers' attention to the amendments.

Without pressure from activists, Rodríguez elaborated, Congress has no motivation to reform the existing anti-discrimination law. Her explanation reinforces what much of the literature on the topic states as well. Social movements have to initiate a debate within Congress if they wish to add controversial legislation to a government's agenda. There were opportunities to pass anti-discrimination legislation reform. Yet, there was no pressure on lawmakers from activists to act. Politicians did not move forward with the proposed amendments and they lost parliamentary status.

Gabriela Troiano shares Rodríguez's view concerning the responsibility of SMOs. A Deputy for the *Partido Socialista*, Troiano claimed that social movements have to pressure governments into adopting measures like anti-discrimination legislation (Interview, Buenos Aires, 27/06/2016). She explained that support was high for anti-discrimination legislation in her party. Yet, there still needed to be pressure to translate support into action. SMOs have to draw attention to issues that do not affect the majority of the population. They need to demonstrate why their cause is important and demand a government response. She was clear that there needs to be a necessity for a bill in order for the government to pass it. Need is demonstrated by social movements. If a government does not see the bill as essential, then they will not take action to remedy the problem.

Troiano also made the point that there needs to be constant pressure on the government in order for a bill to be adopted. She explained that oftentimes pressure from SMOs puts something on the agenda but the attention on the bill falters during the debate. Her explanation is important. Rodríguez stated that activists did not maintain pressure. Problems were on the agenda but they did not remain there. Activists must maintain pressure on a government. If they do not do so, then attention fades from the problem. It will fade from an institutional agenda. Policy proposals like this will not be adopted if movements do not maintain pressure.

The information obtained in interviews with Rodríguez and Troiano is similar to what the literature suggests as well. A successful movement has to initiate pressure on a government to add an issue to their agenda. Once on an agenda, SMOs have to maintain pressure on government actors in order to ensure that the issue remains on the agenda. Rodríguez and Troiano both said that a lack of social movement pressure is what has led to the failure of reform

attempts. Their explanations suggest that a government will not act on controversial legislation until there is pressure to do so.

Flavia Massenzio, Secretary of Legal Affairs of FALGBT, acknowledged SMOs have to pressure the government to pass anti-discrimination reform. She also admitted that FALGBT has not been constant in that pressure. She claims that organizations need to put constant pressure on the government to reform the existing law but FALGBT has not. The organization has prioritized other policies because of all their priorities “we thought that the easiest was the reform of the anti-discrimination law” (Interview, Buenos Aires, 21/06/2016). Groups are aware of the pressure that must be put on the government. However, there was no such pressure to reform the existing law.

Paulón agrees with Rodríguez and Troiano. It is the organization’s responsibility to pressure the government. Paulón elaborated that it is FALGBT’s responsibility to raise awareness, gather statistics, and lobby the government. He stated that “if we aren’t working daily then the debate will not advance” (Interview, Buenos Aires, 14/06/2016). Yet, FALGBT chose to focus on other policy priorities. Data obtained through interviews suggests that in order to pass anti-discrimination reform, the organization needs to draw more government attention to the issue. Groups like FALGBT and CHA have to initiate awareness of the bill on the public and institutional agenda. It will not appear on the agenda on its own. FALGBT and CHA have to initiate the debate themselves.

Organizations stated that there was little political interest in the bill. Yet, politicians were clear that social movements needed to generate interest. They stated that politicians will not take initiative on controversial legislation until they see a demand for it. Social movements must demonstrate the demand. The Argentine LGBT movement was unsuccessful in that regard.

Interviews with politicians suggest that the reason that anti-discrimination reform has not been successful in Argentina is because of a lack of SMO pressure. This was not the case in Chile.

Chile

Maria Antonieta Saa Díaz, a former Deputy for the *Partido por la Democracia*, stated that the current anti-discrimination law would not have been possible without the work of Movilh and *Fundación Iguales* (Interview, Santiago, 14/07/2016). Saa was clear that Movilh was responsible for the introduction of the bill. Through their constant lobbying, the organization was able to bring the government's attention to the importance of anti-discrimination legislation. Without them, Saa does not believe that President Lagos would have introduced the anti-discrimination bill. Her interview affirms that social movements can be an important part of the agenda-setting process. Through consistent mobilization, they can have issues placed on the agenda.

Once President Lagos introduced the bill, the group maintained its strong lobbying presence throughout the debate. Lobbying was key to the adoption of this bill. Movilh would not allow government attention to fade toward the bill which maintained its place on the agenda. The introduction of *Fundación Iguales* added to the lobbying strength. Saa confirmed that because *Fundación Iguales* was founded by elites the government was more willing to work with them than Movilh. They were able to easily create relationships with new allies. The new involvement of *Iguales* increased awareness of the bill in Congress. This further demonstrates the importance of social movements in the agenda-setting process. They must continue to have a strong presence if they are going to maintain an item on the agenda.

Nicolas Dualde, an aide to Senator Alberto Espina Otreo, agreed with Antonieta Saa on the influence that lobbying had on the debate surrounding the anti-discrimination bill. For Dualde, “there was intense lobbying on behalf of groups associated with minority sexual rights” (Interview, Valparaíso, 20/07/2016). Movilh and *Fundación Igaules* were both vocal and present throughout the debate. They heavily lobbied Senators in order to win votes in favour of the anti-discrimination bill. Dualde’s interview suggests that activism played a key role in introducing maintaining the bill’s presence on the agenda.

Marcelo Drago also confirmed that lobbying played an important role throughout the debate of the anti-discrimination legislation. Drago was an aide to former Senator Soledad Alvear, who was the head of the Constitutional Committee in the Senate and very involved in the passage of the anti-discrimination bill. According to Drago, Movilh and *Fundación Iguales* were crucial. They raised awareness of the bill’s necessity in the Senate. Drago affirmed that Movilh was one of the most important factors in the introduction and adoption of the anti-discrimination law. He stated that their lobbying was very intense to all members of Congress involved in the bill. After the founding of *Fundación Iguales*, their presence became crucial as well. Mobilization must be intense and effective in order to successful. That type of mobilization was present here.

Guillermo Ceroni spoke about the debate in the Chamber of Deputies (Interview, Santiago, 18/07/2016). Ceroni, a current Deputy, explained that the debate passed quickly in the chamber. Objections to the bill were of a religious nature but these were not taken seriously. As a result, the bill moved quickly to the Senate. Ceroni also stated that the bill was introduced to the party through Movilh. He agreed that their lobbying was crucial to the bill’s introduction into the Chamber of Deputies. *Fundación Iguales* also played an important role in lobbying for the bill

once it returned from the Senate. Yet, he explained, the Chamber of Deputies received the bill well when it was first introduced. He reinforced that social movement presence was important to introduce the bill. However, it was more important once the bill arrived in the Senate.

Saa elaborated on the debate in the Senate. According to her, the bill spent so long in the Senate because of two factors: heavy religious opposition and scant executive attention. Religious influence is strong in the Senate and the Catholic Church and Evangelical factions strongly opposed the bill. Religious lobbying had enough influence to keep the Senate from taking significant action on the bill for a number of years. After the murder of Daniel Zamudio, religious opposition disappeared. The bill also received little support from the president. As detailed earlier, it was introduced by President Lagos but it was not passed until two administrations later when President Sebastian Piñera was in office. Saa stated that neither President Lagos nor President Michele Bachelet campaigned heavily for the bill. Due to the structure of the Chilean government, little executive attention was an important setback for the bill.

Chilean Policymaking Process

The president's agenda-setting powers in the Constitution are very broad. Yet, the policy process demonstrates far more cooperation and consultation. The Chilean policymaking process is based on consensual politics. The system involves negotiations to ensure that the government's agenda has support from within its own coalition and the opposition. (Olavarria-Gambi, 2016; Aninat et al, 2008; Carey, 2002; Siavelis, 2002). There is a system of supermajority thresholds to pass special legislation that limits the president's agenda-setting powers (Aninat et al, 2008). As a result, the opposition is in a position to block reform that requires a supermajority. If the bill requires a supermajority, they must cooperate with members across the aisle to ensure their

support. This forces an administration to negotiate with the opposition and within their coalition in both chambers. The president must ensure that bills introduced at one point are not so controversial that they will cost them supermajority support on more important matters. Such a system leads to consensual politics. The president does control the agenda; however, they work carefully with Congress to ensure support for that agenda.

In the Chilean legislature, bills pass through three stages. In the first stage, the President or a Deputy or a Senator presents an initiative into either the Chamber of Deputies or the Senate Chamber. The bill is then assigned to a committee where it is debated. They also present amendments to the floor for debate. If there are amendments after the floor debate the bill goes back to committee for a second reading. The committee will then debate the amendments. Then it will present the bill back to the floor. If it passes the floor vote, then the bill continues onto the next Chamber. There it will follow through a similar process of debate. It is important to note that the President can give a bill three different state of urgencies during debate: *simple urgencia*, *suma urgencia*, and *discusión inmediata*. The different states of urgency indicate how quickly Congress must move on discussing a bill, with *simple* being of the lowest importance, followed by *suma* and *discusión inmediata* being the most important (Siavelis, 2002). If there are no amendments, it will go to the president for their signature or veto. If there are amendments, then the bill goes back to the original chamber for further debate. Once it is approved, then it is sent to a committee made up of committee members of both chambers. With committee approval, the bill will then be sent to the president for their signature or veto.

It is in within these committees that the substantive work happens (Carey, 2002). Legislation can be referred to multiple committees with the chamber. Bills can die from a lack of majority support within the chamber. As a result, committees hold power when amending

legislation. Activists must ensure that they have support within that committee in order for the committee to debate the bill. The president must be aware of committee power when introducing legislation. S/he needs to ensure that it will receive support. Support must come from their own coalition. In some cases, it must also come from the opposition. In order to pass the supermajority threshold that is required for reform, the ruling coalition requires opposition support. As a result, they have to ensure that legislation that is introduced at one point will not cost them votes in the future.

The Chilean Congress is composed of two coalitions: the New Majority and Let's Go Chile. New Majority is the centre-left coalition and is comprised of four main political parties: the Christian Democratic Party, the Socialist Party, Party for Democracy, and the Radical Social Democratic Party. Let's Go Chile is the centre-right coalition. It is comprised of 4 parties: Independent Democratic Union, National Renewal, Independent Regionalist Party, and Political Evolution. As a result of the ideological spread, negotiations frequently take place within coalitions in order to secure the necessary number of votes. Especially in the left, the centrist agenda of the Christian Democratic Party makes it difficult for the New Majority to pass progressive legislation (Blofield, 2006). The executive has to ensure that legislation will pass not only the opposition but their own coalition as well.

Representatives of the Executive also meet formally and informally with Members of Congress to discuss legislation when setting the agenda. In addition, members of the executive branch testify before committees during the legislative process. Such exposure allows them to gauge the mood of either chamber (Carey, 2002). In doing so, they can modify either legislation or the government's agenda. Modifications are made so that a government can tailor a bill to win more votes. The modification is also done so that votes lacking support do not reach the floor

(Siavelis, 2002; Carey, 2002). Even when an urgencia is declared, it is not absolute (Siavelis, 2002). Congressional leaders can negotiate for increased time. The president collaborates with the legislature to ensure the successful passage of legislation.

Consensual politics means that controversial bills, such as the anti-discrimination bill, may have had executive support. However, because of the nature of Chilean politics, the Executive was unable to show support for it. Because of the need for cooperation, the president cannot force a bill through Congress. S/he must depend on support from their coalition and the opposition as well. As Saa stated, religious opposition is important in the Senate. If the president depended on support from religious factions in the Senate for a more substantial bill, then s/he had to work with the opposition to ensure their ongoing support. This could mean ignoring the anti-discrimination bill. Ceroni explained that the public was receptive to the anti-discrimination bill but the Executive did little lobbying in favour of it. Ceroni stated that “there was not pressure to adopt it but not to remove it either” (Interview, Santiago, 18/07/2016). Saa explained that the reason behind the lack of lobbying is because the president knew that they did not have the votes. S/he did not want to force a vote and draw attention to their failure. The president let the bill sit in committee rather than risk the chance of losing.

Nicolas Dualde, aide to Senator Espina Otero, expanded on the activities in the Senate. Dualde confirmed that the bill did not receive much attention in the Senate because of the President. He stated that the Executive Branch lobbied for the bill; however, their support was not very strong (Interview, Valparaíso, 20/07/2016). Dualde reasoned that it was not on the president’s agenda. He confirmed that unless a bill has the president’s support it is unlikely to pass. This was the case for anti-discrimination legislation. The president did not give the bill

much attention and therefore neither did the Senate. It was not until after the death of Zamudio that the president began to seriously lobby for its adoption.

Marcelo Drago agreed. Drago, aide to former Senator Alvear, explained that the socialists were passive towards the adoption of anti-discrimination legislation because they were beholden to the Conservative wing of the ruling Coalition. Therefore, the Lagos and Bachelet governments had to refrain from openly endorsing the bill. Their allegiances could explain why executive pressure was so weak in lobbying for the bill. Anti-discrimination may have been an executive priority. However, due to the nature of consensual politics, the president had to satisfy more conservative actors. If an executive does not seriously lobby for a bill, then it will not receive much Senate support. Pro-LGBT activists were not the only forces lobbying the Senate on the inclusion of sexual orientation and gender identity in the anti-discrimination bill.

Religious conservatives were vocal in lobbying against the bill. Drago commented that the Catholic Church constantly sent emails and made phone calls to express their wishes against the bill. They believed that the adoption of the anti-discrimination bill would affect Catholic churches and schools. The Evangelical bloc strongly opposed this bill. Drago stated that “they were bad. Not very nice” (Interview, Santiago, 25/07/2016). They protested outside the Congressional buildings. Some went so far as to threaten Senators who were involved with the bill. Yet, these forces faded away after the attack on Daniel Zamudio. They were no longer able to say the bill was unnecessary.

Before the Zamudio case, Conservative forces maintained pressure not to debate the bill according to Drago. The president was unable to lobby due to conservative opposition to the bill. Because it was not on the president’s agenda, it was not on the Senate’s agenda. However, LGBT activists ensured that the bill did not fade off the agenda. They maintained pressure on

their allies in the Senate to act. Research demonstrates that controversial legislation requires high levels of sustained social movement mobilization in order to be successful.

Participants in both countries agreed that social movement mobilization was crucial in placing and maintaining anti-discrimination on the agenda. In Chile, social movements lobbied consistently and effectively. Politicians stated that activists were instrumental in bringing attention to this bill. In Argentina, politicians echoed the same sentiment. Activists needed to force their political allies into acting. Yet, they did not do so. Data obtained through interviews reinforces the literature on the importance of lobbying politicians to pass controversial legislation. Activists may be able to introduce issues onto the agenda through direct lobbying but they need to continue to pressure their allies. Data obtained through fieldwork suggests that social movement presence is important for both the introduction of a bill and its continued debate. There was agreement on the need for activist pressure. Yet, there was some debate among politicians over how important public opinion was.

Chapter 7: Public Agenda

Public agenda can be an important indicator of a government's agenda. If an issue is prominent on the public's agenda, then it is likely to be placed on a government's agenda as well. Prior research indicates that social movements have to place controversial issues on the public agenda. Activists have to craft a favourable narrative around that issue. If they can draw public attention to an issue, then they are more likely to draw government attention as well. Yet, the public agenda is not necessarily a prerequisite to a government's agenda. As discussed earlier, direct lobbying of politicians and government officials can bypass the public agenda. This section will discuss the role played by the public agenda in both countries. In Argentina, little public attention has been paid to discrimination. A lack of attention has hampered the debate. In Chile, there were significant efforts to raise awareness about LGBT discrimination. After the death of Daniel Zamudio, public outcry demanded a government response. Yet, research indicates the bill still would have succeeded without significant public attention.

A subject that arose during the interviews in Argentina was the difficulty in placing anti-discrimination legislation reform on the public agenda. All the activists and politicians that were interviewed agreed that more public attention towards discrimination that LGBT people face would benefit their work. However, they admitted that raising public awareness of anti-discrimination legislation is difficult. Rodríguez explained that anti-discrimination reform is “a more difficult theme to put on the agenda.” It is more abstract. People do not understand what anti-discrimination reform entails. Troiano explained that “there is no social movement against discrimination.” The problem does not garner much attention. Marcelo Suntheim, the current Treasurer of CHA, affirmed that people would be in favour of a new anti-discrimination law. Yet, the public is unaware of the issues with the existing legislation (Interview, Buenos Aires,

24/06/2016). If there is no awareness of a bill, then there is no pressure for politicians to address it.

Massenzio and Paulón both said that the public views discrimination as a part of everyday life. According to them, the average Argentine person would say that discrimination is a factor with which people must learn to live. There is a lack of awareness among the general public of the harm that discrimination causes. Paulón was clear that FALGBT's allies in Congress understand that discrimination is a problem but public attention demands the government's attention on other matters. Because the public does not view discrimination as a pressing problem, there is no motivation for a government to address it. The public agenda can be an important indicator of a government's agenda. However, it may not be a necessary prerequisite.

Movilh worked to draw public attention to the bill by creating a social shift. The organization carried out campaigns to create awareness of discrimination. The culture of homophobia in Chile so strong that homophobic was even considered a compliment to some people. Through the work of Movilh they "transformed homophobia into a word that nobody wanted to be associated with" (Interview, Santiago 15/07/2016). The cultural shift was important. It showed that the public would be in favour of LGBT protections in the anti-discrimination legislation. During this time Gómez Roa explained that the group used "politics of protest" to draw attention to the issue through "a lot of marches and public campaigns" (Interview, Santiago, 08/07/2016). The organization lobbied both Congress and the public so that the bill would remain on the agenda. Movilh wanted attention to remain on the bill. Attention did fade over time but after the attack on Daniel Zamudio, the anti-discrimination bill became a prominent issue on the public agenda.

Dualde explained that after the death of Zamudio the media played a key role in the quick adoption of the anti-discrimination bill. The bill had recently left the Senate and was waiting to be voted upon by the Chamber of Deputies. Public attention had faded by this point. The publicity that came with the attack brought attention to the bill. The response from traditional and social media demanded a response to the existing legislation. The attention forced the bill ahead and led to its quick adoption. Conservative opposition failed in the face of public support for the bill and President Piñera gave it *discusión inmediata*, forcing the bill to the top of the agenda. Yet, even without Zamudio's murder Congress still would have adopted the bill. Dualde said that the murder did give the bill a more rapid adoption; however, it still would have been passed eventually. This was a common sentiment.

Drago confirmed that even without the attack on Daniel Zamudio the bill would have been passed within a year of its final reading in the Senate. He described the bill as having been fixed and approved by the Senate. It solely needed the vote of the Chamber of Deputies. He believed that the vote was almost surely going to be positive. Zamudio's death brought publicity to the bill. His murder was a type of focusing event that Kingdon discussed. It centred public attention on the presence of homophobia in Chile. Activists used this pressure and directed it toward the bill that was being debated in Congress. Public attention helped to get a higher status of urgencia assigned to the bill. However, even without the change of *urgencia*, the Chamber of Deputies still would have passed the bill.

It was not until after the murder of Daniel Zamudio in March 2012 that President Sebastian Piñera began to seriously lobby for the bill. Ceroni stated that it was because the President needed to show that the government was doing more to protect vulnerable members of society. They also needed to show that they would punish hate crimes more severely. Piñera had

been more involved in the bill than presidents before him but it was not until after the attack that he began to seriously lobby for its adoption. If executive attention had been vocally in favour of the bill, the debate surrounding it would have passed more quickly. Yet, social movement mobilization ensured that it continued. When asked about the role of Zamudio in the adoption of the anti-discrimination law, Ceroni believed that even without the murder Congress would have adopted the bill. The public agenda was not necessary because the bill would have been passed with the attention from direct lobbying. The Zamudio murder did draw attention to the bill and the increased public attention forced it through Congress rapidly. Yet without Zamudio, the bill would have been adopted within another year or two, according to Ceroni. Data from his interview suggests that the public agenda might not be an important indicator the government's agenda.

Santana and Saa also agreed with Ceroni's statements. Daniel Zamudio's murder gave the bill public attention. It forced the government to respond to public pressure. The attention won the bill a quick passage. Yet, all participants agreed that the bill would have been passed eventually. Public attention on the bill did aid its passage. But it was not a necessary factor. This data reinforces Kingdon's ideas on agenda setting. The public agenda is not a prerequisite for the institutional agenda. The strong lobbying of policy entrepreneurs and their allies within Congress can be sufficient enough to place and maintain an issue on a government's agenda. Public opinion is not mandatory.

The public agenda may be an important step in adding an issue to a government's agenda, yet research suggests that it is not a necessary one. Data obtained through fieldwork indicates that while increased public attention may benefit the passage of controversial legislation, it is not a deciding factor. Argentine activists did claim that increased public awareness of LGBT

discrimination would aid their work which is a possibility. Increased awareness of the failed initiatives may have aided in their passage. However, the literature and interviews suggest that direct lobbying of state actors can be as effective as the public agenda. Chilean activists worked hard at raising public awareness of the anti-discrimination bill. The murder of Daniel Zamudio aided in the quick passage of the bill. Yet, interviews indicate that Chilean Congress would have passed the bill eventually without the added publicity of the murder. Social movement mobilization ensured that debate continued on the bill. This research suggests that while the public agenda may aid in the fight for LGBT rights, it is not a necessary factor for success.

Chapter 8: Contributions and Conclusions

As I have demonstrated, the research indicates that social movements play a key role in the adoption of anti-discrimination legislation that includes sexual orientation and gender identity. Argentine LGBT activists have been successful in their policy initiatives in the past. Yet, they were unable to pass anti-discrimination that includes sexual orientation and gender identity. This is because of a lack of social movement mobilization. Activists did not see the legislation as a high priority issue. They did not strongly lobby government for its adoption in the same way that they lobbied for same-sex marriage or gender identity laws. Because they did not lobby for it, the government did not see it as a necessity. There was no interest in adopting it. As a result, all proposed bills lost parliamentary status due to a lack of attention. There was no public demand for it because the public did not fully understand the issue. Social movements did not initiate a public debate. There was no public awareness. It never became part of the public agenda. The presence of viable alternatives to LGBT protections in anti-discrimination legislation caused the issue to fade from prominence. Lawmakers felt the issue had already been sufficiently addressed. Activists pointed to these as victories. There was no immediate need to continue lobbying at that exact moment. This is contrary to Chile.

In Chile, activists made anti-discrimination legislation their top priority. They constantly lobbied legislators for it. They demonstrated why an anti-discrimination bill that included sexual orientation and gender identity was necessary. They met with politicians to convince them. They refused to let attention fade away from the bill. Politicians responded positively. The attention from activists added it to the agenda. Their constant lobbying maintained its position on the agenda as well. They did so in the face of scant executive attention which is an important determiner of legislative success in the Chilean Congress. After the death of Daniel Zamudio,

activists demanded a government response. The pressure led to the bill's quick passage. The public demand following Zamudio's death may not have been necessary for the bill's passage. However, it did allow for the bill to be passed more rapidly.

The research suggests that social movement efforts played a crucial role in both countries. It appears that strong social movement mobilization led to the adoption of anti-discrimination legislation in Chile. The research also suggests that because of weak mobilization in favour of anti-discrimination reform in Argentina it has not been adopted yet. While Chile is a more hostile environment to LGBT policy, the movement was successful in its fight for the adoption of anti-discrimination legislation that includes sexual orientation and gender identity. Social movement mobilization played an important role in that. These findings have implications for further study.

As stated in the Introduction, few studies currently exist on the effects of social movement mobilization and government agenda-setting. This study adds to that growing body of literature. This work suggests that social movements are a necessary factor in order to place controversial legislation on a government's agenda. The research reinforces the idea that high levels of mobilization are required to place a controversial issue on an institutional agenda. This study also indicates that mobilization must be present in order to maintain an issue on a government's agenda. Because an issue may fade from prominence, social movement mobilization must be active and sustained throughout the policy process in order to place and maintain an issue on the government's agenda.

- Amenta, E. (2005). Political contexts, challenger strategies, and mobilization: Explaining the impact of the Townsend Plan. In Meyer, D.S., Jenness, V., Ingram, H. (Eds). *Routing the opposition: Social movements, public policy, and democracy*. Minneapolis, MN: University of Minnesota Press.
- Anderson, J. (1998). "Peruvian women and the Peruvian state." In Lycklama à Nijeholt, G., Vargas, V., Wieringa, S. *Women's movements and public policy in Europe, Latin America, and the Caribbean*. New York, NY: Garland Pub. 77-96.
- Aninat, C., Londregan, J., Navia, P. Vial, J. (2008). Political Institutions, Policymaking Processes, and Policy Outcomes in Chile. In Stein, E. & Tommasi, M (Eds.) *Policymaking in Latin America: How politics shapes policies*. Inter-American Development Bank
- Ayoub, P. M. ; Garretson, J. (2016). Getting the Message Out: Media Context and Global Changes in Attitudes Toward Homosexuality. *Comparative Political Studies*
- Barclay, S., Berstein, M., Marshall, A.M. (Eds) *Queer Mobilizations: LGBT Activists confront the law*. New York, NY: New York University.
- Baumgartner, F.R., Jones, B.D. (1993). *Agendas and instability in American politics*. Chicago, IL: University of Chicago Press.
- Baumgartner, F.R., Mahoney, C. (2005). Social movements, the rise of new issues, and the public agenda. In Meyer, D.S., Jenness, V., Ingram, H. (Eds). *Routing the opposition: Social movements, public policy, and democracy*. Minneapolis, MN: University of Minnesota Press.
- Ben, P. (2009). Male same-sex sexuality and the Argentine State, 1880-1930. In Corrales J., and Pecheny, M. (Eds.) *Politics of Sexuality in Latin America*. Pittsburgh, PA: University of Pittsburgh Press.
- Blofield, M. (2008). "Women's choice in comparative perspective: Abortion policies in late-developing Catholic countries." *Comparative Politics*, 40(4), 399-419.
- (2006). *The Politics of Moral Sin: Abortion and divorce in Spain, Chile, and Argentina*. San Diego, CA: University of California
- Calvo, E. (2014). *Legislator success in fragmented Congresses in Argentina: Pluarlity cartels, minority presidents, and lawmaking*. Cambridge: Cambridge University Press.
- Carey, J.M. "Parties, coalitions, and the Chilean Congress in the 1990s." In Morgenstern, S., Nacif, B.(Eds.). *Legislative politics in Latin America*. Cambridge: Cambridge University Press.
- Chile. Congress. Senate. Standing Committee on Human Rights. (2008, June). *Evidence*. Available: <http://www.bcn.cl/historiadelaley/nc/historia-de-la-ley/4516/>

- Cobb, R.W., Elder, C.D. (1972). *Participation in American politics : the dynamics of agenda-building*. Boston, MA: Allyn and Bacon.
- Contardo, O. (2011). *Raro: Una Historia gay de Chile*. Santiago: Editorial Planeta.
- Corrales, J., Pecheny, M. (2010). *The Politics of sexuality in Latin America: A Reader on Lesbian, Gay, Bisexual, and Transgender Rights*. Pittsburgh, PA: University of Pittsburgh Press.
- De la Dehesa, R. (2010). *Queering the public sphere in Mexico and Brazil: Sexual rights movements in Emerging Democracies*. Durham, NC: Duke University Press.
- Dearing, J.W., Rogers, E.M. (1996). *Agenda-setting*. Thousand Oaks: Sage
- Diez, J. (2015). *The Politics of Gay Marriage in Latin America: Argentina, Chile, and Mexico*. New York, NY: Cambridge University Press.
- (2013). "Explaining Policy Outcomes: The Adoption of same-sex unions in Buenos Aires and Mexico City." *Comparative Political Studies*, 46(2), 2013.
- (2011). Argentina: A Queer tango between the Lesbian and Gay movement and the state. In Johnson, C., Paternotte, D., Tremblay, M., (Eds.), *The Lesbian and Gay movement and the state* (13-23). Burnlington, VA: Ashgate.
- Dziengel, L. (2010). "Advocacy Coalitions and Punctuated Equilibrium in the Same-Sex Marriage Debate: Learning from Pro-LGBT Policy Changes in Minneapolis and Minnesota." *Journal of Gay & Lesbian Social Services*. 22(1-2). 165-182.
- Encarnación, O. (2016). *Out in the periphery: Latin American gay rights revolution*. New York: Oxford University Press.
- (2011). "Latin America's gay rights revolution." *Journal of Democracy*, 22(2), 104-118.
- Evertitt, J. (2015). Mobilization on the periphery: LGBT Activism and success in Atlantic Canada. In Tremblay, M. (Ed.), *Queer mobilizations: Social movement activism and Canadian public policy*. Vancouver, BC: UBC Press
- Frank, N. (2013). The President's Pleasant Surprise: How LGBT Advocates Ended Don't Ask, Don't Tell. *Journal of Homosexuality*. 60(2-3). 159-213.
- Frasca, T. (2010). Chile: Seizing empowerment. In Corrales J., and Pecheny, M. (Eds.) *Politics of Sexuality in Latin America*. Pittsburgh, PA: University of Pittsburgh Press.
- Gillespie, J.V., et al. (Eds.). (1971) *Macro-quantitative analysis: Conflict, development, and democrataization*. Beverly Hills, CA: Sage Publications
- Green-Pedersen, C., Walgrave, S (Eds). (2014). *Agenda setting, policies, and political systems: a comparative approach*. Chicago, IL, University of Chicago Press.
- Haider-Markel, D.P., Meier, K.J. (1996). "The Politics of Gay and Lesbian Rights: Expanding

the Scope of the Conflict.” *The Journal of Politics*. 58(2). 332-349.

Htun, M. (2003). *Sex and the State: Abortion, Divorce, and the Family under Latin American Dictatorships and Democracies*. Cambridge, Cambridge University Press

Htun, M and Weldon, L. S (2012). “The Civic origins of progressive policy change: Combating violence against women in global perspective, 1975-2005.” *American Political Science Review*, 106(3), 548-569.

(2010). “When do governments promote women’s rights? A Framework for the comparative analysis of sex equality policy.” *Symposium 8(1)*, 207-216.

Hughes, S.W., Mijeski, K.J. (1984). *Politics and public policy in Latin America*. Boulder, CO: Westview Press.

Jones, B.D., Baumgartner, F.R. (2005). *The politics of attention: how government prioritizes problems* (2nd ed.). Chicago, IL: University of Chicago Press.

Kingdon, J.W. (2003). *Agendas, alternatives, and public policies* (2nd ed.). New York, NY: Longman.

McBride Stetson, D (Ed.). (2001). *Abortion politics, women’s movements, and the democratic state: A Study of state feminism*. Oxford: Oxford University Press.

Mohnor, D. (2017, January 23). Chile’s shifting social mores. *US News*. Retrieved from <https://www.usnews.com/news/best-countries/articles/2017-01-23/catholic-chile-is-becoming-more-progressive>

Mucciaroni, G. (2008). *Same-Sex Different Politics: Success and failure in the struggles over gay rights*. Chicago, IL: University of Chicago Press.

Olavarria-Gambi, M. (2016). “Agenda and Public Policy: Evidence From Chile.” *International Journal of Public Administration* 39(2).157-172

Pal, L.A. (2006). *Beyond policy analysis: public issue management in turbulent times* (3rd ed.). Scarborough, ON: Thomson/Nelson.

Pitanguy, J. (1998). “The women’s movement and public policy in Brazil.” In Lycklama à Nijeholt, G., Vargas, V., Wieringa, S. *Women's movements and public policy in Europe, Latin America, and the Caribbean*. New York, NY: Garland Pub. 97-112.

Pousadela, I.M. (2013). “From embarrassing objects to subjects of rights: The Argentine LGBT movement and the Equal Marriage and Gender Identity laws.” *Development in Practice* 23(5-6). 701-720

Rubenstein, W.B. (1993). *Lesbians, gay men, and the law*. New York, NY: New Press.

- Siavelis, P.M. (2002). "Exaggerated presidentialism and moderate presidents: Executive-legislative relations in Chile." In Morgenstern, S., Nacif, B.(Eds.). *Legislative politics in Latin America*. Cambridge: Cambridge University Press.
- Smith, M. (2015). LGBTQ Activism: The Pan-Canadian Political Space. In Tremblay, M. (Ed.), *Queer mobilizations: Social movement activism and Canadian public policy*. Vancouver, BC: UBC Press
- (2011). Canada: The Power of institutions. In Johnson, C., Paternotte, D., Tremblay, M., (Eds.), *The Lesbian and Gay movement and the state* (13-23). Burlington, VA: Ashgate.
- (2008). *Political institutions and lesbian and gay rights in the United States and Canada*. New York, NY: Routledge.
- Weldon, L.S. (2002). *Protest, policy, and the problem of violence against women: A Cross-national comparison*. Pittsburgh, PA: University of Pittsburgh Press.
- Weldon, L. S., Htun, M. (2013). "Feminist mobilisation and progressive policy change: why governments take action to combat violence against women." *Gender and Development*, 21(2), 231-247.
- Wintemute, R. (1995). *Sexual orientation and human rights: The United States Constitution, the European Convention, and the Canadian Charter*. Oxford: Clarendon Press.

Appendix 1: Tables

Argentine actors

Actor	Title	Organization
Esteban Paulón	President	FALGBT
Maria Rachid	Vice-President	FALGBT
Flavia Massenzio	Head of Legal Affairs	FALGBT
César Cigliutti	President	CHA
Marcelo Suntheim	Treasurer	CHA
Marcela Rodríguez	Former Deputy	<i>Coalición Cívica para la Afirmación de una Republica Igualitaria</i>
Gabriela Troiano	Deputy	<i>Partido Socialista</i>

Chilean Actors

Actor	Title	Organization
Luis Larraín	President	<i>Fundación Iguales</i>
Daniela Santana	Legislative Director	<i>Fundación Iguales</i>
Ramón Gómez Roa	President	Movilh
Leading Activist	N/a	Movilh

Maria Antonieta Saa	Former Deputy	<i>Partido por la Democracia</i>
Guillermo Ceroni	Deputy	<i>Partido por la Democracia</i>
Nicolas Dualde	Aide to Senator Alberto Espina	<i>Renovación Nacional</i>
Marcelo Drago	Former Aide to Former Senator Soledad Alvear	<i>Partido Demócrata Cristiano</i>

Appendix 2: Interview Questions

Argentina-Activists

- Can you tell me about the role that you or your organization played in the fight for anti-discrimination legislation for LGBT people?
- Could you tell me how anti-discrimination legislation became a priority in your agenda?
- What strategies did your organization use to lobby for anti-discrimination legislation?
- In your opinion, why is there no anti-discrimination legislation that includes sexual orientation and gender identity?
- In your opinion, what explains the fact that these proposals have not been approved?
- Is there a lot of public attention towards anti-discrimination legislation?
- How could public attention affect this legislation?
- In your opinion, what would be some factors that could affect the debate on this type of legislation?

Argentina-Politicians

- Can you tell me about the role that you or your organization played in the fight for anti-discrimination legislation for LGBT people?
- Could you tell me how anti-discrimination legislation became a priority in your agenda?
 - Was there pressure from the executive to put it on or take it off the agenda?
- How have social movements affected the debate on anti-discrimination legislation?
- Is there a lot of public attention on anti-discrimination legislation?
- Is there a lot of public attention towards anti-discrimination legislation?
- How could public attention affect this legislation?
- In your opinion, what would be some factors that could affect the debate on this type of legislation?

Chile-Activists

- Can you tell me about the role that you or your organization played in the fight for anti-discrimination legislation for LGBT people?
- Could you tell me how anti-discrimination legislation became a priority in your agenda?
- What strategies did your organization use to lobby for anti-discrimination legislation
- In your opinion, why was there so much time between the proposal of this law and its adoption?
- Can you tell me how the murder of Daniel Zamudio and the public response affected the debate of this law?
- Do you think that the adoption of this law would have been possible without the public debate?

Chile-Politicians

- Can you tell me about the role that you or your organization played in the fight for anti-discrimination legislation for LGBT people?
- Could you tell me how anti-discrimination legislation became a priority in your agenda?
 - Was there pressure from the executive to put it on or take it off the agenda?
- How have social movements affected the debate on anti-discrimination legislation?
- In your opinion, why was there so much time between the proposal of this law and its adoption?
- Can you tell me how the murder of Daniel Zamudio and the public response affected the debate of this law?
- Do you think that the adoption of this law would have been possible without the public debate?