

Activists, Parties, and the Expansion of Trans Rights in Bolivia

Calla Hummel and V. Ximena Velasco-Guachalla

Keywords: gender identity, activism, LGBTQ+, social movements, Bolivia.

The State prohibits and punishes all forms of discrimination based on sex, color, age, *sexual orientation, gender identity*, origin, culture, nationality, citizenship, language, religious belief, ideology, political affiliation or philosophy, civil status, economic or social condition, type of occupation, level of education, disability, pregnancy, and any other discrimination that attempts to or results in the annulment of or harm to the equal recognition, enjoyment or exercise of the rights of all people.

-Article 14, Clause II of the 2009 Bolivian Constitution.

In 2009, Bolivia became the second country in the world to constitutionally bar discrimination based on gender identity, after Ecuador in 2008, and only the fifth constitution in the world to protect sexual orientation.¹ In May 2016, Bolivia passed Law 807, the gender identity law, which enables Bolivians to quickly change their government identification documents to reflect their name and gender. The law asserts that the constitution protects gender expression, that gender is socially constructed, and that “every person has the right to be recognized according to their gender identity.”² Activists wrote and modeled Bolivia’s gender identity law after legislation that trans³ activists wrote and passed in Uruguay in 2009 and Argentina in 2012. The inclusion of the anti-discrimination clause in the constitution and the passing of Law 807 is surprising in a country that separated the church from the state in 2009, has a highly religious population, and where organized religion has significant political power.

Why did activists succeed in adopting an anti-discrimination clause and passing a national gender identity law that most voters did not support? Scholars find that advancements in LGBTQ+ rights typically come from court decisions or bureaucratic rule changes and that LGBTQ+ rights legislation is less common.⁴ Lack of broad public support from voters and push back by conservative groups have been key obstacles for LGBTQ+ rights legislation in many countries.⁵ In the Bolivian case, while LGBTQ+

activists were pushing for sexual orientation and gender identity to become protected categories in the constitution, Catholic and Evangelical representatives to the constitutional assembly included a clause defining marriage as between a man and a woman. Evangelical representatives then filed a court challenge to the 2016 gender identity law that successfully reduced many of the law's protections. This raises a related puzzle: Why were Bolivia's advances in LGBTQ+ rights accompanied by blatantly heteronormative laws?

We address both puzzles with an argument about the parties and constituencies that back LGBTQ+ rights legislation. We suggest that centrist and leftist parties with strong ties to social movements are particularly likely to enact anti-discrimination proposals into law. We join scholars who link LGBTQ+ rights expansion to the broader political context. We bring insights from research on parties to LGBTQ+ politics: we emphasize that the structure of the party in power shapes activists' likelihood of policy success. We show that in the context of strong party-social movement ties, trans activists in Bolivia leveraged their increased access to legislators in the Movement Towards Socialism (MAS) party and benefited from the expansion of LGBTQ+ legislation across the region. We argue that parties with strong social movement ties are more likely to advance LGBTQ+ rights because these parties' governing and electoral coalitions often include LGBTQ+ civil society groups and are less likely to include organized homophobic and transphobic religious groups. Where these coalitions do include organized religion, we suggest that the coexistence of LGBTQ+ rights expansion and heteronormative laws become more likely.

We outline a brief history of LGBTQ+ rights in Latin America, focusing on the wave of gender identity rights since Uruguay's groundbreaking 2009 gender identity law and the transnational activist networks behind the expansion. In this article, we focus on gender identity laws because of their impact on how trans people interact with the state and participate in politics, the laws' rapid spread, and the dearth of research on gender identity laws in political science. We draw on research about parties, social movements, and the LGBTQ+ politics literature to build the argument. We illustrate the argument with a case study of the passage of the Bolivian gender identity law and the legal backlash that gutted parts of the law. We develop the case study using interviews with Bolivian officials and activists, NGO reports, newspaper articles, and research by Bolivian activist-scholars. We conclude with a brief discussion on the similar dynamics behind gender identity legislation or lack thereof in Argentina, Chile, Ecuador, Uruguay, Paraguay, and Colombia and the many open research questions about the expansion of trans rights.

Gender Identity Rights in Latin America

Latin America experienced a "gay rights revolution" in the 2010s as activists won victory after victory in courts and legislatures around the region.⁶ The rights revolution now extends to trans rights: half a dozen countries have passed activist-written gender identity laws, anti-discrimination clauses are quickly spreading, and Argentina, Uruguay, and

Chile provide free gender-affirming healthcare that includes medical transition.⁷ This article focuses on gender identity laws because of their deep impact on how trans people experience citizenship and the dearth of research on gender identity laws in political science.

Gender identity laws reduce discrimination and increase access to employment, healthcare, housing, and government by allowing people to align their official identification documents (IDs) with their gender identity and expression.⁸ Gender affirming IDs are associated with improved education, employment, safety, healthcare, and political participation,⁹ while incongruent IDs are associated with violence and discrimination.¹⁰ Gender affirming IDs are particularly important for political participation, like voting, and for accessing public goods and services.¹¹

In 2009, the Uruguayan legislature passed a law that established a right to gender identity and the free expression of gender identity by establishing a routine administrative process for people to change their name and gender data on official documents.¹² Prior to Uruguay's law and a 2017 Inter-American Court of Human Rights advisory ruling, trans people in most Latin American countries could not change their gender on identity documents and either could never change their names or only change them with a court order.¹³ Many countries in the region now allow gender and name changes (with varying levels of difficulty) without judges' or doctors' orders, either through gender identity laws, administrative law, or court decisions. A significant minority—Venezuela, Paraguay, Nicaragua, the Dominican Republic, and Honduras—still prohibit gender and/or name changes on government documents.¹⁴

Activists in Argentina wrote and passed a ground-breaking gender identity law in 2012 that added a right to medically transition in the public health system.¹⁵ While court and administrative decisions had tacitly established this right to medical transition in a handful of other countries, including Chile and Brazil, the Argentine law was the first piece of legislation that explicitly granted a right to medically transition and directed state resources to trans healthcare. The law passed the Argentine Senate almost unanimously, establishing a right to gender identity and defining gender identity as individually experienced and determined. This step was particularly important because, globally, most laws at the time that enabled people to change their identity documents or medically transition also required documentation from psychiatrists, therapists, general practitioners, or judges. These steps cost large sums of money and dozens of hours that many trans individuals do not have. The Argentine law de-pathologized the name and gender change process by establishing that any citizen could apply for changes to their identity documents without any medical documentation. Scholars have found that legal recognition is associated with empowerment in the transgender population in Argentina.¹⁶

Activists worldwide took note of Argentina's success and proposed legislative projects of their own. In Bolivia, Ecuador, and Chile, activists started to develop similar legislation within their own governments.¹⁷ In each of these three countries, activists wrote the initial proposal and then lobbied representatives in the leftist, social movement-oriented parties in power—Movement towards Socialism (MAS) in

Bolivia, Proud and Sovereign Homeland (Alianza PAIS) in Ecuador, and the Socialist Party in Chile—to take up and pass the legislation. Bolivia and Ecuador passed laws in February and May of 2016, establishing a right to gender identity based on constitutional rights to identity, gender, and freedom from discrimination and setting out a simple administrative process for changing names and gender data on official documents. While these take language from the Argentine law, they do not mention medical transition.

Chile's 2018 law enables Chileans to change their names and gender data and facilitates medical transitions through the public healthcare system.¹⁸ The law builds on previous administrative law and court decisions that had enabled trans people to access care at public hospitals. Lawsuits and court rulings expanded the 2018 law to include nonbinary identities, and the state issued the first nonbinary identification card in 2022. Uruguay updated its law in 2018 to recognize nonbinary identities and to allow individuals to medically transition within the public healthcare system and change their documents without medical documentation. Argentina subsequently updated its law to also recognize nonbinary identities.

The Argentine, Chilean, Spanish, and Uruguayan laws are the most progressive gender identity laws in the world at the time of writing. They recognize self-determination and free expression of gender identity and guarantee state resources to help individuals affirm those identities through public healthcare systems. They rely on the individual's informed consent, rather than letters from third party authorities like doctors and judges. These laws remove huge financial burdens from trans and nonbinary individuals and could help to reduce inequality and poverty among gender diverse communities. Laws and constitutions in Argentina, Bolivia, Chile, Ecuador, Uruguay, Colombia, and Brazil protect gender identity and sexual orientation and allow individuals to have their identities recognized and protected by the state.¹⁹ A handful of other countries protect sexual orientation but not gender identity.²⁰

However, even those countries that provide strong de jure protections can lag significantly behind in terms of de facto enforcement. For example, Bolivian trans activists report that in 2022 they frequently have to educate state bureaucrats about how the gender identity law works when they apply for updated identification documents and that no coordination exists across government institutions to update a person's name and gender data once their official identification documents change.²¹ Similarly, Chilean activist Shane Cienfuegos spent eight years suing the state before receiving the country's first nonbinary identity document, and their lawyer states that there are hundreds of similar, unresolved cases.²²

Paradoxically, Latin America is also the region with the most documented violence against LGBTQ+ people and has wide variation in legal protections for trans and nonbinary people.²³ Hundreds of gay, lesbian, nonbinary, and especially trans people are murdered every year across the region in blatant hate crimes.²⁴ While some countries provide free medical care and gender-affirming documents, others, like Paraguay, prohibit any name and gender data changes and endorse state-sponsored censorship of gender diversity.²⁵

Political Parties, Social Movement Ties, and LGBTQ+ Rights Legislation

National legislatures rarely pass LGBTQ+ rights legislation because in most countries, majorities of voters are opposed to LGBTQ+ rights and LGBTQ+ people have little if any political representation.²⁶ Even in places where activists expected national leaders and their parties to be receptive of LGBTQ+ demands, the record is mixed.²⁷ For example, activists and observers expected the Latin American leftist parties that took power in the early 2000s to expand LGBTQ+ rights because their electoral platforms included broad human rights expansions.²⁸ Yet, leftist parties have proven unreliable allies for LGBTQ+ activists due to entrenched homophobia and transphobia as well as alliances with powerful religious groups.²⁹ Perhaps contrary to expectations, a few center-right ruling parties—namely Chile’s National Renewal Party under Piñera and Argentina’s Republican Proposal Party under Macri—have adopted some LGBTQ+ rights into their agendas or their members have voted for LGBTQ+ rights legislation as public opinion in those countries has shifted in favor of LGBTQ+ rights.³⁰

We argue that the structure of the party in power shapes activists’ likelihood of policy success. Specifically, open party structures with greater participatory channels and more direct policy input from their bases are more likely to pass activists’ legislation initiatives. This approach is helpful in understanding why we observe pro-LGBTQ+ rights rhetoric and action across much of the ideological spectrum and can explain the parallel presence of LGBTQ+ rights alongside blatantly heteronormative laws.

Social Movement Ties We suggest that the greater the interaction between social movements and political parties—with social movement parties being at one end of that interaction—the more likely we are to observe legislation that expands LGBTQ+ rights. Researchers have thoroughly documented the influence of social movements in electoral politics and the centrality of social movements in the expansion of LGBTQ+ rights.³¹ On the one hand, social movements may have little to no influence on a political party. On the other, a social movement can form a party as its electoral vehicle in national politics.³²

Social movements’ interaction with political parties opens bottom-up participation channels into the policymaking process and the incorporation of demands unanswered by more traditional political parties with no ties to social movements.³³ When electoral success for a political party depends on support from a social movement, the party is responsive to movement demands.³⁴ This enables a more open political structure—contexts where there are viable means of political access and where politicians are willing to listen.³⁵ Parties with strong social movement ties distinguish themselves from other prospective political allies for LGBTQ+ activists by giving them greater opportunities to write, propose, and expand policy. LGBTQ+ activists are more likely to be part of parties with strong ties to social movements and to be recognized by the party leadership as an important constituency. The coalitions behind these parties enable LGBTQ+ activists to be part of powerful alliances with direct influence in the policymaking process within

the party.³⁶ Party leadership, candidates, and appointees often draw directly from the ranks of social movements. For example, in Bolivia, the MAS treats social movements and civil society organizations as training grounds for candidates and political appointees. Nominating or appointing an activist strengthens the party's connections to that activist's movement, which the party treats as expanding or maintaining its voter base. Appointed activists in turn then have access to party resources and the levers of government, which can be used in service of their movement.³⁷

Organized Religion and Heteronormative Law We suggest that party structures can also help explain the parallel presence of LGBTQ+ rights and heteronormative law. Religious organizations form the largest organized opposition to LGBTQ+ rights around the world.³⁸ In *When States Come Out*, Ayoub links the degree of religious nationalism to variation in LGBTQ+ rights in Europe. Similarly, in *The Politics of LGBTQ Rights Expansion in Latin America and the Caribbean*, Corrales partially explains varying levels of resistance to LGBTQ+ rights with religiosity and especially the reach and political power of Evangelical churches across Latin America. A party can count both social movements and organized religious groups within its electoral base, offering both access to the policy making process.

Parties with ties to social movements have increased their political presence in many countries by configuring themselves as multiethnic, multiclass, and multisectorial coalitions that bring together diverse interests.³⁹ Parties in diverse societies like Bolivia, Ecuador, and Brazil must therefore address the identities and preferences of their many constituencies and the electorate at large. These constituencies often disagree vehemently over gender roles, racism, religion, inequality, and minority rights. Parties with ties to LGBTQ+ groups and organized religion with anti-LGBTQ+ stances need to simultaneously respond to these constituencies. When this happens, parties may introduce both LGBTQ+ rights bills and heteronormative legislation. Additionally, pro-LGBTQ+ legislation can be challenged and altered by parties with stronger religious constituencies. There is significant regional and temporal variation in the presence, organization, and political access of religious groups that appears to influence the outcome of LGBTQ+ legislation in many countries.

Hypotheses We envision a party's social movement ties as a continuum ranging from no interaction with social movements on one end to a social movement-based party on the other end. This activity intersects with the strength and agendas of organized religious groups in a country. We hypothesize that where parties with strong ties to social movements operate in societies with mobilized and anti-LGBTQ+ religious groups—the third quadrant in Table 1—we are more likely to observe both LGBTQ+ rights and overtly heteronormative law rather than the absence of LGBTQ+ rights. This is the hypothesis that departs from the expectations of existing literature. For example, competing social movements and religious activists enshrined both sexual orientation anti-discrimination

Table 1 2x2 of Theoretical Expectations

	Social movement ties strong	Social movement ties weak
Power of organized religion low	LGBTQ+ rights legislation likely	LGBTQ+ legislation unlikely
Power of organized religion high	Contradictory legislation likely	Anti-LGBTQ+ legislation likely

clauses and definitions of marriage as between one man and one woman in the Bolivian and Ecuadorian constitutions.⁴⁰ Both constitutional assemblies were projects by leftist parties with deep social movement ties that brought together civil society representatives to create new constitutions that expanded social rights. The parallel presence of conflicting legislation is the result of the parties' response to multiple constituencies. Our expectations are summarized as hypotheses in the 2x2 in Table 1.

Parties with few social movement ties have no regular or institutionalized relationships with them. When these parties are in power in a country where organized religion is not politically powerful or not homophobic (second quadrant), we hypothesize that they are unlikely to pass any LGBTQ+ legislation. This is the example of the Brazilian Democratic Movement Party (PMDB), a center-right party in Brazil with few social movement ties and the party of Presidents Sarney and Temer. However, when these parties are in power in a country where organized religion is politically powerful and homophobic (fourth quadrant), like the Colorado Party in Paraguay under Presidents Cartes and Peña, we theorize that they are more likely to pass anti-LGBTQ+ legislation. These hypotheses follow the existing literature on LGBTQ+ rights expansion, political context, and organized religion. At the other end of the continuum are parties with strong ties to social movements who maintain regular, institutionalized relationships through working groups, policy input, and candidate nominations. Where these parties govern with few ties to organized religion (first quadrant), like the Broad Front party in Uruguay or the Socialist Party in Chile, we hypothesize that they are likely to pass LGBTQ+ rights legislation. These hypotheses add to and extend the existing literature on LGBTQ+ rights expansion.

Scope Conditions The first scope condition is that we expect our argument to apply to centrist and leftist parties, but not to conservative parties. Centrist parties are more likely to attract politicians and constituencies with heterogeneous interests⁴¹ and, therefore, are more willing to work with a diverse set of social movements and integrate a wider set of demands. Second, leftist parties' platforms often include broad human rights expansions. However, we expect conservative parties to pass no or anti-LGBTQ+ legislation under current political conditions, but not mixed or pro-LGBTQ+ legislation. Theoretically, LGBTQ+ activists could work with conservative parties in the ways that we have theorized. In practice, we have no examples of this happening. We expect that

this may change with time. Currently, conservative parties with ties to social movements tend to develop ties to conservative religious movements that are almost universally against LGBTQ+ rights.⁴² In the handful of examples that we have of LGBTQ+ activists within conservative parties, larger and more powerful religious constituents overrule any attempt to advance LGBTQ+ rights within the party.

The second scope condition is that we expect our argument to apply in places with an active LGBTQ+ movement. The process that we theorize here cannot happen without organized and mobilized activists to pressure politicians for rights and write model legislation. Without an LGBTQ+ movement, we do not expect legislatures to pass LGBTQ+ rights laws. Relatedly, social movement-party ties are insufficient in the absence of coherent policy, and transnational LGBTQ+ activist networks supply activists in different countries with policy projects that activists can adapt to local needs. In *When States Come Out*, among other publications, Ayoub demonstrates that LGBTQ+ activists across Europe share information and resources and learn from each other's successful and frustrated campaigns. Ayoub also shows that activists have built regional networks between civil society groups and regional governments.⁴³ Transnational activism and policy diffusion appear to be present and important in every case with a gender identity law and many without. As a result, we treat transnational activism and policy diffusion as a necessary background factor, but our focus is on the variation in social movement-party ties that institutionalize activists' efforts.

Finally, because our argument revolves around political parties and their constituents, the third scope condition is that the political system meets at least minimal definitions of democracy in which political parties exist, face at least some competition, and are at least minimally responsive and accountable to constituents.

In the following sections, we trace Bolivian LGBTQ+ activists' experiences through eras of low political influence in an officially Catholic state to the competing interests of the early MAS era and then to moderate political influence in the MAS under an officially secular state. We show how activists have adapted policy from other countries and increasingly written LGBTQ+ legislation as social movement actors have gained influence in party politics and as organized religious groups have lost influence.

Methods

We are interested in why activists succeeded in advancing trans rights legislation when most voters oppose it and why LGBTQ+ rights legislation is sometimes accompanied by heteronormative legislation. To answer these research questions, we need cases where 1) legislation passed but 2) where public opinion did not support the legislation and 3) with heteronormative legislation. In Latin America, two countries meet all three conditions: Bolivia and Ecuador. Of those options, we selected Bolivia because others have written about Ecuador's experience,⁴⁴ and we, the authors, have more connections to Bolivian officials, activists, and academics. Other Latin American countries meet one or two conditions. For example, in Uruguay, Argentina, and Chile, LGBTQ+ rights

legislation has passed with most voters in favor. In Brazil, Colombia, and Costa Rica, LGBTQ+ rights have primarily advanced through court decisions and administrative law, rather than legislation.

We address the research questions and illustrate the theory through a detailed case study of Bolivia's gender identity law, Law 807 of 2016. We selected Bolivia because it is a case where adverse conditions suggest that a gender identity law would not pass: trans Bolivians face extreme discrimination, most Bolivian voters do not support LGBTQ+ rights, and only one openly LGBTQ+ person has ever been elected to any national office. Yet the Bolivian case becomes a pathway case if we consider other factors.⁴⁵ For example, Bolivian activists are highly networked, and Bolivia has a robust social movement party that has dominated domestic politics since 2006.

We interviewed twenty-eight activists, officials, and academics involved in multiple LGBTQ+ rights proposals in Bolivia as well as Chile, Ecuador, and the United States between May 2022 and August 2023. To develop the Bolivian case, we interviewed nineteen officials and activists in three departmental capitals of Bolivia: La Paz, Santa Cruz, and Trinidad. The interviewees are primarily trans, with some cisgender gay, bisexual, and straight allies. The interviewees include government officials and activists involved in the drafting of the gender identity law and its implementation, founders of the country's first trans organizations, and younger activists who use and implement the law. We primarily interviewed activists because activists had more information on trans politics and policy than most other experts. Additionally, many activists had participated in drafting, proposing, lobbying for, and then implementing legislation over a decade whereas officials, with a few notable exceptions, had participated in only one or two stages. We use a chronologically-assigned letter of the alphabet for lesser-known officials and activists to protect confidentiality, and we quote with attribution and enthusiastic consent the well-known public figures who frequently appear in the national press. We supplement the interviews with legal texts, academic and NGO reports, and news coverage from Bolivia's main newspapers. More details on the interviews, authors' positionality, and research ethics can be found in the Appendix.⁴⁶

Bolivia's Gender Identity Law

Contemporary Bolivian activists use the term *diversidad sexual y de género*, or sexual and gender diversity, to describe all gender and sexual identities, roles, and practices; we approximate *diversidad sexual y de género* with the term *gender diverse*. Gender diverse Bolivians began organizing for rights and political representation in the 1990s and 2000s.⁴⁷ Bolivian trans activists formed trans sex workers' unions in Santa Cruz and La Paz in the 1990s and early 2000s, and these organizations quickly launched projects around identity documents and police harassment.⁴⁸ Activists from the sex worker unions founded larger civil society organizations that coordinated with activists around Latin America, such as the Organization of Transfeminine People of Bolivia (OTRAF). Trans organizations founded the national Miss Trans Bolivia competition and began to

hold national congresses of trans activists at the competitions. These organizations and activists participated in national protest movements in the early 2000s and made alliances with the *Movimiento al Socialismo* (MAS) government starting in 2005. Activists proposed and drafted the gender identity law using these networks.⁴⁹

The 2009 Constitution and Article 14 Bolivia was rocked by repeated waves of protest in the early 2000s, with protests frequently blocking highways and airports for months on end and effectively shutting down the country.⁵⁰ The MAS party, led by Evo Morales, gained national prominence during the protests and built a powerful electoral coalition that included gay and trans activists and organizations. MAS started as the local political party of an indigenous social movement but gained national appeal by fusing multiethnic, multiclass, and multisectorial movements that brought together many interests.⁵¹ The MAS won the 2005 national elections and owed their electoral success to a wide range of social movements, including the indigenous women's movement, a faction of the feminist movement, and some groups in the LGBTQ+ community.

One of the MAS's campaign promises was to rewrite the constitution to better reflect and represent a diverse nation. No representatives of the LGBTQ+ movement were elected to the 2006–2007 constitutional assembly, but their connections to feminist representatives enabled LGBTQ+ activists to propose clauses. The LGBTQ+ movement mobilized to protect gender identity and sexual orientation, for the separation of church and state, and to define marriage as between any two consenting adults; the first two of these three efforts were successful. The highly active and networked LGBTQ+ groups and activists reached out to many parts of the assembly.⁵² LGBTQ+ activists were in touch with activists in other countries and drew valuable lessons from the experiences of the constitutional processes in Ecuador and South Africa.⁵³ Gay activist Ronald Cepedes, with an alliance of Bolivian grassroots organizations that was a core constituency of the MAS, became the spokesperson for the LGBTQ+ movement in the Rights, Duties and Guarantees Commission of the Constituent Assembly.⁵⁴

Aruquipa et al. argue in *Memorias Colectivas* that LGBTQ+ activists were key players in refounding the state. The 2006–2007 constitutional assembly and the 2009 constitution were envisioned as a project to decolonize, rethink, and transform the Bolivian state. Several scholars have highlighted crucial improvements in descriptive representation and overall participatory and inclusionary features.⁵⁵ Much of the 2009 constitution promotes the rights of the indigenous population and also contains articles that address the rights of women and the LGBTQ+ community, as well as officially separating church and state. Alvarez, Aruquipa, and Absi argue that for some LGBTQ+ groups, the refounding of the country as a plurinational and secular state that explicitly acknowledged in its constitution its various nations and peoples opened the door to discussions about the social construction of sexuality and gender.⁵⁶

However, the LGBTQ+ movement's proposal for gender-neutral language about marriage was discarded at the last minute. Article 63 was rewritten to define marriage as between one man and one woman, after pressure from organized religious groups

like the National Association of Evangelicals of Bolivia.⁵⁷ Still, by establishing non-discrimination based on gender identity or sexual orientation, Article 14 of the constitution set a strong precedent and a legal tool for the drafting and eventual approval of the gender identity law. Several existing laws have also been modified to reflect the gender identity anti-discrimination clause in the constitution. Articles 14 and 63 are examples of high involvement from both social movements and religious groups leading to simultaneous and contradictory heteronormative and pro-LGBTQ+ laws.

Drafting the Gender Identity Law Trans activists from around Bolivia started drafting a national gender identity law at the 2010 Miss Trans Bolivia competition and national congress, months after Uruguay passed a landmark gender identity law in 2009. Laura Libertad, the president of OTRAF at the time, described a scene where over seventy trans activists from around the country gathered to enumerate the rights and clauses that they wanted in the law.⁵⁸ One interviewee remembers getting in touch with Argentine activists who had drafted a similar but broader law in Argentina that was passed in 2012:

We simply copied the Argentine law. We used it as a base to start working on what we needed. ... We were in contact with the Trans Coordinating Committee in Argentina and the Latin American and Caribbean Network of Transgender People [RedLacTrans], which really helped us. We had meetings with them principally about the proposal and the design of the law.⁵⁹

Also inspired by the Argentine experience, MAS senator Hilda Saavedra presented a bill to legalize same-sex marriage twice in 2012 and again in 2013. Although Saavedra's initiatives were unsuccessful, her affiliation with the MAS gave the LGBTQ+ movement optimism about future legislation.⁶⁰

In 2010, it was possible for Bolivians to change their name and gender data on their national identity documents, but it was difficult and expensive. Bolivians had to individually go through the courts with doctors' affidavits, and the process took at least two years and thousands of bolivianos, often thousands of dollars, in doctors', lawyers', and court fees.⁶¹ Laura Libertad points out that "the whole thing pathologized us.... To access this right, people pathologized themselves."⁶² Several high-profile activists successfully changed their names and gender data, but the option priced out the vast majority of trans Bolivians, who mostly make low wages in informal jobs.⁶³

OTRAF and another trans organization, the Trans Network of Bolivia (TREBOL), presented legislative proposals to the Ministry of Justice in 2011. Trans activists had developed connections with the Ministry of Justice, and the Ministry facilitated these legislative proposals through workshops between activists and lawyers and repeated input from the MAS government. After combining the proposals, trans activists presented a simple legislative project that recognized gender identity and enabled Bolivians to change their names and gender data quickly. In Laura Libertad's words, the proposal

meant that “there wouldn’t be psychologists, psychiatrists, or judges deciding if one is trans or not, that it would be administrative.”⁶⁴

The original proposal included language that trans people could have used to request hormone therapy and gender confirmation surgeries from public health institutions, modeled after the Argentine law. The Bolivian Ministry of Health rejected the inclusion of any reference to healthcare in the proposal.⁶⁵ Activists decided to remove healthcare and push for a right to change names, gender data, and photos on identification documents. Of the cuts, one activist involved in drafting the proposal stated, “They told us to cut it and eleven articles were left. It was proposed and they approved it quickly. Why? Because it didn’t cost the state a thing.”⁶⁶ The executive branch approved the proposal, and President Evo Morales personally filed it before Congress in 2015.

The Gender Identity Law The Bolivian National Congress debated the law in 2015. The political context facilitated the law’s passage: MAS had won a legislative supermajority in the 2014 national elections. This was a moment with high social movement involvement in the party and low religious influence as well as declining religious identification nationwide. The MAS supermajority included representatives from social movements who had expressed vocal support for the gender identity law, and these legislators would not face voters again until 2019.⁶⁷

There has never been an openly trans member of the Bolivian National Congress and only one openly LGBTQ+ representative, Manuel Canelas, a gay man elected in 2014. Canelas was a national representative from the MAS party who also held other high-ranking positions during the MAS administration. Trans activists gained extensive access to legislators and the bureaucracy through some trans activists’ long-standing membership in the MAS party, LGBTQ+ activists like Canelas in the bureaucracy, and the MAS party’s mechanisms to receive input from social movements.⁶⁸ For example, Diana Málaga and Laura Libertad, both indigenous trans women with extensive résumés in civil society leadership, have maintained membership in the MAS party since the early 2000s as *militantes*, or vocal and visible party organizers. As well-known *militantes*, they have the cellphone numbers of various politicians and bureaucrats who they can call for favors, requests, and meetings.⁶⁹ OTRAF had many contacts within the Ministry of Justice, the Ministry of Women, and the Office of the Public Ombudsman. These contacts and influence helped the activists draft a law that the administration would accept and then maneuver it to a floor vote. The LGBTQ+ movement was also able to capitalize on increased contact with the government designed to appease outrage over President Morales’s off-script homophobic remarks to his Minister of Health during a speech in 2015.⁷⁰

One key activist-turned-bureaucrat, David Aruquipa, had extensive connections with trans activists as well as MAS politicians and bureaucrats. Aruquipa and the drag art collective La Familia Galán allied with MAS in the 2005 elections. After Aruquipa assisted with the administration’s transition, the new ruling party appointed him to a

post in the Ministry of Culture. He used this position to direct resources to the LGBTQ+ community and incorporate the community into Ministry programming. As he advanced in his career, he gained access to legislators, many of whom he knew from their activist days, and learned internal rules and regulations as well as how to write, pass, and implement legislation. He used these connections and information to help trans activists write and advance the gender identity law.⁷¹

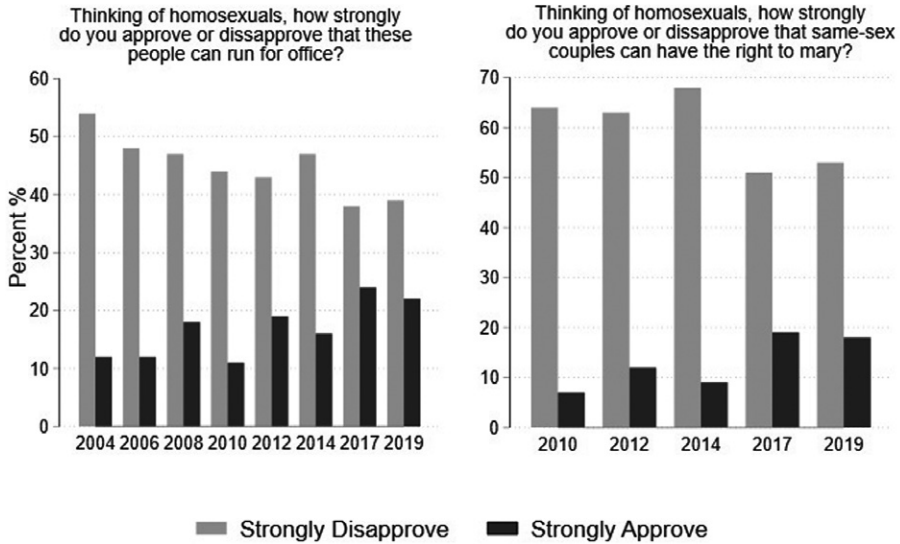
Trans activists remember huge debates between MAS representatives from urban areas, who supported the bill, and some representatives from rural, indigenous, and Evangelical constituencies, who opposed it. OTRAF president Luna Humerez explains, “We all participated in lobbying efforts in the upper and lower chambers with senators and representatives, speaking about the law and the importance of identity.”⁷² Indigenous trans activists like Diana Málaga and Laura Libertad spoke with indigenous and rural representatives one-on-one to try to convince them that the proposed law protected human rights for trans people without infringing on anyone else’s rights.⁷³

Former President Evo Morales and Vice President Álvaro García Linera, commanding figures within the MAS, publicly supported the law as an expansion of human rights. Diana Málaga, Laura Libertad, and the MAS leadership convinced many of the rural and indigenous MAS representatives to ultimately vote for it. The majority of MAS representatives supported the law on human rights grounds and a few centrist opposition lawmakers did as well. The law passed the lower chamber largely along party lines but passed the Senate nearly unanimously, with a single dissenting vote from an Evangelical opposition lawmaker. Luna Humerez remembers, “When the law passed in the Senate, I remember very well that everyone voted in favor except for one person.... Everyone else voted ‘Yes,’ including the opposition.”⁷⁴

Aftermath and the Constitutional Court The Evangelical lawmakers who opposed the law were unable to block its passage given the MAS supermajority and presidential support. However, they had public opinion on their side. Figures 1–2 offer a picture of this support. The Latin American Public Opinion Project (LAPOP) asked a nationally representative sample of Bolivians their opinions on same-sex marriage every two years from 2010–2019 and about their opinions on gay and lesbian people running for office every two years from 2004–2019. We take these questions as a proxy for support of LGBTQ+ rights more generally, including trans rights, because to our knowledge, no survey has asked Bolivians about their opinions on trans issues and rights. While research in other countries shows that opinions on trans rights can diverge from opinions on gay and lesbian rights, the documented divergence is always less support for trans rights and issues.⁷⁵ Thus, if Bolivian public opinion on trans rights differs from the data on gay rights, it likely means that the gender identity law had even less popular support than what we show here.

Over the fifteen years that LAPOP asked these questions, the proportion of Bolivians who strongly disapprove has dropped (see Figure 1). In 2010, 44 percent of Bolivians

Figure 1 Public Opinion on Gay Rights in Bolivia, 2004–2019



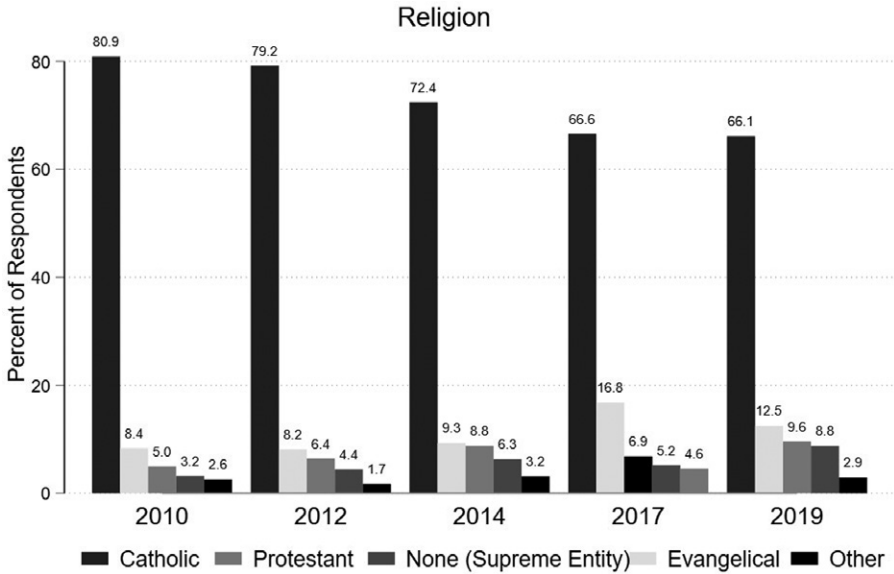
Source: LAPOP.

strongly disapproved of gay candidates while 64 percent strongly disapproved of equal marriage; only 11 percent and 7 percent of Bolivians strongly approved, respectively. By 2017, the year after the gender identity law, 38 percent and 51 percent of Bolivians strongly disapproved of gay candidates and equal marriage, respectively, while strong approval had more than doubled to 24 percent and 19 percent. Disapproval increased in 2014 as the legislative assembly debated modifications to the Family Code that brought discussions over the meaning and obligations of family, parenthood, and equal marriage front and center.⁷⁶ Support for LGBTQ+ rights has increased in Bolivia but remains below 25 percent of surveyed respondents.

In 2019, over 88 percent of Bolivians identified with an organized religion and over 50 percent opposed LGBTQ+ rights.⁷⁷ Figure 2 shows religious affiliation and religiosity, respectively. The number of Catholics had declined from 80.9 percent of the population in 2010 to 66.1 percent in 2019, while the number of Evangelicals has risen from 8.4 percent to 12.5 percent over the same period. In public opinion surveys, the percentage of those who believe that religion is very important exceeds 50 percent in each survey wave, and in 2019 it reached 70 percent.⁷⁸ The Democratic Christian Party led by Chi Hyun Chung, an Evangelical pastor, gathered 9 percent and 8.8 percent of the vote in national elections in 2014 and 2019, respectively. Conservative parties also garner significant numbers of religious voters and often place second in national elections.

In the weeks following the approval of the gender identity law, several religious civil society groups led by the Platform for Life and Family mobilized in protest

Figure 2 Religious Identification in Bolivia, 2010–2019



Source: LAPOP.

across regions in the country, with the largest mobilization in Santa Cruz, a bastion of the Catholic Church and organized religion. Evangelical lawmakers deployed an institutional strategy that is common among civil society organizations: they appealed to the courts, arguing that the gender identity law infringed on the rights of cisgender Bolivians. They argued that changing one’s gender data infringed on the constitutional clause that defines marriage as between a man and a woman and gender-based quotas that ensure equal representation for women in elections. The constitutional court agreed and interpreted the constitution’s use of “men” and “women” to mean “cisgender men and women” in various clauses.⁷⁹ The court issued a decision that invalidated Article 11 of the gender identity law, ruling that any Bolivian who changed their gender data under the law would not be able to marry, adopt, or run for public office as a woman.⁸⁰

Trans activists have challenged the court’s interpretation. Trans activists and organizations proposed another law that would address the contradictions in the constitution between Articles 14 and 63 and restore trans Bolivians’ marriage, adoption, and political rights. However, they have not found sufficient support to move the proposal forward. Several obstacles that did not exist in 2015 complicate the path of the second proposal: MAS lost its supermajority, the political crisis of 2019 resulted in multiple elections, and the pandemic and political crisis increased the power of Evangelical lawmakers.⁸¹

Discussion

At the time of writing, Uruguay, Argentina, Chile, and Ecuador have also passed gender identity laws, while Brazil, Colombia, Panama, and Costa Rica have bureaucratic rules or court decisions that grant similar rights to trans citizens.⁸² Around the world, New Zealand, South Africa, Botswana, Pakistan, India, and many European countries have expanded gender identity rights through court decisions and bureaucratic rule changes, while Spain passed an expansive trans rights law in 2022 and a law is moving through the German parliament in 2023. On the other hand, laws in Russia, Hungary, South Sudan, Malawi, Indonesia, Saudi Arabia, Oman, Jordan, Lebanon, Kuwait, the United Arab Emirates, and many U.S. states restrict or criminalize gender identity rights (these are not exhaustive lists).⁸³

In Argentina, Chile, and Uruguay, trans activists worked closely with the parties in power to pass broad gender identity laws that voters supported and faced little organized opposition from religious groups. In Uruguay, the Broad Front (FA) underwent a complex transition from a predominantly urban, center-left mass party to a party with an increasingly diverse electoral base that included a wider set of citizen organizations and movements.⁸⁴ The Broad Front worked closely with LGBTQ+ organizations to write and pass comprehensive LGBTQ+ rights legislation, including Latin America's first gender identity law.⁸⁵

In Chile, the Bachelet administration spent years developing a gender identity law with heavy activist involvement. Chile's Socialist Party has deep social movement ties and, according to Chilean trans activists, worked more closely with them than any previous administration.⁸⁶ While the final vote on Chile's gender identity law took place one month into the center-right Piñera administration, the law had been written, proposed, filed, and voted on under the Bachelet administration. In Argentina, several landmark LGBTQ+ laws were passed under Front for Victory (FPV) administrations, an electoral coalition that brought together several political parties with ties to civil society organizations and social movements. Representatives worked closely with the Argentine Federation of Lesbians, Gays, Bisexuals, and Trans (FALGBT) and other organizations to write and pass the gender identity law and the equal marriage law, and several of FALGBT members were officials in Front for Victory administrations.⁸⁷

Ecuador's experience echoes the dynamics that we describe in Bolivia: a party with deep social movement ties passed activist-written legislation that expanded trans rights, but also endorsed a constitutional definition of marriage as between one man and one woman. In Ecuador, Alianza PAIS's ties with civil society organizations, movements, and collectives provided opportunities for LGBTQ+ organizations to include their demands in the drafting of the 2008 constitution.⁸⁸ Alianza PAIS successfully ran multiple LGBTQ+ candidates, including Ecuador's first elected trans politician, Diane Rodriguez. Trans activists and organizations approached the Correa administration and met with ministries to draft and then pass Ecuador's gender identity law in 2016.⁸⁹ Trans organizations report that Correa's Alianza PAIS administration has been the only administration that worked closely with trans organizations.⁹⁰

Parties in power without deep ties to social movements may still expand trans rights, but these expansions appear to advance incrementally through bureaucratic rule changes

or courts. Administrations in Colombia, Costa Rica, and at times the United States and Brazil fall into this category. In Colombia, trans rights have advanced through court decisions brought by civil society organizations during conservative administrations. LGBTQ+ organizations in the country had around nine judicial successes, the first in 1993 and the remaining between 2007 and 2016.⁹¹ Administrations in these countries have fewer ties to the countries' active trans social movements and face opposition from conservative parties, organized religion, and their constituencies that complicate any attempt at legislation. These cases highlight the judicial path towards LGBTQ+ rights expansion, a path that Javier Corrales argues that activists use when other paths close.⁹² Per our argument, social movement-party ties in these contexts are weak, and we are unlikely to observe national legislatures expanding sexual or gender minority rights. One weakness of bureaucratic rule changes and some court decisions is that the opposition can roll back rights when the administration changes, a version of which played out in the United States under the Trump administration and many subnational governments.

Some administrations and leaders have explicitly opposed trans rights, such as the Colorado Party in Paraguay, Bolsonaro in Brazil, Trump in the United States, and Ortega in Nicaragua. In Paraguay, anti-LGBTQ+ political power is strong, and the ruling party has few ties to social movements and no ties to LGBTQ+ activists.⁹³ The Paraguayan constitution defines marriage as between one man and one woman. In 2017, the Colorado administration declared that it would ban all "gender ideology" from educational materials, and the Minister of Education publicly offered to burn books.⁹⁴ The LGBTQ+ policy group EqualDex lists Paraguay as a state sponsor of censorship of LGBTQ+ issues.⁹⁵

Political parties in power that had deep ties with social movements and counted LGBTQ+ groups as important constituents have been more likely to pass trans rights legislation than other administrations. Trans organizations leveraged their access to these political parties and openly LGBTQ+ officials to introduce their demands for rights into the policy agenda. The administrations that did not have strong ties to social movements either did not expand trans rights or did so incrementally through court cases or bureaucratic rule changes. In successful cases, the combination of open political party structures and trans activists' mobilization enabled advancements in sexual and gender minority rights.

Conclusion

Through a coordinated wave of trans activism, several Latin American countries have passed laws that facilitate gender-affirming identification documents, broad anti-discrimination protections, and, in a few countries, publicly funded gender-affirming healthcare. We argue that these changes are possible because of activists' and their social movements' connections with parties across the region. Theoretically, our argument contributes to the growing literature on the interaction between social movements and political parties and the benefits and limitations of these ties for minority group representation. Specifically, we delve into the policy consequences of this interaction. Empirically, we explore the case of Bolivia's 2016 gender identity law to illustrate our argument that

parties with deep ties to social movements are particularly likely to pass LGBTQ+ and trans-specific legislation because LGBTQ+ activists are core members of their governing coalitions. We also address why LGBTQ+ rights legislation sometimes passes along with blatantly heteronormative legislation or clauses, as happened in Ecuador and Bolivia. We argue that this outcome is likely when parties have deep ties to both LGBTQ+ and religious activists. In the case of Bolivia, many individual trans activists have allied with the powerful MAS party for over a decade, and these alliances have created access to national government that did not exist before. Still, the influence of homophobic organized religious groups and activists means that the MAS administrations have passed both groundbreaking LGBTQ+ rights expansions and blatantly heteronormative law.

This research agenda opens many questions beyond the scope of this article that we encourage other researchers to engage with. Chiefly, what are the effects of LGBTQ+ rights legislation and especially trans rights legislation? Do policies increase support for minority rights once passed, as they often have in European countries and U.S. states?⁹⁶ Do LGBTQ+ rights policies have other, more diffuse effects on sexual and gender minorities through increasing access to the state or public goods or decreasing discrimination in the private sector? Are there differences in the effect of these rights if they come through the legislature, the courts, or the bureaucracy? What are the limits of these policies?

The study addresses the much broader question of how underrepresented minority groups can protect their rights without support from the majority. In the case of Bolivia, trans activists were able to pass groundbreaking trans rights legislation without any trans representation in the National Congress and without the support of public opinion. They were able to do this by painstakingly building coalitions within the party in power and the bureaucracy, which the party's structure made possible. In this case and others, we posit that the expansion and contraction of trans rights contain important lessons for theories of democracy, citizenship, representation, and minority rights that are central to political science.

List of Interviews

Public Figures

Laura Libertad, Vice President, founding member, and former National President of OTRAF, July 26th, 2022, La Paz, Bolivia

Luna Humerez, National President of OTRAF, July 28th, 2022, La Paz, Bolivia

David Aruquipa, founding member of La Familia Galán, former Director of Cultural Heritage in the Ministry of Culture, former National President of the Colectivo TLGB, academic, July 29th, 2022, La Paz, Bolivia

Diana Málaga, La Paz Department President of OTRAF, journalist, July 30th, 2022, La Paz, Bolivia

Diane Rodriguez, President and founder, Silueta X, former national assembly representative, July 14th, 2023, Quito, Ecuador

Activists and academics

Note: we assigned letters chronologically to interviewees

- A, May 2022, Miami, FL
- B, July 2022, Santa Cruz, Bolivia
- C, July 2022, Santa Cruz, Bolivia
- D, July 2022, Trinidad, Bolivia
- E, July 2022, Trinidad, Bolivia
- F, July 2022, Trinidad, Bolivia
- G, July 2022, Trinidad, Bolivia
- H, July 2022, Trinidad, Bolivia
- I, July 2022, Trinidad, Bolivia
- J, July 2022, Trinidad, Bolivia
- K, July 2022, La Paz, Bolivia
- L, July 2022, La Paz, Bolivia
- M, July 2022, La Paz, Bolivia
- N, July 2022, La Paz, Bolivia
- O, July 2022, La Paz, Bolivia
- P, July 2022, La Paz, Bolivia
- Q, August 2022, Miami, FL
- R, October 2022, Santiago, Chile
- S, October 2022, Santiago, Chile
- T, October 2022, Santiago, Chile
- U, October 2022, Santiago, Chile
- V, October 2022, Santiago, Chile
- W, October 2022, Santiago, Chile

NOTES

We thank the activists who spoke to us about their work, as well as Rodolfo Disi Pavlic, Isabel Castillo, Simón Escoffier, Felipe Sánchez, Rodrigo Medel, Jessica Rich, Lindsay Mayka, Santiago Anria, and Linda Farthing for helpful comments. We thank the Miami Institute for Advanced Study of the Americas for a fieldwork grant that funded research in Santa Cruz, Trinidad, and La Paz, Bolivia.

1. Constitute. The Comparative Constitutions Project, <https://www.constituteproject.org/>, accessed November 18, 2022; Suzanne M. Marks, “Global Recognition of Human Rights for Lesbian, Gay, Bisexual, And Transgender People,” *Health and Human Rights*, 9.1 (2006), 33; Tessa Devereaux Evans, “Conflict and Coalition: Securing LGBT Rights in the Face of Hostility,” *Comparative Political Studies* (2023): 00104140231193012.

2. Bolivia, Asamblea Legislativa Plurinacional. Ley N. 807. Ley de Identidad de Género, May 16, 2016, <https://sistemas.mre.gov.br/kitweb/datafiles/SantaCruz/pt-br/file/bolivia%20-%20ley%20807%20-%20ley%20de%20identidad%20de%20g%C3%A9nero%20-%202022%20mai%2016.pdf>.

3. We follow gender theorist Florence Ashley's definition of trans as the "absence of correspondence between gender identity and gender assigned at birth" (Florence Ashley, "'Trans' Is My Gender Modality: A Modest Terminological Proposal," in Laura Erickson-Schroth, ed., *Trans Bodies, Trans Selves*, 2nd ed. (New York: Oxford University Press, 2022), 23). This definition of trans is intentionally broad and includes diverse gender identities such as transgender, transsexual, non-binary, agender, and more. We use the word "trans" in this article as shorthand to refer to a large and heterogeneous group of gender identities.
4. Javier Corrales, *The Politics of LGBTQ Rights Expansion in Latin America and the Caribbean* (New York: Cambridge University Press, 2021); Louise K. Davidson-Schmich, "LGBT Politics in Germany: Unification as a Catalyst for Change," *German Politics*, 26 (2017), 534–55; Rebecca J. Kreitzer, Allison J. Hamilton, and Caroline J. Tolbert, "Does Policy Adoption Change Opinions on Minority Rights? The Effects of Legalizing Same-Sex Marriage," *Political Research Quarterly*, 67 (December 2014), 795–808.
5. Phillip Ayoub, *When States Come Out* (Cambridge: Cambridge University Press, 2016); Javier Corrales, "Understanding the Uneven Spread of LGBT Rights in Latin America and the Caribbean, 1999–2013," *Journal of Research in Gender Studies*, 7 (2017), 52–82.
6. Omar G. Encarnación, "Latin America's Gay Rights Revolution," *Journal of Democracy*, 22 (April 2011), 104–18.
7. Inés Aristegui, Pablo Radusky, Virginia Zalazar, Marcela Romero, Jessica Schwartz, and Omar Sued, "Impact of the Gender Identity Law in Argentinean Transgender Women," *International Journal of Transgenderism*, 18 (2017), 446–56; Pascale Absi, "El género sin sexo ni derechos: la Ley de Identidad de Género en Bolivia," *Debate feminista*, 59 (2020), 31–47; María Eugenia Socas, Brandon Marshal, Inés Arestegui, Marcela Romero, Pedro Cahn, Thomas Kerr, and Omar Sued, "Factors Associated with Healthcare Avoidance among Transgender Women in Argentina," *International Journal for Equity in Health*, 13 (September 2014), 1–8.
8. Oralia Loza, Oscar Beltran, Adri Perez, and Jamison Green, "Impact of Name Change and Gender Marker Correction on Identity Documents to Structural Factors and Harassment Among Transgender and Gender Diverse People in Texas," *Sexuality, Gender & Policy*, 4 (November 2021), 76–105; Monica Malta, Sara LeGrand, JackTurban, Tonia Poteat, and Kathryn Whetten, "Gender-Congruent Government Identification Is Crucial for Gender Affirmation," *The Lancet Public Health*, 5 (April 2020), e178–e179.
9. Aristegui et al.; Melanie M. Bowers and Cameron T. Whitley, "Assessing Voter Registration among Transgender and Gender Non-Conforming Individuals," *Political Behavior*, 42 (2020), 143–64.
10. Kyle KH Tan, Ryan Watson, Jack Byrne, and Jaimie Veale, "Barriers to Possessing Gender-Concordant Identity Documents are Associated with Transgender and Nonbinary People's Mental Health in Aotearoa/New Zealand," *LGBT Health*, 9 (August–September 2022), 401–10.
11. Bowers and Whitley, 2020.
12. Uruguay, Asamblea General. Ley N. 18620: Derecho a La Identidad de Género y al Cambio del Nombre y Sexo en Documentos Identificatorios November 17, 2009, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/URY/INT_CCPR_ADR_URY_15485_S.pdf
13. Inter-American Court of Human Rights. Advisory Opinion, OC-24/17, November 24, 2017, https://www.corteidh.or.cr/docs/opiniones/seriea_24_eng.pdf
14. Myles Williamson, "A Global Analysis of Transgender Rights: Introducing the Trans Rights Indicator Project (TRIP)," *Perspectives on Politics* (2023), 1–20.
15. Article 11 set out a "right to free personal development" that includes access to hormones and surgery for medical transition through the public healthcare system (p.1). Article 11 states that each person can elect the treatment that they need to affirm their gender identity with informed consent and without third party prerequisites or documentation. Minors can also access medical care under a more rigorous informed consent process. Argentina, Congreso. Ley 26.743 Identidad de Género, May 23, 2012. https://www.argentina.gob.ar/sites/default/files/ley-26.743-identidad-de-genero_0.pdf.
16. Aristegui et al.
17. Elisabeth Jay Friedman, ed., *Seeking Rights from the Left: Gender, Sexuality, and the Latin American Pink Tide* (Durham: Duke University Press, 2018); Fabiola Lathrop, "Gender Identity, Human Dignity and Self-Determination in Chile," *Trans Rights and Wrongs: A Comparative Study of Legal Reform Concerning Trans Persons* (New York: Springer International Publishing, 2021), 399–435.
18. Lathrop.
19. Erin Aylward, "Intergovernmental Organizations and Nongovernmental Organizations: The Development of an International Approach to LGBT Issues," in Michael Bosia, Sandra McEvoy, and Momin Rahman, eds., *The Oxford Handbook of Global LGBT and Sexual Diversity Politics* (Oxford: Oxford University Press,

- 2020), 104–20; Javier Corrales, “The Expansion of LGBT Rights in Latin America and the Backlash,” in Bostia, McEvoy, and Rahman, eds., 184–200.
20. Williamson.
 21. F. O, interviews, July 2022; Defensoría del Pueblo, Estado Plurinacional de Bolivia, “Informe defensorial concluye que existe ausencia de garantías estatales para el ejercicio de la identidad de género en Bolivia” (March 2022), <https://www.defensoria.gob.bo/noticias/informe-defensorial-concluye-que-existe-ausencia-de-garantias-estatales-para-el-ejercicio-de-la-identidad-de-genero-en-bolivia>.
 22. S, W interviews, October 2022.
 23. Williamson.
 24. Corrales, 52.
 25. EqualDex. LGBT Equality Index. <https://www.equaldex.com/equality-index>, accessed November 18, 2022.
 26. Andrew R. Flores, “Social Acceptance of LGBT people in 174 Countries: 1981 to 2017,” (2019); Coppedge, Michael et al. 2022. “V-Dem Codebook v12” Varieties of Democracy (V-Dem) Project.
 27. Friedman, 2018.
 28. Elisabeth Jay Friedman, “Gender, Sexuality and the Latin American Left: Testing the Transformation,” *Third World Quarterly*, 30 (2009), 415–33; Andrew Reynolds, “Representation and Rights: The Impact of LGBT Legislators in Comparative Perspective,” *American Political Science Review*, 107 (May 2013), 259–74.
 29. Ayoub, 2016; Corrales, 2021.
 30. Right-wing ruling parties are frequently aligned with conservative religious groups that oppose these expansions. We have no examples of a right-wing party in Latin America passing LGBTQ+ legislation.
 31. Phillip M. Ayoub, “Cooperative Transnationalism in Contemporary Europe: Europeanization and Political Opportunities for LGBT Mobilization in the European Union,” *European Political Science Review*, 5 (July 2013), 279–310.
 32. Santiago Anria, “Social Movements, Party Organization, and Populism: Insights from the Bolivian MAS,” *Latin American Politics and Society*, 55 (Fall 2013), 19–46.
 33. Santiago Anria and Jennifer Cyr, “Inside Revolutionary Parties: Coalition-Building and Maintenance in Reformist Bolivia,” *Comparative Political Studies*, 50 (August 2017), 1255–87.
 34. Anria, 2013.
 35. Santiago Anria, *When Movements Become Parties: The Bolivian MAS in Comparative Perspective* (Cambridge: Cambridge University Press, 2018).
 36. Maraam A. Dwidar, “Coalitional Lobbying and Intersectional Representation in American Rulemaking,” *American Political Science Review*, 116 (2022), 301–21.
 37. Jessica Rich, *State-Sponsored Activism: Bureaucrats and Social Movements in Democratic Brazil* (Cambridge: Cambridge University Press, 2019).
 38. Amy Erika Smith and Taylor C. Boas, “Religion, Sexuality Politics, and the Transformation of Latin American Electorates,” Presented at the Annual Meeting of the American Political Science Association, September 2020; Ayoub, 2016.
 39. Xavier Albó, “Nación de muchas naciones: nuevas corrientes políticas en Bolivia,” in Pablo González en Casanova and Marcos Roitman Rosenmann, eds, *Democracia y Estado multiétnico en América Latina*, Centro de Investigaciones Interdisciplinarias en Ciencias y Humanidades, UNAM, Demos, México (1996), 321–66.
 40. Amy Lind and Christine Keating, “Navigating the Left Turn: Sexual Justice and the Citizen Revolution in Ecuador,” *International Feminist Journal of Politics*, 15 (2013), 515–33.
 41. Scott Morgenstern, *Patterns of Legislative Politics: Roll Call Voting in Latin America and the United States* (Cambridge: Cambridge University Press, 2003).
 42. Amy Erica Smith, *Religion and Brazilian Democracy: Mobilizing the People of God* (Cambridge: Cambridge University Press, 2019); Ayoub, 2016.
 43. Ayoub, 2013.
 44. See several of the articles cited above, as well as Fernando I. Sancho Ordoñez and R. Lucas Platero, “Memorias posibles para el Movimiento Trans* en Ecuador,” *Ex aequo*, 38 (2018), 49–65; Claudia Sofía Garriga-López, “Transfeminist Crossroads: Reimagining the Ecuadorian State,” *Transgender Studies Quarterly*, 3 (2016), 104–19.
 45. We follow John Gerring, *Case Study Research: Principles and Practices* (Cambridge: Cambridge University Press, 2006) in case selection and use his concept of a pathway case.
 46. Due to space constraints, the Appendix is not in the print version of this article. It can be viewed in the online version, at <https://www.ingentaconnect.com/content/cuny/cp>.

47. David Aruquipa, Paula Estenssoro Velaochaga, and Pablo C. Vargas, *Memorias colectivas: miradas a la historia del movimiento TLGB de Bolivia* (La Paz: Conexión Fondo de Emancipación, 2012).
48. Laura Libertad, C, interviews, July 2022.
49. Laura Libertad, B, C, interviews, July 2022.
50. Farthing, Linda C. and Benjamin H. Kohl, “Evo’s Bolivia,” *Evo’s Bolivia* (Austin: University of Texas Press, 2014).
51. Raúl L. Madrid, *The Rise of Ethnic Politics in Latin America* (Cambridge: Cambridge University Press, 2012).
52. Schavelzon, Salvador, *El nacimiento del Estado Plurinacional de Bolivia, etnografía de una asamblea constituyente*. (La Paz: Plural editors, 2012).
53. Aruquipa, Estenssoro Velaochaga, and Vargas.
54. Ibid.
55. María Teresa Zegada and Jorge Komadina, *El espejo de la sociedad. Poder y representación en Bolivia* (La Paz: CERES/Plural, 2014); Fernando Mayorga and Moira Zuazo, “Democracia intercultural y ciudadanía multicultural en el Estado plurinacional,” *Democracia participativa e izquierdas: Logros, contradicciones y desafíos* (2015), 317–82.
56. Laura Álvarez Mollinedo, David Aruquipa Pérez, and Pascale Absi, “Trans y maricas en la ‘Primera cumbre Planetaria de Descolonización y Despatriarcalización’ (La Paz, Bolivia, noviembre de 2015),” *Bulletin de l’Institut français d’études andines*, 45 (2016), 419–32.
57. Aruquipa, Estenssoro Velaochaga, and Vargas.
58. Laura Libertad, interview, July 2022.
59. C interview, July 2022.
60. Shawna Mullenax, “De Jure Transformation, De Facto Stagnation: The Status of Women’s and LGBT Rights in Bolivia,” in Elizabeth Friedman, ed., *Seeking Rights from the Left: Gender, Sexuality, and the Latin American Pink Tide* (Durham: Duke University Press, 2018), 173–99.
61. Diana Málaga, interview July 2022.
62. Laura Libertad, interview, July 2022.
63. Laura Libertad, Diana Málaga, and Luna Humerez, interviews, July 2022.
64. Laura Libertad, interview, July 2022.
65. Laura Libertad, David Aruquipa, and Luna Humerez, interviews, July 2022.
66. C, interview, July 2022.
67. Aruquipa, Estenssoro Velaochaga, and Vargas.
68. Ibid.
69. Diana Málaga, David Aruquipa, and Laura Libertad interviews, July 2022.
70. Mullenax.
71. David Aruquipa, interview, July 2022.
72. Luna Humerez, interview, July 2022.
73. Laura Libertad and Diana Málaga, interviews, July 2022.
74. Luna Humerez, interview, July 2022.
75. Donald Haider-Markel, Patrick Miller, Andrew Flores, Daniel C. Lewis, Barry Tadlock, and Jami Taylor, “Bringing ‘T’ to the Table: Understanding Individual Support of Transgender Candidates for Public Office,” *Politics, Groups, and Identities*, 5 (2017), 399–417; Gabriele Magni and Andrew Reynolds, “Voter Preferences and the Political Underrepresentation of Minority Groups: Lesbian, Gay, and Transgender Candidates in Advanced Democracies,” *The Journal of Politics*, 83 (October 2021), 1199–215.
76. The 2014 LAPOP survey in Bolivia took place between March and May, at the height of discussions of the family code, with the final version approved in November of that year.
77. The AmericasBarometer by the LAPOP Lab, www.vanderbilt.edu/lapop, accessed September 25, 2022.
78. Ibid.
79. Pascale Absi, “El género sin sexo ni derechos: la Ley de Identidad de Género en Bolivia,” *Debate feminista*, 59 (2020), 31–47.
80. The court ruled that trans women running as women under Bolivia’s gender quota system would violate the rights of cisgender women candidates. Trans women who have changed their IDs also cannot run as men even if they chose to because their IDs state that they are female. Trans men can run for public office as men under the law, but another requirement—that men show proof of military service, which most trans men have not participated in—has kept the few trans men who have explored political campaigns from running. To date, several activists who are trans women have also explored political campaigns, but none decided to run.

81. Velasco Guachalla, V. Ximena, Calla Hummel, Sam Handlin, and Amy Erica Smith, "Latin America Erupts: When Does Competitive Authoritarianism Take Root?," *Journal of Democracy*, 32 (July 2021), 63–77; Velasco Guachalla, V. Ximena, Calla Hummel, Jami Nelson-Nuñez, and Carew Boulding, "Crisis-Doble: Bolivia 2020," *Revista de ciencia política*, 41 (August 2021), 211-237.
82. Williamson.
83. The lists of gender identity laws and anti-gender expression laws are meant to be comprehensive but not exhaustive. These lists change frequently.
84. Juan Pablo Luna, "Frente Amplio and the Crafting of a Social Democratic Alternative in Uruguay," *Latin American Politics and Society*, 49 (2007), 1–30.
85. Diego Sempol, *De los baños a la calle: Historia del movimiento lésbico gay trans uruguayo (1984–2013)* (Montevideo: Debate, 2013); Diego Sempol, "La diversidad en debate: Movimiento LGTBQ uruguayo y algunas tensiones de su realineamiento del marco interpretativo," *Psicología, conocimiento y sociedad*, 6 (2016), 321–42.
86. S, W, interviews, October 2022.
87. Constanza Tabbush, Maria Constanza Díaz, Catalina Trebisacce, and Victoria Keller, "Matrimonio igualitario, identidad de género y disputas por el derecho al aborto en Argentina. La política sexual durante el kirchnerismo (2003–2015)," *Sexualidad, Salud y Sociedad*, 22 (April 2016), 22–55.
88. Fernando I. Sancho Ordoñez and R. Lucas Platero, "Memorias posibles para el Movimiento Trans* en Ecuador," *Ex aequo*, 38 (2018), 49–65.
89. Diane Rodriguez, interview, July 2023.
90. Ibid.
91. Stefano Osella and Ruth Rubio-Marin, "The Right to Gender Recognition before the Colombian Constitutional Court: A Queer and Travesti Theory Analysis," *Bulletin of Latin American Research*, 40 (November 2021), 650–64.
92. Javier Corrales, "The Politics of LGBT Rights in Latin America and the Caribbean: Research Agendas," *European Review of Latin American and Caribbean Studies*, 100 (December 2015), 53–62.
93. A, interview, May 2022.
94. William Costa, "A Ray of Light for Paraguay's Trans Community," NACLA Report, November 26, 2019. <https://nacla.org/news/2019/11/26/paraguay-trans-LGBTQ-trial>, accessed May 14, 2023.
95. EqualDex. LGBT Equality Index, <https://www.equaldex.com/equality-index>, accessed November 18, 2022.
96. Tarik Abou-Chadi and Ryan Finnigan, "Rights for Same-Sex Couples and Public Attitudes toward Gays and Lesbians in Europe," *Comparative Political Studies*, 52 (May 2019), 868–95; Andrew R. Flores and Scott Barclay, "Backlash, Consensus, Legitimacy, or Polarization: The Effect of Same-Sex Marriage Policy on Mass Attitudes," *Political Research Quarterly*, 69 (March 2016), 43–56.

APPENDIX

We collected data for this project between May 2022 and July 2023. Most of the data for this project comes from interviews with gender diverse activists as well as academics, officials, and other experts because limited data exists on trans politics and policies in the countries that we are interested in. We focused on activists because we found that activists typically had more information than other experts and because many of the activists who we interviewed were active participants throughout the legislative process and had written the legislation that we were interested in. We supplemented the original interview data with existing public opinion data from the Latin American Public Opinion Project, newspaper articles around the sociopolitical discussion of the law, and the text of gender identity legislation.

Interviews

We began by interviewing academics and other experts and identifying the organizations and activists that had played major roles in Bolivia's gender identity law. Most interviews took place in July 2022. We recruited interviewees by contacting well-known trans organizations, activists, and scholars and requesting interviews with them. Next, following a snowball sampling technique, we then asked our interviewees for referrals to other activists, or trans organizations' members.

In the 2010s, organizations in La Paz, Cochabamba, and Santa Cruz organized most trans activism in the country and two organizations coordinated the legislative proposal that led to the gender identity law. However, during the COVID-19 pandemic, several prominent trans activists died, including the director of TREBOL in Cochabamba, who was one of the drafters of the legislative proposal. In the months before we started fieldwork, the World AIDS Fund provided money for four trans community centers in La Paz, Santa Cruz, Cochabamba, and Trinidad. These community centers are located in the capital cities of four of Bolivia's nine administrative departments, including the seat of government in La Paz. The trans organizations in each city coordinated around the trans community centers, which had a physical and internet presence. We chose to visit three of the four centers in La Paz, Santa Cruz, and Trinidad. The first two are major cities in the country and the latter is a smaller city. The three cities vary in terms of sociodemographic indicators and political conditions.

We started our fieldwork in July 2022 in Santa Cruz. The Casa Trans in Santa Cruz was the first trans community center to open and Santa Cruz was the first city in Bolivia where gender diverse people formally organized. Interviewing activists in Santa Cruz gave us information about the origins of Bolivian trans activism and how the legislative proposal started. We then traveled to the trans community center in Trinidad. The community center in Trinidad is the smallest of the four and Trinidad is a town of 30,000 in a poor tropical ranching region – whereas Santa Cruz and La Paz each have over a million people, as well as larger government, industry, and trade sectors. The activists in

Trinidad mostly came from smaller towns in the Beni region and had worked in the local political scene and worked on implementing the national law.

The Casa Trans community center in La Paz is the largest, offers the most services, and is the only trans community center that secured multi-year funding. Interviewing activists here gave us more information on the origins of the proposal, the drafting process, lobbying, passage, and aftermath of the law. The Organization of Transfeminine People of Bolivia (OTRAF), which is the largest trans organization in Bolivia and has national reach, runs the trans community center in La Paz. In La Paz, OTRAF activists include people who founded the organization, drafted the gender identity law, and lobbied for it, as well as newer activists who are implementing the law. Both authors are in frequent contact with OTRAF and working on other projects in Bolivia and with OTRAF as well.

We were also able to interview a bureaucrat in La Paz who had accompanied the legislative proposal from beginning to end. Again, we opted to interview primarily activists because activists had proposed, written, lobbied for, promoted, and then implemented the law. Furthermore, as the main beneficiaries of the law, they can tell us about the benefits and drawbacks of the legislation. The officials that ushered the law through the legislative process and voted for it were typically only involved with one aspect or stage of the process.

We continued to interview other activists, academics, and experts who had worked on gender identity laws in other countries as we were able over the following year. One author interviewed activists in Chile who are part of Organizing Trans Diversities (OTD), one of the most prominent trans organizations in Latin America. OTD proposed and drafted the Chilean gender identity law while working with the Bachelet administration. OTD also assisted in expanding that law to include nonbinary identities and an OTD activist won the court case that made that possible. The same author interviewed Diane Rodriguez, Ecuador's first and only trans elected representative, who was also one of the activists who proposed, wrote, and lobbied for Ecuador's gender identity law.

The interviews were recorded on an iPhone and followed an interview guide. We generally asked the following questions, with additional follow ups and individualized questions depending on the interviewee:

- To start, can you tell me how you came to be an activist/bureaucrat/official?
- Can you describe your current work?
- How have conditions for the trans and nonbinary community changed in the last (5/10/20) years? Why? What are some of the biggest changes in the last few years?
- How have the community's legal rights changed in the last few years?
- Why have they changed?
- Did you work on the gender identity law? In what capacity? [Follow up on answer to understand the process]
- Who worked on these campaigns? What was your role in these campaigns? [Follow up on answer to understand the process and triangulate]

- How did the campaigns start? [Follow up on answer to understand the process and triangulate]
- Do you and your organization work with the government? (If yes) How? On what projects? [Follow up on answer to understand the process]
- Are there people, political parties or institutions that are more open or available to work with you?
- Are there people, political parties or institutions that are hostile or not available to work with you?
- What are the challenges in working with the government? How have these changed?
- Do you have contact with activists and organizations in other parts of the country? How do you work with them?
- Do you have contact with activists and organizations in other countries? How do you work with them?
- What are your goals or hopes for the community in the next few years?

Positionality

Authors' Background

Calla Hummel is a white, nonbinary, and queer American who is fluent in Spanish and has worked in Bolivia since 2009. Dr. Hummel has institutional affiliations in the U.S. and Bolivia and maintains extensive professional connections in the La Paz area. Dr. Hummel conducts fieldwork in Bolivia most years and maintain contacts over email and WhatsApp.

V. Ximena Velasco-Guachalla is a straight Bolivian woman who spends half of the year in Bolivia and the other half in the U.K. She maintains institutional affiliations in the U.K., the U.S., and Bolivia and has extensive professional and family connections in La Paz, Santa Cruz, Beni, Tarija, and Cochabamba. Dr. Velasco-Guachalla has been following Bolivian politics for 25 years and conducting regular fieldwork in Bolivia for over 10 years.

Insiders, Outsiders, and Perceptions

Both authors experience fieldwork as insiders in some ways and as outsiders in many others, especially when conducting interviews in Bolivia. Both had many points of connection with the interviewees and also expect that they were perceived as visiting outsiders by most interviewees most of the time. Dr. Hummel presented as a nonbinary foreign academic and found that they could quickly build rapport with urban trans activists through shared nonbinary and queer identity. Several trans civil society leaders had conducted research on trans issues as part of graduate programs and Dr. Hummel connected with them over shared academic experiences. However, they were always

at least partially an outsider as a foreign and white academic. Dr. Velasco-Guachalla presented herself as a Bolivian professor at a U.K. university and connected to Bolivian interviewees as a young, politically engaged Bolivian. She quickly built rapport with Bolivian interviewees through shared interest in and deep knowledge of national and local politics. She was often perceived as an insider due to her nationality and experience and as an outsider with a U.S. PhD and an academic job in the U.K.

Dr. Hummel was present at all interviews and Dr. Velasco-Guachalla was present at one third. Most interviewees had been interviewed before and many had been interviewed by academics before. Interviewees typically presented themselves and their responses in a positive, professional light that stressed the successes and importance of their organizations and their hard work as an individual to contribute to that success. When interviewees strayed from this script, it was typically to gossip about other organizations and activists, often to credit claim (for example, “we wrote nearly all of that proposal, not the other organization”).

Interviewees were typically eager to talk with the authors; both authors found it much easier to set up and conduct interviews for this project than for past projects with other Bolivian civil society leaders and officials. The authors believe that this is because research attention to trans politics is relatively new, and so interviewees are eager to talk about their work and are not fatigued from interview requests. The authors also believe that their positions as a queer researcher and a Bolivian researcher conferred them with some insider status compared to who interviewees expected academics to be. Several interviewees stated that they expected foreign researchers to have little familiarity with national and local politics and that they expected Bolivian researchers to be older, from the upper class, and men. Several Bolivian interviewees were particularly and vocally excited that one of the authors was a Bolivian woman with a PhD who worked in England.

Ethical Considerations

The University of Miami IRB reviewed and approved recorded interviews for this study under Study Number 20220741. The IRB agreed with the researchers that the study presented minimal risks to interviewees, since we were primarily asking people about a prominent part of their job description.

We applied for and received a waiver of written consent because we have found in previous fieldwork that asking people to sign a form from a foreign university often induces fear and anxiety that we are trying to trick the interviewee into signing something that will create problems later. We instead went through the consent process verbally before beginning the interview where we explained the study, the study goals, the interview procedure and questions, the potential risks, and that interviewees could skip any question or stop at any time. Once interviewees affirmed their consent, we began recording the interview.

We did not pay interviewees for their time and for that reason tried to keep interviews to under an hour. We typically bought snacks or coffee for interviewees as a token of appreciation. One organization (not in Bolivia) asked for a \$25 donation to the organization before setting up staff interviews, which the first author paid. A staff member later clarified that they started asking foreign researchers for these donations after a recent increase in interview requests where the organization then never heard from the researcher again.

Dr. Hummel approached several Bolivian civil society leaders after the interviews had concluded and asked if they would be interested in writing grants together. Two organizations expressed interest and Dr. Hummel wrote two grants, one of which was funded by the Williams Institute for \$5,000. The money went to one organization to carry out a survey and the organization and author are planning another grant application. While the authors are very aware that the potential for money influences interviewees, we do not think that the potential for grants had a strong influence on responses because we raised this possibility after the interviews concluded and only to directors who are continually fundraising. We also believe that developing relationships with community partners in which activists are paid for their contributions to research is an ethical approach to research participation.