

Panamanians protest proposed ban on marriage equality

Amendment would define marriage as between a man and a woman.

By Cristian González Cabrera & Adolfo Berríos Riaño

HRW (06.11.2019) – <https://bit.ly/2rGjW2x> – *Update: On November 8, President Cortizo recommended that many of the controversial constitutional amendments be scrapped, including the one banning marriage equality. The National Assembly will revisit the constitutional reforms in the next legislative session in 2020.*

“They are gay and they cannot enter,” said legislator Jairo “Bolota” Salazar on October 29 about a group of protesters outside the Panamanian National Assembly, as he barred them from entering the building.

This affront encapsulates the grievances of protesters who have taken to the streets of Panama City to protest against constitutional reforms preliminarily approved by the legislature last week. One of these would amend the constitution to define marriage as between a man and a woman. Panama already excludes same-sex couples from marriage under Article 26 of its Family Code. But writing discrimination into the constitution would effectively bar lesbian, gay, bisexual, and transgender (LGBT) people from being equal members of Panamanian society.

The past week's protests, to which police have reportedly responded with arbitrary detentions and excessive force, address issues beyond marriage equality. Protesters are angered by legislators' proposals to modify the national budget and even appoint a special prosecutor who could pursue charges against state attorneys that investigate them. But Representative Bolota Salazar's homophobic comments have brought the issue of marriage front and center, with President Laurentino Cortizo condemning the comments and affirming, "We are here to serve the country and that means not turning our backs on citizens."

The proposed constitutional reform follows a wave of regional progress on marriage equality. In 2018, the Inter-American Court of Human Rights issued an advisory opinion calling on states to take steps towards achieving marriage equality. Argentina, Brazil, Colombia, Ecuador, Uruguay, and many Mexican states already perform same-sex marriages, with Costa Rica slated to start doing so in 2020. Enshrining anti-LGBT discrimination in its constitution would put Panama out of step with its neighbors.

While Bolota Salazar has walked back his homophobic remarks, he and fellow Democratic Revolutionary Party (PRD) members say they have no intention of scrapping the discriminatory proposal. Pro-equality protestors and their allies plan to maintain pressure on the president ahead of his statement on the reforms on November 7. Further legislative debates are to take place in 2020, followed by a referendum on the reforms.

Though Bolota Salazar shut LGBT protesters out of the National

Assembly last week, legislators will have a chance to reexamine their demands in the next legislative session and make some room for them in Panamanian society.