The annual meetings of the Organization of American States (OAS), of which the United States is a member, are generally staid affairs. Heads of state and their representatives get together to talk shop about trade, territorial disputes, poverty, indigenous issues, and health, among other concerns. Then they leave, having signed agreements to promote peace, equity, and human rights. In 2013, during the 43rd OAS General Assembly in Guatemala, this quiet forum for regional negotiation suffered what amounted to a major diplomatic faux pas when demonstrators disrupted the public sessions and rallied outside the hotel where the Assembly was taking place.¹ At issue were two seemingly uncontroversial treaties: the Inter-American Convention against All Forms of Discrimination and Intolerance, and the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance. Protesting loudest were conservative Catholic and evangelical churches and their civil society partners. They were incensed that both conventions included protections against discrimination based on sexual orientation and gender identity. As they saw it, this was a gateway to marriage equality. And on a personal level, they claimed, it was tantamount to religious persecution that infringed on their right to religious freedom.

Others echoed these themes, but more quietly, and to greater effect. Neydy Casillas Padrón, with the conservative U.S. organization Alliance Defending Freedom (ADF, formerly Alliance Defense Fund), played a behind the scenes role in Guatemala, working the delegates in the room rather than lifting placards on the protest front lines.¹ As she later commented in an interview with Catholic News Agency affiliate ACI Prensa, “Thanks to God we did enormous work here and were able to prevent many countries from signing this convention.”² Casillas Padrón’s participation in the regional meeting should come as no surprise. ADF, an Arizona-based, right-wing religious legal organization, has, in the last decade, made a dedicated push to grow its international portfolio. Having made significant inroads domestically, they moved into Europe, Eastern Europe, and Southeast Asia. This year, ADF announced their southern expansion into Latin America.³

BACKGROUND
Alliance Defending Freedom is an enormous enterprise. Founded in 1994 by a group of white, male, hard-right conservative evangelical Christians,³ ADF morphed from a modest outfit⁴ to

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¹. Casillas Padrón is a Mexican lawyer currently living in Washington, D.C. In addition to attending the General Assemblies of the Organization of American States (OAS) meetings in Guatemala (2013) and Paraguay (2014), she makes regular speaking tours in Latin America, presenting at both Catholic and evangelical events on behalf of ADF. Of special interest is her recent trip to Guatemala; it is clear, following the 2013 OAS General Assembly, that Guatemala is emerging as a regional leader in the fight against LGBTQ and abortion rights.
the $40 million behemoth it is today. It was created out of concern that “the Body of Christ in America was in big trouble” because the American Civil Liberties Union (ACLU) was out to clamp down on religious expression. An “effective battle plan” was needed to respond to the crisis; ADF was to be the legal army.

Today, ADF is one of the largest conservative legal organizations in the United States, with a budget dwarfing those of sister groups like the Becket Fund and Liberty Counsel. Indeed, one might argue that it is chiefly responsible for the rightward jurisprudential shift on religion in the public sphere. ADF engages the question of religious freedom broadly. They are best known for litigating on the role of religion in public life, a category encompassing abortion, LGBTQ rights, freedom of expression—including the right to religious free speech in public schools—homeschooling, parental rights, and family, among other issues. Ultimately, all of this feeds into ADF’s fundamental mission: “transforming the legal system through Christian witness.”

ADF is first and foremost a litigation operation. They have a roster of over 2,400 affiliated lawyers across 31 countries, and enough pro bono attorneys to generate volunteer services worth over $146 million. No case is too small, or too big. The organization has covered lower profile cases, including representing a British Airways employee who was asked to cover up a cross necklace, and they have been involved—either by directly litigating, funding lawyers, or filing amicus briefs—in major cases such as Citizens United v. FEC, Burwell v. Hobby Lobby, and the legal struggles around Terri Schiavo. ADF claims to have been involved in over 500 cases, not just in U.S. courts, but also in six continents and 41 countries, including Argentina, Belize, Honduras, Mexico, Peru, Slovakia, and India.

ADF’s commitment to the next generation is similarly impressive. They run many well-funded youth and law student training projects as part of their long-term strategy to grow and strengthen their cadre of right-wing lawyers and advocates. The Alliance Defending Freedom Academy targets a wide range of individuals around the globe for training on the promotion of the right to freedom of worship. This includes not just lawyers, but also the media and clergy. The Alliance Defending Freedom College Academy and the Blackstone Legal Fellowship reach students domestically. At the international level, ADF runs the Areté Academy, a weeklong Christian law students’ training project.

GLOBAL INITIATIVE

ADF’s ambition is boundless; they work not only in national courts, but are also vigorously inserting themselves in regional courts and at the United Nations. In 2010, ADF launched their Global Initiative, ramping up the “international fight for religious liberty for Christians and establishing a larger ADF footprint to accomplish this mission.” That same year, ADF was granted United Nations ECOSOC special consultative status. This status is significant because it gives them virtually unfettered access to U.N. missions during key convention and treaty-drafting meetings. They advocate face-to-face with delegates and help them develop rights-limiting language for inclusion in U.N. documents.

In 2012, ADF opened their first international office in Vienna, Austria, which enabled them to easily toggle between the various European courts, including the European Court of Human Rights in Strasbourg. They have also inserted themselves at the European Union Agency for Fundamental Rights in Vienna, the European Parliament in Brussels, and the Organization for Security and Cooperation in Europe. In all these regional bodies they have focused their efforts on issues like abortion, euthanasia, registration of churches, and homeschooling, wielding their influence across countries such as Sweden, Turkey, Germany, Hungary, and Bulgaria.

One of the reasons ADF is so active abroad is that U.S. courts are increasingly citing international jurisprudence in their decisions. Accordingly, ADF’s global interventions are aimed at creating foreign rulings that serve their domestic objectives. Piero A. Tozzi, ADF’s former senior legal counsel for the Global Initiative and a current congressional staffer for the indefatigable anti-choice U.S. Representative Chris Smith (R-NJ), admits that their overseas work is more U.S.-centric than it first appears. He says, “It’s intrinsically good to be helping people in their countries fight the Culture of Death, but an additional factor is that what happens abroad impacts the U.S.”

LATIN AMERICAN EXPANSION

Recently, ADF has become active at the Inter-American Court of Human Rights, the judicial OAS agency responsible for monitoring human rights accountability in Latin America. Unlike Western Europe, which tends to be fairly progressive on issues of sexual and reproductive health
and rights and LGBTQ equality, the panorama in Latin America is more complicated. Many countries in the region are headed by progressives, including some who self-identify as leftists or are former revolutionaries, such as Dilma Rousseff, Daniel Ortega, Evo Morales, and Rafael Correa, to name a few. However, there is often a disconnect between their liberal posturing and their policies on abortion and LGBTQ rights. Latin American leftists don’t automatically support progressive positions on these issues. In fact, many of their policies are downright repressive.

On the issue of abortion, the region has some of the most restrictive laws in the world: three out of the four countries with total abortion bans—bans prohibiting even life-saving abortions—are in Latin America.iii There is seemingly more leniency on the issue of LGBTQ rights.

Three countries in the region allow same-sex marriage, and several others permit same-sex civil unions.iv Still, governments tend to legislate on social issues guided less by human rights concerns and more by the moral legacy of European colonization and pressure from conservative Catholic and evangelical hierarchies.

Despite this, the women’s and LGBTQ rights movements are strong, and there has been a recent trend toward legislative reform on abortion in countries like Uruguay, Bolivia, and Argentina. Moreover, regional bodies like the Inter-American Court and Inter-American Commission on Human Rights have been issuing positive decisions and statements on abortion and LGBTQ rights.

This is most likely why ADF has developed such a keen interest in Latin America. Mirta Moragas Mereles, of the Campaign for an Inter-American Convention on Sexual and Reproductive Rights, is a Paraguayan activist with many years’ experience at the OAS. She points out that “ADF is late to the game. Women’s rights and gay rights groups have been active in the inter-American systems for years. Now, all of a sudden, since 2013, we see them aggressively engaging. And their politics are reactive and obstructionist.”vii

ADF’s first Latin American office was in Mexico, headed by the attorney Sofia Martinez.viii They have since been steadily growing their operation. ADF has a dedicated focus on the Organization of American States, and they are planning, over the next three years, to open offices in Chile and Costa Rica.ix ADF’s work with the OAS is bifurcated between the Costa Rica-based Inter-American Court of Human Rights and their Washington, D.C., office, where the Inter-American Commission on Human Rights (IACHR) is housed.xi ADF quickly established themselves in the system, even managing to meet with the new OAS secretary general the month before he was elected.xii It should be noted that as this issue was going to press, the inter-American system was holding elections for new commissioners and judges,xiii opening the possibility for a reconstitution of the Court and Commission with conservative leanings.

Chile is in some ways an odd choice for ADF. The country is solidly conservative on social issues and doesn’t necessarily wield the same regional influence as countries like Brazil or Argentina. Still, Chile is undergoing a fraught legislative debate on abortion, so perhaps they are hoping to establish an operational beachhead in a country where they can claim to have staved off abortion reform.

ADF takes an opportunistic approach to its Latin American advocacy. In 2011,
they submitted an amicus brief before the Inter-American Court of Human Rights on behalf of a Chilean father em­broided in a child custody battle with his ex-wife. The Chilean courts originally denied the mother, who is gay, custodial rights because of her sexual orientation. The mother took the case to the Inter­American Commission of Human Rights, which sided with her. The case was then bumped up to the Inter-American Court, which has the authority to issue a binding decision. It was at that point that ADF submitted its brief. According to a trans­lation by the conservative advocacy group C­Fam, ADF contemptuously argued that the Commission’s punishing the judges who ruled against the mother “indicates that the Commission must have been over­come by a reckless ideological impulse, in service of which all other principles must be cast aside.”27

But perhaps the most significant ac­tion with which they were involved at the Inter-American Court of Human Rights was the 2012 landmark case Artavia Murillo et al v. Costa Rica. This case was brought to the Inter-American Court on behalf of nine infertile Costa Rican couples. The claim argued that when Costa Rica declared in vitro fertilization (IVF) unconstitutional in 2000, the state was violating the couples’ rights to privacy and family by denying them alternative means to have children. The government’s prohibition of IVF was predicated on the country’s constitutional protection of life from conception.

ADF was involved in this case even before it reached the Inter-American Court. In 2010, the Inter-American Commission on Human Rights issued recommendations to Costa Rica that the country lift its IVF prohibition. By the following year, in July 2011, Costa Rica had made no progress toward IVF legal reform, so the IACHR sent the case to the Inter­American Court. That same month, ADF sent a letter to every congressman, urging them to uphold the ban based on the protection of life from conception.28

Interestingly, ADF also argued that the heart of this case was really an issue of na­tional sovereignty and a country’s right to self-determination. One year later, ADF submitted an amicus curiae29 to the Inter­American Court. This brief followed the same reasoning as the letter to Costa Rican congress members, again arguing for a “margin of appreciation” for the state to best decide how to protect “the life of a de­veloping human being.”

In 2012, the Court ruled that the “right to life should not be understood as an absolute right, the alleged protection of which can justify the total negation of other rights.”30 This progressive ruling is very significant, and not just on the issue of IVF. It provides the grounds for chal­lenging laws in countries that criminalize access to safe and legal abortions based on a constitutional protection of life from conception. This was a solid defeat for ADF.

**A STRONG FUTURE IN LATIN AMERICA**

Nevertheless, ADF is uncowed and con­tinues making long-term investments in the inter-American human rights sys­tems. Neydy Casillas Padrón, ADF’s legal advisor to Latin America, is also their permanent representative to the OAS.31 While delegates were debating ratifying the Convention Against Racism during the 2013 OAS Guatemala meeting, Casillas Padrón, an aggressive advocate, was reportedly lob­bying delegations not to sign, claiming the Convention would violate their religious freedom because it “treats homosexuals like VIPs, and re­legates the rest of us to second class citizenship.”32

Casillas Padrón’s 2013 OAS interven­tions bore fruit the following year at the 2014 OAS General Assembly in Asun­ción, Paraguay. Casillas Padrón reported that around 60 anti-choice activists from 10 countries in the region lobbied then-OAS Secretary General José Miguel Insulza to create “family-friendly” policies, including protection of life from conception, for implementation at the national level.33 Apparently demand was so great that the OAS was forced to create a sepa­rate space for conservative anti-rights groups. All of this, according to Casillas Padrón, led the different organizations to come together as a cohesive coalition: “a voice that has become active, a voice that participates, a voice that opposes the pro­abortion and homosexual agenda, a voice that will be silenced no more.”34 Others in her camp go further, crediting Casillas Padrón as the leader of the movement to “stop the gay agenda,” and lauding her activ­ism in the year lead­ing up to the Paragu­ay meeting.35

Even though ADF has effectively in­serted itself in various OAS processes, it seems intent on cast­ing itself as marginal­ized by the very system it seeks to conquer. In April, at a press conference during the Summit of the Americas, Casillas Padrón joined a crowded table of conservatives de­crying ADF’s exclusion from the event. Casillas Padrón, ever prone to hyperbole, claimed that the OAS, and the Summit in particular, were promoting “a new kind of ideological dictatorship intent on elim­i­nating the very values that define Latin Americans.”36

Moving forward, it is clear that Latin America is in the crosshairs for ADF. The more the OAS, the Inter-American Court, and the Inter-American Commission issue positive decisions and recommendations, the more ADF has a vested interest in ensuring this does not become a pat­tern for the region. As they are always keen to point out, being active in these le­gal circles helps “head off dangerous legal precedents before they impact American courtrooms.”37 It’s a strategy that progressives would do well to recognize.

Gillian Kane is a senior policy advisor for Ipas, an international women’s reproductive health and rights organization. She served on the editorial board for The Public Eye from 2008 to 2012.
Latin America in the Crosshairs, p.10


21. Inside Gov, “Piero A. Tozzi,” 2015, http://www yieldsprcstaffinsight.com/1/32539/Piero-A-Tozzi; Piero Tozzi, former ADF senior counsel is explicitly partisan in his work, and for good reason. In 2015, Tozzi earned almost $120,000 as Counsel for New Jersey congressman Chris Smith. According to InsideGov, this is almost three times more than the median income for other staffers in Smith’s office.


