

Congress of the United States
House of Representatives
Washington, DC 20515

May 20, 2024

The Honorable Antony Blinken
United States Secretary of State
Department of State
2201 C Street Northwest
Washington, D.C. 20520

Dear Secretary Blinken,

As the first Peruvian-American, and the first openly gay immigrant to be elected to serve in the United States Congress, I write to express my serious concern regarding recent developments regarding the rights of the LGBTQI+ community in the Republic of Peru.

While I am deeply proud of my Peruvian heritage, I am mindful of Peru's long-term failure to recognize the rights of the LGBTQI+ community: there is no comprehensive civil legislation that explicitly prohibits discrimination on the basis of sexual orientation and gender identity in all key areas of life; harassment of and violence against transgender individuals is a serious problem; and neither same-sex marriages, nor LGBTQI+ families, nor civil unions are recognized.¹ On May 10th President Dina Boluarte, the Minister of Health, and the Minister of the Economy published a Presidential Decree which classified trans identities as mental health conditions in the country's Essential Health Insurance Plan, which lists insurable health conditions for insurance policies.

This decree is rooted in outdated and harmful conceptions of sexual orientation and gender identity. I note that on May 11th the Ministry of Health asserted its position that sexual orientation and gender identity of a person do not constitute physical or mental health disorders, and rejecting the stigmatization of sexual diversity.² Unfortunately, this clarification is inadequate as long as the May 10th decree remains in force.

I share the concerns of Peruvian LGBTQI+ advocates, who have told me that this decree threatens their rights and their safety. The May 10th decree can give legitimacy to conversion practices in Peru, where the belief that sexual and gender diversity is something that can be changed or "cured" remains common. Perpetrators of these barbaric practices are not held accountable for the damage they cause, and survivors are not supported. The decree will continue to justify anti-LGBTQI+ discourses in public, and will hinder efforts to facilitate the legal recognition of trans people. Advocates have reported that existing judicial processes for trans people to change their names to match gender identity are rights-violating, and that in many cases judges have requested

¹ Peru chooses bigotry in Medical Services. Human Rights Watch. (2024, May 15). <https://www.hrw.org/news/2024/05/15/peru-chooses-bigotry-medical-services>

² Comunicado Oficial de Prensa N.º 014-2024. Noticias - Ministerio de Salud - Plataforma del Estado Peruano. (n.d.). <https://www.gob.pe/institucion/minsa/noticias/952417-comunicado-oficial-de-prensa-n-014-2024>

diagnosis certificates, or evidence of hormonization or sterilization procedures before granting a name change ruling.³

While defenders of the decree note it may facilitate health care coverage for members of the transgender community, advocates on the ground do not believe that these potential benefits are justified by the harms of the government's decision to legitimize profoundly regressive conceptions of gender identity and sexual orientation.

It is critical that the United States urge the Peruvian Government to recognize the rights of transgender citizens and ensure health system guidance is aligned with the World Health Organization's current International Clasification of Diseases, the ICD-11, which does not support stigmatization of gender or sexual diversity.

As a gay Peruvian-American and the first Peruvian American to serve in Congress, it's clear to me the decision by the Boluarte administration to attack and label lesbian, gay, bisexual, and transPeruvians as "mentally ill" is discriminatory, dangerous and shameful. Instead of addressing the serious problems of escalating attacks against democracy and the rule of law led by the Peruvian Congress, illegal mining and logging, corruption, and alarming increases in poverty, President Boluarte's extreme measure intensifies Peru's decline.

I urge the the Department to:

- Fully engage with the Peruvian government to ensure that the human rights of LGBTQI+ individuals are respected and protected.
- Condemn instances when the rights of Peruvian LGBTQI+ individuals are violated or threatened.
- Continue to engage with human rights defenders and the LGBTQI+ community in Peru.
- Continue to engage with Congress and American stakeholders to ensure these efforts.
- Elevate concerns around the harmful practice of conversion therapy within the U.S.'s response, including through the U.S.'s role as chair of the Organization of American States LGBTQI+ Core Group.

As author of the International Human Rights Defense Act, I strongly support the Department of State's efforts to stand up for the rights of LGBTQI+ individuals. I am particularly grateful for the critical work of the Special Envoy to Advance the Human Rights of LGBTQI+ Persons, whose mission I am proud to support.

I thank you for you attention to this matter and look forward to your continued engagement.

³ Más Igualdad Perú. (2024a, May 13). Minsa: Profesionales de la Salud mental rechazan decreto que patologiza a población LGBTQI+. <https://www.masigualdad.pe/post/rechazan-decreto-que-patologiza-a-lgbtiq>

Sincerely,

A handwritten signature in black ink, appearing to read "R. Garcia", written over a faint, light-colored rectangular stamp or watermark.

Robert Garcia
MEMBER OF CONGRESS

CC:
Jessica Stern, U.S. Special Envoy to Advance the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI+) Persons
John McNamara, Chargé d'Affaires, ad interim, United States Embassy in Lima