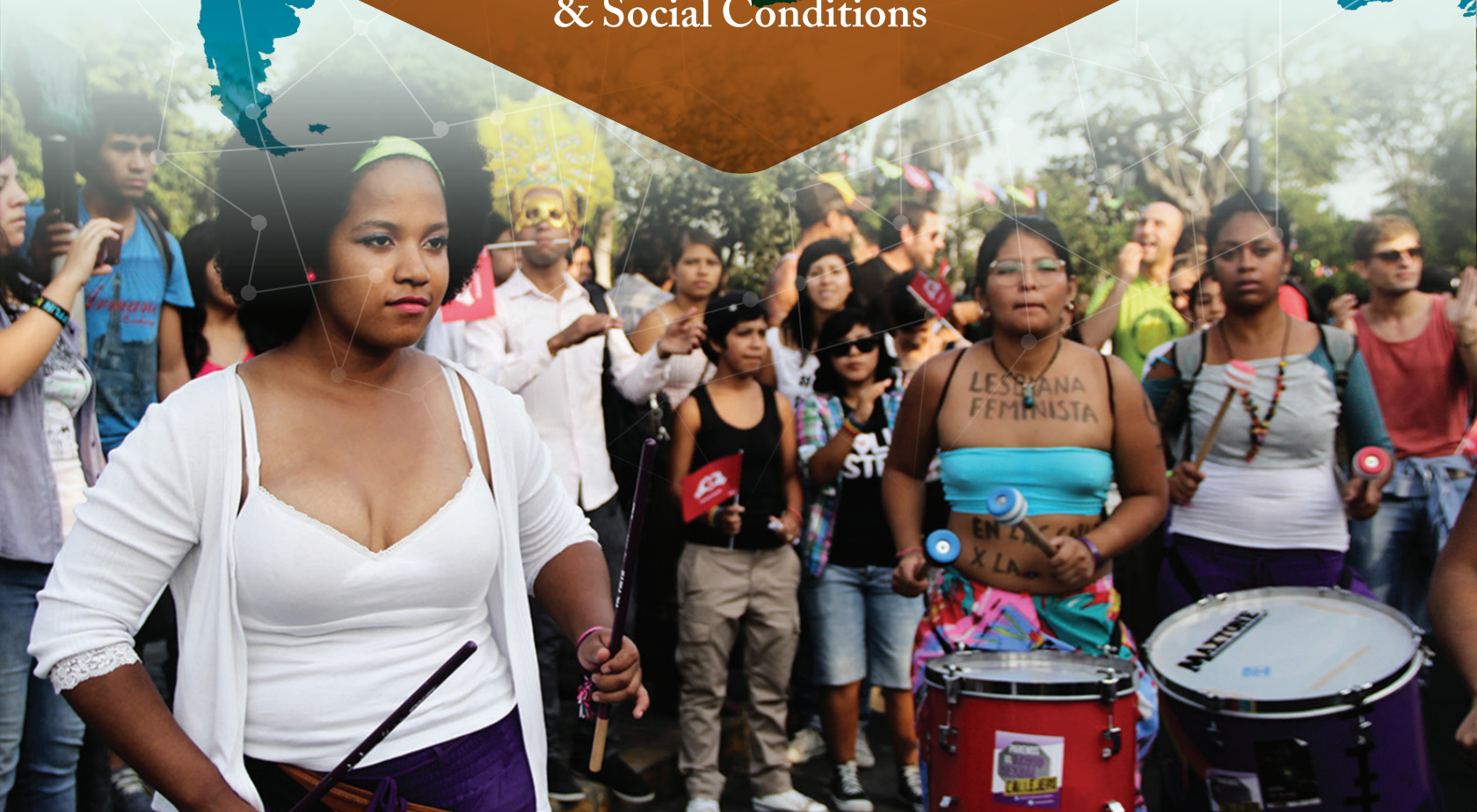


PERU LGBTI

Landscape Analysis
of Political, Economic
& Social Conditions



Astraea LESBIAN FOUNDATION FOR JUSTICE



Peru LGBTI: Landscape Analysis of Political, Economic and Social Conditions

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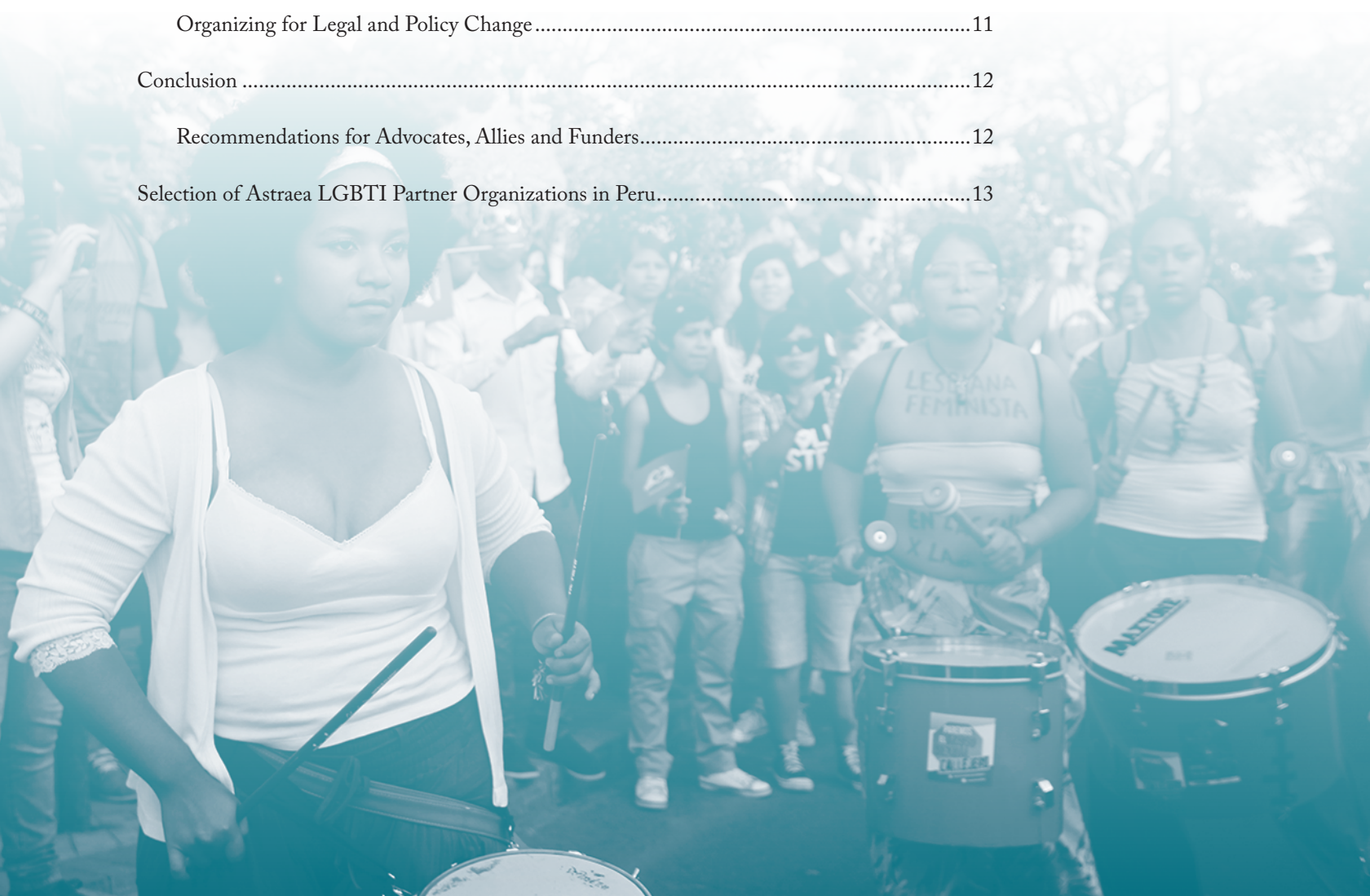
This report was produced by The Astraea Lesbian Foundation for Justice, the only philanthropic organization working exclusively to advance LGBTQI rights around the globe. We support hundreds of brilliant and brave grantee partners in the U.S. and internationally who challenge oppression and seed social change. We work for racial, economic, social and gender justice, because we all deserve to live our lives freely, without fear, and with profound dignity.

Cover photo: Marcha por la Igualdad 2014. Image courtesy of Susan Meier.

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INTRODUCTION

Contemporary Peru is a country of contradiction for lesbian, gay, bisexual, trans* and intersex (LGBTI) people.¹ On one hand, Peru decriminalized homosexuality in 1924, much earlier than some of its South American neighbors. On the other, nearly a century later, Peru's legislators have overwhelmingly voted against establishing legal rights for LGBTI people and the government refuses to sign major international agreements that protect individuals based on their sexual orientation and gender identity.

In the face of significant obstacles, including entrenched anti-LGBTI stigma and discrimination in public and private life, human rights abuses and violence targeting LGBTI people and limited political interest or will to advance their rights, LGBTI communities have established a robust social advocacy movement. From conducting social media advocacy to policy analysis, LGBTI communities have made important strides to change popular opinion, foster political allies and secure policy gains.

1 **A note on terms:** The notation “trans*” is used to refer to the entire range of possible gender identities, including but not limited to transgender, transsexual and transvestite and many specific to local cultures and contexts. In addition, this report uses the acronym LGBTI (lesbian, gay, bisexual, trans* and intersex) to be broadly inclusive of sexual orientation, gender identity and bodily diversity. The term LGBT or the identification of specific groups, such as lesbians or trans* people, are used where these are reflective of organizations or activities referenced.

What follows is a snapshot of the social, political and economic landscape for LGBTI people in Peru. This report is developed out of research by Ana Cristina Hernández, and produced by Astraea Lesbian Foundation for Justice.²

The report draws on a unique combination of data and expertise from international organizations, government and academic sources and, most critically, Peruvian LGBTI organizations and activists themselves.³ In synthesizing diverse material and first-hand insight, it provides a window into what life is like for LGBTI Peruvians, an overview of Peru's LGBTI social movement, and a summary of the opportunities and challenges activists face as they work to advance LGBTI rights and promote meaningful change.

2 For more information on the Astraea Lesbian Foundation for Justice, please refer to page 2.

3 **Methodology:** Data was collected in late 2013 through desk research, phone interviews and an in-depth review of resources from Peruvian sexual and reproductive rights, women's rights and LGBTI rights organizations; the United Nations and Organization of American States; the U.S. State Department; the Peruvian government and Peruvian legal code; Peruvian newspapers; academic databases; and *Instituto de Estudios en Salud, Sexualidad y Desarrollo Humano* (Institute for Health, Sexuality and Human Development Studies) and *Universidad Peruana Cayetano Heredia* (Peruvian University “Cayetano Heredia”). The Astraea Foundation has incorporated a number of additional studies that have gathered indicators on the lives of LGBTI individuals since the original research was conducted.



COUNTRY BACKGROUND

Political Backdrop

Peru's contemporary LGBTI movement came about against a backdrop of significant change in the country. In the early 1980s, after alternating between democracy and military rule for much of the 20th century, the country oriented itself, once again, toward democracy. This period, far from being stable, was marked by an economic crisis and the beginning of a violent internal conflict between the insurgent groups *Sendero Luminoso* (Shining Path) and *Movimiento Revolucionario Túpac Amaru* (Túpac Amaru Revolutionary Movement), the Peruvian military and paramilitary groups. Lasting ten years, the conflict eventually claimed the lives of nearly 70,000 people, a majority of whom were of indigenous descent. In 1990, in the midst of this conflict, Alberto Fujimori was elected president.⁴ Fujimori became notorious for authoritarianism during his ten-year rule: he suspended Congress, altered the constitution, ran for a controversial third term and was later convicted of human rights violations, including kidnapping and murder, for which he is now serving a 25-year sentence.⁵ Fujimori's legacy continues to influence Peru. Current president Ollanta Humala took office in 2011 after narrowly defeating Fujimori's daughter, Keiko. There is every expectation that she will run again in the 2016 presidential election. Fujimori's son, Kenji, is a sitting member of the Peruvian Congress.

4 Comisión de la Verdad y Reconciliación. (2003, Aug 28). *Comisión de la verdad y reconciliación: Informe final*. Retrieved from <http://www.cverdad.org.pe/ifinal/index.php>

5 Reuters. (2009, April 7). *Former Peruvian president Alberto Fujimori sentenced to 25 years*. Retrieved from <http://www.theguardian.com/world/2009/apr/07/alberto-fujimori-peru>

Creation of a Movement

Amidst this internal conflict and political upheaval, HIV/AIDS began to take its toll. The first cases were identified in the early 1980s among men who have sex with men (MSM). Activists—mostly male—came together to deliver medical care to those in need. They quickly assumed a more political stance, banding together to demand greater resources to address the epidemic and to challenge the government's calls to control potential "agents" of the virus and promote "rational" behavior change, which further stigmatized the LGBTI community.⁶

As the HIV/AIDS epidemic progressed, individual activists delivered services to prevent and treat HIV and formed civil society organizations (CSOs). Meanwhile, as resistance to President Fujimori grew, so did the strength of social movements, including the LGBT movement, in and outside of Peru's major cities. In rural areas, LGBT organizations grew out of HIV peer-education programs. In Lima, the country's capital, university students and other politically-inclined individuals founded LGBT groups.

By the late 1990s, LGBT activists began developing a broader agenda to promote LGBT people's rights. They partnered with women's, sexual health and human rights organizations, and became more directly involved in lobbying policymakers and the courts. As detailed below, Peruvian activist organizations have built on this foundation to advance policy and address the challenges LGBTI individuals continue to face.

6 Recognition of trans* people within their organizing was weak and would remain so for over a decade, reflecting the marginalization of trans* people within the middle-class LGBTI community.

LIFE FOR LGBTI PERUVIANS

The following section provides an overview of the economic, social and political realities for LGBTI Peruvians and draws on a unique set of data sources, including civil society reports and interviews with activists.

This study also points to a dearth of official data on LGBTI lives. LGBTI advocates have called on the government to systematically collect statistics about LGBTI indicators to improve social services and inform policy. In 2013, the Ministry of Justice conducted a national human rights survey of 3,300 Peruvians to study discrimination in general and included specific questions about LGBTI discrimination. Nonetheless, the U.S. State Department notes that the Peruvian government does not maintain national-level LGBTI indicators, such as incidents of violence or discrimination.⁷ This absence of data makes it extremely difficult to understand the true extent of the challenges LGBT Peruvians face.

Economy

According to the World Bank, Peru today “has one of the best performing economies in Latin America.”⁸ Over the past decade, Peru’s poverty rates have significantly declined, from 54% in 2001 to 25.8% in 2012.⁹ Despite a thriving economy, however, income inequality remains high, and poverty is acute in rural areas.¹⁰ Peru’s unemployment rate was 7.8% in 2011, but 55.4% of Peruvians work in insecure, low-quality, low-wage jobs that do not pay enough to meet their basic needs.¹¹ As noted earlier, no official data is collected on how LGBTI people fare in Peru’s economy, though multiple reports indicate that LGBT people—especially trans*, lesbian and bisexual women—face employment discrimination and in some

cases, are blackmailed or fired by employers because of their sexual orientation or gender identity.^{12 13}

55.4%

OF PERUVIANS WORK IN INSECURE,
LOW-QUALITY, LOW-WAGE JOBS
THAT DO NOT PAY ENOUGH TO MEET
THEIR BASIC NEEDS



LGBT people—especially trans*, lesbian and bisexual women—face employment discrimination and in some cases, are blackmailed or fired by employers because of their sexual orientation or gender identity.

7 United States Department of State. (2013). *Peru 2013 human rights report*. Retrieved from <http://www.state.gov/documents/organization/220675.pdf>

8 World Bank. (n.d.). *Peru country at a glance*. Retrieved from <http://www.worldbank.org/en/country/peru>

9 Instituto Nacional de Estadísticas e Informática. (2013, May 8). *Medio millón de personas dejaron de ser pobres en el 2012* [No. 067] [Press release]. Retrieved from http://www.inei.gob.pe/media/cifras_de_pobreza/pobreza_notaprensa_067_2013_inei_1.pdf

10 World Bank. (n.d.). *Peru overview*. Retrieved from <http://www.worldbank.org/en/country/peru/overview>

11 World Bank. (n.d.). *Unemployment, total (% of total labor force)*. Retrieved from <http://data.worldbank.org/indicator/SU.UEM.TOTL.ZS>

12 Articulación Lesbianas Feministas de Lima. (2012, May 31). *No más lesbianas violadas para ser normalizadas* [Press release]. Retrieved from <http://www.lifperu.org/files/pdf/manifiestos/No%20más%20lesbianas%20violadas%20para%20ser%20normalizadas.pdf>

13 Instituto Runa de Desarrollo y Estudios de Género. (n.d.). *Informe de derechos humanos sobre la comunidad trans en la ciudad de Lima, Enero-Diciembre 2010*. Retrieved from <http://issuu.com/promsex/docs/nuestras-voces-lgbt-ante-la-cidh/37>

Violence Against LGBTI Peruvians

The lives of LGBTI Peruvians are starkly marked by violence. Peruvian CSOs report that LGBTI people—in their families, in their relationships and on the street—face physical assault, blackmail, theft, verbal harassment and abuse, and sexual harassment and assault.¹⁴ Gender-based violence against women and girls is also widespread.¹⁵ Violence against LGBT individuals has a long historical legacy: In their efforts to build popular support in the 1980s, insurgent groups *Túpac Amaru* and *Sendero Luminoso* exploited anti-LGBTI sentiment and murdered gay men, MSM and trans* women under the pretext of social “cleansing” campaigns.¹⁶

Today, LGBTI activists make strong claims that government institutions such as the National Police, the Contracted Security Personnel (or *Serenazgo*) and the National Penitentiary Institute have perpetuated and, in some cases, perpetrated violence against LGBTI individuals.^{17–18} For example, a 2010 study of 119 trans* women in Lima—94% of whom identified as sex workers—included reports of arbitrary detention, kidnapping, and physical and sexual violence by the *Serenazgo* and the National Police.^{19–20} Activists

have brought these accusations to the Inter-American Commission on Human Rights and the UN Committee against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.^{21–22} The case of Luí Alberto Rojas Marín, which accuses the police of arbitrary detention, rape and physical and verbal abuse is currently before the Inter-American Court on Human Rights.²³

Research shows that LGBTI people—trans* people, in particular—are vulnerable to violence and abuse in public spaces.²⁴ Trans* women report high rates of family and intimate partner violence.²⁵ Lesbians, too, report high rates of intimate partner violence and being forced by family members to undergo psychiatric “cures” for homosexuality and sexual violence to “correct” or punish their sexual orientation.²⁶ Most domestic and family violence services are not designed to address violence against LGBTI people, which further limits avenues for support.

While no systematic government documentation exists to track such violence, LGBTI organizations collect data informally through social networks, the media and members of the LGBTI community who report violations directly. In 2012, CSOs documented seven murders and 12 assaults for reasons

14 PROMSEX, CNDDHH & Redress. (2012, October 12). *Torture and the rights of lesbian, gay, bisexual and transgender persons in Peru: Alternative report submitted to the committee against torture*. Retrieved from <http://www.redress.org/downloads/publications/Shadow%20Report%20Peru%20-%20PROMSEX%20CNDDHH%20REDRESS.pdf>

15 Instituto Nacional de Estadísticas e Informática, with data from the Ministry of Women and Vulnerable Populations, criminal justice and law enforcement, in 2012 reported nearly 75,000 reports of family violence (averaging to 311 per day) through August 2012 and 63 cases of femicide through October 2012: Instituto Nacional de Estadísticas e Informática. (2012, November 23). *Cada día se registra 311 denuncias de mujeres por violencia familiar* [No. 221] [Press release]. Retrieved from http://article.wn.com/view/2012/11/26/Cada_dia_se_registra_311_denuncias_de_mujeres_por_violencia/. There are no cases on record of lesbians or bisexual women killed for reasons of their sexual orientation. Femicide is in the criminal code, however, the Office of the Ombudsman has confirmed that the prison penalties for femicide are lower than the legal minimums: Ticllacuri. (2013, May 19). *Informe Anual Sobre Derechos Humanos de Personas Trans, Lesbianas, Gays y Bisexuales en Perú 2012*.

16 Comisión de la Verdad y Reconciliación. (2003, Aug 2003). *Comisión de la verdad y reconciliación: Informe final*. Retrieved from <http://www.cverdad.org.pe/ifinal/index.php>

17 PROMSEX, CNDDHH & Redress. (n.d.). *Torture and the rights of lesbian, gay, bisexual and transgender persons in Peru: Alternative report submitted to the committee against torture*.

18 Instituto Runa de Desarrollo y Estudios de Género. (n.d.). *Informe de derechos humanos sobre la comunidad trans en la ciudad de Lima, Enero-Diciembre 2010*.

19 Instituto Runa de Desarrollo y Estudios de Género. (2011). *Informe de derechos humanos sobre la comunidad trans en la ciudad de Lima, Enero-Diciembre 2010*.

20 The Constitution states one can be detained only if there is a written order by a judge or while committing a crime (Art. 2.24.f) and prostitution is legal for adults (Código Penal, Art. 179). Consequently, the detentions are an abuse of authority (Código Penal, Art. 376).

21 PROMSEX, Red Peruana TLGB & Coordinadora Nacional de Derechos Humanos. (2012, June). *Nuestras voces: Lesbianas, gays, bisexuales y trans ante la CIDH*. Retrieved from <http://www.promsex.org/docs/Publicaciones/nuestras-vozes-lesbianas-gays-bisex-uales-trans-ante-cidh.pdf>

22 PROMSEX, CNDDHH & Redress. (n.d.). *Torture and the rights of lesbian, gay, bisexual and transgender persons in Peru: Alternative report submitted to the committee against torture*.

23 For details on this case and others, see: PROMSEX, Red Peruana TLGB & Coordinadora Nacional de Derechos Humanos. (2012, June). *Nuestras voces: Lesbianas, gays, bisexuales y trans ante la CIDH*.

24 Velarde Ramírez, C.T. (2011, June). *La igualdad en lista de espera: Necesidades, barreras y demandas en salud sexual, reproductiva y mental en la población trans, lesbiana y gay*. PROMSEX. Retrieved from <http://www.promsex.org/documentacion/publicaciones/item/169-la-igualdad-en-lista-de-espera-necesidades-barreras-y-demandas-en-salud-sexual-reproductiva-y-mental-en-poblacion-trans-lesbiana-y-gay/169-la-igualdad-en-lista-de-espera-necesidades-barreras-y-demandas-en-salud-sexual-reproductiva-y-mental-en-poblacion-trans-lesbiana-y-gay.html>

25 Instituto Runa de Desarrollo y Estudios de Género. (2011). *Informe de derechos humanos sobre la comunidad trans en la ciudad de Lima, Enero-Diciembre 2010*.

26 PROMSEX. (2011, May). *Informe alternativo de organizaciones de la sociedad civil al comité de derechos económicos, sociales y culturales sobre la situación de la salud sexual y reproductiva en el Perú. Centro de promoción y defensa de los derechos sexuales y reproductivos*. Retrieved from [http://www.promsex.org/documentacion/publicaciones/item/177-informe-alternativo-de-organizaciones-de-la-sociedad-civil-al-comite-de-derechos-economicos-sociales-y-culturales-sobre-la-situacion-de-la-salud-sexual-y-reproductiva-en-el-peru.html](http://www.promsex.org/documentacion/publicaciones/item/177-informe-alternativo-de-organizaciones-de-la-sociedad-civil-al-comite-de-derechos-economicos-sociales-y-culturales-sobre-la-situacion-de-la-salud-sexual-y-reproductiva-en-el-peru/177-informe-alternativo-de-organizaciones-de-la-sociedad-civil-al-comite-de-derechos-economicos-sociales-y-culturales-sobre-la-situacion-de-la-salud-sexual-y-reproductiva-en-el-peru.html)

of sexual orientation and gender identity.²⁷ Activists say it is not possible to estimate how many violent crimes go unreported.^{28,29} Organizations like *No Tengo Miedo* have made efforts to document the realities the LGBTI community in Lima face, including though the group's report published in 2014.

Legal Protections

Peru's laws are emblematic of the contradictory status of LGBT individuals. The 1924 penal code legalized homosexual activity between consenting adults, and the Peruvian Constitution states all persons are equal before the law and no one should be discriminated against for reasons of origin, race, sex, language, religion, opinion, or their economic or any other status.³⁰ Yet, the only *specific* constitutional protection for LGBTI persons is the win secured by the LGBTI movement in 2004 that adds protection based on sexual orientation and social [status], language inserted in the constitutional clause of equality and non-discrimination (Article 37.1).³¹ Since 2004, LGBTI activists have sought to build on this precedent by advocating for change in legislation, but the passage of new protections in Congress has proven difficult. In 2013, 56 members of Congress opposed legislation prohibiting discrimination based on sexual orientation, 18 members abstained and only 27 members voted in favor.³²

Additionally, although there is no law that lays out specific criteria or processes for changing data related to gender identity on one's national identity card, there is legal precedent that recognizes the right of trans* people to determine their own gender.³³

The Peruvian judicial system has been more favorable to LGBTI rights than other decision-making bodies in the country. Over the last decade, the Constitutional Tribunal, for instance, has made decisions in clear recognition of LGBTI rights. In 2004, it

declared unconstitutional the Military Code of Justice's Article 269, which called for the expulsion or imprisonment of those who engaged in sexual relations with someone of the same sex. In 2006, the court decided in favor of a trans* person's petition for a name change on a national identity card.

Making LGBTI Lives Count

In the absence of official efforts to study or address the needs of LGBTI Peruvians, the organization **Lesbianas Independientes Feministas Socialistas** (Independent, Feminist, Socialist Lesbians or LIFS) is pressing the government to prioritize LGBTI safety, health and human rights. For the very first time, thanks to their advocacy, the 2012-2017 National Plan for Gender Equality now requires Peru to meet specific goals related to ending discrimination against LGBTI people; provide dignified and informed health care access for lesbian, bisexual and trans* women; and monitor violence against the LGBTI community. Today, LIFS is building on this important win and working to hold the government accountable to its pledge.

**56 MEMBERS OPPOSED
18 MEMBERS ABSTAINED
ONLY 27 MEMBERS VOTED IN FAVOR**



2013 Congress vote on legislation prohibiting discrimination based on sexual orientation

27 Ticllacuri. (2013, May 19). *Informe anual sobre derechos humanos de personas trans, lesbianas, gays y bisexuales en Perú 2012*.

28 For details on this case and others, see PROMSEX, Red Peruana TLGB & Coordinadora Nacional de Derechos Humanos. (2012, June). *Nuestras voces: Lesbianas, gays, bisexuales y trans ante la CIDH*.

29 PROMSEX, CNDDHH & Redress. (n.d.). *Torture and the rights of lesbian, gay, bisexual and transgender persons in Peru: Alternative report submitted to the committee against torture*.

30 Political Database of the Americas. (1993). *Constitución política del Perú*. Retrieved from <http://pdba.georgetown.edu/Constitutions/Peru/peru.html>

31 Código Procesal Constitucional, Ley No. 28237. (2004, May 28). Retrieved from <http://www1.umh.edu/humanrts/research/Peru-Codigo%20Procesal%20Constitucional.pdf>

32 Diario La República. (2013, July 5). *Congreso rechazó que la orientación sexual sea un agravante de discriminación*. Retrieved from <http://elcomercio.pe/politica/gobierno/congreso-rechazo-que-orientacion-sexual-sea-agravante-discriminacion-noticia-1599663>

33 Ticllacuri. (2013, May 19). *Informe anual sobre derechos humanos de personas trans, lesbianas, gays y bisexuales en Perú 2012*.

Promisingly, in September 2013, Peruvian Senator Carlos Bruce sponsored a bill for civil unions.^{34 35} The bill generated widespread media attention, drawing support from the Ministry of Justice and various political and cultural figures, including writer Mario Vargas Llosa. Pedro Pablo Kuczynski and Keiko Fujimori, former and current center-right presidential candidates, also participated in a media campaign in support of the bill.^{36 37 38} In 2014, Senator Bruce came out as the first openly gay man in elected office. This milestone and the high levels of visibility around the bill, however, have not resulted in legal change: at the time of this writing, the bill was stalled until the next parliamentary session.

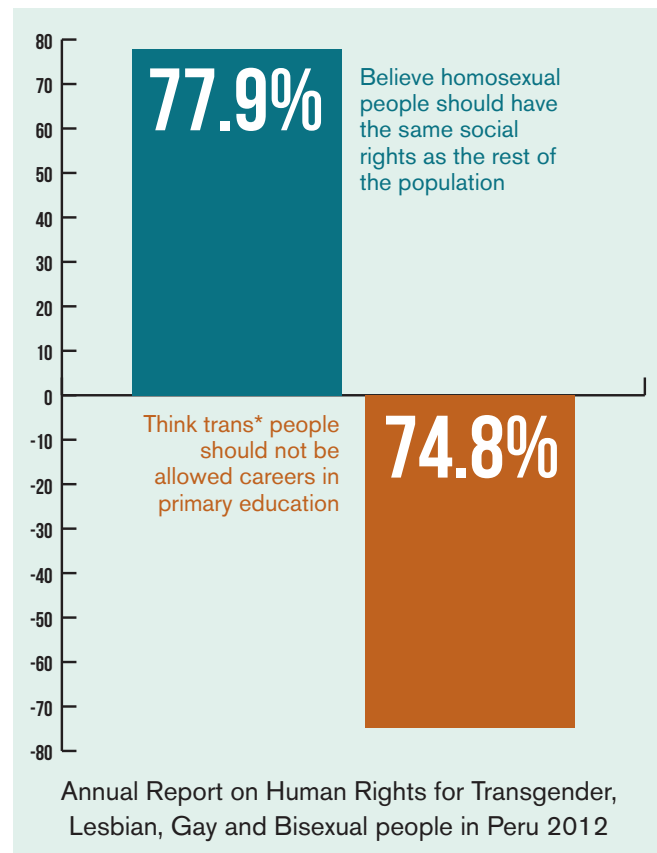
International Agreements

Peru, as a member of both the United Nations (UN) and the Organization of American States, has signed the International Bill of Human Rights and the American Convention on Human Rights. However, it has refused to sign accords on LGBTI rights, rejecting both the 2008 UN “Joint statement on sexual orientation, gender identity and human rights” and the 2011 UN Human Rights Council “Resolution on human rights, sexual orientation and gender identity.”³⁹ The UN and the Inter-American Commission on Human Rights repeatedly cite Peru for its failure to advance LGBTI rights protections, calling attention to

routine discrimination and violence against LGBTI people, including by state institutions.^{40 41 42}

Public Opinion

Mainstream Peruvian culture heavily stigmatizes homosexuality.⁴³ Media depictions are generally restricted to transvestites and feminine men, and homosexuality is often referenced alongside sex work, drug abuse and crime. Anti-LGBTI stigma occurs within a broader context of high levels of discrimination by class, ethnicity and race. The Ministry of Justice’s 2013 survey reports 81% of citizens say



Peruvians hold complex and conflicting views about LGBTI people that suggest possibilities for greater social change.

34 Diario16. (2013, September 18). *Conozca el proyecto de union civil entre personas del mismo sexo*. Retrieved from <http://diario16.pe/noticia/37899-conozca-proyecto-union-civil-entre-personas-mismo-sexo>

35 Congreso de la República. (2013, February 20). Retrieved from [http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc02_2011_2.nsf/d99575da99ebfbc305256f2e006d1cf0/588055827c08debd05257be-4005f45ec/\\$FILE/PL02647120913.pdf](http://www2.congreso.gob.pe/Sicr/TraDocEstProc/Contdoc02_2011_2.nsf/d99575da99ebfbc305256f2e006d1cf0/588055827c08debd05257be-4005f45ec/$FILE/PL02647120913.pdf)

36 Diario La República. (2014, February 20). *Mario Vargas Llosa encabeza pronunciamiento a favor de “unión civil” en Perú*. Retrieved from <http://www.larepublica.pe/30-09-2013/mario-vargas-llosa-encabeza-pronunciamiento-a-favor-de-union-civil-en-peru>

37 Diario El Comercio. (2014, March 26). *El Ministerio de Justicia respalda proyecto de unión civil*. Retrieved from <http://elcomercio.pe/politica/congreso/ministerio-justicia-respalda-proyecto-union-civil-noticia-1718469>

38 Diario La República. (2014, February 20). *Personajes públicos se unen contra la homofobia en parejas imaginarias*. Retrieved from <http://www.larepublica.pe/20-11-2013/personajes-publicos-se-unen-contra-la-homofobia-en-parejas-imaginarias>

39 PROMSEX, Red Peruana TLGB & Coordinadora Nacional de Derechos Humanos. (2012, June). *Nuestras voces: Lesbianas, gays, bisexuales y trans ante la CIDH*.

40 Inter-American Commission on Human Rights. (2013, Aug 15). *IACHR expresses concern about violence and discrimination against LGBTIQI persons, particularly youth, in the Americas* [No. 60/13] [Press release]. Retrieved from http://www.oas.org/en/iachr/media_center/PReleases/2013/060.asp

41 United Nations Human Rights Council. (2008 May, 28). *Universal Periodic Review: Perú* [A/HRC/8/37] (pp. 13). Retrieved from http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/PE/A_HRC_8_37_Peru_E.pdf

42 United Nations Human Rights Council. (2012, December 27). *Report of the working group on the Universal Periodic Review: Peru* [A/HRC/22/15] (pp. 16, 17). Retrieved from http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/AHRC2215_English.pdf

43 Cáceres, C., Cueto, M. & Palomino, N. (2007). Sexual and reproductive rights policies in Peru: Unveiling false paradoxes. *SexPolitics: Reports from the Front Lines*. Retrieved from http://www.sxpolitics.org/frontlines/book/pdf/capitulo4_peru.pdf

discrimination is widespread, and in regional studies, Peru ranks among the highest in racial discrimination in countries with large indigenous populations.^{44 45 46}

Still, Peruvians hold complex and conflicting views about LGBTI people that suggest possibilities for greater social change. In a 2012 survey, for example, 77.9% of respondents said that they believed homosexual people should have the same social rights as the rest of the population, but 74.8% said that trans* people should not be allowed careers in primary education.⁴⁷ A 2013 survey conducted by the Ministry of Justice found that “40% of respondents said that they do not support civil unions for same-sex couples, but 76% of respondents said that they would not treat their child any differently if he or she were gay.”⁴⁸

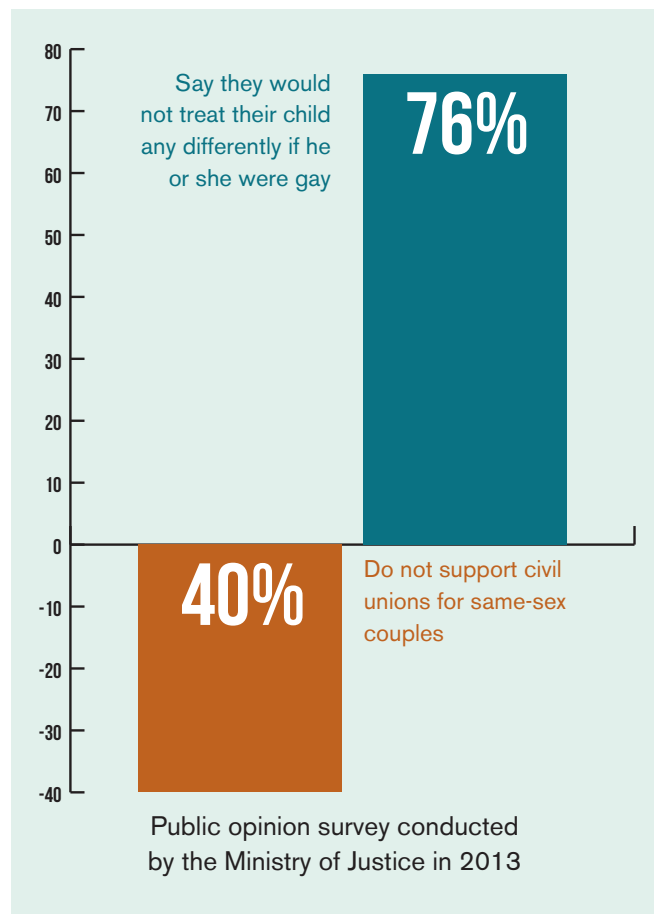
44 Chase, R. (2013, December 16). 80% of Peruvians say discrimination is widespread. *Peru This Week*. Retrieved from <http://www.peruthisweek.com/news-80-of-peruvians-say-discrimination-is-widespread-101744>

45 Carrión & Zárate. (2011). *Political culture of democracy in Peru, 2010*.

46 Comisión de la Verdad y Reconciliación. (2003, Aug 28). *Comisión de la verdad y reconciliación: Informe final*. Retrieved from <http://www.cverdad.org.pe/ifinal/index.php>

47 Ticllacuri. (2013, May 19). *Informe anual sobre derechos humanos de personas trans, lesbianas, gays y bisexuales en Perú 2012*.

48 Chase, R. (2013, December 16). 80% of Peruvians say discrimination is widespread. *Peru This Week*. Retrieved from <http://www.peruthisweek.com/news-80-of-peruvians-say-discrimination-is-widespread-101744>



Sexual and Gender Diversity Festival organized by the *Red Peruana LGBT* in 2010. Lima, Peru.



LGBTI MOVEMENT

Peru's LGBTI movement is a dynamic force, employing diverse strategies to advance social change. Advocates are on the front lines of legal and policy reform, working to persuade the courts, Congress, government ministries and municipalities to enact and enforce protections for LGBTI rights. Innovative communications campaigns and public demonstrations have made LGBTI issues visible across the country. Organizations have used international agreements and UN monitoring processes to pressure Peru to comply with global human rights standards. And LGBTI activists partner with other activist struggles—primarily the women's and sexual and reproductive health movements, but also labor, indigenous rights and others—to expand support for LGBTI rights and human rights more broadly.

Despite working in partnership with feminist organizations, activists report that trans* and intersex people and lesbian and bisexual women are still marginalized within the movement.

Peru's LGBTI movement is not without challenges. It continues to be concentrated in urban areas and rooted in academic, middle-class culture. Also, despite working in partnership with feminist organizations, activists report that trans* and intersex people and lesbian and bisexual women are still marginalized within the movement, resulting in the de-prioritization of the specific forms of discrimination and violence they face.^{49 50 51}

Organizing for Legal and Policy Change

Despite limited legislative success thus far, LGBTI advocates have had considerable impact in other policy realms. In 2013, the National Institute of Statistics and Information Technology (INEI) instructed census takers not to recognize

49 Ibid.

50 United States Department of State. (2013). *Peru 2012 human rights report*.

51 Carrión & Zárate. (2011). *Political culture of democracy in Peru*, 2010.

Advancing Trans* Human Rights

Instituto Runa de Desarrollo y Estudios sobre Género (Runa Institute of Development and Gender Studies) is a Peruvian organization that advocates for gender justice and sustainable development at local, national and international levels. Over the years, they have focused on ending discrimination and violence against trans* people, especially trans* sex workers, and have produced critical human rights reports on the trans* population in Lima. In 2012, as a result of *Instituto Runa's* activism, for the first time, a transgender man was granted the right to change his gender identity and name on his national identity card.

same-sex couples as couples or families.⁵² Facing a potential boycott by LGBT households, the INEI claimed it was an “involuntary error” and reversed course.⁵³ In another positive move, the Ministry of Women and Social Development's 2009–2015 National Plan on Violence Against Women includes women of all sexual orientations and recognizes homophobia as violence against lesbians.⁵⁴ And, despite the fact that several municipalities are considering measures to “eradicate homosexuality,” in 2011, Lima's mayor, Susana Villarán, introduced a local ordinance prohibiting discrimination based on sexual orientation and gender identity. The bill was never brought to a vote due, in part, to strong opposition from the Catholic Church, which also supported an unsuccessful attempt to recall Villarán from office in 2013.

52 Kolectiva Rebeldías Lésbicas. (2013, July 10). *Exigen a INEI corregir norma que excluye a hogares formados por personas LGTBI* [Web log post]. Retrieved from <http://krl-peru.blogspot.com/2013/07/exigen-inei-corregir-norma-que-excluye.html>

53 Chávez Reyes, J.A. (2013, Jul 11). INEI reconoce que texto discriminatorio fue “error involuntario.” Parejas del mismo sexo serán registradas como “otro pariente” [Web log post]. *Blog de Lima Gay*. Retrieved from <http://blogdelimagay.blogspot.com/2013/07/inei-reconoce-que-texto-discriminatorio.html>

54 Ministerio de la Mujer y Desarrollo Social. (n.d.). *Plan acional contra la violencia hacia la mujer 2009–2015*. Retrieved from <http://www.unfpa.org.pe/mgenero/PDF/MIMDES-PNCVM-2009-2015.pdf>

CONCLUSION

There is no doubt that the LGBTI movement in Peru continues to face considerable obstacles to advancing protections for LGBTI rights. But, as this report attests, LGBTI activists have made great strides, advancing constitutional change, cultivating key allies within the legislature, promoting ambitious

legislation, raising awareness and putting LGBTI rights on the national agenda.

There are notable ways in which the movement can grow: Women, trans* people and groups and activists from rural areas of the country can be more centrally integrated and their needs prioritized among movement leaders. In addition, activists can invest in more accessible and persuasive messaging that their counterparts within other social movements and beyond can easily understand and adapt.

But the movement is making progress, holding the government accountable to international human rights standards where it falters and seizing opportunities to promote policy change and inspire public debate in pursuit of a comprehensive human rights vision for LGBTI people throughout Peru.

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Recommendations for Advocates, Allies and Funders

The following recommendations are based on analysis presented in the landscape report and reflect the needs and priorities identified by LGBTI movement actors in Peru.

1. Hold the state accountable to the people (Art. 45, Constitution) and its duty to guarantee human rights (Art. 44, Constitution), including granting LGBTI people access to civil unions and protection from hate crimes.
2. Develop and implement data collection and protocols to support the documentation and reporting of violence and discrimination against LGBTI people.
3. End violence and discrimination against LGBTI people, particularly those who are most at risk: trans* people, youth, lesbians and bisexual women.
4. Raise awareness about LGBTI people and shift public perceptions and cultural beliefs in favor of LGBTI rights.
5. Identify and close all “reparative therapy” centers that claim to cure LGBTI people of their sexual orientation or gender identity.
6. End impunity for state violence against LGBTI Peruvians.
7. Develop and support diverse LGBTI leadership and prioritize the concerns and activism of trans* people, lesbians and others who have been marginalized within the LGBTI movement.
8. Invest in the leadership and activism of rural LGBTI organizations and support the efforts of urban and rural groups to collaborate with one another.

SELECTION OF ASTRAEA LGBTI PARTNER ORGANIZATIONS IN PERU

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