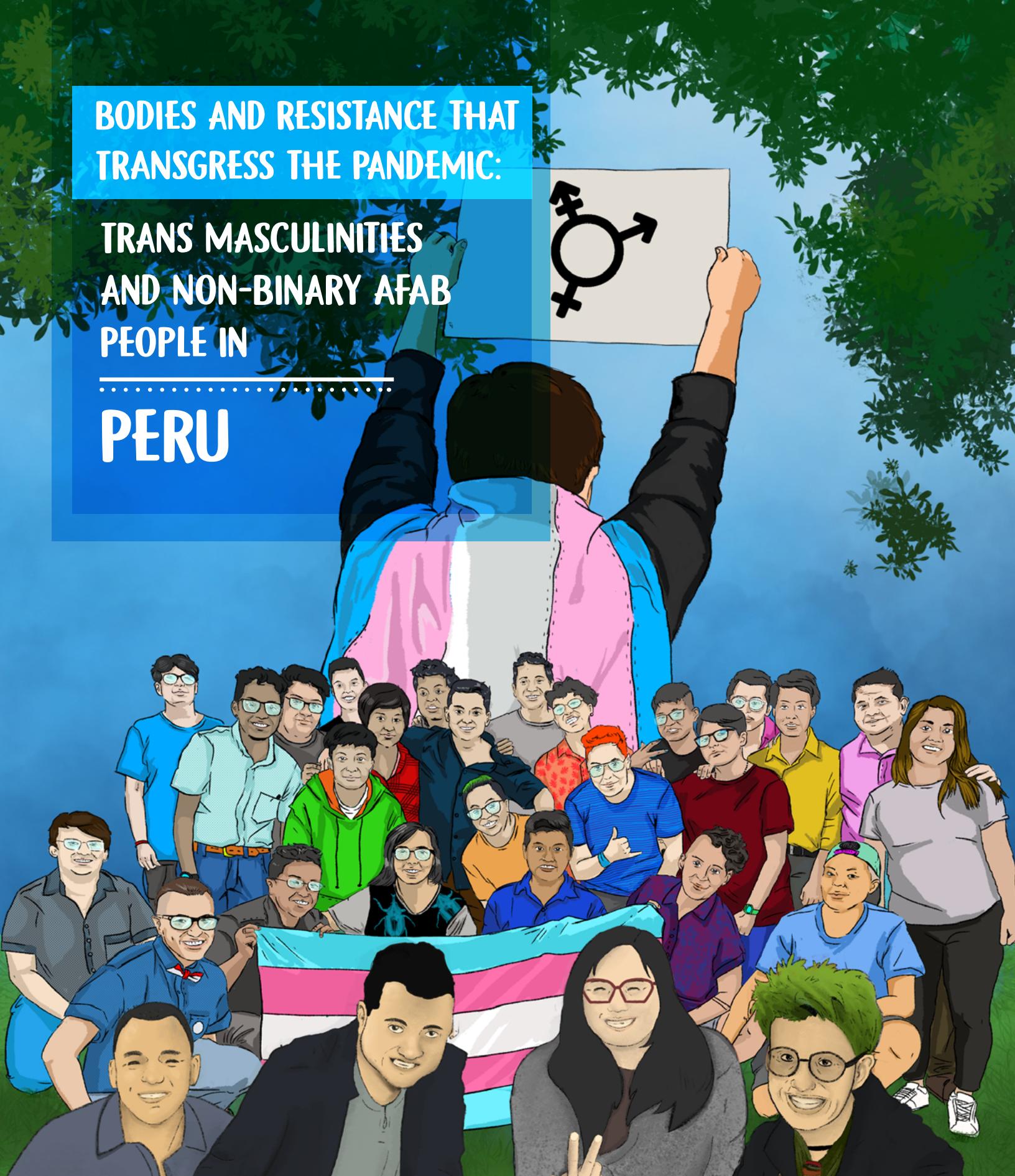


BODIES AND RESISTANCE THAT TRANSGRESS THE PANDEMIC:

TRANS MASCULINITIES
AND NON-BINARY AFAB
PEOPLE IN

PERU



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The Institute on Race, Equality and Human Rights (hereafter referred to as Race and Equality) conducted this research together with Santiago Balvín, Alithu Bazan and Denisse Castillo, motivated by the lack of information and research on transmen in Peru. This report highlights the lack of differentiated public policies that take into consideration the transmasculine population, the stigma and discrimination to which they are subjected to, and their invisibility within Peruvian society.

Race and Equality would like to thank Santiago Balvín, Alithu Bazan and Denisse Castillo, the organizations (TransMan Perú, Diversidades Transmasculinas, Fraternidad Transmasculina Perú, Resistencia Transmasculina Perú, Transitiendo Perú, Fuerza No Binaria), and all the people who have contributed to the preparation of this report, without their voices and opinions it would not have been possible to carry out this investigation.

I also want to thank our LGBTI team and particularly Zuleika Rivera, our LGBTI Program Officer, for coordinating the preparation of this report, as well as her interest and dedication so that it contributes to a discussion on transmen and serves as an advocacy document for all the groups and people who participated in its preparation.

Finally, I hope this report will lead to a national discussion on transmen and non-binary people within the LGBTI+ movement and Peruvian society.

Carlos Quesada
Executive Director



EXECUTIVE SUMMARY

- i. The current report on the situation of transmasculine and non-binary people assigned female at birth (AFAB) in Peru, which includes context of COVID-19, seeks to address the historical debt owed to trans and non-binary people in Peru. It seeks to eradicate from academic literature and the political climate the power structures that exclude people who do not fit within the heterosexual gender binary. These structures are supported by social, political, and economic tools legitimized by the State, which continue to justify [cis] heteropatriarchal oppression through rendering invisible the inequality violating the rights of trans and non-binary people. The primary objective of this investigation was to exhibit the situation of transmasculine and non-binary AFAB people concerning the access and exercise of their basic rights in the economic, social, cultural, and political domains, as well as their access to public services before and during the COVID-19 pandemic in the country. Additionally, the investigation addressed the recognition and life experiences of the visibilization of their identity and the responses of transmasculine and non-binary social organizations.
- ii. This study is exploratory and descriptive in nature, therefore, a mixed methodology was proposed that combines qualitative and quantitative strategies with the triangulation of the gathered information. To this end, the use of two investigative tools must be

underlined. On one hand, the study used a virtual self-administered survey named, “Situation of Transmasculine, Trans, Non-Binary Transmasculine, and Non-Binary Trans Assigned Female at Birth (AFAB) People Before and During COVID-19 in Peru.” This survey was released between July 29 and August 31, 2020, on social media and through the organizations and collectives of transmasculine and non-binary AFAB people. Moreover, semi-structured interviews were held with six transmasculine activists and two non-binary AFAB activists with the goal of examining in depth the perceived violations and strategies that have occurred in the COVID-19 pandemic. The main identified results are listed below:

- a. Regarding the self-identification of transmasculine and non-binary AFAB people, this report has identified that there are at least seven forms of self-identification: man, transmasculine, trans man, non-binary, gender fluid, non-binary transmasculine, and non-binary trans. This shows that gender identity is a diverse category which varies according to how each person understands their own gender.

- b. Regarding the characteristics of gender expression, it must be emphasized that a third of non-binary AFAB people present a combination of feminine and masculine characteristics, which can intensify the

violence endured for existing outside of the cisgender norm.

c. The impacts on the rights of transmasculine and non-binary AFAB people begin in the home, not only because of the family's reaction, but also due to the lack of information, awareness, and visibility around these populations. As a result this population faces difficulties in understanding and finding their own gender identity. Thus, visibility as transmasculine or non-binary AFAB people is a complex path that leads to insecurities since the norms and prejudices around what it means "to be a woman" are questioned in their gender expression and/or gender identity.

d. Regarding the familial environment, the situation of transmasculine and non-binary AFAB people is concerning, because upon displaying their identity, conflictual reactions and situations arise in the family. Only in 28% of cases does the family accept and respect their gender identity. Even more, 29 people (16%) had to leave their homes because they do not conform to the biases and role of what it means to be assigned female at birth in their gender expression and/or gender identity. The following are all common: being pointed out for not obeying the norms, not being able to make decisions about their bodies, being highly exposed to attacks and sexual assault, receiving an overload of domestic and care work, among other forms of violence.

e. Different testimonies demonstrate the importance of meeting spaces and support networks for transmasculine and non-binary AFAB people in the process of reaffirming their identities, and confront the discrimination that they face, in some cases within their own homes.

f. Regarding access to the national identity document (Spanish acronym: DNI), this report reveals that the great majority of transmasculine people do not possess a DNI that represents their gender identity. Economic obstacles are one of the specified causes that do not allow transmasculine and non-binary AFAB people to undertake the legal name change process. Added to this is ignorance of the process and the fear of making one's identity visible. Those who do manage to have their name changed face other barriers in implementing this modification in public or private educational institutions. This is the result of an administrative process lengthened by civil servants and trans people's ignorance of the procedure. In short, there is a clear violation of trans people's access to the right of identity.

g. Regarding political participation, there is motivation to belong to transmasculine and non-binary AFAB organizations or any LGBTI+ organization. However, their presence in such spaces has been short lived. With respect to electoral processes on the national, regional, or local level, there has not been a single report of participation by a self-identifying transmasculine or non-binary AFAB person.

h. Regarding the right to vote, it has been demonstrated that almost 70% of transmasculine and non-binary AFAB people face some difficulty with this process. As indicated, the primary issue is the absence of documentation that represents them. The second reason is that approximately 30% state they are afraid of exposing themselves to discrimination in the public space.

i. Regarding violence and/or discrimination against transmasculine and non-binary AFAB people, it is mainly rooted in them having a non-normative gender expression, sexual orientation, and gender identity, real or perceived. Half of the participants affirm that violent and/or discriminatory situations occur frequently or very frequently in their daily life.

j. The findings also show that 7 out of 10 transmasculine and non-binary AFAB people have experienced violence through the invisibilization of their identity and half of them have been on the receiving end of more than one type of violence throughout their lives. The motives used to justify this violence and/or discrimination center on denying the person's gender identity, followed by other rhetoric like the confusion they would cause children or that others would think they are "immoral" people. Another reason is religious, connected to sin, which views trans people as dishonest and a bad "influence." The report also shows that the people who were violent against them were primarily strangers in public (88%), ex-partners, the family of ex-partners and friends (65%), study partners (62%), religious leaders and/or religious community members (62%), the nuclear family (father, mother, siblings), as well members of law enforcement (44%).

k. The survey identified that the educational environment is where there are the highest rates of violence and discrimination, followed by public spaces and the home. Also, it was revealed that violence practiced by law enforcement officers in police stations and public areas worsened when these agents identify the person as trans assigned female at

birth. Consequently, the person receives undue requests and violence with the objective of "correcting" and punishing the "incongruity" relating to the expectations of gender roles.

l. In healthcare institutions, violence and/or discrimination manifest as negligence and lack of care. What stands out is the ignorance of transmasculine people's and non-binary AFAB people's reality and health needs like assistance with sexual and reproductive health.

m. Regarding educational environments, these areas were identified as the first place where violence and/or discrimination frequently occur against transmasculine and non-binary people AFAB. This report highlights that the threat of sexual violence is the most common form of violence. Likewise, degrading treatment and harassment by peers in educational spaces and by the authorities themselves have been reported. The report demonstrates that there is public humiliation and even abuse of authority when conversion therapy is suggested or carried out. Moreover, it is clear that their identities are questioned and denied in educational institutions. This is because there are no rules recognizing the preferred name of trans people. There have only been two documented cases of universities in Peru recognizing preferred names, but only for internal procedures.

n. Findings on the process for reporting violence and/or discrimination towards transmasculine and non-binary AFAB people indicate that filing a report remains a challenge. A good part of participants did not file a report; of those who did, no punishment of their aggressors was achieved in the majority of cases.

- a.** There are specific reasons that the transmasculine and non-binary AFAB population does not report crimes, mainly fearing the process due to possible reprisals or the treatment they would receive at the police station. Likewise, the lack of proof is a way of minimizing the report of violence and/or discrimination which discourages reporting. They also fear exposure of their gender identity and thus mistreatment and questioning of their identity when filing the report. Another obstacle in completing the filing of a report is the police's lack of training on the mechanisms of violence against transmasculine and non-binary AFAB people. In conclusion, there is a lack of willpower to consider cases of violence and/or discrimination as valid.
- b.** Regarding their work life, only 37% of participants were working at the time of the survey. Some 37% stated that they accepted jobs in fields not related to their professional formation just for the money, and 43% indicated having worked in places where they did not feel comfortable. This is possibly related to the obstacles reported in finding work, among which, is the fact that their bodily appearance does not correspond to the name of their DNI (50%), their visibility as trans people (42%), and discrimination suffered in the interviewing process (37%).
- c.** Moreover, the health crisis in the pandemic caused by COVID-19 particularly affected transmasculine and non-binary AFAB people. The main results that this study identified are summarized below:
- d.** The COVID-19 pandemic has unquestionably caused transmasculine and non-binary AFAB people's situation of vulnerability and violence to worsen. The State has been active in presenting policy that includes the trans population, which has been historically marginalized, thus resulting in the precariousness they lived in and/or are exposed to.
- e.** The majority of trans people (81%) report feeling insecure or very insecure where they currently live. Additionally, many of these people consider that the violence and discrimination under which they live became aggravated due to the COVID-19 pandemic.
- f.** The "Pico y Género" law generated measures that obstructed the free movement of trans people. Law enforcement carried out arbitrary arrests questioning the trans person's identity document, giving room to situations of abuse and torture, due to law enforcement's ignorance of trans people and the violence naturalized against this population in militarized spaces.
- g.** This same law created psychological consequences with respect to trans people. Many were afraid and emotionally affected by not knowing what day to go out. This was observed on the first day of this law's implementation in several complaints from trans people on social media.
- h.** Regarding the right to identity, feelings of vulnerability were made more pronounced. They felt that as a trans person, they are viewed as someone who could commit criminal or immoral acts. Equally, law enforcement assumes a crime is being committed when they do not possess a document with a name that

represents their gender identity. This has emotionally impacted transmasculine and non-binary people since they do not feel protected in public.

g. Another situation pertaining to the right to identity is related to legal procedures that were stalled or postponed by the pandemic.

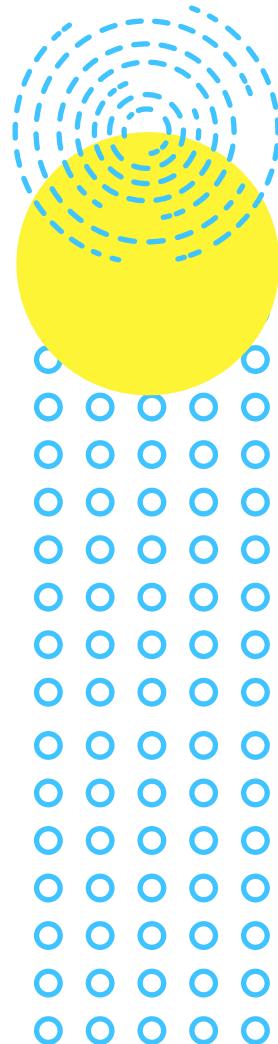
h. Transmasculine and non-binary AFAB people were affected in structural areas like economics, housing, health, and labor. This report will show how 78% of trans people saw their daily income diminish, which led to some of them having to return to the familial spaces from which they had fled or been expelled.

i. The survey's findings reveal that 58% of non-binary AFAB people have been subjected to intrafamilial violence. One of the reasons that could explain this is that various non-binary people chose to "come out the closet" at home. Another important cause of intrafamilial violence was spending prolonged amounts of time in the home since trans people were obliged to tolerate transphobic violence in their own home.

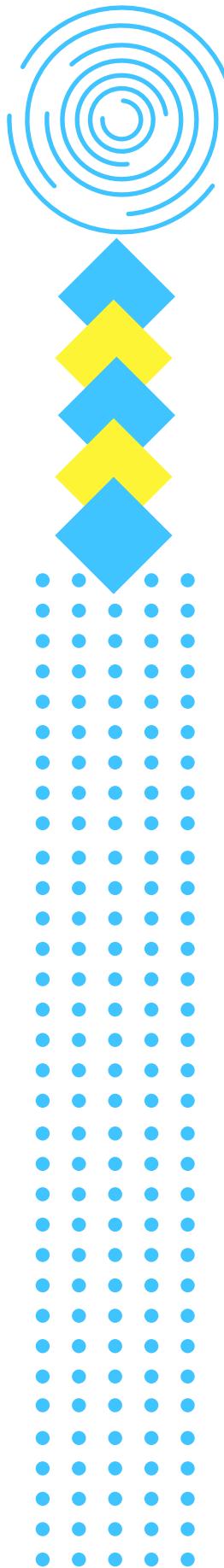
j. Regarding health, and particularly mental health, the effects were noticed once exposed to the "Pico y Género" law, which aroused feelings of fear, vulnerability, and anxiety. Additionally, 50 transmasculine and 3 non-binary AFAB people interrupted or postponed their hormone therapy because of the COVID-19 pandemic. Hormone therapy for some transmasculine and non-binary AFAB people is indispensable since stopping treatment can lead to impacts on their physical integrity and health.

k. Regarding labor, it was discovered that a majority of trans people (76%) do not have a job that provides them with medical care. This increases the levels of vulnerability around the precarization to which they are exposed. The witness accounts state that transmasculine and non-binary AFAB people could fall ill, because they were obliged to go out to work in order to meet their basic needs.

l. One relevant aspect is that grassroots transmasculine and non-binary organizations organized efforts to send economic and emotional support, assistance, etc. – all of this in the absence of State measures that protect trans people and, specifically, transmasculine and non-binary AFAB people.



This report is divided into eight sections. The first part includes the first four chapters: the introduction, the national and international normative framework, methodology, a brief state of the art on the investigations and statistics surrounding transmasculine and non-binary people in Peru. The second part includes, in chapter five, the profile results of the participants in the Transmasculine and Non-Binary Trans People Survey which was done for this study. In chapter six, the different identified impacts on both groups are addressed. This chapter was specifically organized into 10 themes: (1) lived experiences around the recognition of identity, (2) family environment and living together, (3) civil and political rights, (4) discrimination, (5) problems pertaining to the reporting process of violations and/or discrimination against transmasculine and non-binary AFAB persons, (6) education, (7) health, (8) labor and economic impacts, (9) housing, (10) repercussions in the context of COVID-19. Lastly, the third section includes chapter seven with the response of the transmasculine and non-binary movement in Peru which intends on giving an account of the work done by organized civil society in order to respond to the various violations that have been demonstrated in this report and that worsen due to the State's inaction in securing the exercise of human rights by transmasculine and non-binary people. Finally, chapter eight presents the conclusions and chapter nine provides the Peruvian State and international human rights organizations with recommendations which were jointly designed by the investigative team and the grassroots organizations that participated in the writing of this report.



1

INTRODUCTION



1

In Peru, the rights of trans people are still not recognized. This begins with limitations that exist in accessing the right to identity which impedes the enjoyment of other basic rights. The Ombudsman's Office stated in its report n°175¹ the necessity of including the trans population in public policies that recognize and protect other basic rights. Nonetheless, the absence of a State response increases the vulnerability in which trans people live. Thus, marginalization and violence cost them their lives in most cases and forces them to survive precariously in a society that does not take them into account.

2

Moreover, there are two populations that are invisible within trans identities: transmasculine and non-binary assigned female at birth (AFAB).² When speaking about transmasculine people, this refers to

¹ Defensoría del Pueblo del Perú, *Derechos humanos de las personas LGBTI: Necesidad de una política pública para la igualdad en el Perú*, Informe Defensorial n°. 175 (2016), 142. Available at:

<https://www.defensoria.gob.pe/wp-content/uploads/2018/05/Informe-175-Derechos-humanos-de-personas-LGBTI.pdf>.

² The abbreviation AFAB is used to designate trans people who were assigned female sex/gender at birth. This abbreviation is used in order to make this reality visible. Because they possess bodies that have been assigned a gender and, thus, an identity, which is being a "woman", AFAB people's life trajectories have included certain socialization and expectations on them for being perceived as women. In the public policy of States, the term woman is used to implement initiatives that end inequality. However, this experienced is erased for transmasculine and non-binary AFAB people who at some point in their lives, either in childhood or adolescence, had the same experiences due to the social expectations placed on those born with a vulva and, therefore, designated as women. Another reason stems from the reflection that the violations endured and the prejudices towards transmasculine and non-binary AFAB people happen because they TRANSGRESS the expectations placed on them for being assigned female at birth. This abbreviation and its conceptualization are mentioned in the book *Historia de lo Trans* which says: "The categories that were assigned to us are situations where we can make decisions about ourselves and undertake significant actions to change our trajectories including self-assigning ourselves another distinct gender." Stryker, Susan. *Historia de lo trans: Las raíces de la revolución de hoy* (Madrid: Contenta Me Tienes, 40-41, 2017).

all people assigned female at birth, but who form themselves and/or self-identity with a gender identity other than female and who feel closer with masculinity in its various forms, which does not necessarily imply a masculine gender expression. On the other hand, non-binary people are those who self-identify with gender identities that do not abide by the masculine/feminine or male/ female binary. These identities can even partially identify with the gender assigned at birth or fluctuate between the two.

3

Currently, transmasculine and non-binary AFAB people find themselves outside of public policy and public debate in Peru. Moreover, when "being trans" is mentioned, an automatic connection to trans women is made. This implies other life events, stories, and experiences that are not reflected in the State's policies and, in certain occasions, nor in the LGBTI+ movement's agenda. Even their needs are homogenized, which differ from other trans identities since they go through different trajectories upon being assigned female at birth. This leads to, for example, an ensemble of social expectations linked to gender roles.

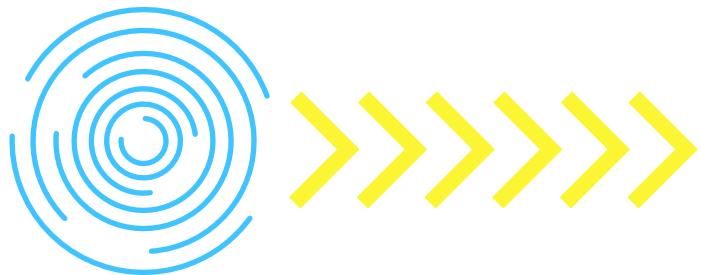
4. In response to this situation, there are in 2020 approximately 7 transmasculine and non-binary organizations in different Peruvian cities, which seek to obtain safer spaces for this population. Although these initiatives have been well managed by this collective, there is still no political policy that represents the problems that they face. Likewise, until now there is no document that organizes the specific impacts and violations of their human rights, which is fundamental to providing evidence that reveals their reality and demands a real solution from the State.

5. The investigation presented herein is a reply to this situation since there is virtually no evidence that focuses on transmasculine and non-binary AFAB people in Peru. This report would be one of the first to show the impacts on transmasculine and non-binary AFAB people's access and exercise of their human rights as well as the discrimination and violence to which they are exposed. Additionally, the actions taken by transmasculine and non-binary AFAB groups before and during the COVID-19 will be presented.

6. The document has four sections: the first one introduces the methodology; the second provides a brief review of the investigations held in Peru that collected information on transmasculine people. This section also includes a review of the data obtained in the first online survey for LGBTI people conducted by the National Institute of Statistics and Information (INEI) with an emphasis on transmasculine and non-binary people. The third section presents the general data obtained from the survey in this investigation. The fourth chapter provides the results of the different types of rights violations identified in the survey and interviews held. Lastly, a series of recommendations to the government and international bodies is presented.

7.

Finally, it is important to underline that trans people constituted a majority of the investigative team. There is a difference when their life experiences and daily experiences are spoken of in the discussions generated by this study into the trans population. The academic community owes a historic debt in researching trans people because its pathologizing rhetoric was the cause of trans people's persecution and psychiatrization, which still serve as a justification for their abuse and the denial of their basic rights. The academic community and the research that cisgender people conduct into the trans population merits reflection since many of these projects exclude trans people from participation in academia as agents of knowledge and knowledge production. Rather, it has addressed them with inferiority, treating them as test subjects. Trans people are still dying in precarity while their cultural and symbolic capital is being commodified. It is important that trans people are allotted space in such debates, that they speak for themselves, and that academic institutes take responsibility in deconstructing colonial, classist, racist, transphobic, and ableist practices.





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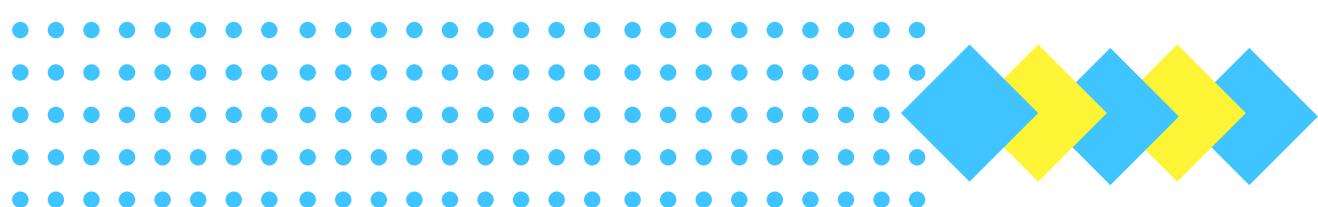
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2

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COVID-19



8.

Given that the writing of this report took place in the context of the COVID-19 pandemic, it is important to address the ways in which this emergency affected transmasculine and non-binary people. It must be clarified that the investigation was held during the first wave of the pandemic and does not analyze the impacts and decrees that appeared during the second wave. On March 16th, Peru declared a state of national emergency in the pandemic (Supreme Decree n°. 044-2020-PCM)³. One of the main measures adopted was the establishment of mandatory social distancing (quarantine), which implied the suspension of constitutional rights, initially for 15 days, but was finally extended to 108. In this vein, it was decreed that people could only circulate about in order to provide or access essential goods and services. All large-scale places and activities of public access were suspended. The international borders were declared closed and the interprovincial movement of people was restricted.

9.

Additionally, a curfew was established which began at 8 p.m. and ended at 5 a.m. (Supreme Decree n°. 046-2020-PCM). However, this schedule was subject to subsequent changes: on March 30th, the Mandatory Social Immobilization started at 6 p.m. to 5 a.m. on a national level, except in the regions of Loreto, Piura, Lambayeque, La Libertad, and Tumbes where the curfew began at 4 p.m. (Supreme Decree n°. 053-2020-PCM). This measure continued to be adjusted throughout the emergency period through the application of focalized quarantines in different parts of the country. On October 5th, the curfew ran from 11 p.m. to 4 a.m. (Supreme Decree n°. 162-2020-PCM).

10.

Furthermore, a series of measures was implemented to provide economic support to households in precarious situations. In total, the government announced the distribution of four vouchers⁴: (1) vouchers for households in poverty or extreme poverty, (2) independent vouchers aimed at independent workers whose households are considered not in poverty by the Household Targeting System (Sistema de Focalización de Hogares – SISFOH), (3) vouchers for rural households in poverty and extreme poverty, and (4) Universal Family vouchers (S/760) with the goal of reaching households that do not have any formal income and have not received any of the other vouchers. Regrettably, as already stated, knowing the percentage of trans people who received any of these vouchers is impossible because there are no State records that collect information on gender identity.

II.

It is necessary to emphasize that no official government measure was directly aimed at trans people; only the creation of a booklet “Egalitarian Guidelines for promoting the rights of LGBTI people during COVID-19”⁵ was identified, created by the Ministry of Women and Vulnerable Populations (MIMP) and the Ministry of Justice and Human Rights for the Day Against Homophobia, Transphobia, and Biphobia (May 17th). This booklet states that “to receive guidance concerning violent acts against women in their diversity and family members, please call Line 100.” This information is not very clear regarding the room occupied by transmasculine and non-

⁴ Gobierno de Perú, Coronavirus: apoyos económicos del Estado por el aislamiento social obligatorio (actualizado, 12 de febrero de 2021). Available at: <https://www.gob.pe/8895-coronavirus-apoyos-economicos-del-estado-por-el-aislamiento-social-obligatorio>.

⁵ Ministerio de la Mujer y Poblaciones Vulnerables de Perú-MIMP, Pautas igualitarias para promover los derechos de las personas LGBTI en el contexto de COVID-19. Available at: <http://www.mimp.gob.pe/files/Cartilla-vg-derechos-LGBTI-en-el-contexto-de-COVID-19.pdf>.

3 <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-declara-estado-de-emergencia-nacional-po-decreto-supremo-n-044-2020-pcm-1864948-2/>

binary people in the Ministry's eyes. Even as a response to a request for information⁶, the MIMP listed cases tended to by Line 100 as if "LGBT" people were a homogenous group. Moreover, they organized information according to the "user's sex," which makes it impossible to identify trans people.

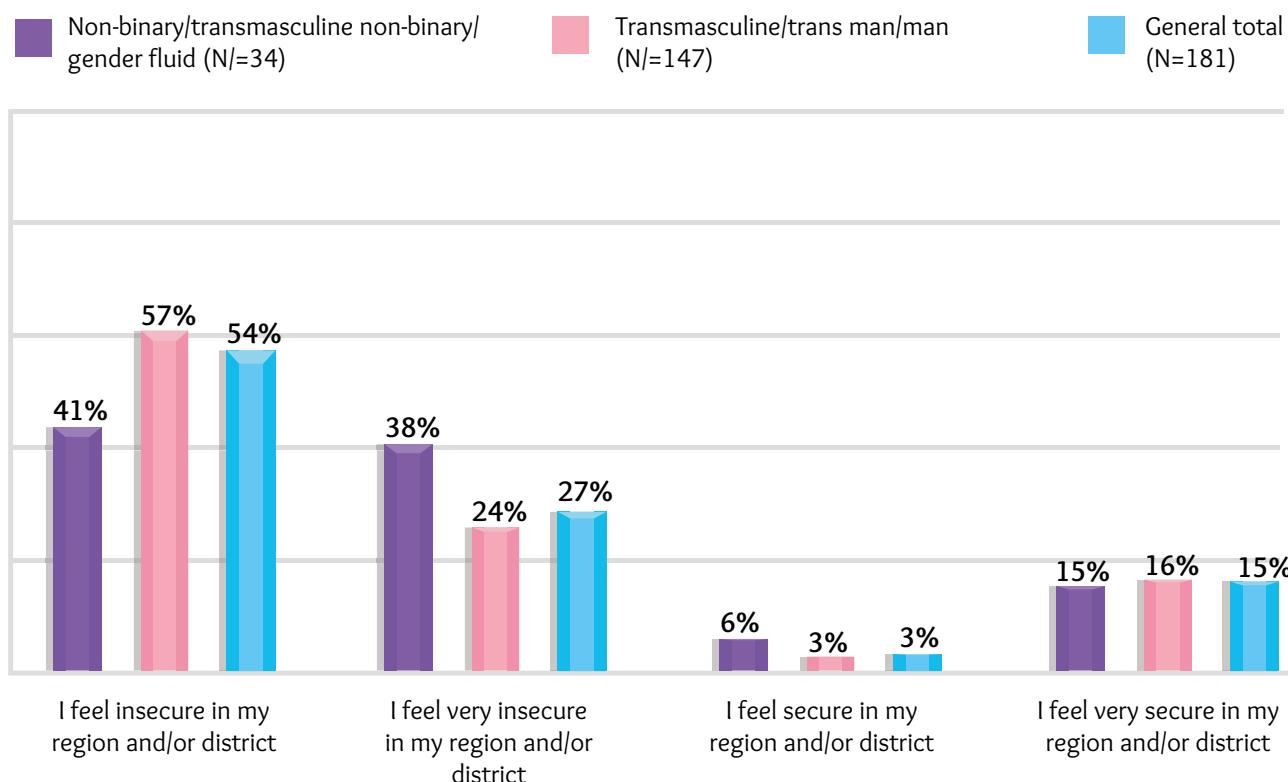
12.

This section will narrate how the situation of transmasculine and non-binary AFAB people was affected during the emergency period on a familial level, in public spaces, and in accessing different services.

2.1 FACTORS THAT INFLUENCE THE VIOLENCE AND/OR DISCRIMINATION AGAINST TRANSMASCULINE AND NON-BINARY AFAB PEOPLE IN THE CONTEXT OF COVID-19

13. With regard to the effects of COVID-19, it is necessary to explain what the survey's participants' perception of security is taking into consideration the violence they face in both the public and private sectors. Some 81% feel insecure or very insecure where they live. This indicates the violation of their right to citizenship and freedom.

Chart 55. Percentages of security perceptions where they live

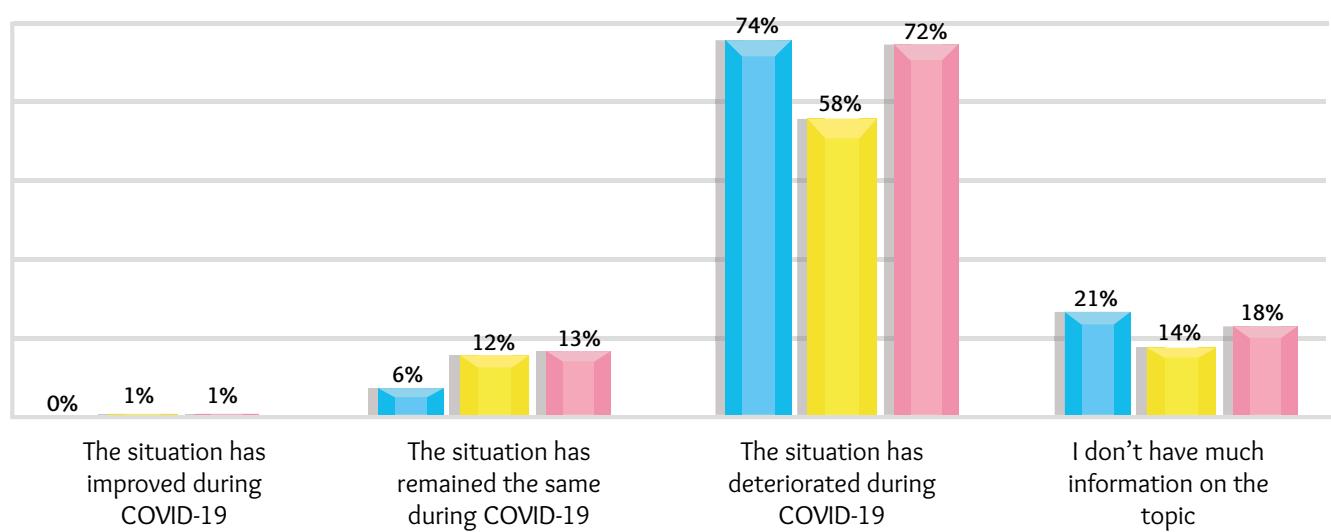


⁶ The request was sent on August 14th and the letter n° D00088-2020-MIMP-AURORA-REI was received dated on August 25th, 2020.

14. Against the backdrop of the health emergency, participants were questioned about their perception of violence and discrimination. Some 72% of surveyed persons stated that the situation has deteriorated under these circumstances. Binary and cis-sexist policies were an important factor since the levels of violence grew due to the “Pico and Género” policy which began on April 3rd, 2020, two weeks after the introduction of the national quarantine. Moreover, the marginalization trans people face results in the limitation to the access of basic rights.

Chart 56. Perception of violence during COVID-19

■ Non-binary/transmasculine non-binary/gender fluid (N=34) ■ Transmasculine/trans man/man (N=147) ■ General total (N=181)



15. The results of the interviews and survey mention diverse factors in which transmasculine and non-binary AFAB people were and are exposed in the COVID-19 pandemic which explains the violence experienced. Likewise, in a short time the feeling of fear became more pronounced due to the “Pico y Género” discussed below.

2.2 “PICO Y GÉNERO” LAW

16. Before addressing this policy, it is necessary to recount how militarization and the abusive use of force are not isolated in Peruvian society. Au contraire, is a structural component in which violence towards trans people is through the multiple cases of murder, torture, and persecution.
17. In the first place, it must be emphasized that the Final Report of the Truth Commission (Spanish acronym: CVR) (created because of the internal armed conflict that mostly took place in the 80s) stated that terrorist groups Movimiento Revolucionario Túpac Amaru (MRTA) and Sendero Luminoso committed violent acts against LGBTI+ people as a part of their “social cleansing” policy⁷.

⁷ McCullough, R. ¿Puede ser travesti el pueblo? Testimonio subalterno y agencia marica en la memoria del conflicto armado, p. 1 – 4 (2017).

One of the events remembered by the LGBTI+ community is what transpired at the Gardenias bar where 8 people were killed by the MRTA⁸. Even so, these were not the only groups that started to persecute LGBTI+ people. Another case not recognized by the CVR is the Huanta case of 1984, where people identified as homosexual disappeared. Part of this account states the following:

Victor Rivas Ventura was with his mother and sister at home in Huanta when he was kidnapped by a group of tall, hooded men with ponchos on August 11th, 1984. The sailors took him to their quarters at the local stadium, they called him ‘the maricon’, and his sister confirmed that ‘he had homosexual tendencies and liked to dress in women’s clothing’, but that he will never be able to do so because he disappeared (they disappeared him) along with another 56 people⁹.

18. However, the State does not recognize this violence on the same level as equally reprehensible acts. In the first case, the report from the bar Las Gardenias seems like the end part of some section of the CVR report and the policy of hate against LGBTI+ people is not acknowledged in the conclusions. The second case was not included in the final official report of the events that took place during the period of political violence. This is an example of the role that the statements of LGBTI+ people play in official Peruvian history. That type of discrimination persists, because

⁸ Comisión de la Verdad y Reconciliación-CVR, Informe Final de la Comisión de la Verdad y Reconciliación: Tomo II. El Movimiento Revolucionario Túpac Amaru, 432 (Lima, 2003).

⁹ Infante, Gio. “Las otras memorias. Persecución, tortura y muerte de homosexuales durante el conflicto armado interno”. Published in La Mula (28 August 2013). Available at: <https://gioinfante.lamula.pe/2013/08/28/las-otras-memorias/gioinfante/>

there is no depiction of the consequences of prejudice and the magnitude of what hate speech against this population leads to. Perhaps for this reason, the State does not take action concerning these events, which did not only occur during the internal armed conflict at the hands of terrorists, but also continue today at the hands of third parties and law enforcement.

19.

The recent decision of the Inter-American Court of Human Rights (I/A Court H.R.) deserves special attention. It declared Peru guilty of the torture and sexual abuse of a LGBTI person by police officers in 2008. This judgement explicitly demonstrates how law enforcement continues to be one of the main institutions that persecute and abuse LGBTI people¹⁰. Under these circumstances, during the same week of the I/A Court H.R.’s ruling, the “Pico y Género” Law was enacted, which proves once more the ignorance of the conditions of vulnerability trans people are exposed to. The mandatory social immobilization measure functioning according to sex was promulgated through Supreme Decree n°. 057-2020-PCM. Article 3 of this decree stated the following:

Men can only circulate on Mondays, Wednesdays, and Fridays and women on Tuesdays, Thursdays, and Saturdays. Additionally, on Sundays the mandatory social immobilization applies to all persons in the nation for the day’s entire duration. For the implementation and control of this measure, discrimination is forbidden.

¹⁰ Azul Rojas Marín y otra vs. Perú, Excepciones Preliminares, Fondo, Reparaciones y Costas, Corte IDH, (12 March 2020). Available at: https://www.corteidh.or.cr/docs/casos/articulos/seriec_402_esp.pdf.

20.

Nine days later on April 10th, through Supreme Decree n°. 064-2020-PCM, this measure, which offered a binary vision of gender and exposed trans people to rights violations and discrimination (as shown in the following sections), was declared void.

21.

The “Pico y Género” Law meant constantly watching the population and making sure people’s appearance matched their gender. Although President Vizcarra reassured that the rights of trans people would not be infringed, this did not guarantee that the police would not discriminate. On this subject, Bruno states that the mistreatment of trans people was due to law enforcement officers’ ignorance of trans people and that there are no protocols on interacting with them. Ale expresses that police officers and members of the armed forces are not informed on trans topics and that cisnormativity and heteronormativity are institutionally reinforced.

“It has been detrimental, especially this “pico y género” affair where men and women can only go out according to the ‘F’ or ‘M’ on their national IDs. Going out has been very complicated and the uncertainty has remained whether or not we can go out and, if we do, as the president said, do we do so according to how we feel? But not all the police are trained in recognizing and interacting with trans people and not all trans people are undergoing hormone therapy. For example, what if I had gone out and they had asked me: ‘Are you a girl or boy?’ and ‘Why are you here?’ So, I preferred to stay in and my friends also avoided going out because they were afraid of that. Despite the intention to respect our identity, those

who did not have replacement hormone therapy were going to be exposed to encountering violence.” - Bruni, 28, transmasculine, Arequipa.

“You have to look like a man or a woman, but according to who’s understanding? The police or the armed forces who are the least empathetic people in the world? So, there’s that, and I’ve also felt cisnormativity being reinforced. So, that caused a lot of issues there, feeling once more that there is a system forcing you to perform something you don’t want to, something you’re not. So, there’s definitely a negative psychological effect more than anything.” - Ale, 28, non-binary person, Lima.

This law demonstrated and highlighted the misinformation, prejudice, and stigma around transmasculine and non-binary AFAB people and it caused negative emotional and mental impacts on trans people. As indicated, this rule set forth that “(... Men can only circulate on Mondays, Wednesdays, and Fridays and women on Tuesdays, Thursdays, and Saturdays. Additionally, on Sundays the mandatory social immobilization applies to all persons in the nation (...)”¹¹.

¹¹ Decreto Supremo n°. 057-2020-PCM (Presidencia de Consejo de Ministros), 2 April 2020, EL PERUANO-PLATAFORMA DIGITAL ÚNICA DEL ESTADO PERUANO. Available at: https://cdn.www.gob.pe/uploads/document/file/574872/DS_057-2020-PCM.pdf

“My fear is that they ask me for my papers in public or something; that would definitely complicate things. I’ve gone out, but with the fear of being asked for my papers and there being problems. I’ve seen many cases of people being stopped by the police.” - Jeik, 29, transmasculine, Trujillo.

22. According to statements from activists when interviewed, there was concern about not knowing which day they could leave the house. Gender rigidity concerning appearance was one reason that trans people were stopped and questioned, in addition to complaints on social media that showed the level of torture trans women were enduring. Jeik, Zaid, and Kit affirmed that this law had negative psychological and emotional impacts on transmasculine and non-binary people. Another difficulty was that trans people had to behave according to the sex on their national ID out of fear of being kept from circulating or facing police violence.

23. Members of law enforcement, like police or watchmen (serenazgo), represent a group that, in the context of the pandemic, has faced increased questioning about the torture, the hindering of movement, and the denial of identity they exercised over trans people. Approximately, 17 people reported arbitrary stops on social media. These forms of violence occurred even before the “Pico y Género” policy was declared¹².

“In other words, it was the first impact; it was the emotional issue many friends were dealing with and really seeing the difficulties they were going through, right. Trans friends that weren’t in the news, but you found out about what was happening through the same group, through the same community of people. And it’s like receiving all this news, beyond being frustrating like ‘wow this is unfair; this shouldn’t be happening,’ also brings you down a bit. It makes you uneasy. So, that happened to me when those situations were going on, not only in Peru, but to other friends in other countries. They’re difficult moments that many friends are still continuing to face, am I right? It’s really messed up.” - Zaid, 29, transmasculine, Callao.

“(...) well, some members didn’t know when or how to go out because of the “Pico y Género” law. All their fear, anxiety, and stress were building up. Our identity is always in the possession of the person looking at us. And in that case, it was the armed forces or the police.” - Kit, 28, non-binary, Lima.

“(...) in the midst of a pandemic they were asking for my national ID and when they read a woman’s name, they called me the name I didn’t identify with.” - J, 29, transmasculine, Lima.

“Recently when a cop stopped me and saw my national ID, he realized and started to say offensive things to me.” - C, 38, trans man, Lima.

¹² Balvin, S., Presentación para Race And Equality, Situación de población trans durante la crisis sanitaria Covid-19, Perú, 3-4. Available at: <https://raceandequality.org/wp-content/uploads/2020/04/Situaci%C3%B3n-de-POBLACI%C3%93N-TRANS-PER%C3%9A-CONTEXTO-COVID19.pdf>.

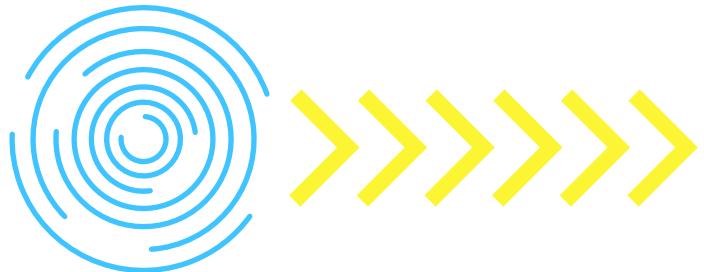
2.3 TRANSMASCULINE AND NON-BINARY PEOPLE'S FEELING OF VULNERABILITY CONCERNING THE RIGHT TO IDENTITY DURING COVID-19

24.

The trans population's vulnerability is very worrying as proved throughout this text, especially with regard to their right to identity. Marco states that the vulnerability suffered by trans people can be identified as a feeling of insecurity upon knowing that they present a non-normative gender expression that exposes them to prejudice as if they were committing an immoral act or will commit one. Thus, whenever there is police involvement, the first thing people think is that this person is in the wrong for not having a national ID that represents their gender identity. Another interviewee says that this situation of violence, along with State inaction concerning trans people's complaints, increases the feelings of vulnerability which affects their mental health, and it is more serious since these are events that happen daily.

"I think that the main concern of transmasculine people has been to go as least perceived as possible, to not be pointed out, to not be abused, because in COVID-19 the police really want to. Although winning was impossible before, now it is much worse. So, we have less chances of being humanely treated. We, trans people, are afraid because we are undocumented people in public and if we commit any act that is viewed as bad by the police, and they find out we are trans, then we are in a situation of enormous vulnerability and abuses against us can be committed. I would say that we are vulnerable." - Marco, 38, transmasculine, Lima.

"Honestly, within the transmasculine or non-binary community, I know that we've heard of cases in Lima, but here in Trujillo, in the nearby vicinities, I haven't heard of any. I know there are surely cases, but they don't feel able to or are afraid of expressing their situation out of shame, perhaps, surrounding what happened and they are afraid of revealing it. I know that society nor the government do anything to support us. The police act and do whatever they please, to tell the truth. We've seen it with people, with the trans girls, and the truth is lamentable. There have not been any cases involving guys, well not that I've heard of at least, here in Trujillo. I know there've been a lot of cases in Lima, but perhaps not as revealed as is the cases of girls. But the truth makes us feel more vulnerable than we already are." - Jeik, 29, transmasculine, Trujillo.



25. Moreover, the standstill of legal procedures due to the COVID-19 pandemic appears to be an important challenge.

"For example, I am currently in the legal process of having my name and sex changed and the process has stalled due to the pandemic because the Judicial Authority of Arequipa is still not operating. Before they were holding virtual hearings, but a judge became infected because he was going to the court. Another one got infected as well and personnel from the Ministry of Justice later became infected. So, now there are not even virtual hearings from what I've heard, but only a few but it's more complicated (...)." - Bruno, 28, transmasculine.

2.4 STRUCTURAL FACTORS: ECONOMICS, HOUSING, HOME, HEALTH, AND LABOR

26. This report has demonstrated that transmasculine and non-binary AFAB people confront multiple types of discrimination which limit their ability to exercise their labor and economic rights. This places them in a position of vulnerability in the face of situations like COVID-19. In this context, Ale and Zaid claim that the pandemic subjects even more trans people to precarity. Since they did not possess economic income or saw it greatly reduced, a cycle of limitations and setbacks was produced which exposed them to violence. One of these forms was having to have to return to the domestic spaces they fled from or having to tolerate violence within their homes.

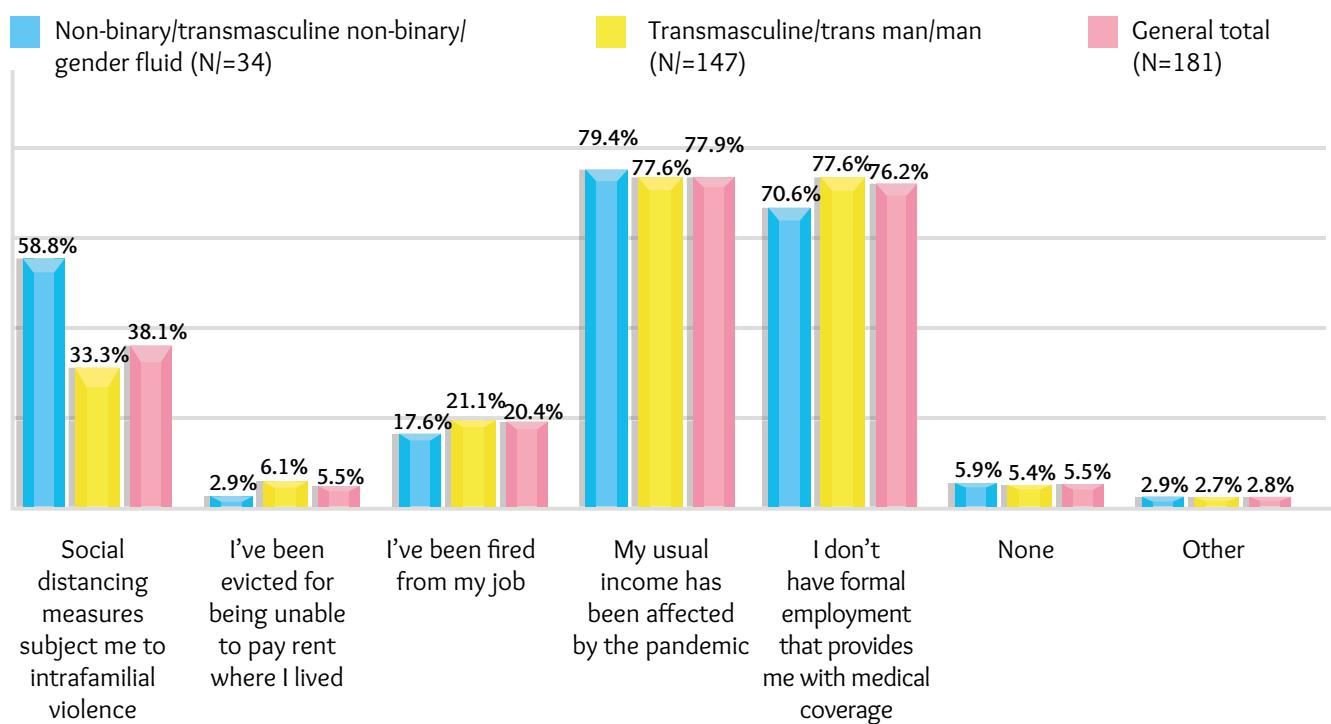
"What the COVID pandemic has done is put us in an even more precarious situation, in a structural sense. As a matter of fact, for trans people, it's like, wow, if it has done that to people and society in general, then I feel it's double or triple for trans people, on top of continuing to deny them rights and the rest, as well as denying them basic services like access to employment. Yes, I feel that all of what has been going on is only made worse during COVID." - Ale, 28, non-binary person, Lima.

"One of the factors has been economics since there have been guys who were working and have lost their jobs. Subsequently, some of those same guys were, let's say, renting somewhere and were able to pay and were about to be evicted from those places. And, for that reason, they went back to the place where they had been abused since their childhood and youth, which was their home. So, it's a whole chain of setbacks that took place for those guys." - Zaid, 29, transmasculine, Callao.

27.

According to the survey, 78% of participants said that their income was affected by the pandemic in addition to not having formal employment that provides them with some type of medical coverage. All of this proves the informal status transmasculine and non-binary AFAB people find themselves in. Another point worth stressing is that 58.8% of non-binary AFAB people have been made to suffer intrafamilial violence due to the social distancing measures.

Graph 57. Percentages of factors that influence the violence and/or discrimination during COVID-19



28.

In their witness accounts, activists affirmed that quarantine meant problematic dynamics upon spending more time with their families since it was not a safe place for many trans people. For example, a member of a non-binary group told us that various members said they had come out of the closet to their families due to the COVID-19 pandemic.

“One of the things that we had in common in Fuerza No Binaria was that it was rather complicated. For example, some people had to come out as non-binary due to COVID, but it didn’t go all bad.” - Kit, 28, non-binary person.

29.

Intrafamilial events of violence have increased since spending prolonged periods of time together in the home lends to violent transphobic episodes. In this way, staying at home exposed trans people to violence they had to endure because they had no other spaces to go in order to flee this violence.

“(...) and the topic of some transmasculine youths who have been at home where the violence has been greater than what it was before. They did suffer violence before the pandemic but at least they could easily escape and go away somewhere else and stay there. However, with the pandemic, you’re stuck. How can you get out? How can you protect yourself? To top it all off, there was the curfew and, basically, many of the factors from the state of emergency and the pandemic are such that the cases of violence that have appeared take place in the home.” - Zaid, 29, transmaculine, Callao.

31.

According to the survey, 50 transmasculine people had to postpone or interrupt their hormone therapy because of the pandemic and the only 3 non-binary AFAP people in the middle of this process stopped it. In their statements, activists mentioned a lack of conditions and means to ensure that transmasculine and non-binary AFAB people continue their hormone therapy during COVID-19 since their bodily integrity is affected by having to postpone therapy or not having the economic resources to continue it.

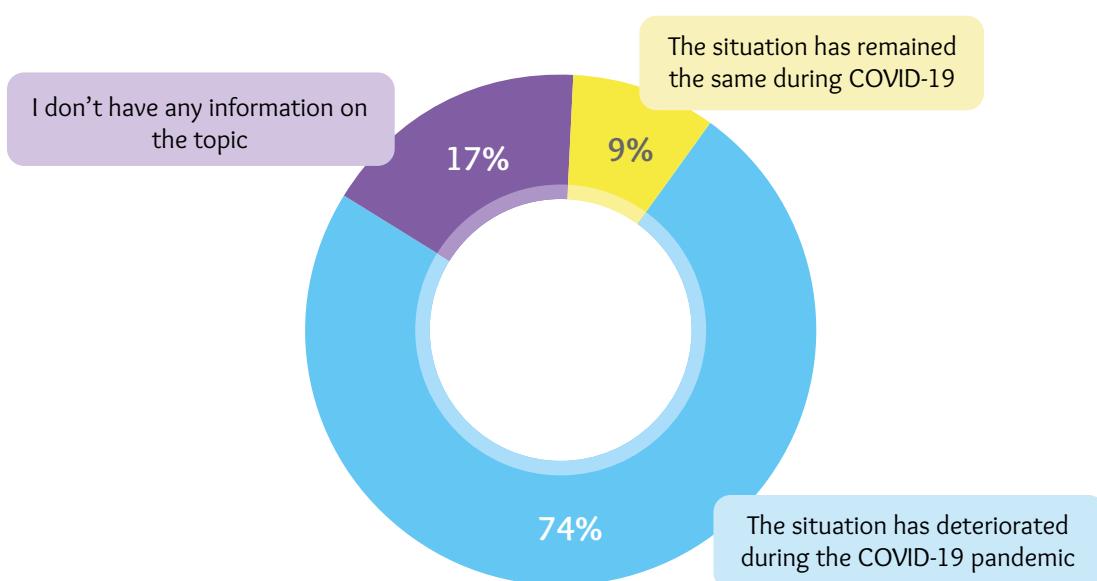
“Well, transmasculine people who were taking hormone therapy have been really affected because they could not purchase their hormones and had to pause them most times.” - Marco, 38, transmasculine, Lima.

30.

As already demonstrated, the pandemic has aggravated the situation of vulnerability, exclusion, and precarity that transmasculine and non-binary AFAB people confront daily. In most cases, their physical and mental health have also been affected due to the misinformed and transphobic measures imposed by the government, named “Pico y Género”, the stigmatization of trans people in public and private health institutions, as well as the disruption and lack of medicine and hormone treatments.

32. With regard to the labor climate, graph 54 shows that 76.2% of participants do not possess formal employment that provide them with medical coverage. This does not only imply a lack of resources in accessing health, but it also means that informal labor and access to employment is a structural problem that is worsened when one is trans. Some 74% of participants stated that transmasculine and non-binary AFAB people's labor situation has deteriorated.

Graph 54. Labor situation during COVID-19



33. Not having an official job and the difficulties in obtaining one became worse and made trans people's inequality and marginalization more precarious. Fernando, Bruno, and Kit state that their trans friends who live on their own have looked for ways to survive the pandemic with the little bit of income they already had. These limitations led, in some cases, to them having to return to the family home, which is a hostile place for them, and a difficulty previously mentioned.

"Things have become rather more difficult; above all, because of our identity we have faced difficulties in accessing State services and things like work, education, and health. With this pandemic and safety protocol stuff during the pandemic, opportunities have become fewer and people have to find a way to survive somehow because many of us live alone. Yes, we feel that the situation has gotten worse." - Fernando, 35, transmasculine, Trujillo.

“They didn’t have any way to survive and some of them had to return back to their family’s houses and have had to tolerate violence like not being named how they identified, or borrow money, or find a way to get money to survive.” - Bruno, 28, transmasculine, Arequipa.

“(…) you were taking care of yourself independently, but ultimately, there wasn’t any more income to be had because many jobs came to an end. You have to go back to a home where they’re going to infringe upon you, and you don’t feel free; you feel limited because you can’t be yourself 24/7. These same people put you back into the binary box.”

- Kit, 28, non-binary person, Lima.

34.

Ale and Fernando related that in the face of economic need, many risked falling ill. Because they worked unofficial jobs, they do not receive pay that allows them to afford their basic needs. Consequently, the precarity transmasculine and non-binary AFAB people already lived in became more pronounced in the COVID-19 pandemic.

“On the subject of money, anyway it’s tough for a lot of our peers to a lesser or greater degree. I know of peers who have fallen ill because they had to keep working, exposing themselves to the virus in public, or in the fields, or wherever else, and now they are sick and can no longer have that support. But they had to work of course, because before they were living in precarity which is inherent to their opportunities as trans people. So, there is a connection, right?” - Ale, 28, non-binary person, Lima.

“The reality is that the majority of trans guys have had a rough time because they were working under the table due to their identity. In other words, sometimes they think that off-the-books work will cause them less problems due to their identity. So, because of that situation, quarantine paralyzed them. There was no income; we’ve been like this two or three months. It’s a job without security and that’s how it is.” - Fernando, 35, transmasculine, Trujillo.

“Already, people with COVID are strongly stigmatized; people don’t want to get close to them. But now there’s the stigma of being trans and having COVID-19 and imagine how that feels… horrible.” - Marco, 38, transmasculine.

“I found out about one guy’s case; I don’t remember which region he was from. He caught COVID and at the same time he lost his job and was left with nothing; he had no income, zilch. By the force of things, he had to return home and be quarantined there. Happily, he recovered, but barely recovered he started searching how to take care himself. Having income, because money was the detail that set off a series of more things (...).” - Zaid, 29, transmasculine.

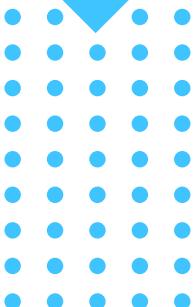
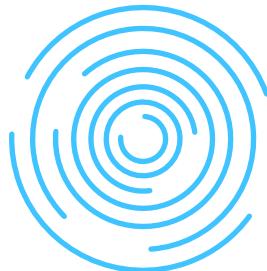
35.

In this scenario, the precarious socioeconomic conditions of the trans population overlaps. Bruno emphasizes that the State does nothing to counter this situation. Therefore, grassroots organizations like transmasculine and non-binary groups promote initiatives to raise money and become the networks of support and stability, responding to the implications of the health crisis in the transmasculine and non-binary population.

"Those who have had some kind of complication have received support because we make collections internally and give it to them. We had the case of one guy who was super sick and we made a small collection for him, because we don't have much income ourselves. So, we give something or bring food. Also, when we had food, some people were sick, so we brought it to them. Since we have a group chat that we're all in, we ask about each other, but some people don't say anything because they feel exposed. That I know because when I asked in the general chat, they don't say anything or they say they're well, but when I did it personally, they open up (...)." - Bruno, 28, transmasculine.

36.

In essence, the COVID-19 pandemic aggravated in different ways the situation of vulnerability and violence of transmasculine and non-binary AFAB people. Thus, it is made clear that law enforcement was and continues to abuse power and mistreat trans people, something that continues to be naturalized. Moreover, the measures taken by the government gave rise to situations of torture and negative mental impacts due to persecuting trans and non-binary people, and impeding their movement because of their sexual orientation and non-normative gender expression and gender identity. Lastly, the lack of access to basic rights and the relegation to the margins during a pandemic has only increased the level of precarization transmasculine and non-binary AFAB people already lived in and continue to endure.



3

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CONCLUSIONS



37. The political and epistemological stakes of this investigatory text have been to evince the situation of transmasculine and non-binary AFAB people concerning the access and exercise of their basic rights in the economic, social, cultural, civil, and political domains and their access to public services before and during the COVID-19 pandemic in Peru. The reason why this study, focusing on people assigned female at birth, was undertaken is that the research surrounding the difficulties faced by these groups is practically nonexistent; it is one of the groups with the least available, useful and pertinent information within the trans population. This study demonstrates that this population is exposed to various forms of violence and discrimination not only because it breaks from the cisheteronormative binary, but also as a result of the feminine socialization imposed upon it. In addition, this study shows the multiple interactions of a classist, racist, and misogynous society that continues to cover up transmasculine and non-binary AFAB people identity and deny their human rights.
38. Regarding the Peruvian State's public policy, it has been proven that although there has been some progress in LGBTI+ policy, transmasculine and non-binary people are absent from said policy. In the few areas where trans people are represented, either it is assumed that it is about trans women or this population is viewed as a homogenous block, which does not allow for the identification of the specific and distinct needs of trans women, transmasculine, and non-binary people. This imprecision avoids having to recognize the necessity of including record systems in State services that consider gender identity as a variable. The absence thereof in the long term impedes the collection of official information in order to monitor the progress of trans people's rights.
39. Based on the analysis of information gathered from experiences surrounding identity recognition and cohabitation in the familial environment, three main factors were found. Firstly, the effects on transmasculine and non-binary AFAB people's rights begin many times within the nuclear family and the domestic space. There is generally a negative, hostile, or degrading reaction from caregivers due to the lack of information on these populations. Subsequently, these people face difficulties in finding, accepting, and affirming their own gender identity. In such cases, guilt for not obeying the norms, not being able to make decisions about one's body, high levels of exposure to violence and sexual assault, being overly burdened with domestic chores and care work, etc. are all common.
40. Secondly, it is worrying that making one's identity visible leads to conflictual reactions and situations with the family. The family accepts and respects the person's gender identity in only 28% of cases. Moreover, there were 29 reported cases (16%) of people having to leave their homes. Lastly, the collected stories demonstrate the importance of meeting spaces and support networks for transmasculine and non-binary AFAB people in the process of reaffirming their identities and in order to confront the discrimination that they face in their own homes, in some cases.
41. This report shows that the gender identity of transmasculine and non-binary AFAB people is diverse and can be designated in different ways. For this reason, it is necessary to point out that this population has distinct realities. It is important to mention that policies for protecting trans people's identity rights are almost non-existent. More so, these populations face economic obstacles in starting legal procedures and changing their information, whether name and/or sex.

42. In cases where an approved legal decision has been obtained in view of a name change, there are barriers, in both private and public institutions, that prolong or refuse the administrative procedures for changing data, in financial statements, certificates, titles/deeds, customer service mentions, institutional mail, etc. This means that even with a name change, there are still other obstacles concerning discrimination and/or violence that do not allow trans people to fully enjoy their identity.

43. Regarding political participation, the transmasculine and non-binary AFAB population is a minority in need of visibility. Part of the problem is that participation in electoral politics is absent and its contribution to grassroots organizations is not long-lasting. This presents a challenge in bringing attention to their situation.

44. Another aspect of political participation is the right to vote. Most transmasculine and non-binary AFAB people are discriminated against when voting which makes exercising their voting rights difficult. Two reasons that frequently appear have to do with not having a national identity document that represents their identity and gender expression, on one hand, and the other is exposing themselves to discrimination and/or violence.

45. Regarding employment, it has been confirmed that the transmasculine and non-binary AFAB people, who participated in the making of this report, find themselves excluded from the job market and facing different obstacles in accessing and maintaining decent employment. It was demonstrated that many people were working or had worked in jobs that did not match their professional education. This situation is compounded by obstacles related to their identity like their bodily appearance not matching their name, their visibility as trans

people having an influence on the interview process, or the work environment for those who do manage to be hired.

46. Regarding education, it was revealed that educational environments are where violence is the most frequently experienced. On that regard, it is concerning that threats of sexual violence are the most recurring forms of violence in the educational sphere. This implies that being assigned female at birth and not meeting the expected gender roles, either in conduct or bodily appearance, produces responses that contain some level of prejudice. This is combined with discourse that thinks that "becoming a woman" means that the person is obliged to have sexual relations with a cisgender heterosexual man or that, upon doing so, the person's sexual orientation and/or gender identity will change. It must be pointed out that there are no records on the problems related to sexual violence against transmasculine and non-binary AFAB people since it is an invisibilized topic which many times remains silenced.

47. Another worrying factor are the reports of conversion therapy, backed by families and the authorities of educational institutions, that activists or survey participants faced. It must be stated that there are no State rules that ensure the respect and recognition of trans people's identity on any educational level, whether basic or university level. This demonstrates an infringement of their rights which worsens transmasculine and non-binary AFAB people's access to education. It was also revealed that more than half of the people who participated in this survey had to end their studies due to the lack of money. Despite the Executive's measure to strengthen educational themes, there is a still a wide gap that needs to be fixed in trans people's access to education.

- 48.** Regarding health, the interviewees and the quantitative information gathered show that negligence and the lack of care result in ignorance of transmasculine and non-binary AFAB people's reality and their specific health needs. For example, concerning sexual and reproductive health, there is evidence of a pathologizing, biologist binary rhetoric about the trans population found among the different health institutions and specialists in Peru. The survey also reflects this situation. In it, 51.9% of people affirm that health care providers do not possess adequate information nor are adequately informed about the subject of sexual diversity and/or trans people. Worse, 27.6% of respondents claim that health care providers pathologize trans people.
- 49.** It should be stressed that, regarding the two mentioned points above, 38.7% of surveyed people express not having managed "to find a therapist knowledgeable and trained in assisting transmasculine and non-binary people." Another 25.4% say they have "had negative experiences with psychotherapy services." In the case of non-binary people, up to 41% of them have had poor experiences. Secondly, the economic difficulties that trans people face in accessing therapy and psychological and psychiatric assistance are clearly made evident.
- 50.** Regarding physical health, 42.5% of surveyed people state not having any type of insurance, whether public or private. That means that 12 non-binary AFAB and 65 transmasculine people are unprotected from the risk of suffering an accident, an acute or chronic disease, of more or less gravity, at any time of their life. This risk increases for those transmasculine and non-binary people who undergo bodily changes and/or hormone therapy, since hormone therapy bears high monthly cost. Added to this is lack of awareness about transmasculine and non-binary AFAB people's health from trans people themselves and health professionals.
- 51.** Regarding surgical interventions which affirm the gender they identify with, 129 transmasculine and 18 non-binary AFAB people considered mastectomies a necessity. Concerning hormone therapy and access to it, 38 transmasculine people stated they followed some course of treatment, either through the medical prescription of non-specialized health personnel or through the consultation of community centers or private organizations. This means that of the 70 people who indicated taking hormone therapy, half of them are doing so without medical assistance, which can be risky for their health and physical integrity. Another important piece of information is that 71.3% (129 participants) said that the lack of economic resources is one of the main barriers to access hormone therapy or surgical interventions.
- 52.** Regarding sexual and reproductive health, almost all the people interviewed in Lima alleged having received misinformed, prejudiced, and pathologizing assistance. Moreover, the majority of interviewees stated that something that affected them was that on many occasions they were seen from a binary, patriarchal, and biologist point of view for seeking medical service and/or admitting during the consultation that they have a vulva or other reproductive organs classified as female. This stigmatizing and violent reality is part of the daily circumstances faced by people with those identities living in bodies seen as female at birth (AFAB). In this sense, the survey states that 75.7% of all those surveyed pointed out that one of the main reasons for giving up gynecological assistance is the fear

that their identity will not be respected. Likewise, another obstacle that 28.2% of people express facing when seeking medical attention is the lack of sufficient economic resources in order to pay for a consultation. Thus, due to the lack of trained professionals and without information of sexual and reproductive health for transmasculine and non-binary AFAB people, the situation is limited to a cycle of barriers that prohibit access good health.

53. Another subject worth mentioning is the right to abortion for transmasculine and non-binary AFAB people. According to the survey's data, 10 participants state having had an abortion. Also, 78% of the transmasculine and non-binary AFAB population does not enjoy support networks in case of abortion, which equates to vulnerabilities and limitations on accessing it. Currently, the Peruvian State continues to punish abortion under articles 114-120 of the Criminal Code of Peru. Likewise, in terms of recognition and visibility, the transmasculine and non-binary AFAB population continues to be absent from the public policy that permits access to abortion or the protection of their sexual and reproductive rights.

54. Regarding the violence and/or discrimination to which transmasculine and non-binary AFAB people are exposed, half of the people interviewed have frequently or very frequently faced violent and discriminatory situations in their daily life. The most common form of violence is the invisibilization of their identity, starting with rhetoric that justifies itself through the denial of their gender identity, followed by comments linked to stigmatizing and criminalizing trans people. Religious speech is another factor in the invisibilization of transmasculine and non-binary AFAB people.

55.

It was additionally discovered that the educational domain is where episodes of violence most frequently occur, followed by public spaces, then the home. These places are connected insofar as they are daily environments where trans people spend much time in their life. Another important fact is that if a trans person's gender identity is exposed in a police station, this results in the authorities treating them differently and there is an intention to correct and/or punish the gender roles, gender expression, and gender identity of those people who break from the expected cisgender expectations. This demonstrates that law enforcement officers are misinformed about trans people.

56.

Regarding violence in health institutions, the negligence and lack of care by the institutions' staff, including doctors, nurses, service staff, etc., exposes the issues at hand. Another relevant fact is that doctors are ignorant of the specific medical needs of transmasculine and non-binary AFAB patients. One of the reasons that explains this is that in universities with medical programs, there is no curriculum incorporating a LGBTI sexual diversity approach.

57.

The COVID-19 pandemic has caused situations of violence and rights violations against transmasculine and non-binary AFAB people, many of which have not been rendered visible. Firstly, it must be stated that there is no mention of transmasculine and non-binary AFAB people in social protection policies, which means that any support or action on the impacts of the pandemic are not aimed at tending to transmasculine and non-binary AFAB people.

58. Secondly, the “Pico y Género” law was passed at the beginning of the COVID-19 pandemic and it led to many complaints from trans people who were arbitrarily stopped. Having a national identity document that does not represent the person’s gender identity meant degrading treatment from law enforcement officers and torture. These complaints were made even before this measure was decreed, which provoked fear and anxiety among trans people when circulating in public.
59. Thirdly, transmasculine and non-binary AFAB people’s feelings about their security have been made clear. Most of them felt insecure to very insecure concerning where they live. Likewise, they consider that violence and/or discrimination has worsened due to the COVID-19 situation.
60. Fourth, as a structural factor in violence, it was found that economics was highly affected since the majority of trans people stated that their income had fallen, they had no formal employment that could meet their medical needs, and there were episodes of intrafamilial violence. This situation forced transmasculine and non-binary AFAB people to return to the nuclear family homes that had previously abused them. It was found that more than half of people interviewed had been made to suffer intrafamilial violence during the lockdowns.
61. Fifth, regarding health, 50 transmasculine and 3 non-binary AFAB people had to halt hormone therapy upon not having the economic resources nor the conditions to access hormones.
62. Sixth, regarding access to work, informal work and not possessing stable employment had an economic impact along with other related problems. Another difficulty in the labor field is the precarity that some transmasculine and non-binary AFAB people live in. This precarity became aggravated and led to other violations like evictions from the housing they rented, having to return to the homes of hostile relatives, and not having stable housing, etc.
63. Other main conclusions from the study are related to the strategies and actions of transmasculine and non-binary people’s organizations and groups. On this point, participation in these groups provides mechanisms for facing violence, discrimination, and rights violations. Thus, in these spaces, activities on the following topics are organized: (i) meetings, national and international conferences, (ii) informational events or activities, (iii) spaces of visibilization and influence, (iv) community services, and (v) organizing activities in the COVID-19 pandemic. Likewise, the groups have identified some milestones that in some ways contribute to remembering the activism of transmasculine and non-binary people.
64. As noted, this investigation has allowed for emphasizing the urgency and necessity of recognizing non-cisgender people’s gender identity. This recognition is essential in order to avoid the multiple barriers and negative impacts that trans people have in accessing public services and in order for transmasculine and non-binary people to exercise true citizenship in Peru. Although there is reason to participate in social organizations, trans people’s stay has been of short duration and there have been no reported cases of political participation at any level of government. This situation adverse to the exercise of citizenship is reinforced by the Peruvian State’s indifference to these realities.

4

RECOMMENDATIONS



1.

Considering the findings of this investigation, the following measures, jointly designed with participating groups and independent activists, are recommended.

4.1. RECOMMENDATIONS TO THE STATE

4.1.1. Concerning the right to identity

2.

The Peruvian State should urgently pass a Gender Identity Law that permits a free administrative, non-judicialized procedure that does not pathologize trans identities in recognizing them. This law should take into consideration the different impacts on transmasculine and non-binary AFAB people that have been identified in this report.

3.

The State should construct and maintain an up-to-date information system of transmasculine and non-binary AFAB people who changed their name and/or sex.

4.

The State should guarantee a procedure that allows name changes to automatically be updated in the different databases of State institutions.

5.

The State should guarantee that the data modification procedure, after a trans person's name change in private or public entities, bear no additional cost. Moreover, there should be sanctions for entities that do not execute this process.

6.

The State should produce protocols for tending to trans people who are in the midst of procedures or accessing public or private services. There should also be special assistance for migratory control processes.

4.1.2 Concerning the familial environment:

7.

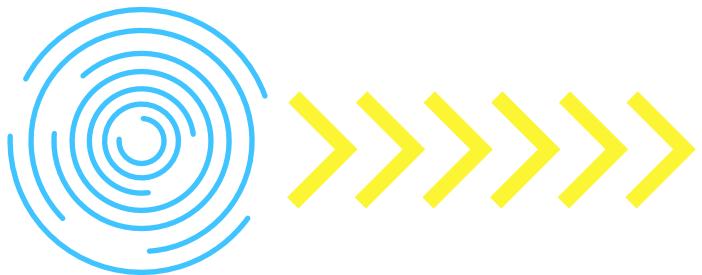
The State should ensure transmasculine and non-binary AFAB people's family members with access to information through discussions and workshops, as well providing free psychological help.

8.

The State should hold follow-up checks in homes where violence and discrimination have been displayed due to gender identity and/or expression, in order to provide the necessary protection measures.

9.

The State should offer assistance and psychosocial support to those people who have experienced and survived domestic violence and, above all, to transmasculine and non-binary children and adolescents.



4.1.3 Concerning physical health:

10. The State should protect transmasculine and non-binary people's right to access healthcare. To this end, it is essential that the State implement protocols in public and private health institutions that ensure assistance absent of discrimination and that take into account this population's specific needs through an intercultural, territorial, and intersectional approach.

11. The State should host discussions and workshops for training and raising awareness of transmasculine and non-binary AFAB people's needs and rights. Similarly, it should exhort the private sector to do the same (clinics, diagnostic centers, etc.).

12. The National System of Evaluation, Accreditation, and Certification of Educational Quality (Sistema Nacional de Evaluación, Acreditación y Certificación de la Calidad Educativa – SINEACE) and the National Superintendence of University Higher Education (Superintendencia Nacional de Educación Superior Universitaria – SUNEDU) should demand, as a guarantee of quality education, that universities with programs related to the health sector include courses with a gender and sexual diversity focus in their curriculum map. Moreover, they should implement specific sanctions on those who include in their teaching prejudicial assertions related to gender identity or expression.

13. In addition to economic reparations, the State should guarantee free rehabilitation therapy for trans people who have been left with the aftereffects of violence based on gender identity or expression prejudice.

4.1.4 Concerning sexual and reproductive rights:

14. The health and family planning Technical Rule (RM n°. 652-2016 MINSA) should be modified in order to make visible the health needs of transmasculine and non-binary AFAB people.

15. The Ministry of Health should ensure the existence of protocols for assisting and counseling transmasculine and non-binary AFAB people concerning their sexual and reproductive health and in keeping with their particular needs. This attention should be free and devoid of invasive questions in order to obtain contraception.

16. The Peruvian State should guarantee comprehensive care for transmasculine and non-binary people who desire pregnancy.

17. The Ministry of Health should make a rule ensuring that physical, hormonal, and/or surgical transition is covered by the Universal Heath Insurance.

18. The Ministry of Health should establish sanctions for medical personnel or any other personnel in the healthcare field that questions, harasses, or abuses trans or non-binary people and/or their families and partners.

19. The Peruvian State should produce comprehensive care and assistance protocols for transmasculine and non-binary AFAB people who do not wish to continue a pregnancy. Likewise, it is essential that the current procedure of therapeutic abortion¹³ take into account the specific needs of transmasculine and non-binary AFAB people.

¹³ National Technical Guide for the Standardization of the Comprehensive Assistance Procedure for Pregnant Women for the Voluntary Interruption of Pregnancy through Therapeutic Indication Before 22 Weeks with Informed Consent, within the bounds of article 119 of the Criminal Code.

20. The STI & HIV/AIDS Prevention and Control Health Strategy should include the specific needs of transmasculine and non-binary AFAB people in their preventive actions and HIV treatments.

21. The Peruvian State should pass a law for safe and free voluntary terminations of pregnancy that take into consideration transmasculine and non-binary AFAB people.

4.1.5 Concerning mental health:

22. The State should implement care protocols, through an affirmative lens, in public and private mental health establishments that take into consideration the demands and needs of transmasculine and non-binary AFAB people. This care should include free medication for the poor, the use of social names when receiving care, confidentiality of legal information, among others.

23. Mental Health Community Centers (MHCC) should implement and standardize free psychological and psychiatric health protocols for the trans community before and during the transition process, above all, for those who have been victims of violence.

24. The State should provide training workshops and discussions for psychologists and psychiatrists on the rights and needs of transmasculine and non-binary AFAB people. This should occur from an affirmative perspective that avoids practices that pathologize.

25. Amending the Mental Health Law (n° 30947), so that the prohibition and sanction of conversion therapy, which aims to change one's gender identity, are made explicit.

4.1.6 Concerning economics:

26. The State should consider transmasculine and non-binary AFAB people as a priority population for social protection policies, especially for social assistance programs that provide non contributive pensions to transmasculine and non-binary AFAB people in vulnerable situations and/or extreme poverty.

27. The State should promote social advancement programs that include financing for transmasculine and non-binary AFAB entrepreneurial undertakings.

4.1.7 Concerning politics and the bolstering of participation by social organizations:

28. The State should promote the composure of a political agenda for transmasculine and non-binary AFAB people in coordination with social groups and organizations.

29. The State should fulfill the historic debt it has towards transmasculine and non-binary AFAB people. To this end, recognizing and giving visibility to this population's local representatives and models in Abya Yala is essential.

30. Modification of guidelines on inclusive language used by the Peruvian State¹⁴ in order to incorporate the use of neutral language which recognizes the existence of non-binary people.

¹⁴ Ministerio de la Mujer y Poblaciones Vulnerables de Perú-MIMP, *Si no me nombras, no existo: Guía para el uso del lenguaje inclusivo* (2017). Available at: https://cdn.www.gob.pe/uploads/document/file/8705/Guia-de-Lenguaje-Inclusivo_v2.pdf.

31. Promotion of the implementation of empowerment schools and of political and civic formation in human rights for transmasculine and non-binary AFAB people.

32. The State should promote meeting spaces for connecting transmasculine and non-binary AFAB social organizations and groups throughout the country's regions.

33. It is essential that the electoral institutions like the National Jury of Elections (Jurado Nacional de Elecciones – JNE) and the National Office of Electoral Processes (Oficina Nacional de Procesos Electorales – ONPE) provide the necessary conditions for electoral processes to be carried out without discrimination against transmasculine and non-binary AFAB people.

4.1.8 Concerning housing:

34. The State should ensure a social protection policy like economic subsidies for purchasing homes or renting units for transmasculine and non-binary AFAB people as reparations for historic social marginalization.

35. The State should strengthen social assistance programs for implementing specific safe spaces for transmasculine and non-binary AFAB people expelled from their homes.

36. The State should establish sanctions for families that leave transmasculine and non-binary AFAB people in economic abandonment due to discrimination on the grounds of non-normative sexual orientation, gender expression, and gender identity.

37. The State should implement a registry of unhoused persons that includes the variable of gender identity.

4.1.9 Concerning education:

38. The State should include the realities and lived experiences of transmasculine and non-binary AFAB people within the National Educational Curriculum. This action should be repeated in the institutions of higher education.

39. The State should establish workshops in public or private high schools for parents and/or guardians in order to provide them with tools for protecting and understanding the childhood and adolescence of transmasculine and non-binary AFAB people.

40. The Ministry of Education should establish procedures that recognize gender identity in the educational realm and guarantee a space free of discrimination and violence. Additionally, it should inspect and punish those educational institutions that do not recognize these rights.

41. The State should ensure the training of educational authorities with respect to LGBTI+ sexual and gender diversity.

42. The National Scholarship and Educational Credit Program (Programa Nacional de Becas y Crédito Educativo – PRONABEC) should include student scholarship programs directed at transmasculine and non-binary AFAB people. It can also provide additional funds for the existing scholarships of trans and non-binary people.

43. As long as the Gender Identity Law has not been passed, SUNEDU should provide the conditions necessary for implementing a trans reform in all educational institutions.

44. In implementing Comprehensive Sexual Education (Spanish acronym ESI), the State should include informative content on

transmasculine and non-binary AFAB people's reality in guidance for teachers.

45. The State should establish records broken down by gender identity, sexual orientation, and gender expression which recognizes and mitigates violence in the school.

4.1.10 Concerning labor:

46. The State should ensure the implementation of job quotas for trans and non-binary people in public entities that allow them to access employment and retirement benefits. Likewise, the creation of a job bank for trans and non-binary people is important.

47. It is vital that the Law for the Prevention and Punishment of Sexual Harassment includes gender identity as an important factor for preventative and punitive measures in cases of workplace harassment and violence.

48. The Ministry of Labor should provide the human resources personnel of public and private institutions with constant training on how to treat trans and non-binary people during the recruitment process.

49. Businesses and institutions should implement policies for recognizing the preferred name of workers on ID badges, emails, electronic signatures, business cards in addition to events, publications, and other instances that imply legal documentation, which includes the confidential handling of trans and non-binary people's legal information.

50. The State should ensure that members of diverse families enjoy the same recognition with respect to social benefits from the country's labor laws.

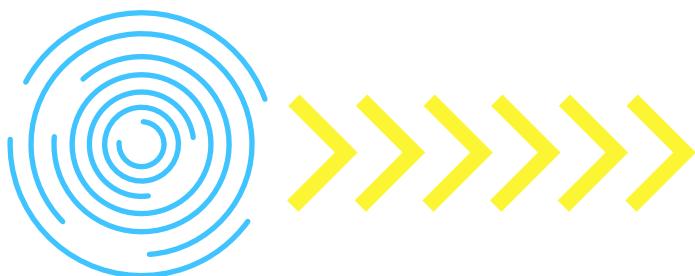
4.1.11 Concerning justice and reparation:

51. The State should provide elderly trans people, who need care and medical treatments, with social security.

52. Activities should be held that encourage the remembrance, recognition, and recording of transmasculine and non-binary AFAB people murdered due to violence and/or discrimination.

53. The Peruvian National Police (Spanish acronym: PNP) should ensure the implementation of the Manual of Human Rights Applied to Police Duties with regard to transmasculine and non-binary AFAB people. Likewise, it is necessary to promote training against discrimination based on non-normative gender identity and gender expression.

54. The Ministry of the Interior should implement protocols for assisting transmasculine and non-binary AFAB people deprived of freedom.

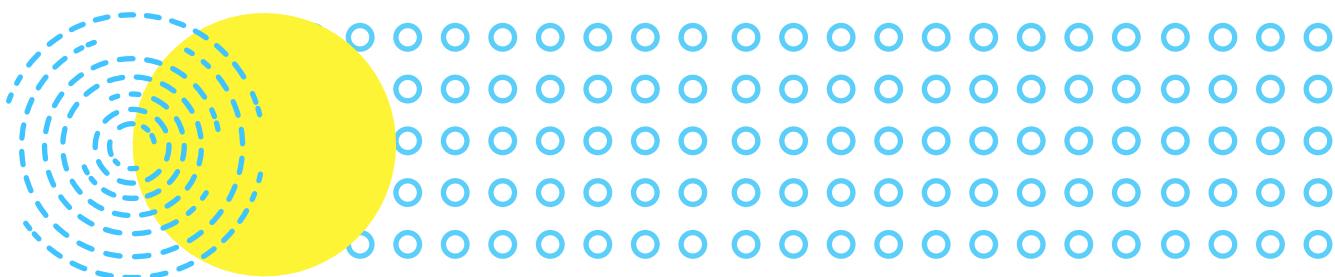


4.2 RECOMMENDATIONS TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

55. Creation of dialogue with civil society organizations and independent activists about the transmasculine and non-binary AFAB population with the goal of deeply examining the social difficulties and complaints before the IACHR's LGBTI Rapporteurship.
56. The IACHR should mention in its reports specific policy recommendations for transmasculine and non-binary AFAB people.
57. The IACHR should make an official visit to Peru promoting meetings with civil society and the State in order to address the situation of transmasculine and non-binary AFAB people with regard to their access to social, economic, cultural, political, and environmental rights.
58. The IACHR should foster the strengthening of transmasculine and non-binary organizations concerning influence of the Inter-American System and denunciation instruments.

4.3 RECOMMENDATIONS TO THE UNITED NATIONS

59. That treaty bodies, especially the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee Against Torture (CAT), the Committee on Economic, Social and Cultural Rights (CESCR), and the Human Rights Committee, recommend for the writing of reports, the inclusion of an intersectional core that addresses the difficulties of transmasculine and non-binary AFAB people.
60. That the SOGI Independent Expert make an official visit to Peru and publish a report with specific recommendations for the protection of transmasculine and non-binary AFAB people.
61. That the UN's "Free & Equal" program promote forums for strengthening the writing of reports and use of instruments of denunciation for transmasculine and non-binary AFAB people.
62. That reporting of specific data on transmasculine and non-binary AFAB people's situation be recommended in the Universal Periodic Review (UPR).



BODIES AND RESISTANCE THAT TRANSGRESS
THE PANDEMIC: TRANS MASCULINITIES AND
NON-BINARY AFAB PEOPLE

IN PERU

