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WHAT LGBTQ+ VISITORS SHOULD KNOW ABOUT PUERTO RICO'S NEW CIVIL CODE

In May 2020, the Puerto Rico Legislature passed a new Civil Code, the first overhaul of the Commonwealth's laws since 1930. The process by which the code was passed — during a pandemic and without public discussion of the round of final revisions — was criticized by LGBTQ+ and other communities in Puerto Rico. We want to assure travelers that LGBTQ+ rights and protections in Puerto Rico are strong — stronger than ever in many ways — and the local community is working hard to make sure they keep moving forward.

So what exactly is the state of LGBTQ+ rights in Puerto Rico, and what should visitors consider in traveling there responsibly:

1. Puerto Rico is governed by the Federal laws of the United States. This means that marriage equality and employment protection (as of the Supreme Court decision on June 15) are available to Puerto Ricans as they are to all Americans.
2. Puerto Rico has a vibrant and active local LGBTQ+ community, with multiple organizations focused on equality, equity and opportunity for LGBTQ+ Puerto Ricans. They are fighting the same fights that such organizations fight all over the world: Murder rates for trans women of color, economic disparity, social inequality and discrimination.
3. The new Civil Code does not add any new rights for LGBTQ+ people, but it does update the right to marriage equality, changing the marriage language from “one man/one woman” to “two natural persons.”
4. Trans people have had the right to change the gender on their birth certificates without a court appearance since 2018. The updated code is contradictory, and this issue remains unsettled. It states that nothing “undermines the process currently established” for legally changing a person's gender, but also states the court is the only entity with the power to “make an annotation next to the original sex designation”

Government representatives have stated privately that this means that the original document stored at the health department will be annotated, but the original copies that trans citizens receive will continue to show their new gender marker with no annotation. Publicly, the Governor asserted that the Civil Code approved by the Senate included adequate amendments “to guarantee the permanence of rights already achieved” for transgender people. Like in so many places, distrust of the government runs high in Puerto Rico, and we won't know until the process is tested, a court challenge is made, or when the legislature reconvenes in 2021.

As travelers, we always ask ourselves, “How can we support progress and change for the LGBTQ+ people in the places we travel?” This has sometimes been answered with calls to boycott, but boycotts often hurt LGBTQ+ people the most — we are overrepresented in the travel and tourism industry and may be blamed by employers and colleagues for the threat that queer people then pose

to everyone's' livelihoods. When a local queer community asks visitors to boycott, we must answer that call. But it's not for outsiders to make the call for them.

Puerto Rico has a vibrant and strong LGBTQ+ community that benefits disproportionately from our support. They depend on our tourist dollars — local nightlife and queer entertainers could not continue without it. They deserve our solidarity. In addition to supporting queer-owned and queer-supportive businesses when we travel, we can give to the local organizations fighting for equity and inclusion. Here are some that we're recommending, who are specifically working to support the rights of trans Puerto Ricans:

True Self Foundation

<http://www.trueselffoundation.org/>

ESPICYNIPPLES

<https://www.espicynipples.com/>

La Sombrilla Cuir

<https://www.facebook.com/lasombrillacuir/>

Sources:

Thomson Reuters Foundation <https://www.reuters.com/article/us-puertorico-lgbt-trfn/puerto-rico-approves-new-civil-code-sparking-fears-over-lgbt-rights-idUSKBN22R3EH>

Lambda Legal

https://www.lambdalegal.org/blog/20200511_II-statement-on-puerto-rico-civil-code-amending-senate-vote

Governor Vázquez affirms Civil Code protection of birth certificate changes for transgender citizens

<https://twitter.com/wandavazquezg/status/1267653823855763456>

Human Rights Campaign

<https://www.hrc.org/blog/human-rights-campaign-responds-to-enactment-of-puerto-rico-civil-code-revis>

LGBTQ Nation

<https://www.lgbtqnation.com/2020/06/puerto-ricos-governor-signs-new-civil-code-removing-lgbtq-discrimination-protections/>

NBC News: <https://www.nbcnews.com/news/latino/puerto-rico-aimed-modernize-its-old-civil-code-critics-say-n1229741>

Washington Blade

<https://www.washingtonblade.com/2020/06/02/puerto-rico-governor-signs-new-civil-code/>

Al Dia

<https://aldianews.com/articles/culture/social/puerto-ricos-new-civil-code-marks-trans-people/58459>