

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

DANIELA ARROYO GONZÁLEZ; VICTORIA RODRÍGUEZ-ROLDÁN; J.G.; and PUERTO RICO PARA TOD@S,

*Plaintiffs,*

v.

RICARDO ROSSELLÓ-NEVARES, in his official capacity as Governor of the Commonwealth of Puerto Rico; RAFAEL RODRÍGUEZ-MERCADO, in his official capacity as Secretary of the Department of Health of the Commonwealth of Puerto Rico; and WANDA LLOVET-DÍAZ, in her official capacity as Director of the Division of Demographic Registry and Vital Statistics of the Commonwealth of Puerto Rico,

*Defendants.*

Civil No. 3:17-cv-01457-CCC

**DECLARATION OF VICTORIA RODRÍGUEZ ROLDÁN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Victoria Rodríguez Roldán, being of legal age and sound mind, do hereby declare and state as follows:

1. I am a plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.
2. I am 28 years old. I was born in Río Piedras, Puerto Rico and currently reside in Maryland within the Washington, DC metro area.
3. I graduated from the University of Puerto Rico – Río Piedras and the University of Maine – School of Law. I have dedicated my professional life to eradicating discrimination and fighting for social justice in various capacities, including working for the United States Department of Labor and currently as an advocate in a non-profit organization.

4. I am a woman.

5. I am also transgender. I was designated “male” on my birth certificate, even though I am, in fact, a woman.

6. Below is a picture of me:



7. Though I was raised as a boy, I, as a child, identified with traditionally feminine toys and activities.

8. Because I was perceived as a boy, when I displayed feminine traits, my peers harassed and violently assaulted me for behaving differently from other children who were assigned “male” at birth. I was told that my feminine behavior was bad and something about which to be ashamed. Indeed, in response to the bullying I experienced, adults who were entrusted with my care would simply encourage me to be and act “normal,” as if I was at fault for the harassment that I experienced.

9. It was not until I was 14-years-old that I encountered the term transgender. At that time, I was able to understand the reason for my discomfort and distress growing up and came to understand my identity as a transgender woman. And though I confided in one cousin, throughout my adolescence, I otherwise kept my true gender identity a secret for fear that I

would be rejected by my family.

10. On my first day of college in 2007, when I was 18 years old, I began to slowly come out to my friends, classmates, and professors. By my sophomore year, at age 19, I asked others to refer to me by my chosen name, Victoria.

11. Around the same time, in 2007, my medical provider diagnosed me with gender dysphoria. Then, in consultation with my medical and mental health professionals, I began to undergo medically-necessary treatment, specifically hormone therapy, to relieve my gender dysphoria and bring my body into alignment with my gender identity. The steps I have taken in my transition have brought my outside appearance into alignment with my female identity so that the general public sees me as the woman I am.

12. I have also taken steps to align my entire lived experience with my female gender identity.

13. In college I made ad hoc arrangements for myself to prevent myself from being outed or misgendered because I had not yet obtained my legal name change. For example, I informed my professors of my chosen name, Victoria, prior to the start of a course so that my name would be correct for roll call and in order to prevent disclosure of my transgender status to students I might not know or confide in.

14. In 2011, while I was a student at the University of Maine – School of Law, I legally changed my name to my traditionally-female chosen name. Thereafter, I changed my name and gender marker on my social security records and on my U.S. passport, as well as corrected the name on my Puerto Rico's driver's license. In 2014, I corrected the gender marker on my driver's license, when I moved to Washington, DC and obtained a driver's license from that jurisdiction.

15. I am aware that the Commonwealth of Puerto Rico has a policy and practice, pursuant to the Vital Statistics Registry Act of Puerto Rico, as interpreted by the Supreme Court of Puerto Rico in *Ex parte Delgado*, 165 D.P.R. 170 (2005), that categorically prohibits transgender persons, like me, from correcting the gender marker in their birth certificates so that the birth certificates may accurately reflect their sex, as determined by their gender identity (hereinafter the “Birth Certificate Policy”).

16. As a result, my birth certificate still incorrectly identifies my sex as male, despite my being a woman and the gender marker on my other government identification documents correctly identifying me as female.

17. Because of Puerto Rico’s Birth Certificate Policy, it is impossible for me to correct the gender marker on my birth certificate, and I have thus considered it futile to attempt to correct my name on my birth certificate. As a result, my birth certificate and other identification documents are incongruent with each other.

18. I am personally aware of the high incidence of violence and harassment directed at transgender persons as well as the high rates of employment and housing discrimination faced by transgender persons in Puerto Rico and the Washington, DC metro area.

19. I reasonably fear that possessing a birth certificate that fails to match my gender identity increases the chances that I will be subjected to invasions of privacy, prejudice, discrimination, distress, harassment, or violence and I have taken steps to try to reduce those risks.

20. I am harmed by Puerto Rico’s Birth Certificate Policy. I need my identity documents to be congruent with the woman that I am and I believe that my gender identity should be recognized and respected by the Commonwealth.

21. I reasonably fear that possessing a birth certificate that fails to accurately reflect my sex, as determined by my gender identity, increases the chances that I will be subjected to discrimination, harassment, or violence.

22. For example, while I was attending law school in Maine, I regularly traveled between Maine and Puerto Rico. Because Puerto Rico, at the time, did not permit transgender people to have driver's licenses accurately reflecting their true sex—as it still refuses to permit with regard to birth certificates—and my identification documents were inconsistent with who I am, I was constantly misgendered by others as I traveled, causing me distress and humiliation.

23. As a transgender woman of color, I am aware of the high incidence of violence and harassment directed at transgender women of color, particularly in Puerto Rico and the Washington, DC metro area.

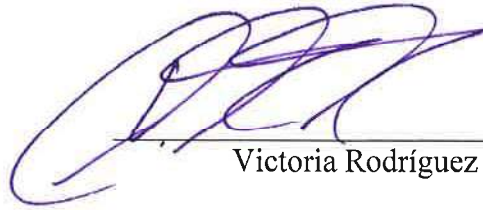
24. As a result of Defendants' Birth Certificate Policy, my current Puerto Rico birth certificate reflects the sex I was incorrectly assigned at birth solely based on external reproductive organs, erroneously stating that I am male.

25. Being denied a birth certificate that accurately reflects my sex, as determined by my gender identity, is psychologically and emotionally harmful for me, as I am faced with the persistent reminder that the Commonwealth of Puerto Rico does not respect me for who I am and I am kept in fear of what may happen the next time I have to show my birth certificate to a stranger. Puerto Rico's Birth Certificate Policy subjects me to potential physical harm, particularly as a transgender woman of color in D.C., known for high rates of violence against transgender women like myself.

26. I wish to correct my birth certificate which currently indicates that my sex is male, to accurately reflect my sex as female, as determined by my gender identity.

Signed under penalty of perjury under the laws of the United States this 23<sup>rd</sup> day of

June 2017.

A handwritten signature in purple ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Victoria Rodríguez Roldán