

DISCRIMINATION AT EVERY TURN

The Experience of Trans and Gender Diverse People
in Eleven Caribbean Countries



OUTRIGHT
ACTION INTERNATIONAL



**United Caribbean
Trans Network**



United Caribbean Trans Network

OutRight Action International works at global, regional and national levels to eradicate the persecution, inequality and violence faced by lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people around the world. With staff in over 10 countries and headquarters in New York, OutRight builds capacity of LGBTIQ movements, documents human rights violations, advocates for inclusion and equality, and holds leaders accountable for protecting the rights of LGBTIQ people everywhere. OutRight was founded in 1990 and has recognized consultative status at the United Nations.

www.OutRightInternational.org
hello@OutRightInternational.org
<https://www.facebook.com/outrightintl>
<http://twitter.com/outrightintl>
<http://www.youtube.com/lgbthumanrights>
OutRight Action International
216 East 45th Street, 17th Floor, New York, NY 10017
U.S.A.
P: +1 (212) 430.6054

This work may be reproduced and redistributed, in whole or in part, without alteration and without prior written permission, solely for nonprofit administrative or educational purposes provided all copies contain the following statement:

© 2022 OutRight Action International. This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/> or send a letter to:
Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.

The United Caribbean Trans Network (UCTRANS) was established in February 2018.

Over the past two years of existence, the network has been collaborating with Trans organizations all across the Caribbean.

It has a strong membership of 13 Trans organizations in the region. UCTRANS' mission is to build the capacity of transgender organizations and those working with Trans people regionally while providing regional technical support in order to advance human rights, promotion of sexual and reproductive health, rights and well-being.

<https://uctrans.org>
uctransnetwork@gmail.com
<https://www.facebook.com/uctransnetwork/>
<https://twitter.com/uctransnetwork/>

Suggested citation:

UCTRANS and OutRight Action International, *Discrimination at Every Turn: The Experience of Trans and Gender Diverse People in Eleven Caribbean Countries*. 2022.

All photos courtesy of UCTRANS.



Planning meeting of UCTRANS in the Bahamas

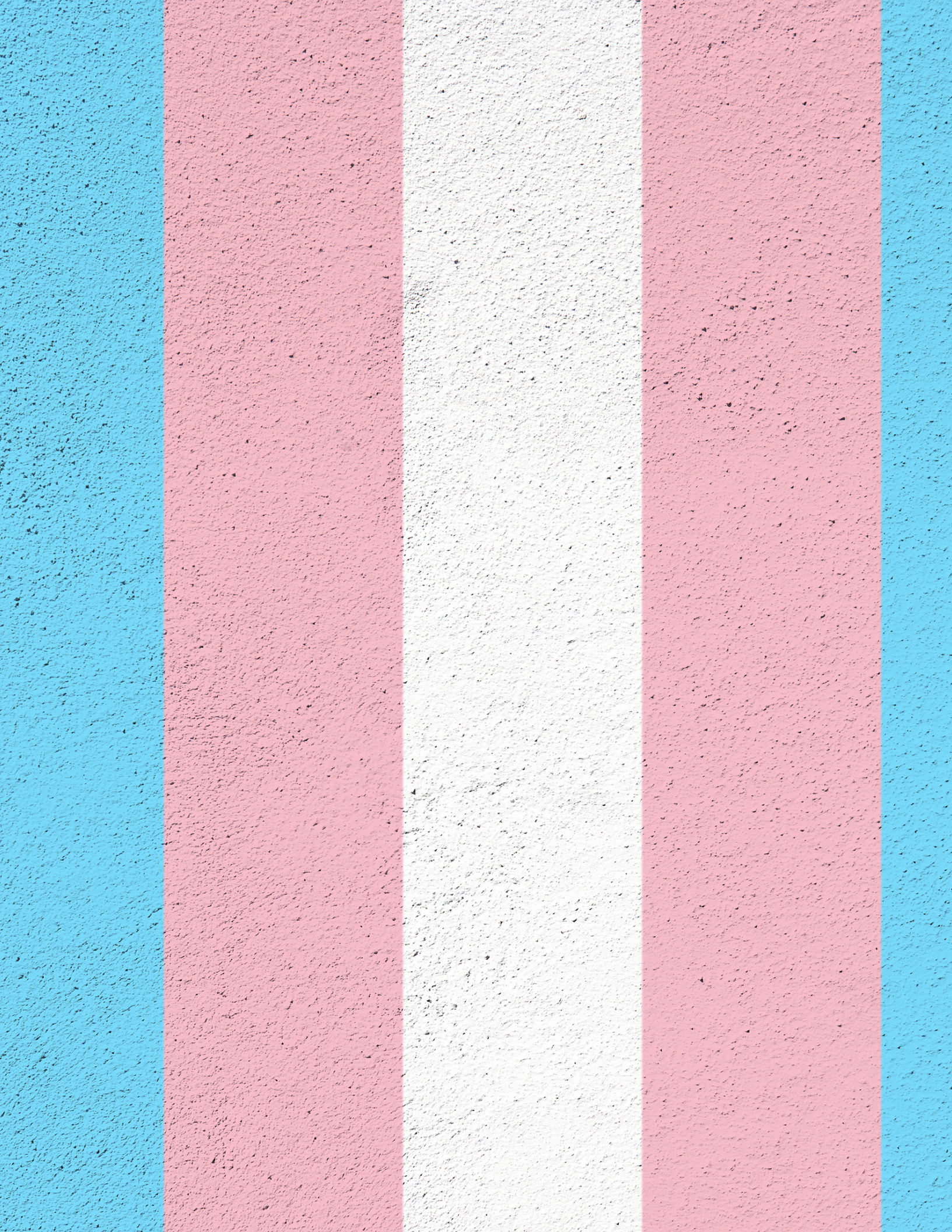
DISCRIMINATION AT EVERY TURN

The Experience of Trans and Gender Diverse People
in Eleven Caribbean Countries

September 2022



**United Caribbean
Trans Network**





Planning meeting of UCTRANS in the Bahamas

Contents

Acknowledgments.....	vi
Introduction	1
Key Findings from the UCTRANS and OutRight Action International Survey.....	3
Key Recommendations to the Governments of Eleven Caribbean Countries.....	4
Recommendation 1: Extend Anti-discrimination Protections and Repeal Discriminatory Laws.....	4
Recommendation 2: Ensure Legal Gender Identity Recognition	4
Recommendation 3: Ensure Accurate National Data Collection.....	5
Recommendation 4: Provide Training and Guidelines for Healthcare Workers.....	5
Recommendation 5: Ensure Accountability, Training and Non-Discrimination by Law Enforcement	5
Methodology, Limitations and Terminology	6
Human Rights Law and Principles on the Rights of Trans People	8
Research Findings	10
Inability or Obstructions to Legally Changing Name and/or Gender Marker	10
Discrimination in Education.....	12
Workplace Discrimination and the Impact of Economic Precarity	13
Lack of Access to Gender-Affirming Health Services	15
Mental Health and Access to Affirming Treatment.....	17
Discriminatory Criminal Laws	18
Criminalization of Sex Work	19
A Success Story: Abolishing “Cross-Dressing” Laws in Guyana	20
Annex I: List of Figures.....	22
Annex II: Ratification of the ICCPR and the ICESCR.....	23
Annex III: Survey	24



Acknowledgments

The updated version of this report, issued in September 2022, is dedicated to Brandy Rodriguez. May she rest in Power.

UCTRANS and OutRight Action International would like to thank the 119 trans and gender diverse people from 11 Caribbean countries who took time to respond to the survey. We are especially grateful to the six trans and gender diverse activists who agreed to be interviewed about their personal experiences as well as advocacy insights: Tori Culmer (The Bahamas), Raven Gill (Barbados), Millie Milton (Guyana), Yaisah Micaela Mehu Val (Haiti), Marten Colom (Suriname) and Brandy Rodriguez (Trinidad and Tobago).

Liesl Theron researched the report in partnership with staff of UCTRANS and was the lead author. Tenesha Myrie and Maria Burnett also drafted sections of the report. This report was edited by Paul Jansen, Jessica Stern, and Neela Ghoshal at OutRight Action International and reviewed by Gabriel de Larch and AJ Jarrett, copy editors. Kathy Mills designed the report. OutRight would like to extend special thanks to Carlos Omar Torres Santaella, who contributed numerous hours to our data analysis efforts, and Mathilde Tomson-Myburgh, who transcribed the interviews.

Many people within UCTRANS and OutRight also supported the work to make this publication a reality. Thanks in particular to Alexis D'Marco, Neish McLean, and Paul Jansen.



Distribution of COVID-19 relief to community members in Guyana

Introduction

For transgender and gender diverse people, nearly every aspect of daily life – including access to education, employment, housing, health care, and public goods and services, as well as the ability to move freely through the streets without facing violence and discrimination – can depend on the ability to present valid government-issued identification that aligns with their gender identity and expression.

When a government does not enable legal pathways to change a gender marker to align with gender identity or expression, or actively obstructs such efforts, individuals can face exclusion from social and civic participation. They can also face limited access to state services and protection, as well as ongoing economic hardship, increased stigma and discrimination, and, at times, more risk of physical violence.

The right to change one's gender marker can be anchored in several key principles of international human rights law, specifically the right to non-discrimination and the right to recognition under the law. But in most Caribbean countries, there is no legal recognition of trans and gender diverse people's gender identity. Further, repressive notions of gender, coupled with discriminatory legal regimes, contribute to human rights violations and undermine the political will required to recognize and protect the human rights of trans and gender diverse people in the Caribbean. Many countries implement laws that directly criminalize or negatively impact trans and gender diverse people's lives, including laws criminalizing buggery, same-sex intimacy, cross-dressing, and vagrancy. Coupled with these discriminatory legal frameworks, the inability to secure government-issued identity documentation that matches their gender identity places trans and gender diverse people at increased risk of discrimination and violence.

Despite widespread violence and discrimination based on gender identity and expression, data on trans and gender diverse lives, as well as platforms for individuals to share their lived experiences, remain scarce. This report, based on 119 surveys responses and six key informant interviews with trans and gender diverse people from eleven Caribbean countries – Aruba, The Bahamas, Barbados, Belize, the Dominican Republic, Guyana, Haiti, Jamaica, St. Lucia, Suriname, and Trinidad and Tobago – seeks to contribute to filling that gap. The research aimed to identify contextual factors that impact the ability of trans people in the Caribbean to affirm their identity and enjoy basic human rights. The report documents the diverse challenges and discriminatory impacts of the inability of trans and gender diverse people to change their official gender marker. It illustrates the complex context for trans and gender diverse realities in the Caribbean and makes recommendations for how Caribbean governments can live up to their obligations under international human rights law and strengthen protection of the rights of trans and gender diverse people.

The research findings indicate that, in the selected Caribbean countries, trans and gender diverse people face discrimination in education and employment based on gender identity and expression, with little legal recourse. In many cases, discrimination stems from the inability to legally change one's sex or gender marker to align with one's gender identity. Lack of access to gender-affirming health services when seeking or receiving mental and physical health services is also a key area for concern.



The research identifies some areas where progress is being made. Activists are using the courts, public awareness campaigns, and continuous dialogue with authorities with an aim to increase social and political will to recognize gender identity and secure the rights of trans and gender diverse people in the Caribbean. These strategies, with renewed focus on ensuring legal pathways to change gender markers, access gender-affirming health care, and protect from harassment and discrimination, inform the recommendations in this report.

Caribbean activists' work to advance the rights of trans and gender diverse people needs additional support, both from the region and from the international community. With dedicated efforts to increase visibility and awareness over the long term, and with collaboration and leadership from both governments and civil society, societal attitudes can and should change. While there is still a long road ahead, national governments and civil society leaders should urgently work together to enact laws and policies that address discrimination and inadequate access to services.

Criminalization and legal discrimination against trans and gender diverse people must be replaced by progressive, gender-affirming laws that protect the rights of trans and gender diverse communities. Legal frameworks grounded in social justice should be implemented to ensure equality for transgender Caribbean communities. Such frameworks should include but also extend beyond the elimination of violence and discrimination, and allow trans and gender diverse people to maximize their full socio-economic potential and contribute to nation-building.

Certification of training of trainers in cakes and pastry making in Guyana

KEY FINDINGS

from the UCTRANS and OutRight Action International Survey of 119 Trans and Gender Diverse People from Eleven Caribbean Countries

- 85 percent of respondents said that they do not possess any government-issued identity document that matches their gender identity; 84 percent said they have not changed their name on any official documentation.
- 42 percent of respondents indicated that they were currently unemployed; 24 percent defined themselves as employed full-time.
- 28 percent of respondents said that they had been homeless at some stage in their life.
- Only 21 percent of respondents said hormone replacement therapy is available to them.
- 72 percent of respondents who reported using hormones indicated that they never receiving testing of hormones levels or other medical supervision of hormone therapy.
- 78 percent of respondents indicated that they experienced depression and anxiety at some stage of their life.
- 59 percent of respondents said that they had experienced police violence, such as verbal harassment, sexual or physical violence, in their lifetime.



Focus group in Haiti



Key Recommendations to the Governments of Eleven Caribbean Countries

RECOMMENDATION 1:

Extend Anti-discrimination Protections and Repeal Discriminatory Laws

- Explicitly extend anti-discrimination protections available under respective constitutions, laws, and statutes, to ensure that gender identity, gender expression, and actual or perceived sexual orientation are included grounds for protection. Ideally, protected grounds should be open-ended to ensure that the scope can be extended to situations that do not easily fall into any one category or ground. At the minimum, the scope of protection should cover discrimination in employment, education, housing, health care, and the provision of goods and services.
- Ensure all victims of discrimination, including those who are trans and gender diverse, have access to an effective remedy.
- Repeal outdated laws that have a discriminatory impact on trans and gender diverse people, including laws that criminalize buggery, same-sex intimacy, and vagrancy.

RECOMMENDATION 2:

Ensure Legal Gender Identity Recognition

- Develop efficient, transparent, low-cost, and accessible procedures that allow for the formal recognition of self-defined gender identity without the need for prior medical procedures

such as sterilization, gender affirmation surgery, or hormonal therapy. Taking such steps would be in line with developments in human rights law confirming state obligations to recognize, regulate, and establish appropriate procedures to facilitate the change of name, the rectification of the image, and the rectification of the sex or gender in the public records and identity documents so that they correspond to self-defined gender identity.

RECOMMENDATION 3: Ensure Accurate National Data Collection

- In any national census and on all government-issued forms, include the option of self-defined and/or non-binary gender identity.

RECOMMENDATION 4: Provide Training and Guidelines for Healthcare Workers

- Develop national guidelines on the clinical engagement and standards of care and/or formally adopt the Standards of Care for the Health of Transsexual, Transgender and Gender-Nonconforming People developed by The World Professional Association for Transgender Health. These standards explicitly include “primary care, gynecologic and urologic care, reproductive options, voice and communication therapy, mental health services (e.g., assessment, counseling, psychotherapy), and hormonal and surgical treatments.”¹
- Provide comprehensive training for all health care workers on these standards to improve the quality of care, to eliminate harmful biases and prejudicial attitudes, and to reduce stigma and discrimination in health care settings.

RECOMMENDATION 5: Ensure Accountability, Training and Non-Discrimination by Law Enforcement

- Publicly state that there is zero tolerance for violence by law enforcement officers against transgender and gender diverse people and sex workers, and ensure full respect for and protection of the human rights of anyone in custody and/or held in places of detention.
- Provide regular training to all law enforcement officials and prosecutors on human rights issues in general and particularly on issues of gender identity, gender expression and sexual orientation. Trainings should include reinforcing the due process rights of transgender and gender diverse people, including sex workers, and that their treatment by the police can never discriminate on the basis of sexual orientation, gender identity or gender expression.

¹ World Professional Association for Transgender Health (WPATH), “Standards of Care for the Health of Transsexual, Transgender and Gender-Nonconforming People,” 2012, https://www.wpath.org/media/cms/Documents/SOCpercent20v7/SOCpercent20V7_English2012.pdf?t=1613669341 (accessed 20 August 2022).



Methodology, Limitations and Terminology

This report is the updated version of a draft report made public by UCTRANS and OutRight Action International in April 2021, originally published under the title *Over-Policed, Under-Protected*.

Researchers from UCTRANS and OutRight Action International collected responses to a survey of 73 questions from 119 individuals and conducted 6 one-on-one interviews. UCTRANS and OutRight disseminated the survey in English and French Creole via flyers, social media, and organizational networks, collected responses using SurveyMonkey from 12 November to 22 December 2020, and manually analysed the data in Microsoft Excel. Of the 119 respondents to the survey, 108 were English speaking and 11 were French Creole speaking. The respondents were primarily from The Bahamas, Guyana, Jamaica, and Trinidad and Tobago.

An independent consultant and researcher contracted by OutRight conducted individual interviews with six trans women activists from The Bahamas, Barbados, Guyana, Haiti, Suriname, and Trinidad and Tobago, based on a sample provided by UCTRANS through direct outreach in January 2021. Activists were chosen on a geographical basis to have input from different parts of the Caribbean region. Each interview participant consented to participate in the research and none requested or required anonymity. The outreach for the interviews was limited and is in no way a representative sample of the diversity of trans identities throughout the region. It did allow for a deeper understanding of the survey results through discussion with and reflections by the interviewees.

OutRight and UCTRANS contextualised the report's research findings from the primary data through supplementary desktop research from previously conducted studies and online media, both mainstream and organizational.

FIGURE 1: PARTICIPANTS BY COUNTRY AND RESEARCH APPROACH

Country	Number of surveys completed	Number of individual, one-on-one interviews
Trinidad and Tobago	29	1
Jamaica	28	0
The Bahamas	20	1
Guyana	17	1
Haiti	11	1
Barbados	5	1
Suriname	3	1
Dominican Republic	2	0
Saint Lucia	2	0
Aruba	1	0
Belize	1	0
TOTAL	119	6

Figure 1 – Participants by country and research approach

FIGURE 2: SELF-DETERMINED GENDER IDENTITY OF SURVEY RESPONDENTS

Gender Identity	Number of Respondents	Percent of Total
Trans man	21	17.6
Trans woman	55	46.2
Non-binary or gender queer	35	29.4
Other	8	6.7

Figure 2 – Self-determined gender identity of survey respondents

There is significant value to conducting further research, particularly into trans Caribbean French and Spanish-speaking individuals and communities specifically. The French-speaking participants, all from Haiti, provide insight into a unique context. An increase in Spanish-speaking participants would create similar insight into the experience of trans and gender diverse people in the Spanish-speaking Caribbean.

In this report, we use the terms “transgender” and “gender diverse” to describe anyone whose gender identity or expression does not align with the gender characteristics typically associated with their sex assigned at birth. We use the acronym LGBTIQ to denote lesbian, gay, bisexual, transgender, intersex, and queer people. This acronym is not exhaustive and is intended to be inclusive of a broad range of people whose sexual orientation, gender identity or sex characteristics differ from dominant norms. There is a wide variety of formal and colloquial terminology for sexual orientation and gender identity and the respondents and interviewees from the Caribbean used a range of terms when discussing themselves and their communities.



Human Rights Law and Principles on the Rights of Trans People

International human rights law requires states to ensure that laws, policies, and programs carried out by state officials do not discriminate against individuals. States also have an obligation to address discriminatory practices, including by private actors, and to take action to prevent or eliminate conditions and perceptions that allow discrimination.

The Universal Declaration of Human Rights establishes the principle that every human being is entitled to fundamental rights and freedoms and that all persons are equal before the law and are entitled without any discrimination to equal protection of the law.² Under the International Covenant on Civil and Political Rights (ICCPR), “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”³ The Committee on Economic and Social Rights, which interprets states’ obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), has articulated that “gender identity is recognized as among the prohibited grounds of discrimination.”⁴ With the exception of St. Lucia, all Caribbean countries covered in this report have ratified or acceded to both the ICCPR and the ICESCR.⁵

The United Nations Office of the High Commissioner for Human Rights (OHCHR) recognizes that:

² Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948).

³ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976.

⁴ UN Committee on Economic, Social and Cultural Rights (CESCR), “Non-discrimination in Economic, Social and Cultural Rights (art. 2, para. 2 of the International Covenant on Economic, Social and Cultural Rights),” General comment No. 20, UN Doc. E/C.12/GC/20 (2009), <https://www.refworld.org/docid/4a60961f2.html> (accessed 20 August 2022), para. 32. The Committee specifically notes that “persons who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the workplace.”

⁵ See Annex 1 for signature and ratification information for the 11 Caribbean countries featured in this report.

All human beings, irrespective of their sexual orientation and gender identity, are entitled to enjoy the protection of international human rights law with respect to the rights to life, security of person and privacy, to freedom from torture and ill-treatment, discrimination and arbitrary arrest and detention, and to freedom of expression, association and peaceful assembly, and all other civil, political, economic, social and cultural rights.⁶

The Yogyakarta Principles articulate states' obligations under international law to ensure human rights protections without discrimination on the basis of sexual orientation or gender identity, including the right to work, the right to education, and the right to the highest attainable standard of health.⁷ Principle 3 states:

Everyone has the right to recognition everywhere as a person before the law. Persons of diverse sexual orientations and gender identities shall enjoy legal capacity in all aspects of life. Each person's self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom.⁸

6 United Nations High Commissioner for Human Rights (UNHCHR), "Discrimination and Violence Against Individuals Based on their Sexual Orientation and Gender Identity," UN Doc. A/HRC/29/23 (2015), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/088/42/PDF/G1508842.pdf?OpenElement> (accessed 20 August 2022), para. 18.

7 The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, March 2007, http://yogyakartapinciples.org/wp-content/uploads/2016/08/principles_en.pdf (accessed 21 August 2022). The Yogyakarta Principles were developed in 2006. In response to well-documented patterns of abuse, a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual orientation and gender identity, rooted in existing human rights law.

8 The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, Principle 3, The Right to Recognition Before the Law, March 2007, http://yogyakartapinciples.org/wp-content/uploads/2016/08/principles_en.pdf (accessed 21 August 2022), p.11.

The Yogyakarta Principles Plus 10 (YP+10) expand state obligations to ensure the right to legal recognition, through "a quick, transparent, and accessible mechanism that legally recognises and affirms each person's self-defined gender identity."⁹

A landmark 2017 advisory opinion of Inter-American Court on Human Rights states that countries have an obligation to recognize, regulate, and establish appropriate procedures to facilitate the change of name, the rectification of the image, and the rectification of the sex or gender in the public records and identity documents so that they correspond to the self-perceived gender identity of transgender persons.¹⁰ The Court has further stated that "the principle of equality before the law, equal protection before the law and non-discrimination" are so fundamental that states should not be permitted to deviate from them because the "whole legal structure of national and international public order rests on it and it is a fundamental principle that permeates all laws."¹¹ Advisory opinions provide an authoritative interpretation of states parties' obligations under the American Convention on Human Rights. Only five of the countries covered in this report are states parties to the American Convention, and among those, only four – Barbados, the Dominican Republic, Haiti and Suriname – have accepted the Inter-American Court's contentious jurisdiction.

9 Yogyakarta Principles Plus Ten: Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, Principle 31, The Right to Legal Recognition, November 10, 2017, <http://yogyakartapinciples.org/principle-31-yp10> (accessed 21 August 2022).

10 Inter-American Court of Human Rights, Advisory Opinion OC-24/17 of November 24, 2017, Requested by the Republic of Costa Rica, "Gender Identity, and Equality and Non-discrimination of Same-sex Couples," https://www.corteidh.or.cr/docs/opiniones/seriea_24_eng.pdf (accessed 21 August 2022), para. 106.

11 Inter-American Court of Human Rights, Advisory Opinion OC-18/03 of 17 September 2003, "Juridical Condition and Rights of Undocumented Migrants," https://www.corteidh.or.cr/docs/opiniones/seriea_18_ing.pdf (accessed 21 August 2022), para. 101.



Research Findings

Inability or Obstructions to Legally Changing Name and/or Gender Marker

Legal gender recognition is crucial for trans and gender diverse people. Although trans and gender diverse people can legally change their names in most Caribbean countries, without the ability to change their sex or gender marker to match their name and/or gender expression, they remain vulnerable to a range of risks.¹² Not having documentation which matches gender identity and gender expression can have a variety of consequences including, but not limited to, arrest, violence, inconvenience, public harassment, and accusations of fraud.

For example, being asked by a traffic officer to produce a license or identification card when driving can put trans and gender diverse people at risk of conflict with the criminal justice system or, in some cases, harassment or extortion by officials.¹³ The inability of trans and gender diverse people to legally change their gender markers on government-issued identification can contribute to barriers in accessing employment, education, and opening of bank accounts, all of which are linked to financial insecurity and poverty.¹⁴

¹² Antigua and Barbuda, The Bahamas, the Dominican Republic, Haiti, Jamaica, Saint Lucia, Belize, Suriname and Trinidad and Tobago all permit legal name changes. See Zhan Chiam et al., “Trans Legal Mapping Report 2019: Recognition before the Law,” ILGA World, 2019, 3rd ed., https://ilga.org/downloads/ILGA_World_Trans_Legal_Mapping_Report_2019_EN.pdf (accessed 21 August 2022), p. 176. To enable a person in Belize to legally change their name, a deed poll must be completed, and the request needs to be accompanied by the original birth certificate. The change will, however, only affect the person’s name and not their legal sex. D. Lewis et al., “From Fringes to Focus: A Deep Dive into the Lived-Realities of Lesbian, Bisexual and Queer women and Trans Masculine Persons in 8 Caribbean Countries,” COC Netherlands, October 2020, https://unibam.org/wp517/wp-content/uploads/2020/12/Trinidad_Tobago_Report_Caribbean_0812-1.pdf (accessed 21 August 2022). See also Lukas Berredo et al., “Global Trans Perspectives on Health and Wellbeing: TVT Community Report,” Transrespect versus Transphobia Worldwide (TVT), December 2018, https://transrespect.org/wp-content/uploads/2018/12/TvT-PS-Vol20-2018_EN.pdf (accessed 21 August 2022), p. 14.

¹³ Liesl Theron, “Report on Poverty: Impact on Trans and Gender Diverse Communities,” GATE, 2020, <https://gate.ngo/wp-content/uploads/2020/12/Report-on-Poverty.pdf> (accessed 21 August 2022).

¹⁴ Ibid.

According to ILGA World, in The Bahamas, Barbados, Belize, Haiti, Jamaica, and Saint Lucia, it is “not possible to change the gender marker in birth certificates or identity cards.”¹⁵ Of the 119 survey respondents, 85 percent did not have any government-issued identity document that matched their gender identity, and 84 percent had not been able to change their name on any official documentation. (See Figure 3 below.)

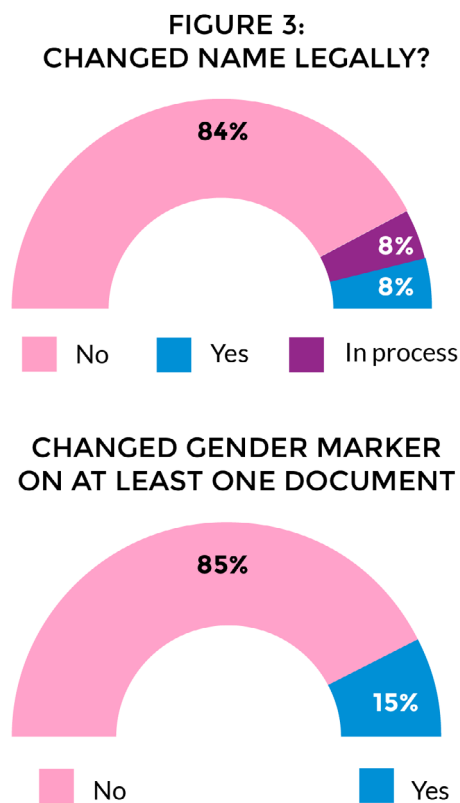


Figure 3 – Survey Responses: Name change and gender marker – legal changes made

15 See Zhan Chiam et al., “Trans Legal Mapping Report 2019: Recognition before the Law,” ILGA World, https://ilga.org/downloads/ILGA_World_Trans_Legal_Mapping_Report_2019_EN.pdf, p. 176. Contrary to most Caribbean countries, in Cuba, which is not a focus country in this report, gender marker change has been possible since 2008 but with “prohibitive requirements” including proof of gender affirmation surgery. The request is taken to the National Commission for Integral Attention to Trans Persons along with the medical certification that the petitioner has undergone sex reassignment surgery. The local tribunal where the request was originally submitted orders the amendment of sex and name in identity documents. After this, the civil registry issues a new birth certificate. *Ibid.*, p. 198.

Progress toward the legal recognition of the rights of trans and gender diverse people too often depends on the political, social, and religious climate. For example, in Suriname, Yvanna Hilton took the Census Office to court after it refused to change her gender indication in the official register after she underwent gender affirmation surgery in 2009. When the judge ruled in her favor, the Association of Pentecostal Churches in Suriname held a protest, with thousands of people attending, and the Suriname Islamic Association also objected.¹⁶ According to activist Mikel Haman, the favorable judgement was a significant advancement in the rights of trans and gender diverse people in Suriname despite the religious objections.¹⁷

Only 12 percent of the survey respondents indicated that they think there is sufficient political will in their countries to formally recognize a legal change of gender identity. To be in compliance with international human rights obligations, national governments should be developing and implementing gender recognition laws that recognize the principle of self-determination and establish that medical pre-conditions, including surgical alteration of genitalia, removal of internal sex organs, feminization or masculinization of external characteristics, sterilization, hormone replacement therapies, blanket age limitations, and any requirements that discriminate against

16 “Transgender Wins Case for Sex Change Recognition,” *Daily Herald* (St. Maarten and the Northeast Caribbean), 12 January 2017, <https://www.thedailyherald.sx/regional/transgender-wins-case-for-sex-change-recognition> (accessed 21 August 2022).

17 Harmen Boerboom, “Surinaamse transgender wint rechtszaak: nu kan ik eindelijk trouwen,” NOS, 12 January 2017, <https://nos.nl/artikel/2152685-surinaamse-transgender-wint-rechtszaak-nu-kan-ik-eindelijk-trouwen.html> (accessed 21 August 2022). The government of Suriname is reported to have filed an appeal against this ruling but, thus far, there has apparently been no outcome in the appeal. It remains unclear if the positive impacts of this ruling will be undone by a future ruling. “Suriname Appeals Transgender Verdict,” *Daily Herald*, 6 February 2017, <https://web.archive.org/web/20171101140524/https://www.thedailyherald.sx/regional/63426-suriname-appeals-transgender-verdict> (accessed 21 August 2022).

married trans or gender diverse persons are incompatible with human rights principles.¹⁸

Discrimination in Education

The UCTRANS/OutRight survey findings indicate that 68 percent of the respondents became aware of their trans identity between five and nineteen years old, the period of time in which school culture and the views of classmates and teachers have a pronounced impact on person’s physical and emotional development. (See Figure 4 below.) Eight percent of respondents said they were “forced to leave school” as a result of their transgender identity.

FIGURE 4: AT WHAT AGE DID YOU IDENTIFY AS A TRANS PERSON?

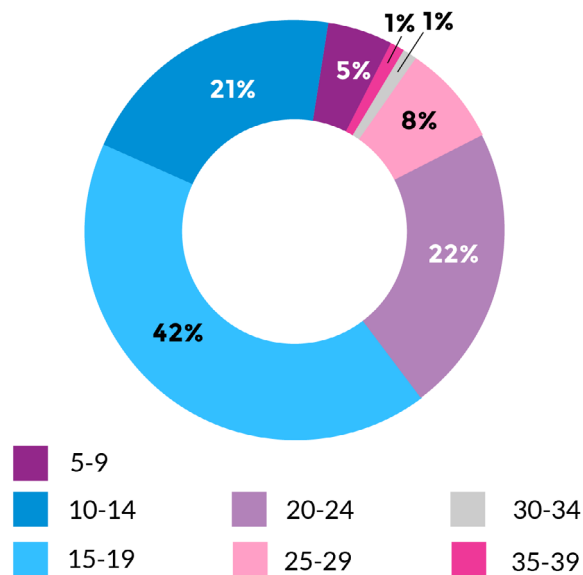


Figure 4 – Survey Responses: Age identified as trans

18 Judith Levine, “The Global Commission on HIV and the Law: Risks, Rights and Health,” UNDP, HIV/AIDS Group, July 2012, Recommendation 3.4.5, <https://hivlawcommission.org/wp-content/uploads/2017/06/FinalReport-RisksRightsHealth-EN.pdf> (accessed 21 August 2022). ICJ, “Yogyakarta Principles Plus 10 (YP+10): Principle 31, The Right to Legal Recognition,” <http://yogyakartaprinciples.org/principle-31-yp10>. See also Inter-American Court of Human Rights, Advisory Opinion OC-24/17 of November 24, 2017, Requested by the Republic of Costa Rica, “Gender Identity, and Equality and Non-discrimination of Same-sex Couples,” https://www.corteidh.or.cr/docs/opiniones/seriea_24_eng.pdf, para. 106.

OutRight and UCTRANS did not collect further quantitative data on cases of discrimination in education, and much more qualitative and quantitative research is needed to understand the short and long-term impacts of discrimination on school-age trans children in the Caribbean. Such research conducted in the United States over many years may be instructive; it indicates the social pressure to conform, as well as mistreatment and bullying from both classmates and teachers, often

“I am brave, I consider myself very, very brave. But some of us, some of my sisters who do not have this composure like me, they leave school at a very, very early stage...”

– Millie Milton, Guyana

creates an inhospitable and dehumanizing experience for trans children that can have serious consequences for their ability to learn, their desire to remain in school to complete their studies and their sense of safety.¹⁹

Furthermore, a school’s restrictive social norms, such as school uniforms and activities such as sports, are often gender-segregated or gender-specific, which can potentially exacerbate the social and emotional developmental challenges faced by trans children.

19 Joseph G. Kosciw et al., “The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation’s Schools,” GLSEN, 2020, https://www.glsen.org/sites/default/files/2021-04/NSCS19-FullReport-032421-Web_0.pdf (accessed 21 August 2022). For findings related to discrimination in the education sector in the Eastern Caribbean, see Human Rights Watch, *I Have to Leave to Be Me: Discriminatory Laws against LGBT People in the Eastern Caribbean*, 21 March 2018, <https://www.hrw.org/report/2018/03/21/i-have-leave-be-me/discriminatory-laws-against-lgbt-people-eastern-caribbean#6072> (accessed 21 August 2022).

Millie Milton, an activist and trans woman from Guyana, said that completing high school required significant courage and, ultimately, fear prompted an end to her studies:

When I was going to school, my headmaster just sorted me out in a sense. He picked me to go to a meeting, and he was trying to convert me to a man . . . So, I had to be really strong to complete my high school. When it came to high school, I passed with good grades. I could have gone to a university because I know that I had the potential, but I was fearful to continue my education.²⁰

Milton further described the pervasiveness of anti-trans discrimination in school settings:

It happens with your peers, the other students, it happens with the teacher, it happens with your headmaster, it even happens to people when you walk through a community going to school, people talk about you all the time. So, this all makes trans women leave school.²¹

Even for those who remain in school despite the many challenges, the inability to change a gender marker on educational credentials or possessing a diploma in which their name or gender marker does not align with their gender expression can impair their ability to translate their education into employment. Yasiah Val from Haiti said:

A trans person studied, finished high school, went to university, and now they've transitioned. How can they even work, or have what they did accredited to them? ... I don't have any documentation that reflects who I am, and that's my right.²²

20 OutRight interview with Millie Milton, Guyana, March 2021.

21 Ibid.

22 OutRight interview with Yaisah Micaela Mehu Val, Haiti, February 2021.

One activist noted that the impact of discrimination in education that prompts trans and gender diverse people to drop out of school can ultimately negatively impact the ability of trans people to be actively involved in advocacy about trans issues themselves. Raven Gill from Barbados said that because of the lack of education, “[w]e don’t have Master’s degrees, we don’t have Bachelor’s, we don’t have PhDs, we don’t have the experience in years of activism for the movement, especially where we don’t have the access to getting past high school education.”²³

Workplace Discrimination and the Impact of Economic Precarity

Only 24 percent of survey respondents defined themselves as employed full time, while 42 percent indicated that they were currently unemployed. Because the research was carried out during the COVID-19 pandemic, these unemployment rates may not reflect those of pre-pandemic times. OutRight and UCTRANS were unable to locate comparative unemployment data for the same set of Caribbean countries. However, the rate of 42 percent is close to four times higher than the average unemployment rate in the larger Latin America and Caribbean region even at the height of the pandemic.²⁴

Employment discrimination, the lack of workplace and social protections and the lack of ability to possess official documentation that aligns with gender identity may contribute to unemployment among trans and gender diverse people in the Caribbean. Tori Culmer from The Bahamas said that trying to find a job as a trans woman was particularly difficult

23 OutRight interview with Raven Gill, February 2021.

24 International Labor Organization, 2021 *Labor Overview, Latin America and the Caribbean: Executive Summary*, https://www.ilo.org/wcmsp5/groups/public/---americas/--ro-lima/---sro-port_of_spain/documents/publication/wcms_836158.pdf (accessed 21 August 2022).

because of pervasive discrimination regarding physical appearance. “Here in The Bahamas,” she said, “they will work with you more if you are ‘passable’ as a woman. That’s why I say passability is the biggest thing here. Because if you’re not passable, you’re living below the poverty line.”²⁵

Brandy Rodriguez from Trinidad and Tobago said that “last year [in 2020], we had someone who was working with the government, and when they decided to medically transition... [t]heir employer told them they had to go home. They didn’t employ them, they didn’t employ ‘she,’ they employed ‘he.’”²⁶

“... [in 2020], we had someone who was working with the government, and when they decided to medically transition... [t]heir employer told them they had to go home. They didn’t employ them, they didn’t employ ‘she,’ they employed ‘he.’”

– Brandy Rodriguez, Trinidad and Tobago

TransWave Jamaica embarked on a project in 2019, the *Workplace Conversation Series*, to reach out to the corporate sector in Jamaica to create a platform for dialogue between employers and members of the trans and gender diverse communities. Four of the seventeen businesses contacted ultimately participated and all four indicated that they would be willing to employ trans and gender diverse persons once they are qualified.²⁷ But

25 OutRight interview with Tori Culmer, The Bahamas, February 2021.

26 OutRight interview with Brandy Rodriguez, Trinidad, February 2021.

27 OutRight email communications with representatives of TransWave Jamaica, February 2021 and August 2022.

TransWave’s research also found that “[t]rans and gender non-conforming people are faced with the added hurdle of overcoming the displacement and school drop-out due to transphobia that has significantly contributed to their employability in many sectors.”²⁸

Despite some increased advocacy to address workplace discrimination, significant challenges remain in the Caribbean. In Barbados, for example, activists worked with the Ministry of Labor to secure a revised employment bill that protects people from discrimination on the basis of sexual orientation, but the law failed to include protections on the basis

of gender identity.²⁹ As Raven Gill from Barbados noted, for a trans woman to seek protection under this law, they would need to “identify as a gay male cross-dressing to be employed.”³⁰

Discrimination and the lack of economic security can also cause of a range of other challenges for trans and gender diverse people, including securing housing. Twenty-eight percent of respondents said that they had been homeless at some stage in their life. The COVID-19 pandemic

exacerbated economic challenges for many people around the world and, like others, many LGBTIQ people were forced to move in with family members, regardless of acceptance or rejection.³¹ Fifty-four percent of the survey respondents indicated that they currently live

28 Ibid.

29 Barbados, Employment (Prevention of Discrimination) Act 2020, 2 April 2020, https://www.barbadosparliament.com/uploads/bill_resolution/06948a67143d62e36c426fb-d077e1055.pdf (accessed 21 August 2022).

30 Gill Interview. Because there is no protection against discrimination on the basis of gender expression, however, an employer in Barbados could fire such an employee based on their attire.

31 OutRight Action International. *Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTIQ People*. 2020. https://outrightinternational.org/sites/default/files/COVIDs-ReportDesign_FINAL_LR_0.pdf. Accessed August 10, 2021.

with family members. The data also indicates that 46 percent of respondents report that their family do not know about their gender identity, and 17 percent said their family members intentionally deadname them.³² It is unclear how many participants who indicated that they currently live with family members responded as such due to the impact of COVID-19.

Brandy Rodriguez from Trinidad and Tobago noted that COVID-19 and ensuing stay-at-home orders had increased pre-existing financial strains and prompted incidents of domestic violence among the trans community in Trinidad and Tobago.³³ This largely aligns with other research from around the world that found increasing reports of partner violence throughout the COVID pandemic in many countries, what some have referred to as a “pandemic within a pandemic.”³⁴

Trans and gender diverse people usually do not benefit from any labor-related legal protections, though there are also cases pursuing changes to these laws. One example is Alexa Hoffmann of Barbados, who took her former employer to court for unfair termination on the basis of gender identity. After failed attempts by the Department of Labor to resolve a dispute between Hoffmann and her former employer, Court Caribbean Law Practice, over Hoffmann’s decision to change

her name as a reflection of her gender identity, the case progressed to the Employment Rights Tribunal.³⁵ If successful, Hoffmann hopes the decision will set a precedent that will improve workplace protections for trans people.

Lack of Access to Gender-Affirming Health Services

“It takes bravery to walk into an office and say ‘I want to transition.’ In the early stages of transitioning, they’re still in the closet. There is a fear factor even going into the doctor’s office.”

– *Tori Culmer, The Bahamas*

Trans-specific, gender-affirming health care in the Caribbean remains inconsistent and largely unavailable in many countries.³⁶

32 “Deadnaming” is a term to describe calling someone by their name assigned at birth after they have adopted a different name that may align more with their gender identity.

33 Rodriguez Interview.

34 Amie Bishop, *Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTIQ People*, OutRight Action International, 2020, https://outrightinternational.org/sites/default/files/COVIDsReportDesign_FINAL_LR_0.pdf (accessed 21 August 2022). See also Megan L. Evans et al., “A Pandemic within a Pandemic – Intimate Partner Violence during Covid-19,” *New England Journal of Medicine* 383 (2020), doi: 10.1056/NEJMp2024046 (accessed 21 August 2022), pp. 2302-2304; UN Women, “The Shadow Pandemic: Violence against Women during COVID-19,” <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19> (accessed 21 August 2022).

35 Kareem Smith, “Landmark Transgender ‘Discrimination’ Case Filed,” *Barbados Today*, 14 February 2020, <https://barbados.today.bb/2020/02/14/landmark-transgender-discrimination-case-filed> (accessed 21 August 2022).

36 Trans-specific, trans-affirming health care is a broad range of physical and mental health services, including but not limited to gender affirmation therapies. See WPATH, “Standards of Care for the Health of Transsexual, Transgender and Gender-Nonconforming People,” https://www.wpath.org/media/cms/Documents/SOCpercent20v7/SOCpercent20V7_English2012.pdf?t=1613669341. See also Nick Gorton and Hilary Maia Grubb, “General, Sexual and Reproductive Health,” In *Trans Bodies, Trans Selves: A Resource for the Transgender Community*, ed. Laura Erickson-Schroth (New York: Oxford University Press, 2014). See also Lukas Berredo et al., “Global Trans Perspectives on Health and Wellbeing: TVT Community Report,” TVT, https://transrespect.org/wp-content/uploads/2018/12/TVT-PS-Vol20-2018_EN.pdf.

For many trans people, one key aspect of gender-affirming health care is access to hormone therapy. Proper administration of hormone therapy requires regular testing to monitor the impact of hormone use on bodily functions, including cholesterol levels, bone density, functioning of the liver and kidneys, and any potential contraindications or side effects. Expert organizations including the Pan-American Health Organization and the World Professional Alliance for Transgender Health (WPATH) state that hormone replacement therapy should be carried out with regard to health considerations such as family history, age, concomitant illnesses, sexual activity, and other relevant risk factors.³⁷

Only 21 percent of survey respondents said hormone replacement therapy is available to them. Among the respondents who do use hormones, respondents reported a variety of methods to access hormones, in many cases, without consultation with medical professionals (see Figure 5, right). Self-administering hormones without the guidance of medical professionals can pose significant health risks.³⁸ Further, nearly 72 percent of the participants who use hormone replacement therapy reported never testing their hormones levels or doing any lab tests (see Figure 6, right).

**FIGURE 5:
ACCESS TO HORMONES**

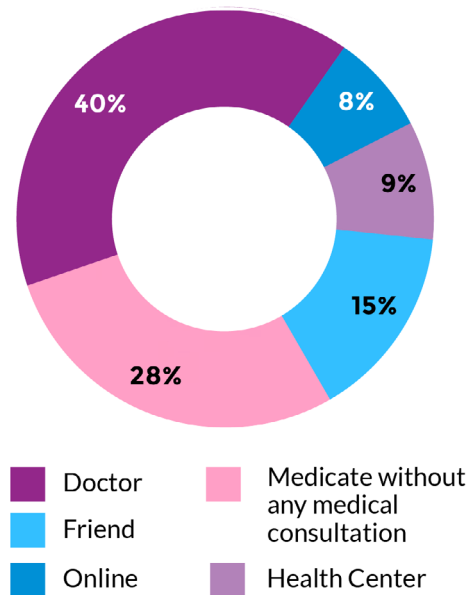


Figure 5 – Survey Responses: Access to hormones

**FIGURE 6:
HORMONAL LEVEL TEST FREQUENCY**

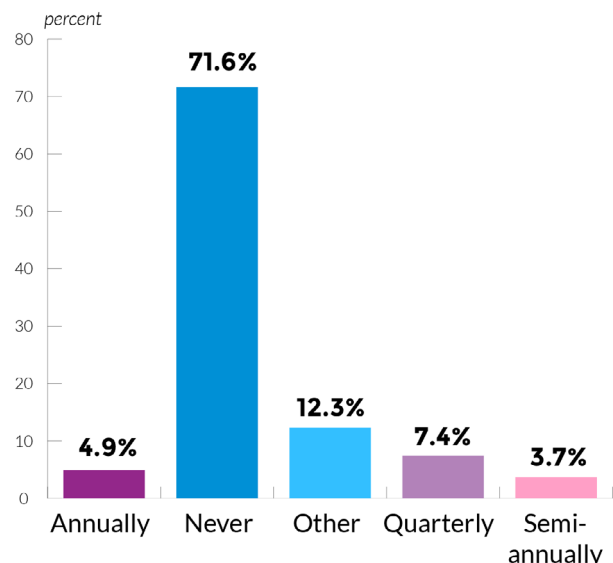


Figure 6 – Survey Respondents who use hormones (n=58): Frequency of hormonal or any lab tests

37 Pan American Health Organization (PAHO), John Snow, Inc., and World Professional Alliance for Transgender Health, *Blueprint for the Provision of Comprehensive Care for Trans Persons and their Communities in the Caribbean and Other Anglophone Countries*, 2014, <https://www.paho.org/hq/dm-documents/2014/2014-cha-blueprint-comprehensive-anglo-countries.pdf> (accessed 10 August 2022).

38 Nastassia Rambarran and Alessandra Hereman, “Desires for Care and Access to Services among Transgender Persons in Guyana,” SASOD Guyana, 2020, https://www.academia.edu/43064863/Desires_for_care_and_access_to_services_among_transgender_persons_in_Guyana (accessed 21 August 2022).

The survey sought to determine the reasons why some respondents were using hormones without testing their hormone levels or receiving any other lab work. Information obtained from the respondents indicate that respondents experienced an array of challenges including lack of information about medical concerns, lack of access to services, and fear of discrimination when seeking health services (see Figure 7 below).

FIGURE 7: SELECTED RESPONSES FROM OPEN-ENDED SURVEY QUESTION



Figure 7 – Selected responses from the open-ended survey question.

Tori Culmer from The Bahamas has been working to encourage trans and gender diverse people in her community to be under doctor supervision. She said the work is very challenging:

It is such a barrier for trans women to even walk into a private office or a clinic to say, "I want to sign up for hormones," because the fear factor is even walking in for the hormone treatment. Nine out of ten times they might go somewhere else to get it under the table or try other means of getting it. But I always try to encourage girls to go through a doctor's procedure, because everything is checked and the doctor says ok you are able to be on hormone treatment, you're a candidate for hormone treatment.³⁹

Ensuring that there are competent medical staff and that those who seek hormone treatment can do so under the consistent care of medical staff who are trained in trans affirming health care should be a priority. If the lack of trans-affirming medical expertise and the ongoing discrimination in the health care sector is not addressed, trans people will continue to face myriad health risks in procuring and maintaining access to hormone treatment and other primary health needs.

Mental Health and Access to Affirming Treatment

Seventy-eight percent of trans and gender diverse respondents to the survey indicated that they experienced depression and anxiety at some stage of their life. While 66 percent said that their gender identity directly contributed to their mental health issues, it is important to note that being trans or gender diverse per se does not account for experiencing depression and anxiety, but rather continuous rejection, stigmatization, discrimination, fear of targeted violence, economic stress, and other social

39 Culmer Interview.

factors are heightened among trans and gender diverse people and can all be contributing factors to mental health challenges.⁴⁰ Fifty-one percent of respondents had access to mental health services, but of those participants who responded that they had such access, only 31.5 percent said that it was trans affirming or at least competent care in their view (see Figure 8 below).

FIGURE 8: MENTAL HEALTH AND GENDER IDENTITY

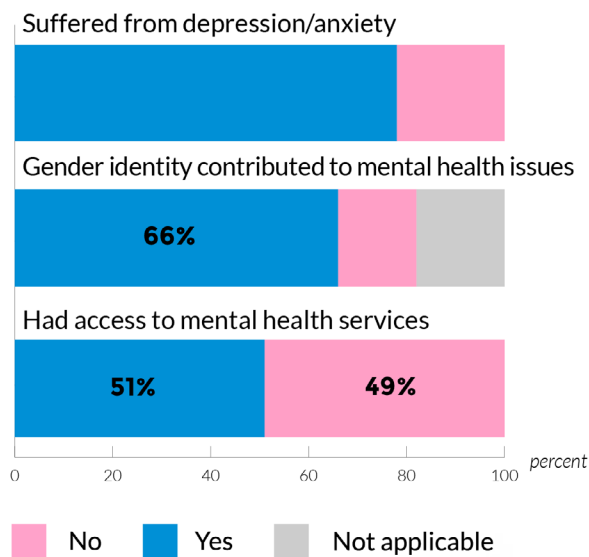


Figure 8 – Survey Responses: Mental health and gender identity

Tori Culmer said:

Having access to healthcare or mental healthcare is not easy, because we don't have too many doctors here in The

40 Andrew Schoenholtz et al., "Trapped: Cycles of Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Persons in Guyana," Georgetown University Law Center, May 2018, <https://www.law.georgetown.edu/international-law-journal/wp-content/uploads/sites/21/2019/06/GT-GJIL190019.pdf> (accessed 21 August 2022).

Bahamas who know about trans issues or [...] that try to work with trans women or trans men. My personal belief is that if you want to work with trans women and trans men, you should get the training for it. Though you might have training in psychology, you still need to understand our community.⁴¹

The critical need for better health outcomes for trans and gender diverse people in the Caribbean will require strategies for ensuring healthcare professionals, including mental health practitioners, are trained and competent to provide comprehensive, trans-inclusive care consistently over the lives of individuals.

Discriminatory Criminal Laws

Trans and gender diverse people in the Caribbean face the risk of arrest based on an array of laws, including colonial-era prohibitions on same-sex intimacy and laws that directly or indirectly criminalize sex work such as morality laws, public space regulations, drug laws, laws about loitering, and police identity control laws.⁴² Such applications of criminal laws are not only discriminatory, but also can put trans and gender diverse people at significant risk of human rights violations at the hands of the police and violence in detention.

Fifty-nine percent of survey respondents said that they had experienced police violence in their lifetime (see Figure 9, following page).

41 Culmer Interview.

42 Arcus Foundation and Synergía – Initiatives for Human Rights, "The Safety, Legal Protections, and Social Inclusion of LGBTQ People in the Caribbean in 2018," 27 March 2020, <https://www.arcusfoundation.org/publications/the-safety-legal-protections-and-social-inclusion-of-lgbtq-people-in-the-caribbean-in-2018> (accessed 21 August 2022). Law enforcement officials in the Dominican Republic reportedly weaponize vagrancy laws, regulations against loitering, and the criminalization of "gross indecency" against trans and gender diverse people. Zhan Chiam et al., "Trans Legal Mapping Report 2019: Recognition before the Law," ILGA World, https://ilga.org/downloads/ILGA_World_Trans_Legal_Mapping_Report_2019_EN.pdf; Amnesty International, *Body Politics: A Primer on Criminalization of Sexuality and Reproduction*, 2018, <https://www.amnesty.org/download/Documents/PO-LA077632018ENGLISH.PDF> (accessed 21 August 2022).

FIGURE 9: HAVE YOU EXPERIENCED POLICE VIOLENCE?

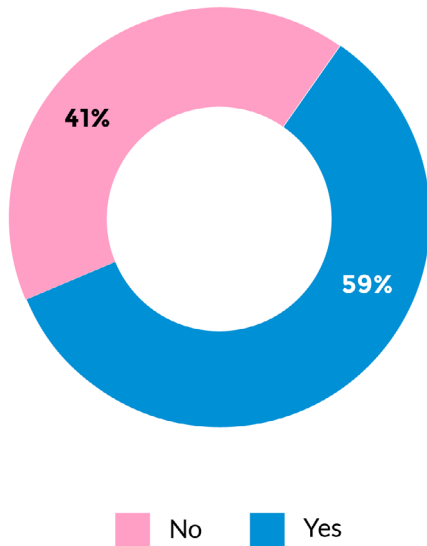


Figure 9 – Survey Responses: Experience of police violence

Nine English-speaking survey respondents said that they had been incarcerated at some point in their lives, although this survey did not draw out details regarding the legal basis for detention.⁴³ Among them, seven reported having experienced violence in detention due to their transgender identity.⁴⁴ More research into violence and discrimination against trans people in the criminal justice systems of Caribbean countries would be valuable for efforts to end such practices and ensure pathways to accountability for survivors.

Raven Gill in Barbados has worked to increase the awareness of trans rights with the police, but immense challenges persist. She says:

We've done at least two to three sensitization trainings with the police force, so it's not like they're not aware of the

⁴³ Only the English-language survey included a question regarding incarceration.

⁴⁴ The survey did not delineate cases of violence in detention perpetrated by state agents and those perpetrated by other detained persons.

community. However, attitudes based on social biases, cultural differences, religion, all these play a factor with regards to stigma and discrimination, especially in the trans narrative specifically.⁴⁵

Criminalization of Sex Work

Education and employment discrimination, including discrimination based on the inability to present official identity documents or other markers that match one's gender expression, leave trans and gender diverse persons with limited options to generate income.⁴⁶ In some cases, sex work is one of the few employment options available.

Sex work is often dangerous work, frequently stigmatized and criminalized.⁴⁷ Stigma and criminalization of sex work increase the risks to trans and gender diverse people of verbal abuse, violence, and contracting HIV and other sexually transmitted infections, and can further increase rejection by religious groups.⁴⁸ Engaging in sex work also increases the potential for contact with the police, and the risks of violence and victimization by police. Millie Milton, in Guyana, described interactions with police based on abusive implementation of vagrancy and loitering laws:

⁴⁵ Gill Interview.

⁴⁶ Inter-American Commission on Human Rights (IACHR), *Report on Trans and Gender Diverse Persons and Their Economic, Social, Cultural, and Environmental Rights*, 7 August 2020, <http://www.oas.org/en/iachr/reports/pdfs/TransDESCA-en.pdf> (accessed 21 August 2022).

⁴⁷ Amnesty International, *Body Politics: A Primer on Criminalization of Sexuality and Reproduction*, 2018, <https://www.amnesty.org/download/Documents/POL4077632018ENGLISH.PDF> (accessed 21 August 2022). OutRight Action International opposes the criminalization of sex work between consenting adults.

⁴⁸ The Caribbean Vulnerable Communities Coalition (CVC), El Centro de Orientación e Investigación Integral (COIN), Pan Caribbean Partnership Against HIV and AIDS (PANCAP), and CARICOM Community Secretariat, *From Tolerance to Rights: HIV and Sex Work Programs in the Caribbean - Effective Models and Opportunities for Scale Up*, March 2012, <http://coin.org.do/wp-content/uploads/2017/08/Review-of-Models-and-Best-Practices-of-SW.-ingles.pdf> (accessed 25 August 2022).

We are street-based sex workers, so we hang out on the street waiting for clients, and police use that law, and say we loiter. We don't want to go to prison or be locked up, so we pay them, and we're bribing them all the time. So, they got fond of that, and every time they see we're on that street, they come and pick us up.⁴⁹

Milton described trans sex workers in Guyana are “over-policed. If a criminal does something to us, we don't see the police. Even if we go to do a report, they don't care about the report.”⁵⁰

“If a criminal does something to us, we don't see the police. Even if we go to do a report, they don't care about the report.”

– Millie Milton, Guyana

This “over-policing” presents in different ways across the region.⁵¹ In the Dominican Republic, police have used drug laws to target trans sex workers, subjecting them to arbitrary searches, intimidation, and mistreatment.⁵² According to one study, “eighty percent of trans sex workers in Dominican Republic reported being arrested at least once and thirty-six percent said they had sexual relationships with the police to avoid being detained.”⁵³

49 Milton Interview.

50 Ibid.

51 Although Cuba is not included as a country of focus in this report due to the lack of data collected from Cuban trans people, ILGA World has reported that Cuba's interior ministry has carried out police raids to prevent trans and gender diverse persons from being in areas considered “prone to prostitution.” According to ILGA, “[t]hey are detained, fined and threatened so that they do not ‘dress as women’ and may then be classified under a danger index for antisocial behaviour.” Zhan Chiam et al., “Trans Legal Mapping Report 2019: Recognition before the Law,” ILGA World, https://ilga.org/downloads/ILGA_World_Trans_Legal_Mapping_Report_2019_EN.pdf, p. 177.

52 Ibid, p. 200.

53 Ibid, citing Victoria Romero, “Dominican Republic:

A Success Story: Abolishing “Cross-Dressing” Laws in Guyana

Until 2018, Guyana was among the handful of countries in the world that explicitly criminalized cross-dressing. In *Quincy McEwan et al. v. AG of Guyana*⁵⁴, the applicants – four trans individuals and the Society Against Sexual Orientation Discrimination (SASOD) – challenged the constitutionality of a law which criminalized cross-dressing. The four trans applicants were all arrested and convicted under section 153(1)(xlvi) of the Summary Jurisdiction (Offences) Act.⁵⁵ Section 153(1)(xlvi) prohibited every person who, “being a man, in any public way or public place, for any improper purpose, appears in a female attire; or being a woman, in any public way or public place, for any improper purpose, appears in a male attire.” The applicants claimed that this law violated the rule of law and the rights of the applicants to equality, non-discrimination, and freedom of expression.

No Más Injusticia para las personas transgénero,” 19 June 2018, <https://www.amnistia.org/ve/blog/2018/06/6662/republica-dominicana-no-mas-injusticia-para-las-personas-transgenero> (accessed 15 August 2021).

54 *Quincy McEwan et al. v. AG of Guyana*, [2018] CCJ 30 (AJ), <https://www.humandignitytrust.org/wp-content/uploads/resources/MC-EWAN-et-al-v-AG-OF-GUYANA-Copy.pdf> (accessed 21 August 2022).

55 The 2010 action challenging the constitutionality of section 153(1)(xlvi) was filed following discussions between the Faculty of Law, The UWI Rights Advocacy Project (U-RAP), the Society Against Sexual Orientation Discrimination (SASOD), the persons convicted and Guyanese attorney-at-law Gino Persaud. U-RAP coordinated the litigation in the McEwan case and has played an integral role in the litigation strategy. U-RAP is a project within the Faculty of Law, the UWI, aimed at promoting human rights, equality and social justice in the Caribbean by undertaking and participating in human rights litigation in collaboration with human rights lawyers and civil society organizations. See Janeille Matthews and Tracy Robinson, “Modern Vagrancy in the Anglophone Caribbean,” *Caribbean Journal of Criminology* 1, 4 (2019): 123-134, end-note 1, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3210831 (accessed 21 August 2022); Arif Bulkan and Tracy Robinson, “Enduring Sexed and Gendered Criminal Laws in the Anglophone Caribbean,” *Caribbean Review of Gender Studies* 11 (2017): 227-228, https://sta.uwi.edu/crgs/december2017/documents/CRGS_11_Pgs_219-240_ABulkan_TRobinson_EnduringSexedGendered.pdf (accessed 21 August 2022).



Photo courtesy of UCTrans

The law was said to be bad law because it was vague, uncertain, irrational, and discriminatory. The vagueness and uncertainty relate to the words “improper purpose,” “female attire,” and “male attire.”

The appellants were largely unsuccessful at the High Court and the Court of Appeal. In September 2013, the Guyanese High Court determined that “it is not a criminal offence for a male to wear female attire and for a female to wear male attire in a public way or place, under Section 153(1)(xlvi). It is only if such an act is done for an improper purpose that criminal liability attaches.”⁵⁶ In February 2017, the Court of Appeal re-affirmed the High Court’s view that s.153(1)(xlvi) did not violate the Constitution’s anti-discrimination provisions and determined that the vaguely worded requirement of “improper purpose” should simply be judged on a case-by-case basis.⁵⁷

56 Quincy McEwan et al. v. Attorney General of Guyana, High Court of Guyana, No. 21 - M, 6 September 2013, https://www.equalrightstrust.org/ertdocumentbank/McEwan,%20Fraser,%20Clarke,%20Persaud%20and%20SASOD%20vs.%20AG%20of%20Guyana_6September2013.pdf (accessed 21 August 2022), p. 26.

57 Human Dignity Trust, *Injustice Exposed: The Criminalisation of Transgender People and its Impacts*, 2019, <https://www.humandignitytrust.org/wp-content/uploads/resources/Injustice-Exposed-the-criminalisation-of-trans-people.pdf> (accessed 21 August 2022).

An appeal of the ruling was heard at the Caribbean Court of Justice, the final appellate court for Guyana, in June 2018. The appellants argued that the mere existence of Section 153(1)(xlvi) still left them open to arrest, as the meaning and scope of “improper purpose” had not been fully elucidated in the initial ruling. In November 2018, the Caribbean Court of Justice ruled in favor of the appellants, determining that the law was “unconstitutionally vague, violated the appellants’ right to equality and non-discrimination, and freedom of expression, and was contrary to the rule of law.”⁵⁸ The Court ordered that section 153(1)(xlvi) be struck from the Summary Jurisdiction (Offences) Act.

58 “CCJ Declares Guyana’s Cross-Dressing Law Unconstitutional,” Caribbean Court of Justice media release, 13 November 2018, <https://ccj.org/ccj-declares-guyanas-cross-dressing-law-unconstitutional> (accessed 21 August 2022).



Annex 1: List of Figures

Figure 1	Participants by Country and Research Approach
Figure 2	Self-Determined Gender Identity of Survey Respondents
Figure 3	Survey Responses: Name Change and Gender Marker – Legal Changes Made
Figure 4	Survey Responses: Age Identified as Trans
Figure 5	Survey Responses: Access to Hormones
Figure 6	Survey Respondents Who Use Hormones (n=58): Frequency of Hormonal or Any Lab Tests
Figure 7	Selected Responses from the Open-Ended Survey Question
Figure 8	Survey Responses: Mental Health and Gender Identity
Figure 9	Survey Responses: Experience of Police Violence

Annex II: Ratification of the ICCPR and the ICESCR

	Aruba	The Bahamas	Barbados	Belize	Dominican Republic	Guyana	Haiti	Jamaica	St. Lucia	Suriname	Trinidad and Tobago
ICCPR Signed/Ratified or Acceded to	25 June 1969	4 Dec 2008				22 Aug 1968		19 Dec 1966	22 Sept 2011		
	11 Dec 1978	23 Dec 2008	5 Jan 1973 a	10 June 1996 a	4 Jan 1978 a	15 Feb 1977	6 Feb 1991 a	3 Oct 1975		28 Dec 1976 a	21 Dec 1978 a
ICESCR Signed/Ratified or Acceded to	25 June 1969	4 Dec 2008		6 Sept 2000		22 Aug 1968		19 Dec 1966			
	11 Dec 1978	23 Dec 2008	5 Jan 1973 a	9 Mar 2015	4 Jan 1978 a	15 Feb 1977	8 Oct 2013 a	3 Oct 1975		28 Dec 1976 a	8 Dec 1978 a

Key: a – Accession.¹

¹ “Ratification” and “accession” mean, in each case, the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty. Ratification defines the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act. In the case of bilateral treaties, ratification is usually accomplished by exchanging the requisite instruments, while in the case of multilateral treaties the usual procedure is for the depositary to collect the ratifications of all states, keeping all parties informed of the situation. “Accession” is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. “Glossary of Terms related to Treaty Actions,” United Nations Treaty Collection, https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml (accessed 21 August 2022).



**United Caribbean
Trans Network**



OUTRIGHT
ACTION INTERNATIONAL

Annex III: Survey

CARIBBEAN TRANS SURVEY

In most countries in the Caribbean, there is no legal recognition of transgender people's affirmed gender identity. Without official documents that recognize their gender identity, transgender people are often denied access to basic rights, including the right to health, education, justice, and social welfare. This often results in exclusion from social and civic participation, harassment and stigmatization, limited access to protection, justice and redress as well as inadequate provision of healthcare services. Transgender people are also more susceptible to violence, including physical and sexual violence.

The United Caribbean Trans Network (UCTRANS) and OutRight Action International (OutRight) created this survey to research the contextual factors that impact trans people in the Caribbean and their ability to affirm their identity and enjoy their basic human rights. The responses collected from this survey will be used to inform initiatives to be put in place to improve lives of trans people across the Caribbean. UCTRANS, with support from OutRight, will focus its work on legal gender recognition, safety and security, and trans affirming healthcare and social support mechanisms. To this end, better, more comprehensive data on the experiences and lived realities of transgender and gender diverse people across the Caribbean region is needed in order to inform and advance advocacy goals.

All information recorded is strictly confidential and will be stored within a protected database. By proceeding, with the survey you give your consent to collect data based on your responses. This survey is for trans and gender non-conforming persons, 18 and over, who reside in the Caribbean.

We thank you in advance for your contribution.

Age: _____

Country of Residence:

- Antigua and Barbuda
- Aruba
- Bahamas
- Barbados
- Belize
- Cayman Islands
- Curacao
- Dominica
- Dominican Republic
- Grenada
- Guyana
- Haiti
- Jamaica
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent and the Grenadines
- Sint Maarten
- Suriname
- Trinidad and Tobago
- Turks and Caicos

What are your pronouns? (Select all that apply)

- She/her
- He/him
- They/them/theirs
- All/Any
- Other _____

Select your sex assigned at birth:

- Male
- Female
- Intersex

Select your gender identity:

- Trans man
- Trans woman
- Non binary
- Genderqueer
- Other _____

What is your sexual orientation?

- Heterosexual
- Lesbian
- Gay
- Bisexual
- Asexual
- Pansexual
- Queer
- Other _____

At what age did you identify as a trans person? _____ *(using intervals)*

Background Information

FAMILY AND RELATIONSHIP

What is your relationship status?

- Single
- Partnered
- Civil Union
- Married
- Divorced
- Separated
- Other _____

(Skip pattern if select Partnered, married or CU)

Do you have multiple partners?

- Yes
- No

In general, how does your family (outside of your chosen family) feel about or respond in regard to your gender identity?

(Select all that apply)

- They are supportive
- They intentionally misgender me
- They intentionally use my deadname
- They don't know that I am trans
- They don't talk to me anymore
- Other _____

Do you have children?

- Yes No

(Skip pattern if no)

Do your children live with you?

- Yes No

What is your highest level of educational attainment?

- No formal education
- Finished primary school
- Incomplete high school
- Completed high school
- Vocational training/Technical certification
- Incomplete university/college
- Completed university/college
- Post-graduate degree
- Other _____

EMPLOYMENT STATUS

What is your employment status? (Select all that apply)

- Unemployed
- Part Time
- Fully employed
- Student
- Retired
- Other _____

What is your monthly income/earnings (standardized in US dollars)?

- 0
- 1-300
- 301-500
- 501-800
- 800- 1000
- 1001-1500
- 1501-2000
- 2001-2500
- 2501-3000
- 3001-4000
- Over 4000

Which of the following best describes your race/ethnicity?

- Black/Afro Caribbean
- Indo-Caribbean
- Chinese
- Indigenous
- White
- Other _____

Which of the following best describes your religious beliefs?

- Christian
- Muslim
- Agnostic
- Atheist
- None
- Other _____

(Skip pattern)

If applicable, what is your comfort level publicly practicing your religion or faith as a trans person?

- Very comfortable
- Comfortable
- Neither comfortable nor uncomfortable
- Uncomfortable
- Very uncomfortable
- Not applicable

Do you have a disability?

- Yes No

(Skip pattern if selected no)

What is the nature of your disability/ disabilities? (Select all that apply)

- Cognitive
- Emotional
- Physical
- Other _____

HOUSING

With whom do you live? (Select all that apply)

- Alone
- With roommates
- With Family members
- With partner
- Homeless
- Other _____

(Skip if select homeless above)

Have you ever been homeless?

- Yes No

HEALTHCARE

What type of insurance coverage do you have? (Select all that apply)

- Health insurance
- Life insurance
- Final expense insurance
- None

What transgender health services are available in your country? (Select all that apply)

- Gender affirming surgeries
- Hormone replacement therapy
- Testing for sexually transmitted infections
- None
- Other _____

Are there any endocrinologists in your country who see trans patients?

- Yes No I don't know

Are there any primary care physicians in your country who specialize in trans-affirming healthcare?

- Yes No I don't know

Have you ever taken hormones related to your gender identity?

- Yes No

(Skip pattern if no)

Are you currently taking hormones related to your gender identity?

- Yes No

(Skip pattern if yes)

How long have you been taking hormones?

How do you access hormones?

(Select all that apply)

- Doctor
- Online
- Friend
- Health center
- Medicate without any medical consultation
- Other _____

How often do you get your hormone level tested

- Quarterly
- Semi-annually
- Annually
- Never
- Other _____

(Skip pattern if selected never)

What is the main reason you've never had your hormone level tested?

What are the main challenges you face related to accessing healthcare due to your trans-gender identity? *(Select all that apply)*

- Lack of health insurance
- Lack of public health knowledge about trans issues
- Lack of financial resources
- Fear of violence/Apprehension about discrimination
- Lack of adequate trans related services
- I face no challenges
- Other _____

What programs do you think can be put in place to improve the health of trans people in your country?

Are there any therapists or mental health professionals in your country who specialize in trans-affirming healthcare?

- Yes
- No
- I don't know

Have you ever suffered from depression/anxiety or other mental health issues?

- Yes
- No

(Skip pattern if no)

Has your gender identity contributed to your mental health issues?

- Yes
- No

Have you accessed mental health services?

- Yes
- No

(Skip pattern if no)

Were they trans-affirming or competent?

- Yes
- No

(Skip pattern if yes)

Was your gender identity a barrier to accessing care?

- Yes
- No

GENDER IDENTITY RECOGNITION

Do you have a passport/driver's license or other government-issued identification?

- Yes
- No

Which of the following government issued documents can trans people in your country update their gender markers on? *(Select all that applies)*

- Passport
- Driver's license
- Birth certificate
- National ID
- Voter's ID
- Other _____
- I don't know
- None of the above

In general, how comfortable are you presenting your identification when visiting a conducting business/receiving service from an institution or agency?

- Very comfortable
- Comfortable
- Neither comfortable or uncomfortable
- Uncomfortable
- Very uncomfortable

(Skip pattern for very comfortable, comfortable or neither comfortable or uncomfortable)

Has this discomfort ever prevented you from visiting or seeking services at a business, institution, or agency?

- Yes
- No

Does your country's Constitution list gender identity as a protected category?

- Yes
- No
- I don't know

Does your country have procedures in place to regulate legal gender marker changes for trans people?

- Yes
- No

Have you changed your gender marker on any of your legal documents?

- Yes
- No

(Skip pattern if no)

Which of your legal documents has your updated gender marker (Select all that applies)?

- Driver's license
- Passport
- Birth certificate
- Other _____

Have you changed your name legally?

- Yes
- No
- In process

What are the main barriers to updating your name on your legal documents?

(List all that apply)

- Won't match my gender marker
- Won't match the name on my certifications/academic qualifications
- Lack of family support
- Lack of financial resources
- Unaware of the process
- This is not a priority for me
- No barriers - I've already changed my name
- No barriers - I don't wish to change my name
- Other _____

When your country conducts a national census/study, is there a box (separate from sex) for gender identity?

- Yes
- No
- I don't know

Are there any policy makers/government officials who have shown interest in gender identity recognition in your country?

- Yes
- No
- I don't know

To the best of your knowledge, how is gender identity referenced in the Constitution of your country?

CRIME, VIOLENCE AND HUMAN RIGHTS

Are there laws that punish hate crimes on the basis of gender identity in your country?

- Yes
- No
- I don't know

Are there laws that punish hate speech against trans people in your country?

- Yes
- No
- I don't know

Are there any laws that directly criminalize or target trans people in your country?

- Yes
- No
- I don't know

Have you ever directly experienced police violence

(e.g., harassment, verbal taunts, excessive force)?

- Yes No

Is sex work legal in your country?

- Yes No I don't know

Are trans people who engage in sex work routinely detained/arrested in your country?

- Yes No I don't know

Are trans people placed in prisons, jails, or detention centers due to their engagement in sex work?

- Yes No I don't know

Regardless of the reason for arrest, are trans people assigned to prisons, jails, or detention centers based on their current gender identity?

- Yes No I don't know

Are trans people housed alone in prison, jails, or detention centers based on their gender identity?

- Yes No I don't know

Have you ever been incarcerated?

- Yes No

(Skip pattern if no)

Have you ever experienced violence while in a prison or detention center due to your transgender identity?

- Yes No Not applicable

What are the main challenges you have faced related to your transgender identity? (Select all that apply)

- Family rejection
- Loss of friends
- Loss of romantic relationships
- Forced to leave school
- Not accepted into school
- Forced to leave home/community
- Verbally assault/harassment
- Loss of a job
- Not being hired
- Forced to leave job
- Denied housing
- Denied healthcare
- Denied other social support services
- Being arrested
- Physical violence
- Sexual assault
- Breach of confidentiality
- Blackmail
- Cyber abuse
- Denied entry into a public space
- Denied access to practice religion/faith
- Being outed
- None of the above *(Skip pattern)*

From the list above, what was the earliest incident you remember experiencing?

Can you describe the incident in a few sentences?

How old were you when this first incident occurred?

What was the setting where the first incident occurred?

- School/Campus
- Church/Place of Worship
- Home
- Neighbourhood/Community
- Workplace
- Private Business
- Healthcare facility
- Law enforcement site
- Government agency
- Social Media
- Email
- On the street/On public transportation
- Other _____

Which of these issues need more attention in the transgender community in your country?

- HIV/AIDS
- Mental health
- Substance use and abuse
- Violence and victimization
- Discrimination
- Access to Trans-affirming healthcare
- Gender identity recognition
- Employment
- Housing
- Access to safe spaces
- Other _____

Which of the following trans-affirming supports are available in your country?

- Inclusion of gender identity on human resource forms
- Trans-inclusive health insurance
- Gender-affirming therapy
- Single occupancy or gender-neutral bathrooms
- Other _____
- None
- I don't know

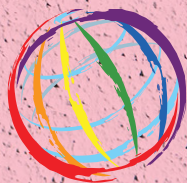
What are some trans-affirming supports that you or other trans people could benefit from in your country? (Select the things that are not currently being practiced)

- Inclusion of gender identity on human resource forms
- Trans-inclusive health insurance
- Gender-affirming therapy
- Single occupancy or gender-neutral bathrooms
- Other _____

What should policymakers in your country put in place to improve the lives of person in the transgender community?

Is there anything else you want me to know, or you think is important about your experience as a trans person in your country?

##



OUTRIGHT
ACTION INTERNATIONAL



**United Caribbean
Trans Network**

© 2022

UCTRANS / OutRight Action International