

The Safety, Legal Protections, and Social Inclusion of LGBTQ People in the Caribbean in 2018



Arcus commissioned this report in the context of strategic planning of its Social Justice Program. The report was commissioned as part of an effort to learn about LGBTQ communities in Arcus' focus geographic regions and countries, where the foundation aims to increase safety, legal protections, and acceptance and inclusion. The following information reflects the opinions of its authors and not necessarily those of Arcus. Arcus uses some but not all of the findings to guide grantmaking decisions.

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Summary

In July 2018, the Arcus Foundation (“Arcus”) engaged Synergía¹ – Initiatives for Human Rights (“Synergía”) in a consultancy that would inform Arcus’ implementation of its grantmaking strategy in the Caribbean, identifying and recommending ways in which Arcus can most effectively support civil society organizations on the ground. This publication is a summary of the main conclusions of that report and a consolidation of Synergía’s recommendations for where Arcus’ resources would have the most impact in furthering the foundation’s strategy. References to specific interviews have been removed from this public version, and only anonymous quotes have been retained.

I. Introduction

Through the consultancy, the Arcus Foundation sought “a needs and opportunity analysis”² that identified potential changes that the foundation should consider fostering in alignment with its three goals (safety, legal protections, and acceptance and inclusion). These recommendations apply to potential grant funding over a five-year period, for specific organizations, taking into account 1) their approximate annual budgets and funding needed to advance the anticipated changes they seek, 2) their existing capacity to undertake this work, 3) the current baseline for the changes they seek, and 4) any opportunities to support cross-movement coalitions and their networks.

Arcus asked Synergía to identify at least three countries or a mix of countries and priority themes in the Caribbean region where needs and/or the potential for change are greatest. As Arcus indicated, “consultants may make other concrete recommendations based on their research and experience, as Arcus intends to support groups across the entire region, but with established focus areas.”³ In this report, Synergía identified a combination of countries and priority themes for Arcus to consider in the foundation’s development of its strategy for the Caribbean region.

The letters of the acronym LGBTQI—referring to Lesbian, Gay, Bisexual, Transgender, Queer and Intersex persons—appear in various forms and combinations on the following pages depending on their use by the individuals or the organizations referenced.

II. Geographical Scope

The Caribbean region is widely diverse in terms of history, language, and political and legal systems, with a geographic scope that includes a wide array of countries and non-sovereign territories. For the purpose of this consultancy, the Caribbean region includes all Caribbean islands (sovereign countries and territories, English, Spanish, and French speaking), the Caribbean Community and Common Market (CARICOM) countries located in Central and South America (Belize, Guyana, and Suriname), and the remaining territory in South America (French Guyana).

Using these parameters as the basis for defining the Caribbean region, for the purposes of this project the region was subsequently divided into 16 sovereign states⁴ and 16 dependent territories and integrated areas of other countries.⁵ Of the 16 dependent territories/integrated areas of other countries, all but Puerto Rico and the U.S. Virgin Islands⁶ fall under the jurisdiction of European countries. Synergía takes the viewpoint that the U.S. territories should be given priority under U.S. domestic grantmaking processes and should not be included in Arcus' strategy for the Caribbean region.

In Synergía's experience, given the limitation of resources, an effective strategy for seeking change regionally should prioritize sovereign countries. Only sovereign states hold the potential for elevating domestic advocacy through strategies

linked to regional bodies, such as the Organization of American States (OAS),⁷ or to Caribbean-specific multilateral institutions, such as CARICOM.⁸ Sub-regionally, there is also the potential for elevating domestic advocacy within the Organization of Eastern Caribbean States (OECS), a 10-member grouping of islands spread across the Eastern Caribbean.⁹ Organizational ties to regional and sub-regional institutions, such as judicial and quasi-judicial bodies like the Caribbean Court of Justice (CCJ), the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR) increase opportunities for effecting change.

While Synergía acknowledges that lesbian, gay, bisexual, trans and queer (LGBTQ) people in territories are affected by discrimination, socioeconomic exclusion, and other factors, such as climate change, its view is that legal and policy change is more likely to occur in sovereign countries, which, in turn, might have a catalyzing effect in other countries in the region. Dependent territories lack access to such common regional multilateral spaces because they are located too far from the sovereign states under which these territories' jurisdiction falls. Further, legal change that occurs in dependent territories tends to have limited impact on sovereign states; thus, the potential for investments in these places having a broader catalyzing effect across the region is muted.

III. Methodology

Synergía’s methodology included a combination of desk research, interviews, a short survey, and a number of exchanges with Arcus throughout the consultancy to discuss preliminary findings. Phase I consisted of drafting a preliminary consultancy plan, which included a detailed methodology, means of data collection, proposed timeline, list of contacts, and proposed budget. This plan was discussed with and approved by Arcus. Phase II involved conducting desk research and phone interviews with identified stakeholders, with broad regional engagement, which included experts (academics and activists) with broad regional expertise. Phase III focused on conducting phone interviews with stakeholders with a country-specific scope as well as with a number of funders that support work in the region. Phase IV included follow-up email inquiries to interviewed individuals for further information and/or clarification and a short survey that was sent to specific activists from the selected countries or thematic areas to get more information about their organizations, budgets, missions, and goals.¹⁰ Phase V consisted of drafting the report, discussing it with Arcus, incorporating feedback provided, and submitting a final report with annexes to Arcus. The full report is meant to be confidential for Arcus’ attention.

The final report submitted to Arcus followed the aforementioned methodology and was complemented by the Synergía staff’s own analysis based on their long history of working in the region. Synergía used the following guiding principles to conduct the analysis: 1) potential for organizational strengthening (investing in organizational structures on which long-term change can be achieved and sustained), 2) likelihood of a “catalyzing effect” (the possibility of funding in one country potentially impacting other countries or the sub-region in general, fostering or effecting change beyond that particular country), 3) diversity of the funding pool (the importance of diversifying the pool of countries where change is possible), 4) the need to address situations or populations that are left at the margins, and 5) opportunities for supporting cross-movement coalitions and networks as effective platforms for building a critical mass of support for LGBTQ human rights.

Considering Arcus’ focus on “groups pushed to the margins within LGBTQ communities,” its focus on transgender issues, and its direction on the scope of the report, Synergía structured its analysis to include recommendations to prioritize organizations in a mix of countries and region-wide themes, as explained in this summary of findings.

IV. The Caribbean Region

1. Overview of the Region

1.1. Litigation against legislation criminalizing sexuality and gender expression

While Spanish, French, or Dutch-speaking countries in the Caribbean have no laws specifically criminalizing non-normative gender or sexuality, the majority of countries in the English-speaking Caribbean still maintain laws that criminalize same-sex intimacy, either through gross indecency, serious indecency, or buggery criminal law provisions.

In *Caleb Orozco v. The Attorney General of Belize*,¹¹ handed down in August 2016, the Supreme Court of Belize struck down Section 53 of the Criminal Code, which criminalized “carnal intercourse against the order of nature.”¹² In its decision, Chief Justice Kenneth Benjamin ruled that this criminal provision violated Orozco’s constitutional rights to dignity, equality before the law, equal protection of the law without discrimination, freedom of expression, privacy, and non-discrimination on the ground of sex. On this basis, Chief Justice Benjamin ordered that Section 53 “be read down so that it did not apply to consensual sexual acts between adults in private.”¹³ Although a partial appeal was filed by the attorney general on very limited terms (freedom of expression and sex-based discrimination), a decision by the Court of Appeals, which is still pending as of November 2019, should not change the overall outcome of the case.¹⁴ Thus, the ruling declaring the unconstitutionality of the criminalization of same-sex intimacy in Belize should stand.¹⁵

This was the first time a court had struck down a criminal code provision criminalizing LGBTQ people in the Caribbean. This decision generated momentum for the litigation of other cases in the region, motivating other litigants to challenge criminal provisions in other jurisdictions.

In April 2018, the High Court in Trinidad and Tobago established that sections of the Sexual Offences Act that prohibited consensual “buggery” and “serious indecency” between two men were unconstitutional,¹⁶ ruling in favor of the plaintiff, Jason Jones, an activist born in Trinidad and Tobago but who currently lives in the U.K. A hearing on remedies in this case was held in September 2018,¹⁷ at which government asked for a “stay” of the ruling for 45 days, pending an appeal.¹⁸ Justice Rampersad denied the request; thus, “the judgment remains in full effect.”¹⁹ The

attorney general’s office announced its intention of filing an appeal against this ruling,²⁰ but there is limited information publicly available on whether such an appeal was filed. A local activist—albeit with limited contact with the plaintiffs in this case—confirmed that the government filed its notice of appeal within the statutory window, but that nevertheless “they do not appear to want it expedited.”²¹ As expected, this decision was hailed as a major victory by LGBTQ groups while simultaneously criticized by conservative groups. However, the Catholic Church in Trinidad and Tobago signaled its approval of this decision.²²

In the last couple of years, there have been additional developments regarding challenges to the domestic laws criminalizing same-sex intimacy in the Caribbean.

In July 2018, the IACHR adopted a preliminary decision (“admissibility report”) on a petition that was filed in 2011 against the sections of the Offenses Against the Person Act of 1864 that criminalize “buggery” and “gross indecency acts” between men in Jamaica.²³ The case is currently pending a decision on the merits, which will determine whether these legal provisions are in violation of the Inter-American human rights instruments. A similar case that was initially filed in 2011, also concerning Jamaica before the IACHR, was heard by the IACHR on the admissibility and merits on November 11, 2019.²⁴ There were no State representatives from Jamaica during this public hearing. A joint decision on the admissibility and merits is pending. In August 2018, a petition was filed before the IACHR against Barbados, also regarding the domestic law that criminalizes same-sex intimacy.²⁵ As of November 2019, this case has yet to be admitted by the IACHR.

Further, in 2019 there were several announcements of ongoing or future litigation against the laws criminalizing same-sex intimacy in several countries in the region. An international organization announced a challenge to the law in Dominica,²⁶ and a local organization announced challenges to the laws in five countries in the Eastern Caribbean region: Barbados, Saint Kitts and Nevis, Antigua and Barbuda, Grenada, and Saint Lucia.²⁷ In July 2019, two exiled men filed the domestic law criminalizing same-sex intimacy in Saint Vincent and the Grenadines.²⁸ Finally, a local organization in Guyana announced in November 2019 that it plans to file a challenge to the Guyanese law as well.²⁹

The constitutions of Barbados, Guyana, Jamaica, The Bahamas, and Trinidad and Tobago contain *savings law* clauses that, arguably, afford immunity from constitutional challenges to all laws that were in force at the time of independence.³⁰ As such, savings law clauses would prevent criminal provisions against same-sex intimacy in those countries to be challenged through the courts. However, as several interviewees for this project indicated, a recent decision by the Caribbean Court of Justice (CCJ) that declared unconstitutional a savings law clause in a Barbados death penalty suit (*Nervais and Severin v. R.*),³¹ signals that there might be space for buggery laws to be declared unconstitutional as well.³²

Furthermore, Guyana’s criminal provision outlawing the use of clothing traditionally associated with another sex or gender “for an improper purpose” (generally referred to as “the cross-dressing law”) was declared unconstitutional by the same regional court, the CCJ, in *McEwan and others v. Attorney General of Guyana*, on November 13, 2018.³³ This decision has been hailed as a critical success by the litigants—including Gulliver McEwan (the first-named litigant and co-founder of Guyana Trans United),³⁴ LGBTQ groups throughout the world, and the Prime Minister of Guyana.³⁵ In this decision, Hon. Justice Adrian Saunders affirmed “[n]o one should have his or her dignity trampled on, or human rights denied, merely on account of a difference, especially one that poses no threat to public safety or public order.”³⁶

In this decision, the CCJ affirmed “[t]his Court’s decision in *Nervais and Severin v R*, 114 delivered just one day before the instant appeal was argued, has now definitively established that the savings law provision in the Constitution of Barbados does not make existing laws immune from declaration of invalidity for inconsistency with the Constitution. This determination is equally applicable to the laws and Constitution of Guyana and, therefore, section 153(1)(xlvii) is no longer to be regarded as saved from being declared inconsistent with the Constitution.”³⁷ In the *McEwan* case, the CCJ “looked at the historical context of this post-slavery vagrancy law [being applied to wearing the clothes associated with another gender] and concluded that it was a law from a different time that no longer served a legitimate purpose in Guyana.”³⁸ Despite this judicial victory, “activists said they were concerned that police might not immediately stop using the defunct law, and that other anti-vagrancy offences dating from the same period might be used to target transgender and other potentially vulnerable people.”³⁹

Currently, there is excellent momentum in Trinidad and Tobago and Guyana because of the cases being litigated.⁴⁰ However, such changes are not sufficient to improve the situation of marginalization and human rights violations and abuses suffered by LGBTQ people in the region due to social stigma. Sociocultural transformation in the region may take a longer period, as seen in The Bahamas, which decriminalized same-sex conduct in 1991, but still maintains a quite conservative sociopolitical environment.

Finally, a number of interviewed experts and activists stressed that litigation should be accompanied by advocacy efforts that are implemented within, and have buy-in from, the community so as to avoid backlash, in as much as possible. In this sense, some activists referred to the lessons learned from the *Jason Jones v. the Attorney General* case.⁴¹ Arguably linked to the fact that the case was brought before the High Court in Trinidad and Tobago by a Trinidadian activist who lives abroad, the ruling, which declared sections of the Sexual Offences Act unconstitutional—including prohibition of “buggery” and “serious indecency”⁴²—caused a huge backlash in Trinidad.⁴³

1.2. Recent social and political changes

In recent years, various countries in the Caribbean have seen an increasing number of pride events take place, many for the first time. For example, while Suriname has been celebrating “Coming Out Week” since 2011,⁴⁴ and Jamaica saw its first pride event in 2015,⁴⁵ countries such as Barbados,⁴⁶ Trinidad and Tobago,⁴⁷ and Guyana⁴⁸ had their first pride events in 2018.

The political landscape is also changing positively. Mia Mottely was recently elected Prime Minister of Barbados.⁴⁹ Although her sexual orientation was the subject of a public smear campaign, she was elected with a landslide victory in May 2018 and her Labour Party won all seats in Parliament.⁵⁰ This demonstrates that the sexual orientation of political leaders, even when publicly known and discussed, does not necessarily prevent these leaders from winning elections, opening up opportunities even when LGBTQ policy changes are not necessarily on these leaders’ political agendas.⁵¹

However, political landscapes can change quite dramatically in any direction.⁵² For example, while Saint Lucia has seen progressive political leadership for a number of recent years, its current conservative leadership opposes the advancement of LGBTQ rights in the Caribbean region and before regional

political bodies like the OAS. This is important to keep in mind when considering funding decisions: Donors must recognize that their investments must allow for change built over the long-term, but without sacrificing dexterity, allowing local movements to “seize the moment” in a time of opportunity.

Despite the aforementioned trend in more public demonstrations in support of LGBTQ human rights, violence and discrimination against LGBTQ people in the Caribbean remain pervasive. Homelessness, job insecurity, school-based bullying, mental health issues, and other challenges all have a dire impact on LGBTQ people and youth in the Caribbean.⁵³ According to a recent publication by Human Rights Watch and the Eastern Caribbean Alliance for Diversity and Equality (ECADE), 41 LGBT-identified persons from seven countries in the Eastern Caribbean (Antigua and Barbuda, Barbados, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, Saint Vincent, and the Grenadines) “described being harassed by family members at some point in their lives because they are LGBTQ or were suspected to be.”⁵⁴ This report also noted that “family and church are cornerstones of social life. Interviewees said that they were afraid to come out in their typically close-knit communities, where social networks are tight and information travels fast.”⁵⁵ Even countries that have no law that criminalizes against same-sex intimacy face high levels of violence and discrimination.⁵⁶

Levels of homophobia vary across the Caribbean. For example, a 2017 study across seven countries in the Caribbean (Saint Vincent, Grenada, Trinidad and Tobago, Guyana, Saint Lucia, Belize, and Suriname), concluded that “based on the multi-variate model, informants from Suriname and Belize were less likely to ‘hate’ compared with those from Guyana and Saint Lucia; informants from Grenada, Trinidad and Tobago and Saint Vincent were more likely to ‘hate’ homosexuals compared with informants from Guyana.”⁵⁷

1.3. The role of religion in the Caribbean

Arcus asked Synergía to conduct specific research on the role of religion in the Caribbean. Among the challenges to conducting research for this consultancy was the limited information that arose through interviews and desk research about organizations’ degree of engagement with faith-based leaders or whether collaboration among LGBTQ people, faith allies, and secular allies is increasing. It became evident that local organizations generally perceive churches and faith-based leaders as in direct opposition or hostile toward

LGBTQ people. Thus, organizations’ work in this regard is limited in scope and impact.

Religion plays a key role in Caribbean communities. As highlighted by Rev. Dr. John Holder, former Archbishop of the West Indies, in October 2017 “in the Caribbean, among a vast majority of our people, whether they attend church or not, the Bible is the yardstick by which all human issues are to be measured, especially moral issues. It is seen as containing solutions to varied human challenges, with sexuality among them.”⁵⁸

In general, churches in the Caribbean are not accepting of homosexuality.⁵⁹ Discrimination and prejudice against LGBTQ individuals within their families and communities is often grounded in religious belief; “LGBT people who experienced family rejection on religious grounds said that local pastors reinforced the prejudice that had already alienated them from family members and their communities.” Some people have experienced very harsh discrimination and violence within their religious communities, such as being subjected to exorcism to “banish the devils of homosexual desire.”⁶⁰

However, some religious leaders in the Caribbean, including some who attended a conference organized in Jamaica in 2017, recently have made statements against sodomy laws in the Caribbean.⁶¹ For example, Dr. Holder affirmed: “the reluctance of the former colonies to abandon sodomy laws may be more a cultural thing rather than a legal one, or even a moral one or religious one.”⁶² Bishop Charles Davidson, who leads the Anglican faith in Guyana and Suriname, has reportedly urged the review of the legal provisions criminalizing same-sex intimacy in Guyana.⁶³ In 2013, Bishop Gabriel Malzaire, the head of the Roman Catholic Church in Dominica affirmed that “free sexual acts between adult persons must not be treated as crimes to be punished by civil authorities.”⁶⁴ Similar statements have been issued by Rev. Dr. Clinton Chisholm from Jamaica.⁶⁵

Opposition and anti-LGBTQ groups with close ties to some Caribbean governments are attempting to ramp up pressure and increase the visibility of anti-LGBTQ rhetoric by hosting events to promote their views, particularly now that the region is witnessing both successful efforts at decriminalization in some jurisdictions and pending litigation in others.⁶⁶ For example, the organization World Congress of Families⁶⁷ has held several regional conferences in the Caribbean, including one in Saint Lucia in 2017 (that featured an appearance by Saint Lucia’s foreign minister), and in

Antigua and Barbuda.⁶⁸ In Guyana, anti-LGBT churches and evangelical groups have become more aggressively outspoken following the pride celebration in July 2018.⁶⁹

Engagement of LGBTQ groups with religious leaders in the Caribbean has been limited. In October 2017, the Canadian HIV/AIDS Legal Network (based in Toronto) organized the Intimate Convictions conference⁷⁰ in Jamaica.⁷¹ The objective of this conference was to encourage religious leaders to talk publicly about their opposition to the criminalization of same-sex intimacy and to buggery laws. Representatives from the Anglican and Adventist Church from the Caribbean and from the Evangelical Church from the United States attended the conference. Evangelical leaders from the Caribbean were invited but did not attend. Overall, the conference was mostly attended by religious leaders from the North.⁷² Local organizations, such as the Eastern Caribbean Alliance for Diversity and Equality (ECADE), reported that they engage with religious leaders. ECADE states, “We need to engage with those who oppose us the most.”⁷³

1.4. Civil society organizations in the Caribbean

There are several civil society organizations in the Caribbean working on sexual orientation, gender identity and expression (SOGIE) issues. These groups initially were funded primarily through HIV/AIDS programs. A number of these organizations work at the country level, whereas others have a regional or sub-regional focus. Organizations with a regional focus include: Caribbean Vulnerable Communities,⁷⁴ the Caribbean Forum for Liberation and Acceptance of Genders and Sexualities,⁷⁵ and the United Caribbean Trans Network.⁷⁶ ECADE is a newly established network focusing on SOGIE advocacy and litigation in Eastern Caribbean countries and territories.⁷⁷

2. FUNDING LANDSCAPE

A number of donors are supporting SOGIE work in the Caribbean, including the Astraea Foundation; USAID; UNDP; and the U.S. State Department’s Bureau of Democracy, Human Rights, and Labor through the Global Equality Fund.

V. Analysis of the Region: Challenges, Opportunities, and Recommendations

1. Challenges In Current Funding

Based on its assessment, Synergía identified a number of challenges regarding funding and execution of projects on SOGIE and human rights in the Caribbean. HIV has historically been the entry point for civil society organizing and remains a key target of funding for this work. Because most organizations studied have been receiving HIV funding, their work has primarily focused on HIV prevention and health service provision; yet, they have been weak in their human rights-based approach. HIV funding generally supports organizations working with key populations. Relative to SOGIE-related work, this limits funding to groups that address the needs of gay men, trans individuals, and other men who have sex with men (MSM). As reported by a number of regional experts who were interviewed, HIV grants also normally require that the recipients collaborate with government. This requirement can limit the extent to which grantees can challenge government, especially in regard to human rights violations and abuses.

Moreover, while HIV funding remains central to many LGBTQ organizations, opportunities to attain this more restrictive avenue of support is shrinking. The Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) has been one of the largest HIV funders in the region, yet its eligibility policy does not allow for sustained funding to upper middle-income countries.⁷⁸ GFATM's gradual withdrawal from funding in the Caribbean, coupled with challenges in transitioning to domestic financing of the HIV response, stands to significantly limit the work of LGBTQ groups. Several organizations in the Caribbean, including those in Belize, Guyana, and Suriname, are already witnessing the impact of this trend.

While recent years have seen an increase in funding from human rights and LGBTQ donors, a number of activists fear that as countries begin to decriminalize same-sex intimacy between consenting adults, this donor interest will evaporate as there will be a perception that no further work is needed.⁷⁹

Also, historically, Caribbean LGBTQ organizations have had limited access to flexible, general operating support. This factor, together with a general lack of administrative capacity to manage project funding, is considered by some local

activists a key reason for the underdevelopment of the LGBTQ movements in the region.⁸⁰ Generally, establishing strong organizations with adequate operational structures has been difficult.

In interviews with human rights defenders from the region, a number of respondents indicated the need for an organization that can function as a funding intermediary that can make grants to nascent organizations while simultaneously investing in the organizational capacity of its grantees to better manage and increase their funding. A number of interviewees highlighted that a significant portion of funding in the region has traditionally gone to Jamaica because groups there have a legacy of being able to absorb HIV and health-related funding.⁸¹

2. Recommendations

Taking into account 1) Arcus' three goals (safety, legal protections, and acceptance and inclusion), 2) the five criteria defined above (potential for investing in organizational structures on which long-term change can be achieved and sustained, likelihood of a "catalyzing effect," diversity of the funding pool, the need to address situations or populations that are left at the margins, and opportunities for cross-movement coalitions and networks), 3) current funding flows and related challenges in the Caribbean, 4) the terms of reference of this consultancy (i.e., identifying a maximum of three countries or a mix of countries and themes), 5) desk research conducted, and 6) the numerous interviews conducted, Synergía **recommends a funding strategy that prioritizes a mix of both countries and themes.**

2.1. Theme-Focus

Synergía recommends that funding be prioritized, thematically, to marginalized groups within the LGBTQ movement, **with a focus on trans people and lesbian, bisexual, and queer women across all countries of the region.** Traditionally, work supporting trans individuals has not been financially supported separately from gay-led groups or MSM and HIV-based projects.⁸² In addition, funders working in the Caribbean have been slow to acknowledge that the issues that affect the lives of trans individuals and

LBQ women are very different from those of gay men or MSM.⁸³ Thus, there is a significant gap in representation within the Caribbean LGBTQ movement and a dearth in programming that addresses the specific needs of trans individuals and LBQ women—both of which Arcus funding is well positioned to address.

For trans movements, the lumping of trans issues into those faced by gay men and MSM has all but invisibilized the issues affecting these communities, both at the social and policy levels. For example, Guyana is the only country in the region to track HIV infection among transgender women. In other countries in the Caribbean, such tracking is more difficult because of high levels of stigma.⁸⁴ According to a regional expert, the greatest need for support is to strengthen transgender networks both at the national and regional levels.⁸⁵ Despite these challenges, trans movements have—in recent years—begun to increase their own visibility and the work of transgender people in countries including Guyana,⁸⁶ Jamaica,⁸⁷ Trinidad and Tobago,⁸⁸ The Bahamas,⁸⁹ and Haiti,⁹⁰ among others. Additionally, a nascent regional trans network, the United Caribbean Trans Network (UCTRANS) was launched in 2018 and is exploring opportunities to provide adequate support to establish its governance and operational structures so that it can effectively function at the regional level.⁹¹

Violence against transgender people in the Caribbean is pervasive, and the lack of gender-identity legislation and policies that are inclusive of transgender issues across the board makes transgender people more vulnerable to violence, stigma, prejudice, and discrimination. Further, issues of gender identity and sexual orientation are often conflated, so there is a need to increase awareness among politicians of the importance of gender-identity-specific policies. Responding to these realities, a number of trans groups from various Caribbean countries that were engaged during the consultancy indicated that their work focuses on safety, through diverse means: supporting documentation of instances of violence; providing safe spaces for trans people; and conducting sensitivity trainings with the police and other government agencies to increase knowledge about human rights and gender identity, including in health care facilities.⁹²

Synergía believes that supporting the trans movement is key in the current context, especially given the opportunity to capitalize on momentum spurred by recent positive court decisions on SOGIE in the region. One case in particular was led by a group of organizations that included the local Guyanese transgender organization, Guyana Trans United.

Further, there is increasingly strong and solid advocacy currently underway by transgender organizations and activists in the Eastern Caribbean region, The Bahamas (where UCTRANS is establishing its secretariat), Trinidad and Tobago, Jamaica, Haiti, and the Dominican Republic, to mention a few.

Regarding Arcus' second goal, legal protections, UCTRANS indicated that one of its objectives is to ensure legal protection across the Caribbean, because “there is an absence of trans recognition legislation and trans people are unable to change their gender marker in their legal documents,”⁹³ which, among other issues, severely affects their ability to travel outside of their countries or to access government benefits.

In terms of Arcus' third goal, inclusion and acceptance, a number of trans groups indicated the need for funding to support their work to raise awareness about the invisible needs of transgender people in the Caribbean. Those needs stem from generalized stigma and discrimination towards trans people, conflation and confusion between gender identity and sexual orientation, and the limited capacity of trans organizations across the region.

Finally, very few organizations in the Caribbean are women-led and/or focus on issues of violence against women at the intersection with SOGIE. It would be worthwhile for Arcus to address the invisibility of issues affecting LBQ women, particularly since most funding in the Caribbean has been HIV-specific, mostly benefiting MSM and gay men. Arcus' role in ensuring safety, legal protections, and inclusion and acceptance of queer women in the Caribbean is key for advancing a movement that goes beyond the rights of gay men.

2.2. Country focus

In addition to recommending that Arcus place a thematic focus on trans issues and LBQ women's issues, Synergía also recommends that it focus initially on Guyana and Trinidad and Tobago. Despite their differences, these nations have seen recent positive developments in advancing SOGIE issues. In both countries, LGBTQ civil society organizations are strong in building alliances and partnerships with other mainstream human rights organizations or groups working in other human rights issues. Litigation has yielded positive results in both countries, and civil society groups have also designed robust strategies to effect legal and policy change beyond decriminalization. Transgender groups have become organized or are emerging, and are in a critical phase where

capacity-building and funding can ensure that they retain their own voices, separate from gay-led groups.

Synergía views continued support for litigation in these countries as crucial, and highlights that any litigation effort must be based on the priorities determined at the community level. As such, it will be important to fund litigation that is grounded and led by local organizations, activists, and litigants in the region, rather than by stakeholders with ties to the region but based outside it.⁹⁴ Additionally, according to some experts and activists interviewed, there are strong chances that decriminalization in Guyana could occur relatively fast.

In coming to the final recommendations regarding countries of focus, Synergía is of the view that, considering the political and social contexts and the ongoing work of civil society organizations, Guyana and Trinidad and Tobago best fit Arcus' three goals (increased safety, legal protection, and acceptance and inclusion for LGBTQ people) as highlighted below:

GUYANA

A few years ago, Guyanese civil society groups established the Guyana Equality Forum (GEF), a coalition of 21 organizations⁹⁵ working “cohesively to achieve equal rights and justice for all Guyanese,” which was “formed as a collaborative response to addressing human rights abuses against sexual and gender minorities in Guyana.”⁹⁶ The role of the GEF secretariat is currently held by an LGBTQ organization, Society against Sexual Orientation Discrimination (SASOD). This is remarkable because it is one of the few examples worldwide where an LGBTQ organization leads a domestic mainstream human rights coalition. The GEF has carried out a series of efforts around domestic⁹⁷ and international advocacy on human rights.⁹⁸ Although information on the group's website is not up-to-date, the GEF is currently active, but its “funding is limited.”⁹⁹

With respect to Arcus' first goal (increased safety), LGBTQ organizations in Guyana have a proven record of documenting instances of violence and other human rights violations against LGBTQ people, through platforms like the aforementioned GEF. Further, a founding member of Guyana Trans United,¹⁰⁰ Gulliver (Quincy) McEwan, is one of four transgender persons to have brought a successful case challenging the cross-dressing law in Guyana, the only law of this category that was still in force in the Western hemisphere as of that time. As indicated above, this case concerned the criminalization of transgender people because

of their use of clothing typically associated with a different gender, which affected their safety while in public spaces, such as bus stops.

In terms of Arcus' policy goal regarding legal protections, civil society organizations in Guyana have a long history of engaging with various government agencies to adopt LGBTQ-affirming protections, both through national, regional, and international advocacy strategies. For example, there are efforts underway in Guyana, with support from civil society organizations, to amend the 1997 Prevention of Discrimination Act to include sexual orientation and gender identity as protected categories.¹⁰¹ Further, activists indicate that, thanks to the work of LGBTQ civil society organizations, government agencies and commissions working on women and gender equality have demonstrated support of SOGIE issues.¹⁰²

To reiterate, civil society organizations have, for years now, established networks and alliances for coordinating common strategies around human rights, including a SOGIE lens and a joint vision regarding equality and non-discrimination. The work conducted through organizations or coalitions like the GEF is central to building a strategic alliance with diverse groups (e.g., those working on disability, indigenous peoples, gender-based violence and so on), for advancing a broader human rights agenda, which could have greater influence and power with Guyana's government both through domestic and international advocacy.

Regarding Arcus' third goal, acceptance and inclusion for LGBTQ people, LGBTQ organizations in Guyana sensitize youth regarding gender and sexual diversity through education programs and plan to start after-school care programs for secondary students who identify as LGBTQ.

It must be noted, however, as is the case in other countries and sub-regions in the Caribbean, and as noted above, the work carried out by these organizations to engage with faith-based leaders or to increasing the coordination and collaboration among LGBTQ people, faith communities, and secular allies, is limited in scope and impact.

TRINIDAD AND TOBAGO

In 2015, the Coalition Advocating for Inclusion of Sexual Orientation (CAISO) and other local organizations working on human rights issues in Trinidad and Tobago formed a coalition called Alliance for Justice and Diversity (AJD), which includes seven LGBTQ organizations with different perspectives.¹⁰³ In establishing AJD, local activists had ambitions to be broader than the LGBTQ movement. AJD

initially emerged from the 2015 national election campaign as an informal coalition among the six LGBTQ organizations in Trinidad and WOMANTRA (a queer-led feminist advocacy group). One of its objectives was to shift discourse away from marriage and criminalization and instead to focus on general discrimination issues.¹⁰⁴

With respect to Arcus' first goal, safety, organizations such as AJD is developing a project to promote a culture of safety through the creation of peer-guided messaging and learning activities on self-efficacy, conflict management, communal vigilance, and relationship-building with rights guarantors. Further, "individual AJD organizations also host a range of activities, including a cultural festival; teacher trainings; family, youth, and women's support groups; community emergency housing; social work services; and documentation of human rights violations."¹⁰⁵

Regarding Arcus' second goal, legal protections, local LGBTQ organizations are building alliances to achieve the addition of a "sexual orientation" category under the Equal Opportunities Commission—mandated under the Equal Opportunities Act. Parliament had sought to restrict this move.¹⁰⁶ Further, "AJD has joined CAISO's 2011 initiative to include LGBTI status, age, and health conditions in the jurisdiction of a state antidiscrimination protection framework, and is campaigning through media ads for this legislative reform."¹⁰⁷ Finally, a local activist highlights the need to "invest in state capacity, because states do not know what to do with us, how to create LGBT-inclusive policies or programs."¹⁰⁸

In terms of Arcus' third goal, social inclusion and acceptance, it is noteworthy that according to a 2017 study on attitudes toward homosexuality in Trinidad and Tobago, "36% of the population surveyed expressed outright hatred of homosexuals," and "60% supported the maintenance of laws that criminalised same sex intercourse."¹⁰⁹ To increase tolerance of LGBTQ people, local organizations have worked to reduce social stigma and discrimination. For example, one organization indicated that it had achieved "positive shifts in public discourse about sex/gender diversity through consistent and strategic media engagement."¹¹⁰

As is the case elsewhere in the region, faith-based issues are not necessarily emerging as priorities for local activists. One of the challenges is that while some faith-based leaders tend to speak privately in support of LGBTQ people, they then

revert to their congregations without significant engagement on this issue. For one local activist, "Faith-based leaders who want to lead will lead."¹¹¹ In this regard, for some it is difficult to see a return on investment in these spaces.¹¹²

IMPORTANT CONSIDERATIONS FOR OTHER COUNTRIES IN THE REGION

Synergía was tasked with proposing a focus on three countries or a mix of countries and themes in the region. As described in this report, the Caribbean region is widely diverse, and challenges in terms of funding and obstacles for achieving safety, legal protections, and acceptance and inclusion for LGBTQ people in the Caribbean abound throughout the region.

For future planning and funding strategies, Synergía recommends that consideration and priority be given to countries in the Eastern Caribbean and Belize. The Eastern Caribbean sub-region, composed of small islands with repressive laws, can be easily ignored by funders because of the size of the countries. However, this sub-region has increasingly strong civil society organizations whose work aligns with Arcus' three goals, including a significant emphasis on litigation, with the concrete possibility of achieving results in a relatively short amount of time. In addition, peculiarities within this sub-region include the potential for natural disasters, such as hurricanes and other aspects of climate change, to have a more significant effect on LGBTQ people, as happened the 2011 earthquake in Haiti. These realities cannot be overlooked.

With respect to Belize, since the August 2016 Supreme Court decision, Belize has shifted toward steady openness and inclusion of LGBTQ issues, as demonstrated in 2018, at the regional level, when the government co-sponsored for the first time the OAS General Assembly SOGIE resolution. At the U.N. level, Belize has accepted several of the SOGIE-related recommendations in the context of the Universal Periodic Review (UPR) process. However, LGBTQ people in Belize continue to face violence and discrimination at the community level because of entrenched homophobia and the stronghold of churches and religious groups in the country. Further, there are no specific laws or policies to protect LGBTQ people from discrimination. As such, there is much-needed work to be done in terms of safety, policy, and inclusion. Organizations in Belize conduct work on one or more of Arcus' objectives, and should be provided support, including flexible core funding, to further their work and impact.

3. Conclusions

Based on the above findings and recommendations, Synergía highlights the following final general recommendations.

The work of donors like the Arcus Foundation should:

1. Prioritize countries where (i) strong civil society organizations are yielding concrete results through advocacy, policy work, and/or litigation, and where a potential shift in the short term is possible and can be sustained, and (ii) coalitions have been built by LGBTQ organizations that are inclusive of other mainstream or feminist human rights organizations. Thus, a suggested initial focus is on Guyana and Trinidad and Tobago.
2. Prioritize groups that tend to be most vulnerable and pushed to the margins, or those issues that are often overlooked or made invisible in a context where funding has traditionally prioritized HIV and health services. Thus, a suggested focus is on LBQ women and trans groups across the Caribbean region (both in countries and other territories as described above), taking into account diversity within the region in terms of language, social, legal, and political contexts and backgrounds.
3. For future planning and funding strategies, prioritize the Eastern Caribbean sub-region and Belize. Attention should also be given to smaller countries and territories in the region. Support could come in the form of small grants to assist organizations with discreet initiatives, such as strategic litigation and/or flexible core funding to get them off the ground.
4. Ensure that organizations have access to flexible or core funding, as well as funding specifically geared toward advocacy that intersects across the domestic, regional, and international levels, including participation before sub-regional and regional bodies such as Pan Caribbean Partnership Against HIV/AIDS (PANCAP), CARICOM, the OAS, and the IACHR.
5. Given that U.S. territories often fall through the cracks—suffering from structural issues similar to those in other countries of the Caribbean but without the attention that donors pay to U.S. states—include support to U.S. territories as part of domestic grantmaking strategies for the United States as opposed to Caribbean-specific opportunities.
6. Conduct more in-depth research to determine the rationale behind the limited engagement of local organizations with faith-based leaders and communities, identify gaps, and propose specific recommendations to address these gaps.
7. Engage with other funders currently undergoing similar internal assessments to exchange strategies and priorities.
8. Pair appropriate and adequate capacity-building support and funding to local organizations, particularly small and medium-sized ones, to match with Arcus’ three goals.

¹ Founded in February 2017, Synergía – Initiatives for Human Rights collectively brings together over 70 years of international human rights advocacy and grantmaking expertise. Based across the United States, Argentina, and Nigeria, this small, specialized team of six bases its work on protecting and promoting the human rights of all people, with a particular focus on working with those whose rights are violated based on their real or perceived sexual orientation, gender identity, and/or gender expression (SOGIE). Under this mandate, Synergía focuses its efforts on supporting LGBT organizing in over 50 countries in partnership with more than 100 local LGBTI civil society organizations to implement human rights advocacy initiatives at the international, regional, and domestic levels. Synergía’s work involves a blend of technical expertise and grassroots grantmaking related to three distinct yet interdependent thematic areas: 1) movement building, 2) security and protections, and 3) human rights advocacy. Synergía is a member of the LGBTTTI Coalition for Latin America and the Caribbean, working in the context of the Organization of American States. The Coalition is composed of 57 organizations from the hemisphere, including 15 from the Caribbean.

² Arcus Foundation, Request for Proposals from Consultants, “Consultants for Arcus Foundation Support in the Caribbean, Central America, and Mexico on Sexual Orientation and Gender Identity (SOGI) Human Rights.” Released April 10, 2018.

³ Ibid.

⁴ 16 sovereign states: Antigua and Barbuda, Barbados, Belize, Cuba, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, The Bahamas, and Trinidad and Tobago.

⁵ 16 dependent territories/integrated areas of other countries: Anguilla, Aruba, BES Islands, British Virgin Islands, Cayman Islands, Curacao, French Guyana, Guadeloupe, Martinique, Montserrat, Puerto Rico, Saint Barthélemy, Collectivity of Saint Martin, Saint Maarten, Turks and Caicos, and U.S. Virgin Islands.

⁶ Puerto Rico and the U.S. Virgin Islands fall under the jurisdiction of the United States.

⁷ Only sovereign Caribbean countries are members of the OAS.

⁸ With the exception of Montserrat, all other 14 members of CARICOM are sovereign states.

⁹ Anguilla, Antigua and Barbuda, British Virgin Islands, Dominica, Saint Kitts and Nevis, Grenada, Montserrat, Saint Lucia, Saint Vincent and the Grenadines, and Martinique.

¹⁰ A short survey was sent to several LGBTQ organizations in Guyana and Trinidad and Tobago, and to a number of organizations that are led by LBQ women and trans persons or with a focus on these groups throughout the region. Thirteen Caribbean-based organizations from nine countries responded to this survey, including two regional organizations.

SAMPLE SURVEY

Organization:

Country:

Contact person:

1. Does your organization conduct work in any of Arcus’ three goals? Please explain briefly.
2. Approximate annual budget of your organization.
3. Approximate level of funding needed to advance the changes you seek.
4. Describe your organization’s capacity to undertake this work.
5. Please describe a baseline for the changes that you seek.
6. Please indicate if there are any opportunities for cross movement coalitions and networks.

¹¹ Supreme Court of Belize, *Caleb Orozco v. The Attorney General of Belize*, Claim no. 688 of 2010, August, 10, 2016.

¹² “The Supreme Court found that a law criminalizing consensual sexual conduct between adults in private, including same-sex intimacy, violates

the constitutional rights to dignity, privacy, equality before the law, and non-discrimination on grounds of sex, and cannot be justified on the basis of ‘public morality’. The Court also found that international treaty obligations must inform the interpretation of the Constitutional rights. As a result, the law was declared void and struck out to the extent that it captures consensual sexual conduct between adults in private. The court awarded costs to the Claimant.” Human Dignity Trust, “Law Criminalizing Gay Men Struck Out,” judgement delivered on August 10, 2016, available at: <https://bit.ly/2Bop4tt>.

¹³ U-RAP, Briefing note, “On the Attorney General of Belize v. Orozco Case: the appeal to be heard by the Court of Appeal on October 29, 2018.”

¹⁴ Ibid. U-RAP comments, “even if the Government won on both, the finding that section 53 is inconsistent with the Constitution of Belize should stand because the Government is not questioning the CJ’s ruling that the law violates the three other rights in the Constitution.”

¹⁵ Interview conducted between August and November 2018.

¹⁶ *The Guardian*, “Trinidad and Tobago Judge Rules Homophobic Laws Unconstitutional,” April 13, 2018, available at: <https://www.theguardian.com/world/2018/apr/13/trinidad-and-tobago-sexual-offences-act-ruled-unconstitutional>.

¹⁷ The local organization CAISO informs the outcome of this hearing and the decision in the following terms: “Justice Rampersad could decide on the matter of legal costs in the case, and for him to rule on what happens to sections 13 and 16 of the Sexual Offences Act now that he has declared that criminalising private, consensual adult sexual behaviour is unconstitutional. Sections 13 and 16 had broad wording that criminalised both consensual and non-consensual activity. Today the judge ruled that Sections 13 and 16 are modified as follows: The offence of buggery (Sect. 13) is now ‘sexual intercourse without consent per anum, by a male person with a male person, or by a male person with a female person.’ The offence of serious indecency (Sect. 16) now no longer applies to ‘persons, each of whom is 16 years of age or more, both of whom consent to the commission of the act.’ Previously if you were not ‘a male person and a female person,’ you were subject to criminalisation.” CAISO’s Facebook page, The Jones v. AG remedies hearing: Q&A. September 20, 2018.

¹⁸ CAISO Facebook page, The Jones v. AG remedies hearing: Q&A. September 20, 2018.

¹⁹ Ibid.

²⁰ *St. Lucia News Online*, “Trinidad and Tobago to Appeal High Court Ruling that Makes Consensual Sex Between People in Same-Sex Unions Legal,” September 20, 2018, available at: <https://www.stlucianewsonline.com/trinidad-and-tobago-to-appeal-high-court-ruling-that-makes-consensual-sex-between-people-in-same-sex-unions-legal/>.

²¹ Phone message exchange with Colin Robinson, CAISO. December 2018.

²² “Buggery is a serious moral offence, but it should not put someone in prison for 25 years,” Archbishop Charles Gordon affirmed. Loop T&T, “T&T Catholic Church Supports Removal of Sodomy Laws,” April 18, 2018, available at: <http://www.looptt.com/content/tt-catholic-church-supports-removal-sodomy-laws>.

²³ IACHR, Report No. 80/18, Petition 1850-11, Gareth Henry, Simone Carline Edwards and families, July 2, 2018, available at: <http://www.oas.org/en/iachr/decisions/2018/JAAD1850-11EN.pdf>.

²⁴ IACHR, 174th Period of Sessions, Schedule of Public Hearings, November 8-14, 2019, available at: <http://www.oas.org/en/iachr/sessions/docs/Calendario-174-audiencias-en.pdf>.

²⁵ The Canadian HIV/AIDS Legal Network, “Barbados Challenge Q&A,” June 6, 2018, available at: <http://www.aidslaw.ca/site/barbados-challenge-qa/?lang=en>.

²⁶ The Canadian HIV/AIDS Legal Network, “Constitutional Challenge to Dominica’s Laws Criminalising LGBTQ People: Questions & Answers,” July 18, 2019, available at: <http://www.aidslaw.ca/site/constitutional-al-challenge-to-dominicas-laws-criminalising-lgbtq-people-questions-and-answers/?lang=en>.

²⁷ ECADE, “‘This is four years in the making’: Eastern Caribbean LGBT organisation launches five-country legal challenge to anti-gay laws,” October 31, 2019, available at: <https://mailchi.mp/8c5e61b14c6a/ecade-pr-litigation-10-31-12032509>.

²⁸ Pan Caribbean Partnership against HIV/AIDS (PANCAP), “Two gay men exiled from Caribbean nation challenge draconian ‘buggery’ and ‘gross indecency’ laws,” August 8, 2019, available at: <https://pancap.org/pan-cap-releases/two-gay-men-exiled-from-caribbean-nation-challenge-draconian-buggery-and-gross-indecency-laws/>.

²⁹ Email communication sent by the Guyanese organization SASOD to the SOGI List, managed by ARC International. November 1, 2019.

³⁰ UK Constitutional Law Association, “Derek O’Brien and Se-shauna Wheatle: The Commonwealth Caribbean and the Uses and Abuses of Comparative Constitutional Law,” November 22, 2011, available at: <https://ukconstitutionallaw.org/2011/11/22/derek-obrien-and-se-shauna-wheatle-the-commonwealth-caribbean-and-the-uses-and-abuses-of-comparative-constitutional-law/>.

³¹ World Coalition against the Death Penalty, “Caribbean Court of Justice Strikes Down Mandatory Death Penalty in Barbados,” June 27, 2018, available at: <http://www.worldcoalition.org/Caribbean-Court-of-Justice-strikes-down-mandatory-death-penalty-in-Barbados.html>.

³² Interview with Tracy Robinson, August 21, 2018. Interview with Colin Robinson, August 28, 2018. Interview with Kenita Placide, August 30, 2018.

³³ *InNews Guyana*, “CCJ Rules Guyana’s Cross-Dressing Law Unconstitutional,” November 13, 2018, available at: <https://www.innewsguyana.com/breaking-ccj-rules-guyana-cross-dressing-law-unconstitutional/>. More information about the McEwan case can be found at U-RAP’s website: <http://www.u-rap.org/web2/index.php/component/k2/item/74-faqs-about-mcewan>. U-RAP provided key support for litigation in the Orozco case in Belize and McEwan case in Guyana. About U-RAP: “the main objective of the Faculty of Law UWI Rights Advocacy Project (U-RAP) is to promote 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. U-RAP is currently engaged in constitutional litigation in the English-speaking Caribbean, challenging laws that undermine the human dignity and human rights of sexual minorities.” <http://www.u-rap.org/web2/index.php/about-us>.

³⁴ Joint Press Statement from GTU, U-RAP and SASOD, “Highest Caribbean court strikes down Guyana’s cross-dressing law: Trans litigants and Caribbean civil society groups welcome the landmark ruling,” November 13, 2018, available at: <http://www.u-rap.org/web2/index.php/component/k2/item/77-joint-press-release-on-mcewan-v-ag-of-guyana-nov-13-2018>.

³⁵ *NewsRoom*, “Nagamootoo Applauds CCJ Ruling on Cross-Dressing,” November 20, 2018, available at: <https://newsroom.gy/2018/11/20/nagamootoo-applauds-ccj-ruling-on-cross-dressing/>.

³⁶ Joint Press Statement from GTU, U-RAP and SASOD.

³⁷ CCJ Appeal No. GYCV2017/015 GY Civil Appeal No. 83 of 2013, Quincy McEwan et al., “Judgment of the Honourable Justice Saunders, President and Justices Wit and Barrow,” para. 145, Available at: <https://ccj.org/wp-content/uploads/2018/11/2018-CCJ-30-AJ2-mod.pdf>.

³⁸ Joint Press Statement from GTU, U-RAP and SASOD.

³⁹ Reuters, “Guyana Strikes Down Law against ‘improper’ Cross Dressing,” November 14, 2018, available at: <https://www.reuters.com/article/us-guyana-lgbt-crossdressing/guyana-strikes-down-law-against-improper-cross-dressing-idUSKCN1NJ2R6>.

⁴⁰ Interview conducted between August and November 2018.

⁴¹ High Court of Justice, Claim No. CV2017-00720, in the Matter of an Application for Constitutional Redress under S.14 of the Constitution between Jason Jones and the Attorney General of Trinidad and Tobago (Defendant) and The Equal Opportunities Commission, The Trinidad and Tobago Council of Evangelical Churches, The Sanatan Dharma Maha Sabha of Trinidad and Tobago (Interested Parties), April 12, 2018, available at: <http://www.u-rap.org/web2/index.php/component/k2/item/71-jasonjonesandagttandecoc>.

⁴² *The Guardian*, “Trinidad and Tobago Judge Rules Homophobic Laws Unconstitutional,” April 13, 2018, available at: <https://www.theguardian.com/world/2018/apr/13/trinidad-and-tobago-sexual-offences-act-ruled-unconstitutional>.

⁴³ Interview conducted between August and November 2018.

⁴⁴ *LGBTPlatform*, “Het LGBT Platform Suriname introduceert de Pride Month Suriname 2017,” July 1, 2017, available at: <http://lgbtplatform.com/het-lgbt-platform-suriname-introduceert-de-pride-month-suriname-2017/>.

⁴⁵ The first public Pride Parade in Jamaica took place in 2015. *The Guardian*, “Jamaica’s first public gay pride event a symbol of change: ‘It felt liberating,’” August 10 2015, available at: <https://www.theguardian.com/world/2015/aug/10/jamaica-first-gay-pride-celebration-symbol-change>.

⁴⁶ *The Washington Blade*, “Caribbean Countries Hold First-Ever Pride Parades,” July 29, 2018, available at: <http://www.washingtonblade.com/2018/07/29/caribbean-countries-hold-first-ever-pride-parades/>.

⁴⁷ *Loop TT*, “History Made with T&T First Pride Parade,” July 29, 2018, available at: <http://www.looptt.com/content/watch-history-made-tts-first-pride-parade>.

⁴⁸ *Pink News*, “Activists Take to Streets for Guyana’s First LGBT Pride Parade,” June 4, 2018, available at: <https://www.pinknews.co.uk/2018/06/04/guyana-first-lgbt-pride-parade/>.

⁴⁹ This was indicated in several interviews during this consultancy.

⁵⁰ *The Bay Area Reporter*, “Barbados Elects pro-LGBT Female Prime Minister,” May 30, 2018, available at: <https://www.ebar.com/news/news//260630>.

⁵¹ This fact was indicated in several interviews conducted for the purposes of this consultancy.

⁵² Interview conducted between August and November 2018.

⁵³ Interviews conducted between August and November 2018.

⁵⁴ HRW, “Eastern Caribbean: LGBT People Face Bias, Violence: Repeal Colonial-Era Laws,” March 21, 2018, available at: <https://www.hrw.org/news/2018/03/21/eastern-caribbean-lgbt-people-face-bias-violence>.

⁵⁵ *Ibid*.

⁵⁶ Interviews conducted for the purposes of this consultancy, between August and November 2018.

⁵⁷ Eduard J. Beck, Kenika Espinosa, Tanisha Ash, Peter Wickham, Christine Barrow, Ernest Massiah, Ben Alli & Cesar Nunez (2017): “Attitudes towards homosexuals in seven Caribbean countries: implications for an effective HIV response,” *AIDS Care*, 29:12, 1557-1556, available at: <http://dx.doi.org/10.1080/09540121.2017.1316355>.

⁵⁸ Canadian HIV/AIDS Legal Network, Keynote Address by the Most Rev. Dr. John Holder, Bishop of Barbados, Archbishop of the West Indies, "Intimate Conviction: Examining The Church and Anti-Sodomy Laws Across The Commonwealth," December 10, 2018, available at: <http://www.aidslaw.ca/site/intimate-conviction-volume/?lang=en>, p. 11.

⁵⁹ Several interviewees agreed on this issue.

⁶⁰ HRW, "Eastern Caribbean: LGBT People Face Bias, Violence: Repeal Colonial-Era Laws," March 21, 2018, available at: <https://www.hrw.org/news/2018/03/21/eastern-caribbean-lgbt-people-face-bias-violence>.

⁶¹ *The Jamaica Observer*, "Archbishop of the WI says Bible does not support anti-sodomy laws," October 13, 2017, available at: http://www.jamaicaobserver.com/news/archbishop-of-the-wi-says_113834?profile=1373.

⁶² Ibid.

⁶³ *Stabroeknews*, "Anglican Bishop Urges Review of Discriminatory Same-sex Laws in Guyana," June 9, 2018, available at: <https://www.stabroeknews.com/2018/06/09/news/guyana/anglican-bishop-urges-review-of-discriminatory-same-sex-laws-guyana/>.

⁶⁴ Erasing 76 crimes, "Catholic Bishop in Dominica: End anti-homosexuality laws," May 24, 2013, available at: <https://76crimes.com/2013/05/24/catholic-bishop-in-dominica-end-anti-homosexuality-laws/>.

⁶⁵ *Gay Star News*, "Jamaican theologian calls for tolerance of gays as law challenged," July 16, 2013, available at: <https://www.gaystarnews.com/article/jamaican-theologian-calls-tolerance-gays-law-challenged160713/#gs.u3w2S2E>.

⁶⁶ Interview conducted between August and November 2018.

⁶⁷ "WCF is one of the most active American organizations involved in the export of hate. Since 1997, it has organized events around the world that foster homophobia and transphobia under the guise of protecting the "natural family." WCF's activities range from holding conferences in Nigeria on denying rights to LGBTQ people to working to silence Russia's LGBTQ community." Human Rights Campaign, "World Congress of Families Meeting Underway," June 26, 2017, available at: <https://www.hrc.org/blog/world-congress-of-families-caribbean-meeting-underway>.

⁶⁸ <https://www.splcenter.org/hatewatch/2017/06/26/anti-lgbt-round-up-events-and-activities-62617>.

⁶⁹ Interview conducted between August and November 2018.

⁷⁰ Recordings of the conference can be found online: <https://www.youtube.com/watch?v=TA0tEKAY68Y>. Publication of conference proceedings were released online: <http://www.aidslaw.ca/site/intimate-conviction-volume/?lang=en>.

⁷¹ This conference was funded mainly by Trinity Wall Street, which works only with the Anglican Church. Interview with Maurice Tomlinson. October 31, 2018.

⁷² Interview conducted between August and November 2018.

⁷³ Ibid.

⁷⁴ "Caribbean Vulnerable Communities Coalition (CVC) is a coalition of community leaders and non-governmental agencies that are advocates and service providers, working with and on behalf of Caribbean populations who are especially vulnerable to HIV infection or often forgotten in access to treatment and healthcare programmes. These groups include men who have sex with men, persons of trans experience, sex workers, people who use drugs, orphans and other children made vulnerable by HIV, migrant populations, persons in prison and ex-prisoners, and youth in especially difficult circumstances." <http://www.cvccoalition.org/>.

⁷⁵ "Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CariFLAGS) is a regional nonprofit made up of leading LGBTI

NGOs across the Caribbean. CariFLAGS staff and leadership are based across the region – in Saint Lucia, Jamaica, Trinidad and Tobago, the Dominican Republic, Belize, Grenada, Guyana and Suriname." <https://alturi.org/organizations/cariflags/>. CariFLAGS Secretariat was originally based at CAISO in Trinidad and Tobago and is now based at SASOD. <https://pancap.org/pancap-releases/appointment-of-regional-programme-manager-cariflags/>.

⁷⁶ UCTRANS was established in February 2018 and is creating its strategic plan.

⁷⁷ ECADE is a membership-based organization currently working in nine countries/territories in the Eastern Caribbean: Antigua and Barbuda, Barbados, Dominica, Grenada, Saint Kitts, Saint Vincent, Saint Lucia, Saint Martin, Saint Croix, and Puerto Rico. ECADE has 21 organizations as members, including associate members (which include HIV and womens' rights groups). ECADE is also hoping, with additional funding, to include work in Martinique, Guadeloupe, Saba, Bonaire, Saint Barthélemy and Curacao, and possibly The Bahamas, as well. Interview with Kenita Placide, August 30, 2018.

⁷⁸ Information provided in several interviews between August and November 2018.

⁷⁹ Ibid.

⁸⁰ Information provided in several interviews conducted between August and November 2018.

⁸¹ Ibid.

⁸² Interview conducted between August and November 2018.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Information provided in several interviews conducted between August and November 2018.

⁹³ Response by UCTRANS, received between August and November 2018.

⁹⁴ Interviews conducted between August and November 2018.

⁹⁵ The organizations that take part in GEF include those working on direct health services around HIV, domestic violence, sex work, disability, youth, and the community. The organizations are: SASOD, Hope for All Foundation, United Bricklayers, Guyana Sex Work Coalition, Guyana Youth Coalition, Guyana Responsible Parenthood Association, Help & Shelter, Guyana Trans United, Artists in Direct Support, Deaf Association of Guyana, Family Awareness Consciousness Togetherness, CPIC Monique's Caring Hands, Guyana Organization of Indigenous People, Clerical and Commercial Workers' Union, Red Threat, Global Shapers Community – Georgetown Hub, Come Alive Network Incorporated, Youth Media Guyana, Habitat for Humanity, Comforting Hearts, Lifeline, Linden Care Foundation, and Phoenix Recovery Project. For more information, visit <http://equality.gy/membership/>.

⁹⁶ More information at: <http://equality.gy/about/>.

⁹⁷ GEF's website: <http://equality.gy/news/>.

⁹⁸ The GEF requested and attended a public hearing before the Inter-American Commission on Human Rights in 2015. The video of the public hearing can be found here: www.cidh.org.

⁹⁹ Interview conducted between August and November 2018.

¹⁰⁰ Guyana Trans United: "Guyana Trans United's main goals are to improve the quality of life of trans Guyanese and to ensure that their rights are recognized and upheld in all domains. GTU hosts monthly support group sessions for our members, their families, other loved ones, and conducts outreaches in the ten (10) administrative regions of Guyana. We also work with other lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) communities, human rights and social justice groups on advocacy and awareness raising initiatives." <https://www.advancingpartners.org/grants/grantees/guyana-trans-united>. Further, "Guyana Trans United was founded in 2013 in recognition of the need for more trans-specific organizing in Guyana. Several founding members had been involved in other LGBT organizations and human rights work and were eager to engage greater numbers of their colleagues in such work, as well as to take on greater leadership roles within their own community. GTU hosts monthly support group sessions for members, their families, and other loved ones, and conducts outreach to communities." <https://youngfeministfund.org/grantees/guyana-trans-united/>.

¹⁰¹ Interview conducted between August and November 2018.

¹⁰² Ibid.

¹⁰³ <https://justicediversitytt.wordpress.com/>. "AJD includes seven groups: LGBTI NGOs CAISO, Friends for Life, I Am One, the Silver Lining Foundation, the Women's Caucus, and feminist group Womantra; very recently a newly incorporated Transgender Coalition has joined the alliance." Email from Colin Robinson, CAISO and AJD.

¹⁰⁴ Interview conducted between August and November 2018.

¹⁰⁵ Response by CAISO and AJD to the survey distributed for the purposes of this consultancy.

¹⁰⁶ Interview conducted between August and November 2018.

¹⁰⁷ Response by CAISO and AJD to the survey distributed for the purposes of this consultancy.

¹⁰⁸ Interview conducted between August and November 2018.

¹⁰⁹ Alana D. D. Griffith and Peter W. Wickham, "Attitudes Towards Homosexuals in Trinidad and Tobago and the Southern Caribbean," July 11, 2017, available at: <http://www.caribbeansexualities.org/tag/peter-w-wickham/>.

¹¹⁰ Response by CAISO to the survey distributed for the purposes of this consultancy.

¹¹¹ Interview conducted between August and November 2018.

¹¹² Ibid.

ABOUT THE AUTHOR

SYNERGÍA – INITIATIVES FOR HUMAN RIGHTS

Founded in February 2017, Synergía – Initiatives for Human Rights collectively brings together over 70 years of international human rights advocacy and grantmaking expertise. Based across the United States, Argentina, and Nigeria, this small, specialized team of six bases its work on protecting and promoting the human rights of all people, with a particular focus on working with those whose rights are violated based on their real or perceived sexual orientation, gender identity, and/or gender expression (SOGIE). Under this mandate, Synergía focuses its efforts on supporting LGBT organizing in over 50 countries in partnership with more than 100 local LGBTI civil society organizations to implement human rights advocacy initiatives at the international, regional, and domestic levels. Synergía's work involves a blend of technical expertise and grassroots grantmaking related to three distinct yet interdependent thematic areas: 1) movement building, 2) security and protections, and 3) human rights advocacy. Synergía is a member of the LGBTTTI Coalition for Latin America and the Caribbean, working in the context of the Organization of American States. The Coalition is composed of 57 organizations from the hemisphere, including 15 from the Caribbean. Learn more at synergiahr.org.

ABOUT ARCUS FOUNDATION

Founded in 2000, the Arcus Foundation is dedicated to the idea that people can live in harmony with one another and the natural world. Arcus' work is based on the belief that respect for diversity among peoples and in nature is essential to a positive future for our planet and all of its inhabitants. Arcus is among the most consistent funders of social justice work pushing for the safety, acceptance, and inclusion of LGBTQ people around the world, and of conservation work to ensure the world's great apes and gibbons can thrive in their natural habitats. The Foundation works globally and has offices in New York City and Cambridge, United Kingdom. Learn more at www.arcusfoundation.org.

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