



**Trinidad and Tobago's Compliance with The International Covenant on
Civil and Political Rights: LGBTIQ+ Rights**

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States, including LGBTIQ+ individuals who have experienced discrimination and violence based on sexual orientation, gender identity and expression, and sex characteristics.

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This report is also endorsed by the **Caribbean Centre for Human Rights**.

EXECUTIVE SUMMARY

1. This report addresses Trinidad and Tobago’s compliance with its human rights obligations with regard to the rights of lesbian, gay, bisexual, transgender, intersex, queer, and other sexual and gender minorities (LGBTIQ+) individuals.
2. Actual or perceived LGBTIQ+ individuals in Trinidad and Tobago live in an environment where, at best, they do not enjoy the same rights and freedoms as non-LGBTIQ+ individuals – including those in heterosexual partnerships or marriages – and at worst, they face harms ranging from active hostility in their communities, physical and emotional violence, persecution, and discrimination by the State and non-State actors.
3. The Government of Trinidad and Tobago fails to prevent human rights violations against individuals based on their real or perceived sexual orientation, gender identity, gender expression, and/or sex characteristics (SOGIESC) or investigate and prosecute violations by non-State actors. While the law that criminalized consensual same-sex sexual conduct between adults has been declared unconstitutional, it is possible that this decision could be reversed, and no legislation or other policy reforms have been enacted to codify decriminalization.
4. Discriminatory laws against LGBTIQ+ people remain widespread in Trinidad and Tobago. For example, LGBTIQ+ individuals do not enjoy the rights to marry, legal gender recognition, or leave and enter the country freely, among others.
5. Information for this report includes published information and material from local non-governmental organizations (NGOs) and public interest groups in Trinidad and Tobago that work on LGBTIQ+ issues, as well as firsthand experiences of LGBTIQ+ individuals in Trinidad and Tobago.

Trinidad and Tobago fails to uphold its obligations under the International Covenant on Civil and Political Rights (ICCPR)

I. Discrimination Against LGBTIQ+ People (List of Issues Prior to Reporting paragraphs 8, 10)

6. In its 2018 List of Issues, the Human Rights Committee (The Committee) asked the Government of Trinidad and Tobago for information on its “national legal framework regarding discrimination,” and, specifically, whether it prohibited discrimination on the basis of sexual orientation, gender identity, and other statuses.¹
7. The Committee also asked for specific information on “measures taken to combat discrimination against LGBT and Intersex people.”² The Committee wanted to know whether civil society had been involved in the “development and implementation of policies and the drafting of [anti-discrimination] legislation” and whether the Government intended to “ensure that same-sex relations between consenting adults are not subject to criminal sanctions”

¹ Human Rights Committee, *Concluding observations on the joint third and fourth periodic reports on Trinidad and Tobago*, adopted by the Committee at its 70th session (Nov. 10, 2000), U.N. Doc. CCPR/CO/70/TTO, ¶ 8.

² Human Rights Committee, *List of issues prior to submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 16, 2018), U.N. Doc. CCPR/C/TTO/QPR/5, ¶¶ 8, 10.

following the ruling of the High Court of Justice³ on April 12, 2018, that decriminalized consensual same-sex sexual conduct.⁴

8. Further, the Committee asked the Government whether it intended to repeal laws that prohibited gay and lesbian individuals from immigrating to Trinidad and Tobago, to incorporate LGBTIQ+ issues – including same-sex unions – into its National Gender Policy, to make sexual orientation a protected status from discrimination, and to educate the public on the importance of not discriminating against LGBTI⁵ people.⁶

Anti-Discrimination Laws

9. In its Fifth Periodic Report, the Government of Trinidad and Tobago noted that there had been “progress” on issues related to Article 26, including that Section 4 of its Constitution provides that “rights and freedoms enshrined therein are to be enjoyed ... free from discrimination based on race, origin, religion, colour or sex.”⁷ It also stated that “[a]s it regards the inclusion of sexual orientation as a protected status from discrimination, the Government seeks to promote and protect human rights of all persons pursuant to section 4 of the Constitution.”⁸
10. Although the Government noted its interest in protecting “human rights of all persons,” the Government did not provide any information about how it would invoke Section 4 of the Constitution to specifically prohibit discrimination against LGBTIQ+ individuals or strike down laws that did so. Nor did it offer any explanation of how laws that discriminate against LGBTIQ+ individuals might be considered facially unconstitutional.
11. The Government of Trinidad and Tobago also noted in its Report that the Equal Opportunity Act of 2000 prohibits discrimination based on several types of “status,” one of which is “sex.” It clarified, however, that “sex” is defined specifically to exclude protection on basis of sexual orientation. The Equal Opportunity Act of 2000, thus, does not afford protection to LGBTQ+ individuals from violence, discrimination, or harassment on the basis of sexual orientation, gender identity, and /or gender expression.⁹ As the Equal Opportunity Act defines “sex” as

³ Jason Jones v. Attorney General of Trinidad and Tobago et al., TT 2018 HC 137 (Apr. 12, 2018).

⁴⁴ Human Rights Committee, *List of issues prior to submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 16, 2018), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 10.

⁵ Although the co-authors of this report frequently use the acronym “LGBTIQ+,” which stands for lesbian, gay, bisexual, transgender, intersex, queer, and other gender and sexual minorities, the Committee referred only to “LGBT and Intersex people” in its List of Issues Prior to Reporting.

⁶ Human Rights Committee, *List of issues prior to submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 16, 2018), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 10.

⁷ Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 50.

⁸ Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 103.

⁹ Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶¶ 51, 57.

biological male and biological female only, it also excludes intersex individuals from protection against discrimination on the basis of sex characteristics.¹⁰

12. The Government of Trinidad and Tobago routinely cites a political stalemate between its legislative framework and societal norms as a reason for why it does not address issues of discrimination against LGBTIQ+ people. For example, in 2012, then-Prime Minister Kamla Persad-Bissessar responded to a letter protesting anti-LGBTIQ+ laws by proclaiming that “the stigmatization of homosexuality in T&T [sic] is a matter which must be addressed on the grounds of human rights to which every individual is entitled under international laws” and that she had mandated the Minister of Gender, Youth and Child Development “to prepare and present a national gender policy.”¹¹ In 2014, however, Persad-Bissessar claimed it was not legally possible to establish such a policy, stating that it was “discussed at length and given the very divided voices of Trinidad and Tobago[,] [i]t will not be prudent for Government to proceed in that direction... it’s too divided.”¹²
13. The Government’s delay in addressing LGBTIQ+ individuals’ human rights in a comprehensive manner continues. In 2016, Prime Minister Keith Rowley, in response to a question about any policy or operational measures to protect LGBTIQ+ individuals, responded that every citizen of Trinidad and Tobago has the protection of the written Constitution. He declined to commit to, however, either the decriminalization of “buggery” (see paragraph 15, below) or the inclusion of sexual orientation as a protected group from discrimination in the Equal Opportunity Act.¹³ Rowley also did not explain how the Constitution specifically addressed the vulnerabilities of the LGBTIQ+ community that exist in all levels of society.
14. Due to the absence of legal protection against discrimination based on sexual orientation, gender identity and expression, and sex characteristics, LGBTIQ+ individuals often refrain from publicly disclosing instances of discrimination they have experienced due to the fear of potential retaliation. This has led to challenges in identifying instances of discrimination against LGBTIQ+ individuals.

Criminalization of Same-Sex Conduct

15. In Trinidad and Tobago, consensual same-sex sexual intercourse between adult men was a crime pursuant to sections 13 and 16 of the Sexual Offences Act 11:28, which stated, in part, that committing the “offence of buggery” was punishable by imprisonment for 25 years, wherein “buggery” meant “sexual intercourse per anum by a male person with a male person or by a male person with a female person.”¹⁴ LGBTIQ+ advocate Jason Jones challenged these

¹⁰ “Sex” under the Equal Opportunity Act of 2000 seems to take a binary view and protect against discrimination of biological males and females. The Equal Opportunity Commission, “Difference Between Sex and Gender,” accessed Sept. 8, 2023,

<https://equalopportunity.gov.tt/downloads/publications/Difference%20between%20sex%20and%20gender.pdf>.

¹¹ Yvonne Baboolal, *PM Promises Rights for Gays in Gender Policy*, The Trinidad and Tobago Guardian, Dec. 17, 2012, www.guardian.co.tt/article-6.2.437350.6f2e8c9fdf.

¹² *PM: Gay Rights Not Legally Possible*, The Trinidad and Tobago Guardian, Sept. 26, 2014, www.guardian.co.tt/article-6.2.388240.cb61dd25bf.

¹³ Parliament of the Republic of Trinidad and Tobago, Hansard of the 27th Sitting of the House of Representatives in the First Session of the Eleventh Parliament of the Republic of Trinidad and Tobago on June 17, 2016, www.tparliament.org/wp-content/uploads/2022/01/hh20160617.pdf, p. 16.

¹⁴ Sexual Offences Act, Chapter 11:28 §§ 13, 16 (2000).

provisions of the Sexual Offenses Act in 2017, and in 2018, High Court Justice Devindra Rampersad held them to be unconstitutional for violating the human rights of privacy and expression.¹⁵ The Government appealed Justice Rampersad’s ruling to the Judicial Committee of the Privy Council in London, which is the highest court of appeal for Commonwealth nations like Trinidad and Tobago.

16. In its 2021 Report to the Human Rights Committee, the Government stated that it had appealed Justice Rampersad’s ruling “so as to allow the highest court of the land to give a ruling which settles the law.”¹⁶ Trinidad and Tobago has not indicated whether or how it will otherwise decriminalize consensual same-sex sexual activity between adult men or enshrine decriminalization into its domestic legal framework should the Privy Council reverse the lower court’s decision.
17. Despite the infrequent enforcement of the “buggery” law, it remains as a suspended law and has caused contention between religious organizations and the gay, bisexual, and queer male community in the country. In addition, because the Government does not allow transgender individuals to change their legal gender (see paragraph 46, below), transgender women are not recognized as women under the law and, thus, could also be arrested and jailed under this law if the Privy Council upholds its constitutionality.
18. Although individuals are not currently being arrested under the suspended law, the indeterminateness of the law and the Government’s previous discretion to enforce the law makes it difficult for LGBTIQ+ human rights defenders (HRDs) to advocate for their rights. If HRDs fear being arrested for engaging in consensual same-sex sexual activity, they may be unwilling to proactively advocate for their rights or seek redress for a violation of their rights. As prominent LGBTIQ+ advocate Jason Jones has asked with regard to the buggery law, “How can I begin to demand rights in any other context when I am an unapprehended criminal?”¹⁷

Immigration

19. The Human Rights Committee asked in its 2018 List of Issues Prior to Reporting whether the Government intended to repeal sections of the Immigration Act that barred “homosexuals” from immigrating to Trinidad and Tobago after the High Court of Justice had struck down the “buggery” law.¹⁸ The Government did not directly address this request for information in its Report.¹⁹

¹⁵ Jason Jones v. Attorney General of Trinidad and Tobago et al., TT 2018 HC 137 (Apr. 12, 2018).

¹⁶ Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 102.

¹⁷ Joshua Surtees, *Homophobic Laws in Caribbean Could Roll Back in Landmark Case*, The Guardian, Apr. 7, 2018, www.theguardian.com/world/2018/apr/07/caribbean-anti-gay-law-ruling-high-court-trinidad-tobago.

¹⁸ Human Rights Committee, *List of issues prior to submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 16, 2018), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 10.

¹⁹ Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5.

20. Section 8 of the Immigration Act states that “homosexuals or persons living on the earnings of ... homosexuals, or persons reasonably suspected as coming to Trinidad and Tobago for these or any other immoral purposes” are barred from entering Trinidad and Tobago.²⁰
21. Similar to the Sexual Offenses Act prohibiting same-sex sexual activity, the Government does not enforce this section of the Immigration Act. Its continued existence as a law, however, provides an opportunity for those with an anti-LGBTIQ+ agenda to discretionarily enforce the law.
22. In 2013, Maurice Tomlinson, a Jamaican national, gay man, and prominent LGBTIQ+ rights activist, challenged the Immigration Act in The Caribbean Court of Justice.²¹ Tomlinson alleged that Trinidad and Tobago was in breach of their obligations under the Revised Treaty of Chaguaramas (RTC) because its Immigration Act contained provisions which sought to prohibit “homosexuals” from entering.²² Tomlinson conceded that he had never actually been refused entry into Trinidad and Tobago, but argued that the existence of the law prejudiced the exercise of his right to free movement guaranteed by the RTC.²³ The Caribbean Court of Justice (CCJ) disagreed, finding that the existence of the legislation had not caused Tomlinson to suffer any actual prejudice.²⁴
23. The CCJ further held that if Trinidad and Tobago tried to exercise discretion and not admit “homosexuals,” this would violate the RTC.²⁵ The CCJ emphasized that continued inconsistencies between administrative practices and the apparent meaning of legislation like the Immigration Act is undesirable, and that Trinidad and Tobago should strive to ensure that national laws and administrative practices are consistent with the right of free movement of nationals with rights under the cited treaties.²⁶
24. The existence of the Immigration Act, although the Government chooses not to enforce it, continues to enshrine prejudice against LGBQ+ peoples by leaving open the possibility that administrative practices could change and the Government may begin to deny entry to “homosexuals.”

²⁰ The Immigration Act, Chapter 18:01 §8(1)(e)–(f) (1974).

²¹ Michelle Nurse, *CCJ Dismisses Gay Rights Activist’s Case*, CARICOM Today, June 10, 2016, today.caricom.org/2016/06/10/ccj-dismisses-gay-rights-activists-case/.

²² Michelle Nurse, *CCJ Dismisses Gay Rights Activist’s Case*, CARICOM Today, June 10, 2016, today.caricom.org/2016/06/10/ccj-dismisses-gay-rights-activists-case/.

²³ Michelle Nurse, *CCJ Dismisses Gay Rights Activist’s Case*, CARICOM Today, June 10, 2016, today.caricom.org/2016/06/10/ccj-dismisses-gay-rights-activists-case/.

²⁴ Michelle Nurse, *CCJ Dismisses Gay Rights Activist’s Case*, CARICOM Today, June 10, 2016, today.caricom.org/2016/06/10/ccj-dismisses-gay-rights-activists-case/.

²⁵ Michelle Nurse, *CCJ Dismisses Gay Rights Activist’s Case*, CARICOM Today, June 10, 2016, today.caricom.org/2016/06/10/ccj-dismisses-gay-rights-activists-case/.

²⁶ Michelle Nurse, *CCJ Dismisses Gay Rights Activist’s Case*, CARICOM Today, June 10, 2016, today.caricom.org/2016/06/10/ccj-dismisses-gay-rights-activists-case/.

Marriage and Related Rights

25. Although the Committee asked whether Trinidad and Tobago would include provisions on same-sex unions in its domestic laws, the Government did not respond to this inquiry.²⁷
26. At the time of submission Trinidad and Tobago currently does not recognize same-sex marriages or civil unions, nor many of the rights that flow therefrom, such as inheritance.
27. Further, many of its laws specifically exclude LGBTIQ+ individuals. For example, the Marriage Act defines marriage as between one biological male and one biological female, and does not make any mention of same-sex couples.²⁸
28. The Administration of Estates Act also defines “cohabitant” for the purposes of inheritance as a “person of the opposite sex.”²⁹
29. The Cohabital Relationships Act further defines “cohabitant” as a biological man or woman who has lived with the opposite sex in a cohabitational relationship, either as husband and wife or on an otherwise bona fide domestic basis. Under this Act, cohabitants are afforded rights and protections regarding inheritance and grants the courts jurisdiction to make orders with respect to property and maintenance. By excluding same-sex relationships, individuals in same-sex relations are not afforded these rights and protections under the Act.³⁰
30. Individual members of the Government of Trinidad and Tobago have expressed the inability to enact meaningful change due to existing laws. For example, in 2011, then-Finance Minister Winston Dookeran acknowledged during a debate on a specific amendment to the Statutory Authorities Act which expanded the definition of “next of kin” to include “cohabitants” but defined a “cohabitant” to only include different-sex relationships, that because Trinidad and Tobago had “not legalized the issue of same-sex marriages” at a broader level, the Government could not “in issuing one piece of legislation contradict legislation in other Bills, or else there will be total inconsistency.”³¹
31. The Government is also reluctant to incorporate same-sex relationships into national policy. For example, the Government issued the National Policy on Gender and Development in 2018; the policy specifically stated that it does not provide measures dealing with or relating to same-sex unions – nor homosexuality or sexual orientation generally.³²
32. Based on the pronouncements of the religious organisations in Trinidad and Tobago on the matter of same-sex marriage, it is likely that any progress on marriage rights will be

²⁷ Human Rights Committee, *List of issues prior to submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 16, 2018), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 10; Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5.

²⁸ The Marriage Act, Chapter 45:01, (1923).

²⁹ Administration of Estates Act, Chapter 9:01 § 2 (1913).

³⁰ Cohabital Relationships Act, Chapter 45:55 § 2(1) (1998).

³¹ Parliament of the Republic of Trinidad and Tobago, Hansard of the 26th Sitting of the Senate in the First Session of the Tenth Parliament of the Republic of Trinidad and Tobago on Feb. 15, 2011, www.ttparliament.org/wp-content/uploads/2022/01/hs20110215.pdf, p. 41.

³² The Office of the Prime Minister, “National Policy on Gender and Development: A Green Paper,” accessed Sept. 8, 2023, www.opm-gca.gov.tt/portals/0/Documents/National%20Gender%20Policy/NATIONAL%20POLICY%20ON%20GENDER%20AND%20DEVELOPMENT.pdf?ver=2018-03-08-134857-323.

vehemently opposed by them. For example, in June 2018, two months after the aforementioned decision decriminalizing consensual “buggery,” the heads of various religious groups called upon the Government and Opposition to amend the Marriage Act by a special majority to prevent same-sex marriage from being made legal in Trinidad and Tobago.³³ More recently in February 2023, the head of the Roman Catholic Church in Trinidad and Tobago commented on the matter of same-sex marriage by stating “We will oppose same-sex marriage in every way possible.”³⁴

Raising Awareness to Combat Discrimination

33. The Human Rights Committee asked the Government of Trinidad and Tobago in its 2018 List of Issues Prior to Reporting whether it intended to “raise awareness among the general population of the importance of non-discrimination against lesbian, gay, bisexual, transgender and intersex persons.”³⁵ In its 2021 Report, Trinidad and Tobago noted that its Ministry of Social Development and Family Services had “developed a number of policies and programmes to promote tolerance, non-discrimination, and anti-bullying” and that “various civil society groups host events to raise awareness for the need for non-discrimination against LGBTI persons,” including Pride parades.³⁶
34. Despite these measures, members of the LGBTIQ+ community continue to experience discrimination by the public.
35. For example, LGBTIQ+ students in secondary school have reported experiencing verbal, physical, sexual, and cyber bullying at higher rates than non-LGBTIQ+ students, with “Sexual Orientation/Gender Expression” identified as one of the top three most common causes of verbal teasing, harassment, or intimidation.³⁷
36. Also, NGOs in Trinidad and Tobago surveyed LGBTIQ+ people about their experiences and found higher rates of violence against LGBTIQ+ people in nearly all surveyed settings, including before the age of 18, during sex work, from intimate partners, in public spaces, in health care settings, and from police.³⁸ Surveys indicated that victims’ experienced emotional, physical, sexual, and economic violence and feeling judged, humiliated, depressed, and suffering from anxiety and a reduction in confidence.³⁹

³³ Julien Neaves, *Thou Shalt Not Marry*, The Trinidad and Tobago Newsday, June 11, 2018, <https://newsday.co.tt/2018/06/11/thou-shalt-not-marry/>.

³⁴ Vishanna Phagoo, *Archbishop Gordon Agrees with Pope: Homosexuality Is Not a Crime*, The Trinidad and Tobago Newsday, Feb. 6, 2023, <https://newsday.co.tt/2023/02/06/archbishop-gordon-agrees-with-pope-homosexuality-not-a-crime/>.

³⁵ Human Rights Committee, *List of issues prior to submission of the fifth periodic report of Trinidad and Tobago*, (Nov. 16, 2018), U.N. Doc. CCPR/C/TTO/QPR/5, ¶ 10.

³⁶ Human Rights Committee, *Fifth periodic report submitted by Trinidad and Tobago under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019*, (Nov. 10, 2021), U.N. Doc. CCPR/C/TTO/5, ¶ 104.

³⁷ Family Planning Association of Trinidad and Tobago, CAISO: Sex and Gender Justice, and The CEDAW Committee of Trinidad and Tobago, *Joint Submission on the 3rd Cycle Universal Periodic Review of Trinidad and Tobago*, 2021.

³⁸ USAID, PEPFAR, LINKAGES, UNDP, *Gender-based Violence, HIV, and Key Populations in Latin America and the Caribbean: Trinidad and Tobago and Barbados Country Report*, Apr. 2018.

³⁹ USAID, PEPFAR, LINKAGES, UNDP, *Gender-based Violence, HIV, and Key Populations in Latin America and the Caribbean: Trinidad and Tobago and Barbados Country Report*, Apr. 2018.

37. Those surveyed reported being called names, insulted, or being told by family members, neighbors, and other community members not to act in a feminine manner or to act more masculine. This harassment was common in response to the respondents' perceived gender presentation or sexual orientation, which others based on the way the respondents walked, dressed, or acted, which members of the public viewed defying social expectations.⁴⁰ Other respondents described being threatened with or forced to attend conversion therapy, as well as threats of violence or verbal abuse encouraging others to commit violence against them.⁴¹
38. Respondents also experienced sexual violence, including molestation and rape, which resulted in negative, emotional consequences. These acts of sexual violence caused respondents to not trust others or to be afraid to share their experiences of sexual violence with others.⁴²
39. Despite the Government's measures, there is still a persistent social stigma against members of the LGBTIQ+ community, which can often be found on social media. A local news outlet, CNC3 asked their followers on Twitter "Would you support the use of LGBT+ books in schools?" The majority of respondents voted "No" (63.9%) and only 36.1% voted "Yes." Beneath the post, people left comments suggesting that the use of such books would amount to teaching "gender dysmorphia to MINORS [sic]," that people who wanted "'diversity' and 'inclusion' nonsense" should move to the United States of America, and that people who support the use of LGBT+ books in school want to "recruit the young generation into their microscopic minority way of life."⁴³
40. Another local news outlet, Trinidad Express Newspapers, posted on Facebook "THE BIG QUESTION: Is Government working quickly enough to give equal rights to members of the LGBTIQ+ community?" The comment section included similarly negative responses from the public.⁴⁴
41. In June 2023, conservative, religious members of the public called for a boycott of a bookseller for displaying a children's book by a gay American author in their online store. They expressed their displeasure at the possibility that the book would be included in the school curriculum because they "did not want their children exposed to the idea of sexuality of any kind, even in school, and would teach their children about such topics on their own."⁴⁵ When asked about the book, Education Minister Nyan Gadsby-Dolly said she was unfamiliar with the book and there had been no changes to the booklist for the 2023/24 school year.⁴⁶

⁴⁰ USAID, PEPFAR, LINKAGES, UNDP, *Gender-based Violence, HIV, and Key Populations in Latin America and the Caribbean: Trinidad and Tobago and Barbados Country Report*, Apr. 2018.

⁴¹ USAID, PEPFAR, LINKAGES, UNDP, *Gender-based Violence, HIV, and Key Populations in Latin America and the Caribbean: Trinidad and Tobago and Barbados Country Report*, Apr. 2018.

⁴² USAID, PEPFAR, LINKAGES, UNDP, *Gender-based Violence, HIV, and Key Populations in Latin America and the Caribbean: Trinidad and Tobago and Barbados Country Report*, Apr. 2018.

⁴³ @CNC3TV, "Would You Support the Use of LGBT+ Books in Schools?," accessed Aug. 21, 2023, <https://twitter.com/CNC3TV/status/1672258522854072320>.

⁴⁴ Trinidad Express Newspapers, "THE BIG QUESTION - Is Government Working Quickly Enough to Give Equal Rights to Members of the LGBTIQ+ Community?," accessed Aug. 21, 2023, <https://www.facebook.com/ExpressNewspapers/posts/pfbid02gWE2irUQwHnHYqhGncpaxzmDFjzCNMZbZwrc2SagqsUrXrrR4HTjUGsYNzG9qp8ql>.

⁴⁵ Paula Lindo, *Minister: LGBT Books Not for School Curriculum*, Trinidad and Tobago Newsday, June 22, 2023, newsday.co.tt/2023/06/22/minister-lgbt-books-not-for-school-curriculum/.

⁴⁶ Paula Lindo, *Minister: LGBT Books Not for School Curriculum*, Trinidad and Tobago Newsday, June 22, 2023, newsday.co.tt/2023/06/22/minister-lgbt-books-not-for-school-curriculum/.

42. Following this incident, online commenters continued to write that these books would “sexualize[] children” and teach children that their “biological sex is not a given, that each one could choose freely to identify” as they liked.⁴⁷
43. Moreover, a study on school climate found that the education system does not encourage societal acceptance and tolerance of LGBTIQ+ individuals in Trinidad and Tobago. In a survey of students, 36.7% of respondents felt that the LGBTIQ+ people they knew were treated with respect, and only 59.3% felt that all LGBTIQ+ people deserved to be treated with respect.⁴⁸

II. Legal Gender Recognition

44. The Government of Trinidad and Tobago has no process for transgender individuals to change their legal gender, nor does it provide resources for gender-affirming surgeries or non-surgical care. It “does not allow the amendment of gender markers,” which “exposes transgender persons to abuse, humiliation and the denial of access to education, healthcare, employment, housing, and other such things” because, among other reasons, “[t]he disparity between their appearance and their gender marker on official documents often leads to demands of an explanation which cannot be provided without revealing intimate details.”⁴⁹
45. For example, transgender individuals have reported being forced to undergo additional security screening at the airport and having difficulty cashing checks because their gender expression did not match the gender marker on their identification documents.⁵⁰
46. In a Caribbean-wide study of transgender people that included respondents from Trinidad and Tobago, United Caribbean Trans Network found 78% of participants reported having experienced depression or anxiety, and only 32% were getting health services that could be considered as trans-affirming or at least trans-competent.⁵¹
47. A transgender man interviewed for this report reported that “there’s no way that I could exist in a professional space and be respected and protected from discrimination ... I’ve always had to be on the defense, over explaining and attempting to validate every aspect of my existence for everyone around me, having to shrink myself into whatever space is left for me on the outskirts of society.”⁵² His experience is not unique; many LGBTIQ+ people have similarly

⁴⁷ Janine Mendes-Franco, *A Trinidad & Tobago Bookstore Carrying a LGBTQ+ Themed Children’s Book Causes Both Outrage and Inspiration Online*, Global Voices, June 23, 2023, globalvoices.org/2023/06/23/a-trinidad-tobago-bookstore-carrying-a-lgbtq-themed-childrens-book-causes-both-outrage-and-inspiration-online/.

⁴⁸ The Silver Lining Foundation, *Trinidad and Tobago National School Climate Survey Report 2019*, (Port of Spain: The Silver Lining Foundation, 2018), 74, silverliningtt.com/wp-content/uploads/2021/08/TTNSCS_2019_Final.pdf.

⁴⁹ Alliance of Pride and Trans of Trinidad and Tobago, *APTTT Stakeholder Submission 3rd-Cycle Trinidad & Tobago* (Curepe: Alliance of Pride and Trans of Trinidad and Tobago), 4.

⁵⁰ Michael Lanham, Kathleen Ridgeway, Robyn Dayton, Britany M. Castillo, Claire Brennan, Dirk A. Davis, Dadrina Emmanuel, Giuliana J Morales, Clifford Cheririser, Brandy Rodriguez, Juana Cooke, Karin Santi, and Emily Evens, *“We’re Going to Leave You for Last, Because of How You Are”: Transgender Women’s Experiences of Gender-Based Violence in Healthcare, Education, and Police Encounters in Latin America and the Caribbean*, 6 *Violence and Gender* 37, 42 (2019).

⁵¹ OutRight Action International and United Caribbean Trans Network, *Over-Policed, Under-Protected: Experiences of Trans and Gender Diverse Communities in the Caribbean*, by Liesl Theron (Astoria, NY: OutRight Action International, 2021), 16, <https://www.ohchr.org/sites/default/files/documents/cfi-subm/2308/subm-un-hrc-realisation-cso-caribbean-ngo-coalition-annex-3.pdf>.

⁵² Online Interview with John Doe, Aug. 21, 2023.

said that it feels impossible to have a life in Trinidad and Tobago where “I can progress in my profession that I have worked hard for without compromising myself and my identity, a life where there is even the access to medical care that is desperately needed.”⁵³ This interviewee has made the decision to leave Trinidad and Tobago for the sake of self-preservation.

III. Suggested Recommendations for the Government of Trinidad and Tobago

48. The co-authors of this report suggest the following recommendations for the Government of Trinidad and Tobago:

- Decriminalize same-sex sexual activity between consenting adults currently criminalized under sections 13 and 16 of the Sexual Offenses Act.
- Repeal or amend portions of the Immigration Act that bar “homosexuals” or “persons who appear to be homosexuals” from entering Trinidad and Tobago.
- Amend laws relating to marriage, intestacy, and related rights to recognize same-sex unions and place them in legal parity with different-sex unions.
- Enact specific legislation preventing discrimination against individuals based on sexual orientation, gender identity, gender expression, and sex characteristics in line with Section 4 of the Constitution and Equal Opportunity Act of 2000.
- Adopt measures to combat public misinformation about and stigmatization towards the LGBTIQ+ community by continuing existing support of LGBTIQ+ public events, and conducting public education campaigns in collaboration with civil society organizations that work on LGBTIQ+ human rights.
- Include units on gender and sexuality in university and medical school curriculum, specifically on LGBTIQ+ social, legal, political, and medical concerns.
- Mandate training for government officials, educators, healthcare providers, and law enforcement with respect to LGBTIQ+ issues.
- Given the violent responses to the LGBTIQ+ community by non-State actors, enact hate crime legislation that protects individuals on the basis of real or perceived sexual orientation, gender identity, gender expression, and/or sex characteristics.

⁵³ Online Interview with John Doe, Aug. 21, 2023.