

# Country Profile Trinidad and Tobago



ReportOUT

**A country profile outlining the human rights context of  
sexual and gender minorities in Trinidad and Tobago**

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# Trinidad and Tobago

## Abstract

SOGIESC experiences within Trinidad and Tobago have changed over recent years particularly with the existence of various organisations within the nation pushing for equality within the law. This can be seen by the recent change within the sexual offences act which previously prohibited same sex intimate relationships but this was overturned by the high court after a big push from SOGIESC activists. However, the literature does not show Trinidad and Tobago as a safe place for Sexual and Gender minorities, the data suggests they are at risks particularly from groups of people who have intentions of physically harming them. With no laws protecting SOGIESC people this makes it easier for perpetrators and harder for minorities to fight the justice system when facing discrimination. Religion is a driving factor in the discrimination SOGIESC people face as a large percentage of the population are a part of religious organisations that recently called on the government to prevent the legalisation of same sex intimacy (Religious News Service 2018). Studies suggest that a high proportion of Trinidad and Tobago base their beliefs and morals on religion (Caribbean Development Research Service 2013 cited in Corrales 2017) therefore having so many religious leaders preaching discriminatory rhetoric will make life very difficult and dangerous for SOGIESC people.

## SOGIESC History

Despite the fact that colonies in the Caribbean adopted British buggery laws in different ways during the British Colonialism, the colonial environment was much more relaxed than the British 'home base' (Hyam 1991 cited in Gaskins 2013:430). In the latter of the 19th century outright hostility towards homosexual acts became a widespread commonality, specifically during the Victorian period. This discord surrounding homosexuality was fuelled by fears of declining middle-class values and perceived threats to the British Empire (Upchurch 2009). Although "beggary laws" were in place prior to the Victorian period, the nation was fairly liberal and historical analysis suggests that spiritual traditions of Trinidadian people created a social and cultural space for male homosexuality (Sweet 1996) cited in Gaskins 2013). Trinidad and Tobago did not retain the original 'Buggery law' of 1861 but instead in 1986 passed the Sexual Offences Act which in turn outlawed any form of same sex intimacy in much clearer terms (Sexual Offences Act 1986). This has since been overturned in 2018 in which the High Court of Justice in Trinidad and Tobago ruled on 12 April 2018 that the law within the country that criminalises same sex intimacy between consenting adults will be removed from the Sexual Offences Act (Human Rights Watch 2018).

## Legislation

Evidence suggests that the country has made advancements in terms of SOGIESC issues in the past ten years; however, there are still existing barriers that need breaking in order to achieve full SOGIESC equality (Out Right International 2021). The High Court of Justice decriminalized same-sex relations in 2018 which was a huge step towards the much needed equality of SOGIESC people. Prior to the decriminalisation, section 13 of the Trinidad and Tobago Sexual Offences Act punished "buggery" or anal intercourse and Section 16 which states that serious indecency i.e. being sexual intimate with someone of the same sex were was punishable by a sentence of up to 25 years within prison (Human Rights Watch 2018). The judge within the high court declared these 2 sections "unconstitutional, illegal, null, void, invalid and of no effect" and compared prejudices against gays to those against Black people within the apartheid (Gaskins (2013). Trinidad and Tobago does however remain fairly conservative of their position on SOGIESC issues. There are also no laws explicitly protecting SOGIESC people from discrimination or hate crimes. Transgender individuals are particularly vulnerable as there are no legal gender recognition procedures.

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## **Protections for SOGIESC people**

There are no existing laws in place protecting SOGIESC people from discrimination on the basis of their identity in Trinidad and Tobago, this includes housing and employment discrimination (Equaldex 2021). SOGIESC people are being denied equal treatment in various scenarios, for example a SOGIESC person can only adopt children as a single person not as a couple with a same sex partner like their heterosexual counterparts (Equaldex 2021). Under Section 8 of the Immigration Act, homosexual women and men who are not citizens of Trinidad and Tobago are not allowed to enter the country however this law is not known to be enforced (Amnesty International 2019). Due to there being no legal protection against discrimination based on sexual orientation or gender identity, the NGO Coalition Advocating for Inclusion of Sexual Orientation-Trinidad and Tobago received reports of some incidents of discrimination and violence towards LGBTI people (Amnesty International 2019). Donating blood is another area in which homosexual men in particular are at a disadvantage as they are banned from assisting this service (Equaldex 2021).

## **Social attitudes**

Social attitudes and morality towards SOGIESC people tend to be developed as a result of socialisation and then legitimised by the law and TT governmental position on the issue. Within the Norms and Values Report of Trinidad, a level of discord towards SOGIESC communities was found within the country attributed to the contradiction within anti-homosexual beliefs within religious contexts and politically correct acceptance (Gaskins 2013:440). Same sex couples seen publically displaying affection may attract negative attention (Gov.uk) this can be due to the common closed societal belief within various countries of the Caribbean that homosexuality is not the norm (McNeal 2019). Linking back to the recent law change in terms of the repeal of the Sexual Offences Act it is important they stay permanently repealed but also the key social part of this law change will influence the attitudes and treatment towards SOGIESC people (Corrales 2020). Homophobia is fairly rampant within the nations and although there is a rather sizeable SOGIESC community, they are not all visible as being "out" is not the norm within this Trinidad and Tobago (Gaskins 2013). Many SOGIESC individuals fear for their living safety in Trinidad and Tobago on the basis of their sexual orientation, "if anyone ever finds out they can kill me, I am an easy target for anything" (Human Rights Watch 2017). They can face toxic cultures that appear to be riddled with homophobia and transphobia fuelled by hostile members of their family, church and community in which verbal abuse can escalate into physical assault (Human Rights Watch 2017). The various forms of discrimination from communities can lead to fear and shame for SOGIESC people due to the marginalisation and exclusion with the lack of basic protection from the TT government. When ranking 174 of the countries within the world in terms of SOGIESC best to least accepting, in 2000-2003 Trinidad and Tobago ranked 83, this rose to 77 in 2014-2017 which suggests that normalisation and public perception of SOGIESC people is slowly becoming better (Flores 2017).

## **The role of culture and societal institutions**

Education is an important area to analyse as a person's perception of SOGIESC people is influenced via socialisation from institutions such as schools. The Silver Lining Foundation (SLF) released a report in 2018 surrounding bullying and violence towards lesbian, gay, bisexual and gender-non-conforming students and they were a few major findings (Silver Lining Foundation 2018). The first finding is that SOGIESC students experienced bullying at a higher rate than non-SOGIESC students and non-SOGIESC students also showed higher likelihood of engaging in bullying (SLF 2018), as schools allow discrimination like this to occur it normalises unequal treatment of SOGIESC persons.

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## Religious institutions

After the legalisation of same sex intimacy religious leaders from various faiths began calling upon the government to uphold anti-LGBT laws such as the opposition to same sex marriage (Religion News Service 2018). There were 12 religious leaders representing the 90% of the country's population that are either Christian, Hindu or Muslim were a part of a conference to ask the government to uphold "traditional marriage". A regional study conducted by Caribbean Development Research Services found in 2013 60% of population supported maintaining the Sexual Offences law that was abolished in 2018 (Caribbean Development Research Service 2013 cited in Corrales 2017). With only 2.2% of the Trinidadian population identifying themselves as none religious and the majority being Christian within their most recent census (Ministry of Planning and Sustainable Development 2011) therefore it is evident that religious belief is important within this nation state as religious teachings are where a high proportion of the population adhere to in terms of morality (McNeal 2019).

## Dangers faced by SOGIESC people

Some dangerous that SOGIESC people face within Trinidad and Tobago includes verbal abuse, physical assaults and even as severe as rape and murder (Gaskins 2013). One case finds that a man cat fished a gay man online by making him believe he was interested in an intimate relationship but used this trust to lure him in to attack him. In 2014 Akil Thomas was stabbed 13 times in an attempt to murder him by a man he met on Facebook and known for over a year. He believes the attack was a hate crime as he openly belongs to the SOGIESC community and that generally people who have ill-intentions will prey on minority people, which is easier (Trinidad & Tobago Guardian 2014). Trinidad and Tobago stand out as the country with the second highest number of murders within the Caribbean with an average of 328 murders per year (Institutions for Development and Country Department Caribbean Group 2016) making SOGIESC people a high risk of becoming victims of violent crimes within the nation and this is evident by the social attitudes towards them. More recently there was another case of men catfishing gay men online within malicious intent in March 2020. 3 men between the ages of 18-22 were questioned by police after multiple reports of them joining chat rooms know to be used by gay men in order to target gay men by robbing and attacking them once luring them in (Loop 2020). There are multiple sources that describe instances of online catfishing by members of the public for the purpose of attacking SOGIESC people suggesting high levels of danger for sexual and gender minorities.

## The existence of SOGIESC organisations and activism

There are a number of SOGIESC organisations within Trinidad and Tobago one of them being the Coalition Advocating for Inclusion of Sexual Orientation (CAISO) who consist of various SOGIESC people and groups who advocate for SOGIESC rights within Trinidad and Tobago (CAISO 2010). They have built an online presence, appeared on the radio and television and appeared within print repeatedly. Some of their goals to name a few is to draw attention to murder and rape cases that have a disproportionate number of SOGIESC victims, highlight the importance SOGIESC people have played within culture and history of Trinidadian society (CAISO 2010).

The Silver Lining Foundation are a youth led NGO who act to serve the interests of youths within Trinidad and Tobago, particularly acting as a guardian body for marginalized youths seeking to prevent suicide and discrimination. The organisation was formed in response to a young person who commit suicide as he could not cope with the problems that arose from his sexuality therefore the organisations places emphasis in addressing bullying and violence within the framework of sexual diversity due to the lack of attention it receives (The Silver Lining Foundation 2019).

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As the evidence suggests there is an active SOGIESC organisational presence within the nation state and they play an important role in changing the perception of SOGIESC people and also assisting equality within the law. Coalition Advocating for Inclusion of Sexual Orientation-Trinidad and Tobago also received reports of incidents of discrimination and violence towards LGBTI people (Amnesty International 2019). Jason Jones is another SOGI activist who recently challenged the constitutions of Section 13 and 16 of the Sexual Offences Act in which he successfully had the inequality driven laws overturned. This was a historic moment for SOGIESC activism not only within Trinidad and Tobago but the Caribbean as a whole (The Guardian 2018).

## **Links to the UN Declaration of Human Rights**

Trinidad and Tobago are not signed up to the UN Declaration of Human Rights and are currently abusing various human rights of SOGIESC people within their nation. Article 7 states that all are equal before the law and are entitled without any discrimination to equal protection of the law (United Nations 2021), without a law in place protecting SOGIESC people from discrimination on the basis of their identity they subjected to unequal treatment.

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