

## **Regional Caribbean Consultation: The Role of Parliamentarians in Building More Inclusive Societies**

**Hosted by the Parliament of St. Lucia, August 26, 2020**

### ***Summary Report***

#### **Background**

The vision of ‘leaving no one behind’ in the United Nations (UN) [Development Agenda 2030](#) can only be achieved by creating the conditions to equal access to justice and enjoyment of rights, freedom from violence, and full political participation of all individuals, including lesbian, gay, bisexual, transgender and intersex (LGBTI) people in every country. Discriminatory laws and policies against LGBTI individuals continue to perpetuate prejudices; fuel stigma; and contribute to marginalization, harassment and attacks. Furthermore, the [2019 report by the UN Independent Expert](#) on protection against violence and discrimination based on sexual orientation and gender identity (SOGI) underscores the need to dismantle all legislation that criminalizes sexual orientation and gender identity or expression, and that negates the identity of a person, to attain social inclusion.

The COVID-19 pandemic has laid bare and exacerbated the inequalities evident in all countries worldwide. Social and economic inequities render some populations, including LGBTI persons, more vulnerable during emergencies. Measures to curb the spread of the pandemic, such as restricted mobility, physical distancing and stay at home orders have a differential impact on vulnerable populations, an increase in gender-based violence, food insecurity, stigma and discrimination and limited access to health services.

#### **Purpose**

The current global pandemic has brought into focus the fragility of our systems when forced to address unexpected shocks and the enormous inequality that pervades our societies. As States globally start to plan and implement measures focusing on recovery, we have a unique opportunity to address inequality and exclusion as well as gaps in social protection systems. Recovery efforts must ensure that LGBTI people can fully enjoy their human rights, access health care services, and are protected from violence and persecution.

As we live through this challenging time that prevents us from physically meeting each other, Parliamentarians for Global Action (PGA) and the United Nations Development Programme (UNDP) strive to continue assisting decision-makers, primarily parliamentarians, in their local and national responses to the COVID-19 crisis, providing relevant data and information to mitigate its disproportionate impact on the LGBTI community.

To better understand this impact, LGBTI civil society organizations (CSOs), with support from UNDP, have conducted a survey on the situation of LGBTI persons related to the COVID-19 pandemic in Barbados, Grenada, Guyana, and St. Lucia.

Therefore, the purpose of the virtual consultation was to provide a platform to present the results of this survey, share an evidence-based analysis of the effects of the COVID-19 pandemic in heightening the inequalities and disparities among vulnerable communities, particularly LGBTI persons, and offer concrete recommendations based on peer-to-peer experiences to address and respond to these challenges.

### **Specific Objectives of the Consultation**

- Increase knowledge and understanding among parliamentarians about their role in guaranteeing equality and inclusion of LGBTI people.
- Foster collaboration and facilitate meaningful interactions among parliamentarians and LGBTI civil society representatives.
- Provide a platform to share data and information, as well as best practices and policy recommendations to address inequalities related to the COVID-19 pandemic and build more inclusive societies.

### **Participants**

Among the 48 attendees to the consultation, there were eight parliamentarians from Antigua and Barbuda, Belize, Barbados, Jamaica and St. Lucia, who shared their countries' experiences with LGBTI civil society from the Caribbean region. Mr. Victor Madrigal, UN Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity (SOGI) and Commissioner Flávia Piovesan, Rapporteur on the Rights of LGBTI Persons at the Inter-American Commission on Human Rights, also presented their recommendations.

### ***Welcoming Remarks***

**Professor Rose-Marie Belle Antoine** facilitated the consultation, which observed the Chatham House Rule, and was structured as a guided discussion for parliamentarians with brief presentations by civil society representatives on the results of the Caribbean LGBTQ+ COVID-19 survey, as well as dialogue among parliamentarians, civil society and human rights experts. Prof. Belle Antoine noted that, in the middle of the COVID-19 pandemic, we must not forget our commitment to equality and human rights. We need to also acknowledge the lives lost due to another pandemic AIDS. The purpose of the consultation was to provide parliamentarians with the tools to increase inclusion in their respective countries.

**Hon. Andy Daniel, Speaker of the Parliament of Saint Lucia**, opened the consultation by remarking that Parliaments should not be excluded from the achievement of the SDGs. In order to build more inclusive societies, parliamentarians must ensure that countries protect the rights of all citizens, and promote diversity, tolerance, non-discrimination and non-violence. Parliamentarians have a crucial role in this regard and in not excluding people based on their identities from fully participating in all aspects of life, whether it be civic, social, political or economic.

## *Introductory framework to Equality and Non-Discrimination in International Human Rights Law*

**Mr. Victor Madrigal, UN Independent Expert on SOGI**, described his mandate to give visibility to the violence and discrimination suffered by LGBTI persons and provide evidence-based recommendations. Parliamentarians serve as a crucial connecting point in offering the legal protection for LGBTI communities around the world under the rule of law. Pandemic response policies must be non-discriminatory in nature and rooted in a human rights-based approach. The experiences of inequality need to be interpreted in the context of intersectionality.

In June 2020, the mandate released a set of recommendations, [ASPIRE Guidelines on COVID-19 response and recovery free from violence and discrimination based on sexual orientation and gender identity](#). The Guidelines were informed by the experiences of LGBTI people globally and based on six fundamental actions identified as good practice:

- Acknowledge that LGBT persons are everywhere (and that they are hard-hit by the pandemic);
- Support the work of LGBT civil society and human rights defenders (and learn from their significant achievements);
- Protect LGBT persons from violence and discrimination in the pandemic context (and prosecute perpetrators);
- Indirect discrimination is a real and significant risk (and exacerbates stigmatization against LGBT persons);
- Representation of LGBT persons in the process of design, implementation and evaluation of COVID-19 specific measures is key (and reflect their voices); and
- Evidence concerning the impact of COVID-19 on LGBT persons must be gathered (and States must follow good practices).

Mr. Madrigal commented on how inequalities are exacerbated by the COVID-19 pandemic: including measures adopted by a State to use the pandemic as an excuse to punish/discriminate against LGBTI-persons; and measures that deploy a discriminatory impact because they are designed without the participation of concerned communities.

One important recommendation is to incorporate evidence into policymaking. It is also vital to ensure participation of LGBTI persons in any research or data collection that concerns them. For more information, please see his presentation included in the annex.

**Dr. Nastassia Rambarran, PrEP Provider at Equals**, presented the results of the Caribbean LGBTQ+ COVID-19 survey conducted on-line on the situation of LGBTI persons related to the COVID-19 pandemic in Barbados, Grenada, Guyana, and St. Lucia. At the time of the survey (May 2020), of the 643 persons who responded the survey (134 in Barbados, 126 in Grenada, 278 in Guyana, and 105 in St. Lucia), 42.4% lost their job or had their business closed because of COVID-19; 25.6% reduced hours or were temporarily laid off, leaving 33.1% still employed.

Guyana had the highest percentage of participants fully employed pre-COVID, but the lowest percentage of employed after the onset of the COVID-19 pandemic (evidence that many LGBTI people were laid off or lost their jobs). Compared to the other three countries, participants from Guyana also experienced the highest level of anxiety and overall mental health challenges on average. Recently, 21.5% of the participants have experienced verbal abuse (often by their family members), followed by 7.1% for physical violence and 6.2% for sexual harassment. The most frequently reported source of COVID-19 information in the four countries was social media (72%), followed by official government websites (58.1%) and newspapers/magazines (43.2%). Sixty percent of respondents believe the new coronavirus is likely a bioweapon developed by a government or terrorist organization.

#### Recommendations:

- Provide the support services most needed: food/water, mental health and counseling, increase employment opportunities;
- Actively fight COVID-19 misinformation;
- Optimally use social media to disseminate information;
- Increase awareness of resource options for persons in violent situations; and
- Repeat this survey, or aspects of this survey, later in 2020.

For more information, please see her presentation included in the annex.

**Commissioner Flávia Piovesan, Inter-American Commission on Human Rights (IACHR)**, indicated that the IACHR and its LGBTI Rapporteurship have opened a Rapid and Integrated Response Coordination Unit dedicated exclusively to monitoring the impacts of the pandemic on the situation of human rights in the region. One of the key findings of the Commission during this period, shows that historically, vulnerable persons and populations like LGBTI persons, have been particularly impacted by the pandemic. These impacts are not a mere coincidence, but a consequence of years-long structural social practices that have resulted in the vulnerability, invisibility and effective social exclusion of LGBTI persons. It is worth noting that these vulnerabilities are amplified when intersecting with other factors, such as racial-ethnic origin and nationality.

Based on these observations, the IACHR issued specific recommendations to Member States of the OAS, including Caribbean States:

- Guaranteeing the right to gender identity and training of police forces to adequately interact with trans and gender-diverse persons;
- Ensuring access to health services to LGBTI persons, without discrimination and with respect for gender identity;
- Social inclusion of LGBTI persons in post-pandemic recovery policies, including people experiencing homelessness and those who engage in sex work;
- Access of LGBTI persons to economic resources and the recognition of their family ties;
- Adoption of measures against homophobia, lesbophobia, biphobia and transphobia, as well as the public condemnation, investigation, sanction and reparation of acts of prejudice-based violence.

One main challenge in the Caribbean is the persistence of laws that criminalize same-sex relations (still present in nine countries in the region – Jamaica, Guyana, Antigua and Barbuda, Grenada, Dominica, Barbados, Saint Lucia, Saint Vincent and the Grenadines, and Saint Kitts and Nevis). Such laws provide the basis for other forms of discrimination against LGBTI persons. For more information, please see her presentation included in the annex.

### ***Summary of Discussion among Parliamentarians and Civil Society Representatives***

The Caribbean is a predominately Christian region where colonial laws for sex and sexuality are still present. Whenever LGBTI issues come to the forefront, there is a lot of pushback due to fear. As a result, parliamentarians are rather reactive and don't work to change anything unless a legal challenge is filed. But if MPs say they are human rights champions, they need to be more proactive.

The Employment (Prevention of Discrimination) Act stems from the perspective that all persons in Barbados should enjoy the resources of the society and be able to earn a living. National partners agreed that the incorporation of sexual orientation as a protected ground against discrimination was an important step, but more sensitization needs to be done to ensure gender identity and expression are also included in the law. While drafting the bill, there were consultations with civil society partners and with the electorate. Both were equally important since a parliamentarian cannot disregard the will of their constituents. Parliamentarians have to do their work based on principle and it also must resonate with the people they represent. Consultation is critical.

There are many misconceptions around the lived realities of LGBTI persons. For example, someone in the Parliament of Barbados actually posed a question about whether people of diverse sexual orientation are discriminated against. It is very important to provide evidence to address this type of question.

A survey in Jamaica shows that the majority (58%) of LGBTI persons do not feel comfortable being openly LGBTI in the country, and most would consider leaving the country due to discrimination. In terms of health, many LGBTI Jamaicans want to use private care services because they are uncomfortable with using public care, which exacerbates the problem as the community already suffers from poverty. Family and schools are also common places for discrimination as the majority of LGBTI persons reported having suffered from verbal/physical abuse from peers and/or family members.

In order to move the needle, you need to build alliances between parliamentarians and civil society to bring about change.

Belize has been making progress on its Equal Opportunity Bill, which seeks to ensure equal access to public services and protect all Belizeans, including LGBTI persons, from discrimination, harassment and victimization. The areas of public life covered under the Bill include employment (full-time, part-time and casual), provision of goods and services, sport, club and club membership, transfer of land and administration of laws and programming. However, there is a very well-organized opposition to the Bill by the churches which sought to mislead the public into believing it would alter the institution of marriage or restrict expression of religious beliefs. Both government and opposition support the

bill; the biggest challenge is how to counter church opposition. The second obstacle is COVID-19, which halted progress on the bill. A cabinet paper will be submitted quite soon, and the cabinet will then determine how to proceed.

During the last months, Guyana has dealt with election complications and enforcement of border shutdown to control the pandemic. In past years, Guyana has been making efforts to pass progressive legislation regarding inclusion and equality, but there was opposition from the churches and religious institutions.

In Belize, as other countries in the region, the courts have been very progressive; legislative reform will follow.

A lesson from Barbados is to identify progressive voices in the churches.

A participant from civil society described the difficulty engaging with parliamentarians in countries where the topic is taboo. Civil society partners are not often invited to present data on their community to parliamentarians. But they are gradually having more one-on-one conversations with politicians and moving the needle. Parliamentarians should get to know civil society organizations in their country and have regular consultations, as they have the crucial data and information on the scope and impact of discrimination.

LGBTI persons face violence and discrimination on a daily basis, yet they often cannot report to the traditional law enforcement authority or other official entities because of systemic discrimination. For more information, please review Equals Shared Incident Data (SID) in the annex.

***Parliamentarians offered some closing thoughts on actions to increase LGBTI inclusion:***

- No one should be left behind or be discriminated against or be treated differently. Policy-making should be based on that principle. Parliamentarians are very busy now with handling the COVID-19 pandemic and are often restrained by competing budgetary commitments. Nevertheless, they should strive to serve for all and not just the majority.
- A good strategy is to strive for general anti-discriminatory legislation, rather than legislation specific to the LGBTI population.
- Identify your allies in Parliament and do not hesitate to reach out. It's important to build a coalition of MPs and civil society partners in order to produce legislative change.
- Continue conversations such as these about LGBTI inclusion in the region and try to widen the circle. Because of social and political stigma surrounding the issue, LGBTI rights are always pushed aside and left on the back burner. Keep the issue front and center. It's important to change laws that criminalize, even if no one is prosecuted.

- The beginning of a legislative term is an excellent time for parliamentarians to have conversations with civil society. They don't need to worry yet about re-election and can focus on representation.
- Due to the cultural climate in the region, it is very hard to engage on the issue of LGBTI inclusion, especially for MPs. Therefore, individuals who want to make a change need to petition their Parliament because that will leave the MPs with no choice but to respond and put the question on the agenda. We need small steps from civil society. Small steps can lead to big changes.
- Importance of bringing evidence-based data and information into the discussion.
- Courts will force politicians to do what they have to do.

Mr. Madrigal-Borloz offered a few closing remarks noting that the consultation was an important step in our strategic thinking. Steps can be taken by progressive individuals to produce enormous change within institutions that often resist change. Keeping this in mind, good public policy will target the roots of the discrimination problem and adapt to varying contexts in each country according to recommendations by regional human rights experts.

Nowadays, there is also a political profit that can be generated with attacking LGBTI persons even though that is fundamentally incongruous with the foundations of a political party. We must recognize this trend and strive to stop it before it undoes our past efforts in increasing inclusion and equality.

Changes in societal mores are possible in a generation. Parliamentarians have a fundamental role to play in guaranteeing inclusion of all and a world free of criminalization of sexual orientation and gender identity).

### **About Partners**

**Parliamentarians for Global Action (PGA)** is a non-governmental, multi-party, international network of legislators acting in their individual capacity that informs and mobilizes parliamentarians in all regions of the world to advocate for human rights and the Rule of Law, democracy, human security, inclusion and gender equality. [PGA's Global Campaign against Discrimination based on Sexual Orientation and Gender Identity](#) (SOGI Campaign) seeks to educate, sensitize, build the technical capacity and strengthen the political will of parliamentarians in order to take ownership, concrete initiatives and legislative actions that achieve equality and inclusion of LGBTI people. Since its inception in 2013, PGA has positioned itself as the parliamentary partner of LGBTI civil society organizations around the world, facilitating collaboration and encouraging its member parliamentarians to support/champion LGBTI-affirming legislative reforms, including decriminalization of consensual same-sex conduct, in Angola, Bolivia, Chile, El Salvador, Mozambique, Nepal, Pakistan, Seychelles and Uruguay. In 2017, UNDP and PGA launched their joint publication [Advancing the Human Rights and Inclusion of LGBTI People: a Handbook for Parliamentarians](#). For

more information about PGA and its SOGI Campaign, please contact: Mónica Adame, Director of PGA's Gender, Equality and Inclusion Programme ([monica.adame@pgaction.org](mailto:monica.adame@pgaction.org), +1 619-206-2427).

Advancing inclusion of sexual and gender minorities and promoting their access to HIV and health services is a key priority for the **United Nations Development Programme** (UNDP). In line with the recommendations of the Global Commission on HIV and the Law, UNDP works with governments, academia, the private sector and LGBTI organisations to improve social and economic inclusion. UNDP works to bolster LGBTI inclusive development by strengthening data/evidence base on the rights of LGBTI people and enhance the capacity of governments, civil society and LGBTI groups to address and reduce inequality, exclusion, violence and discrimination experienced by LGBTI persons. Regional “Being LGBTI” programmes, including Being LGBTI in the Caribbean (BLIC), are building understanding of the issues LGBTI people face and advancing their inclusion in national development efforts. The BLIC project aims to enhance knowledge, partnerships, and capacities of LGBTI communities, civil society and States to reduce human rights violations and negative attitudes towards LGBTI people in the Caribbean, with country level focus in Barbados, Dominican Republic, Grenada, Guyana, Haiti, Jamaica and St Lucia, as well as regional activities.