# THE CARIBBEAN ENVIRONMENTAL MIGRATION LEGISLATIVE LANDSCAPE WITH REGARDS TO LGBTQ+ INCLUSION IN EVACUATION PROCESSES:
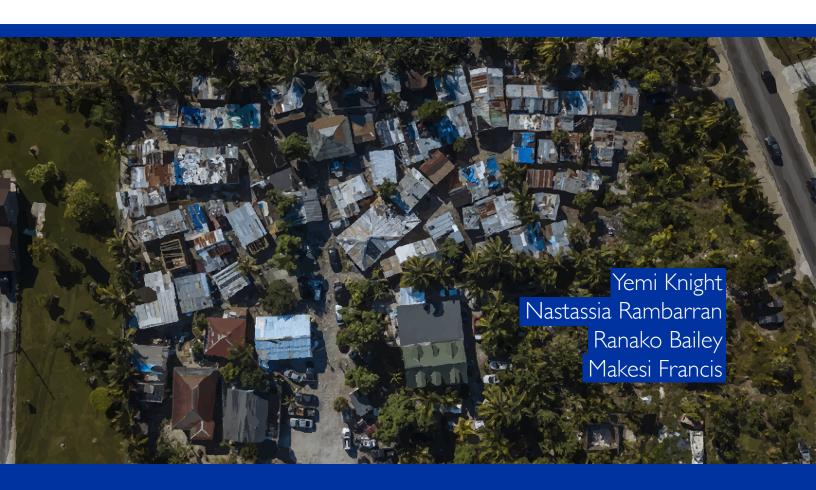
## GAPS AND RECOMMENDATIONS

Yemi Knight
Nastassia Rambarran
Ranako Bailey
Makesi Francis

Liberté • Égalité • Fraternité
RÉPUBLIQUE FRANÇAISE

AnchorBridge
Environmental

IOM
UN MIGRATION

# KEY MESSAGES

- The Caribbean is particularly susceptible to environmental hazards, the effects of climate change, and subsequent migrations.

- LGBTQ+ persons are uniquely vulnerable in environmental migration but have been largely ignored in Caribbean policy and legislation surrounding the issue.

- Addressing gaps should focus on actions oriented to mobility processes, more specifically before, during and after evacuations; these include using an intersectional lens to (re)design policies, conduct research and training, develop partnerships and establish safe spaces, provide culturally competent services and foster resilience.

# BACKGROUND

The diverse region of the Caribbean has been characterised as uniquely and particularly vulnerable to natural hazards and the impacts of climate change by virtue of its geographic location, small landmasses, large population densities, extensive coastlines, low elevation areas, and insecure infrastructure (Bleeker et al., 2021). The region is predisposed and vulnerable to events such as tropical storms, hurricanes, earthquakes, droughts and flooding, with climate change only expected to exacerbate the effects of extreme weather events and environmental degradation (Bleeker et al., 2021). Already subject to intra- and extra-regional migration due to environmental, socioeconomic and political factors, large scale movements in the Caribbean are likely to increase with a deepening climate crisis (Bleeker et al., 2021; Francis, 2021).

Persons on the move under these circumstances may face protection gaps, and indeed, there is no consensus agreement on what term should be applied to them (Global Americans, 2023). This brief finds utility in the term "environmental migrant", defined as "a person or group(s) of persons who, predominantly for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are forced to leave their places of habitual residence, or choose to do so, either temporarily or permanently, and who move within or outside their country of origin or habitual residence" (IOM, 2019). The losses due to disasters, climate change and the resulting migration are not only economic, but also non-economic,

encompassing aspects such as biodiversity, health, culture and knowledge (Thomas and Benjamin, 2020).

This brief focuses on English-speaking Caribbean countries within the Caribbean Community (CARICOM), namely Barbados, Belize, Guyana, Jamaica, Suriname, The Bahamas, Trinidad and Tobago, and some of the countries belonging to the subregional collective of the Organisation of Eastern Caribbean States (OECS) Antigua and Barbuda, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines. These countries all share political, cultural and historical similarities dating back to their colonisation by European empires and have shaped a largely common cultural and legislative approach to sexual orientation, gender identity and expression and sex characteristics (SOGIESC). The experience and impact of environmental migration have a gendered component and disproportionately affect vulnerable communities, including lesbian, gay, bisexual, transgender and queer plus (LGBTQ+) people who are often ignored in research and planning (Bleeker et al., 2021).

This paper aims to understand and analyse the current policies related to climate and environmentally-induced migration in the Caribbean, with regards to SOGIESC and with a specific attention to gender identity and nontraditional family structures. The findings inform recommendations to address the current gaps in existing policies.

# METHODOLOGY

[1] Google Scholar; World health Organization (WHO); the Pan-American Health Organisation (PAHO); Caribbean Public Health Agency (CARPHA) – EvIDeNCe Portal; Caribbean Disaster Emergency Management Agency (CDEMA); Caribbean Natural Resources Institute (CANARI); Caribbean Climate Justice Alliance; Organization of Eastern Caribbean States (OECS); Caribbean Community Climate Change Centre (CCCCC);

[2] J-Flag (Equality for all Foundation); Society Against Sexual Orientation Discrimination (Guyana); Equal Rights, Access and Opportunities SVG Inc.; CAISO: Sex and Gender Justice (local non-governmental organizations); Eastern Caribbean Alliance for Diversity and Equality (ECADE) and Caribbean Equality Project (regional organizations); Human Dignity Trust (international organization).

[3] Barbados Immigration Act, Cap. 190 (last amended 1979).

This brief employed a comprehensive methodology involving a desk review of available information and stakeholder interviews. The desk review encompassed secondary sources from various platforms, including academic databases, health organizations, disaster management agencies, and regional bodies.[1]

Stakeholder interviews were conducted with key organizations[2]. These interviews provided diverse perspectives and valuable input on the intersectionality between the climate crisis, LGBTQ+ rights, and human rights in the Caribbean region. The interviews, conducted online, followed a semi-structured guide and were recorded, transcribed, and summarised for analysis. The combination of desk review and stakeholder input ensured a comprehensive understanding of the legislative landscape and gaps in addressing LGBTQ+ inclusion in environmental migration and evacuation processes.

## FRAMING THE ISSUES

LGBTQ+ persons in the Caribbean are subject to tremendous societal discrimination and exclusion, which are what constitute their vulnerability in environmental and climate migration. The context and impact can be seen in several areas:

**Sociocultural –** There are varied levels of social acceptability of LGBTQ+ people, with lower levels of acceptance often linked to lower educational levels and active religious practice amongst others[3]. Although acceptance is slowly increasing in some countries, LGBTQ+ persons are still subject to societal discrimination and stigma often influenced by Judaeo-Christian ideals/morals, which are either explicitly reflected in policy and laws, or implicitly expressed by lack of protective and anti-discriminatory measures (The Unnatural Connexion, 2010; Human Rights Watch, 2018).

These overarching attitudes can result in evacuation shelters and temporary housing options not being safe or appropriate for LGBTQ+ individuals, particularly if they are not out or are not able to disclose their sexual orientation or gender identity.

Some shelters may not recognise diverse family structures or accommodate same-sex partners and transgender people. Third party response groups associated with religion may also not accommodate LGBTQ+ persons. Mental and emotional stress, isolation and exclusion during migration or evacuation may occur, especially without social networks and support systems which may have been disrupted. Broadly, discrimination limits access to resources, decision-making power, and opportunities for adaptation and resilience-building.

**Legal –** Imposed during the colonial-era, six Caribbean countries still have laws criminalising buggery and acts of "gross indecency". None of the countries offer constitutional protection against discrimination on the basis of SOGIESC, and none have gender affirming legislation, or recognition of non-heteronormative family units (e.g. same-sex unions/marriages). Even in those countries which have recently decriminalised buggery, there is varying recourse to legal protection from harassment or discrimination (Beck et al., 2017).

This context has implications for LGBTQ+ persons during and after climate-induced mobility patterns. Specific and competent healthcare and medications may be absent, and during an evacuation access to healthcare services can be limited or non-existent. Studies have shown LGBTQ+ people experience assault and harassment in shelters (Dominey-Howes et al., 2014), and some may be alternatively forced to move in with abusers if their housing becomes compromised. In these instances, police action might be sub-optimal or not an option. Seeking refuge in countries where same-sex acts remain criminalised raises concerns about safety. Additionally, transgender individuals may encounter challenges related to legal identification documents, passports, and official recognition in such countries.

**Financial, Instability and Safety –** Due to discrimination, LGBTQ+ persons may lack financial resources to migrate or establish new lives after migration or following displacement. Financial precarity places the population at risk for a variety of abuses, including human trafficking, sexual abuse, forced labour,

poor housing and sanitation conditions. This can be compounded by the fact that limited education, especially for transgender persons, decreases opportunities for skills and employment in new locations. Considering that many countries' capacity to receive environmental migrants will be limited and finite, these issues assume great importance.

**Lessons from Covid –** The initial stages of the COVID-19 pandemic highlighted the significant impact of health considerations on migration policies, with numerous countries closing their borders and implementing various entry and movement restrictions. This period also offered insight into how vulnerable populations are disproportionately affected during crisis. Anecdotal reports from quarantine facilities in Barbados indicated inadequate provisions for gender diversity and non-traditional families. Additionally, in Barbados, the sentencing of a queer couple to prison for violating curfew underscored the vulnerability of LGBTQ+ individuals lacking supportive family structures (Barbados Today, 2020). A report by OutRight Action International detailed the pandemic's widespread effects on the global and Caribbean LGBTQ+ community, revealing scapegoating tendencies, heightened challenges to livelihoods, increased food insecurity, disruptions in healthcare access, reluctance to seek care, elevated risks of family or domestic violence, social isolation, anxiety, and heightened fears of societal violence, stigma and discrimination (OutRight Action International, 2020).

# REVIEW OF POLICY, FRAMEWORKS AND LEGISLATION

There exists comprehensive international frameworks and agreements applicable to environmental migration, with the Global Compact for Safe, Orderly and Regular Migration (GCM) standing out prominently. Adopted by the United Nations General Assembly in 2018, all CARICOM

countries have endorsed or voted in favour of it. However, the GCM, as the first international framework addressing migration comprehensively, does not explicitly consider LGBTQ+ issues. Additionally, climate change is not specifically addressed in its 23 Objectives but rather in the recommended actions (United Nations, 2018).

Similarly, other international treaties, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW), ratified by only four Caribbean countries[4], lack specific references to environmental migration or LGBTQ+ individuals (Bleeker et al., 2021). The Paris Agreement of 2015, while bringing a stronger human rights focus and acknowledging obligations to migrants and persons in vulnerable situations, faces challenges with similar non-inclusions. The 2015 Nansen Initiative Agenda, a robust framework for climate-induced displacement, acknowledges vulnerable groups but does not specify their nature (The Nansen Initiative, 2015).

At the regional level, two agreements could be used to address environmental migration, the 2014 Brazil Declaration and Plan of Action, which was signed by several Caribbean countries[5], and the 2019 Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking developed by the Inter-American Commission on Human Rights (IACHR), which acts as a non-binding guide for Caribbean signatories[6]. Both of these documents recognize the vulnerability of LGBTQ+ persons.

Furthermore, the Multi-Country Sustainable Development Cooperation Framework's (MSDCF) principle of 'leave no one behind', although not explicitly mentioned in this initial review, stands as a significant framework promoting inclusivity in disaster response (United Nations, 2022). This initiative emphasises the importance of addressing the needs of vulnerable populations, including LGBTQ+ individuals, during environmental migration.

Other subregional efforts within CARICOM nations are less specific. The 2013 Model Comprehensive

[4] Belize, Guyana, Jamaica and Saint Vincent and the Grenadines.

[5] Antigua and Barbuda, the Bahamas, Barbados, Belize, Cayman Islands, Cuba, Curaçao, Guyana, Haiti, Jamaica, Saint Lucia, Suriname, Trinidad and Tobago, and Turks and Caicos Islands.

[6] Barbados, Dominica, Dominican Republic, Grenada, Jamaica, Suriname, and Trinidad and Tobago

Disaster Management Legislation and Regulations proposed by CDEMA addresses relocation but makes no mention of LGBTQ+ persons. The 2019 Consultations towards a framework for regional cooperation on human mobility in the context of disasters and the adverse effects of climate change convened by the Caribbean Migration Consultations acknowledged the presence of vulnerable groups without specifying their nature.

At the country level, there is a notable absence of official policies specifically addressing the intersection of LGBTQ+ issues and environmental migration. Relevant documentation is scattered throughout various disaster risk reduction strategies, national development plans, and Nationally Determined Contributions (NDCs) (Bleeker et al., 2021). The NDCs and National Adaptation Plans (NAPs) submitted by countries as part of the Paris Agreement were examined (United Nations NDC Registry; UNFCCC NAP Central), revealing varying degrees of mention of migration, with a critical observation that none explicitly include LGBTQ+ persons.

While some countries have updated submissions to incorporate a gender lens and acknowledge vulnerable groups, the definition of these groups is inconsistent. For instance, St. Lucia identifies children, youth, the elderly, and people with disabilities, while Dominica lists "elderly, disabled, etc." In certain emergency and disaster policies, explicit provisions are made for vulnerable persons, such as Barbados' Vulnerable Persons Committee, which aids and supervises evacuations for these individuals (Yamamoto and Esteban, 2021). However, this classification typically focuses on children, senior citizens, and persons with disabilities (Heron and Piggott, 2019). The research conducted by J-FLAG on disaster management policy in Jamaica, Barbados, Guyana, and Belize reinforced this omission, revealing no explicit mention of the LGBTQ+ population in these countries' Disaster Risk Management Plans (J-FLAG, 2021).

Given the island nature and small land mass of most of the countries, cross-border migration has a prominent role, which means that immigration laws and mobility frameworks are essential (Francis, 2021). Migration can be facilitated through existing mechanisms in CARICOM and the OECS (Francis, 2021), and in the past countries have relaxed or waived visa requirements for those displaced by environmental disasters (Yamamoto and Esteban, 2021). However, most countries still lack clear coordination guidelines with their immigration departments (IOM, 2018) and the context is usually that of sudden-onset events as opposed to more gradual climate induced changes (Serraglio, 2020). Many countries also lack guidelines on internal displacement (Yamamoto and Esteban, 2021) and require more robust evacuation protocols (IOM, 2018). Not only is there much work to be done to formalise immigration, mobility and evacuation procedures, but some countries have immigration laws which explicitly prohibit the entry of homosexuals (The Unnatural Connexion, 2010), while others use language such as "persons whose behaviour offends public morality" to restrict admission[7].

# STAKEHOLDER INPUT

At the local and regional levels, a majority of organizations, including non-governmental organizations (NGOs), advocacy groups, community centres, and health clinics, have acknowledged the interconnectedness of the climate crisis, LGBTQ+ rights, and human rights. However, due to limitations in resources and capabilities, many of these organizations have not explicitly integrated climate migration into their agendas. Despite this, some organizations have embraced intersectional approaches as they navigate the complex dynamics of these interconnected issues. There was therefore a range of organisational engagements with the climate crisis and environmental disaster migration. Some organizations have undertaken research on the subject, while others, acknowledging its significance, are considering prioritising it in the near future. Others, while open to offering assistance to their constituents affected by environmental migration, have not directly addressed the issue in the past or do not consider it a central focus or priority. Several recommendations were made, which are incorporated into the main

recommendations section. In general, they focused on policy development that recognized LGBTQ+ vulnerability and input, creating awareness and political will, and improving the capacities of non-governmental organizations (NGOs) to tackle the issue in an intersectional fashion. It was noted in the stakeholder interviews that political will and advocacy to improve said will are necessary to initiate these steps.

# RECOMMENDATIONS

In light of the heightened risks faced by LGBTQ+ individuals, both policy and legislation have, until recently, inadequately addressed these concerns. Furthermore, there has been a notable lack of research on the experiences of the LGBTQ+ population during disasters and the effectiveness of government and agency responses (Dominey-Howes et al., 2018). Considering this context and the preceding analysis, the following recommendations are proposed. These recommendations are categorised broadly into measures before, during, and after evacuation, with areas of overlap.

## ⚠️ PRE-EVACUATION

*Research and statistics.* State agencies should collect demographic information about the LGBTQ+ population (using strict privacy and personal data protection protocols) in statistical measures such as the census. States and policymakers should conduct assessments that take into account the specific risks and vulnerabilities faced by LGBTQ+ individuals during evacuations and use this information to inform their planning and response efforts.

*Do no harm and ethical considerations.* Prioritise the principle of "Do No Harm" throughout any research or data collection processes. Ensure that research methodologies are designed with a commitment to the safety, well-being, and dignity of LGBTQ+ individuals. Ethical considerations should guide the entire research lifecycle, from data collection to analysis and dissemination. Implement robust data protection protocols to safeguard the confidentiality and privacy of individuals, particularly in contexts where sensitivity to personal information is paramount.

*Policies and legislation.* Implement legal protections encompassing anti-discrimination, hate speech, gender recognition, and recognition of non-heteronormative families. Acknowledging that legal changes may require time, expedite shorter-term progress through the formulation of policies. Foster regional collaboration among countries to establish comprehensive and impartial approaches to safeguarding climate and environmental migrants, with explicit and robust considerations (Francis, 2021) for vulnerable populations, including LGBTQ+ individuals. Integrate environmental mobility into national development, disaster, and climate planning (Francis, 2021). Additionally, prohibit publicly funded agencies and organizations providing post-disaster services from engaging in discrimination based on faith or other ideologies (Dominey-Howes et al., 2018).

*Training and sensitization.* Implement comprehensive and contextually relevant diversity and inclusion training for policymakers, planners, and responders at all levels. Prioritise emergency responders and planners in specialised sensitization programs focused on LGBTQ+ populations to foster the creation of safe spaces and effectively address issues related to discrimination and harassment. Provide training for healthcare providers to ensure the delivery of culturally competent care to LGBTQ+ individuals.

*Partnerships.* Integrate LGBTQ+ perspectives into planning and policy development to leverage shared experiences and insights. This inclusion can help identify potential barriers to evacuation and propose effective strategies to overcome them. Such an approach fosters greater social cohesion, resilience, and contributes to the reduction of stigma and discrimination against LGBTQ+ individuals. Establish partnerships with local organisations, including community centres, advocacy groups and health clinics, to facilitate the dissemination of information about emergency planning and offer support during movements.

**Skills building.** Implement a 'win-win' strategy focused on enhancing the skills and education of LGBTQ+ persons to boost their financial and developmental capacities upon relocation. This approach benefits all parties, as acquired skills remain valuable and productive within the local context (Yamamoto and Esteban, 2021) in the event of non-mobility. Additionally, invest in skills and capacity building at the organisational level to enhance understanding of the LGBTQ+ community's needs and to empower effective advocacy and action.

**Intersectional, non-heteronormative lens.** Ensure that all recommendations throughout each stage of the evacuation process prioritise an intersectional and non-heteronormative perspective. This approach acknowledges that diverse groups within the LGBTQ+ community have distinct needs and experiences, and these are interconnected with other aspects of an individual's identity, such as ethnicity, socioeconomic class, gender, migratory status, disability, etc. Recognizing these intersections is essential for identifying varying levels of vulnerability (Dominey-Howes et al., 2014).



## DURING EVACUATION

**Safe, discrimination-free spaces.** Evacuation and transitory migration spaces must prioritise confidentiality and freedom from discrimination and harm. Implementation of gender-neutral toilets and inclusive accommodations is crucial to ensuring the safety and comfort of LGBTQ+ individuals, accompanied by the development of non-discriminatory shelter policies.

**Culturally competent services.** Attention should be given to the inclusivity and cultural competence of registration documentation at shelters, ensuring housing is considerate of gender diversity (Dominey-Howes et al., 2018). Because of the dangers associated with shelters and migratory transit, tailored approaches must be implemented to inform

LGBTQ+ individuals on accessing services, including mental health, sexual health (including HIV testing and treatment), reproductive health, trans medical, and post-sexual assault services (Dominey-Howes et al., 2014; Yarwood et al., 2022). These measures should allow for anonymous access if desired and access to technology and the internet during this period can facilitate requests and services (Yarwood et al., 2022).

**Providing information in targeted languages and gender-sensitive language.** Recognizing the linguistic diversity of the migrant population, it is imperative to develop informational resources in targeted languages, ensuring that non-English speaking migrants can access vital information. Furthermore, using gender-neutral and gender-sensitive language in communication materials is essential to foster inclusivity and support for LGBTQ+ individuals during the evacuation process.

## POST-EVACUATION

***Partnerships.*** Recognize and enhance the resilience and adaptations already practised by LGBTQ+ persons (Dominey-Howes et al., 2014). Interrelated with the recommendation below, further research on this as well as fostering new support mechanisms by connecting to LGBTQ+ diaspora and transnational groups should be implemented.

***Research and information systems.*** Following relocation or evacuation, it is crucial to establish comprehensive and durable information systems for the collection, sharing and analysis of data related to the migration process (Cavedon-Capdeville et al., 2020). Robust confidential protocols must be in place to safeguard the privacy and security of the information collected. Stakeholders, including LGBTQ+ organizations, should

undergo capacity-building to actively contribute input and feedback on these systems and other aspects of migration governance (Cavedon-Capdeville et al., 2020). Additionally, systems for implementing relocation to suitable homes, when necessary and feasible, should be instituted, which will leverage partnerships to ensure effectiveness.

***Return and rebuilding.*** Develop targeted programs to support the return and rebuilding of LGBTQ+ individuals' lives after evacuation. These programs should address mental health, access to healthcare services, educational opportunities and employment support. Ensure that returnees have access to resources for rebuilding their livelihoods, with a focus on skills development and financial stability.

# REFERENCES

Barbados Immigration Act, Cap. 190 (last amended 1979)

Barbados Today. (2020). Couple gets time for breaking curfew. Available at https://barbadostoday.bb/2020/04/15/couple-gets-time-for-breaking-curfew/

Beck, E. J., Espinosa, K., Ash, T., Wickham, P., Barrow, C., Massiah, E., Alli, B., & Nunez, C. (2017). Attitudes towards homosexuals in seven Caribbean countries: implications for an effective HIV response. AIDS care, 29(12), 1557–1566.

Bleeker et. Al. (2021). Advancing gender equality in environmental migration and disaster displacement in the Caribbean. Studies and Perspectives series-ECLAC Subregional Headquarters for the Caribbean, No. 98 (LC/TS.2020/188-LC/CAR/TS.2020/8), Santiago, Economic Commission for Latin America and the Caribbean (ECLAC)

Cavedon-Capdeville, F dS., Ramos, E.P., Zamur, A.C.G et al.(2020). Climate Change, Extreme Events and Human Mobility in Latin America: Exploring the Links Through National Laws and Policies.

Dominey-Howes, D., Gorman-Murray, A., McKinnon, S. (2014). Queering disasters: on the need to account for LGBTI experiences in natural disaster contexts, Gender, Place & Culture, 21:7

Dominey-Howes, D., Gorman-Murray, A., McKinnon, S. (2018). On the disaster experiences of sexual and gender (LGBTI) minorities: insights to support inclusive disaster risk reduction policy and practice

Francis, A. (2021). Global Governance of Environmental Mobility: Latin America & the Caribbean

Global Americans. (2023). High-level working group on climate change in the Caribbean. Climate change, migrations, and Indigenous and Tribal Peoples.

Heron, T., Piggott, D. (2019). Prioritizing Inclusion In Addressing Barbados' Development Challenges. A policy paper of the One Barbados Initiative

Human Rights Watch. (2018). "I Have to Leave to Be Me": Discriminatory Laws against LGBT People in the Eastern Caribbean

International Organization for Migration (IOM). (2018). Migration governance in the Caribbean: Report on the island states of the Commonwealth Caribbean

International Organization for Migration (IOM). (2019). Glossary on Migration, No. 34, International Migration Law.

J-FLAG. (2021). Climate change and the Jamaican LGBTQ+ population.

OutRight Action International. (2020). Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTIQ People

Serraglio, D. A. (2020). The LFDD - human mobility nexus in Africa, Latin America and the Caribbean: A review of national policy and legal frameworks, Discussion Paper, No. 22/2020

The Nansen Initiative. (2015). Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change.

The Unnatural Connexion. (2010). Creating societal conflict through legal tools. Laws criminalizing same sex sexual behaviors and identities and their human rights impact in Caribbean countries.

Thomas, A., Benjamin, L. (2020). Non-economic loss and damage: lessons from displacement in the Caribbean, Climate Policy, 20:6, 715-728

United Nations. (2018). Global Compact for Safe, Orderly and Regular Migration. Available at https://refugeesmigrants.un.org/migration-compact

United Nations.(2022). United Nations Multi-Country Sustainable Development Cooperation Framework 2022–2026. Available at https://caribbean.un.org/en/236811-united-nations-multi-country-sustainable-development-cooperation-framework-2022-2026

United Nations NDC Registry. Available at https://unfccc.int/NDCREG

UNFCCCC NAP Central. National Adaptation Plans. Available at https://www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx

Yamamoto, L., Esteban, M. (2021). Human Mobility and Disasters in Pacific and Caribbean Small Island Developing States

Yarwood, V.; Checchi, F.; Lau, K.; Zimmerman, C. (2022). LGBTQI + Migrants: A Systematic Review and Conceptual Framework of Health, Safety and Wellbeing during Migration. Int. J. Environ. Res. Public Health, 19, 869.