Prior to the arrival of European colonizers, the indigenous societies in the Americas and Caribbean Region exhibited diverse and fluid conceptions of sexuality and gender roles.

Many indigenous cultures in the Americas and the Caribbean recognized and accepted a range of sexual orientations and gender identities. These societies often acknowledged the existence of multiple genders beyond the binary concept of male and female and which is still exhibited in native languages[[1]](#footnote-1), such as Two-Spirit individuals among many Indigenous tribes. Two-Spirit people were often revered as spiritual leaders and held significant roles within their communities. Additionally, same-sex relationships were often accepted and integrated into the social fabric of these societies.

In pre-Columbian Mesoamerican art, the portrayal of the human body typically depicted male or female attributes through genitalia or secondary sex characteristics. However, it also featured representations of figures with exposed chests and waists, devoid of visible sexual characteristics. Within depictions of rituals conducted by elite Mesoamericans, there were instances of women adorned in traditional male attire and men adorned in traditional female attire. Moreover, Classic Maya texts revealed situations where gender was either not linguistically indicated or where individuals appeared linguistically as one gender despite their physical presentation as another. These examples provide evidence of a significant degree of fluidity between genders within pre-Columbian Mesoamerican society.

However, with the onset of colonial oppression, the prevailing attitudes towards sexuality and gender underwent a dramatic shift, imposing their rigid, patriarchal social norms and religious beliefs on the indigenous populations, which included the demonization and criminalization of non-heteronormative expressions of sexuality and gender. Additionally, this specific oppression of gender and sexuality then extended to kidnapped and enslaved African peoples, and South Asian indentured peoples, all who had more diverse concepts of gender and sexuality.

The “Buggary Laws” as they are still known in Anglophone Caribbean were passed in the UK in The Buggery Act of 1533, and is the first time in law that we see men having sex with men (MSM) being targeted for persecution by government. Sex between men was punishable by death until 1861 in the UK. However, these laws have persisted in much of the Caribbean till this day and are still used to deliver harsh penalties while their influence on our broader social conservative context is vast and devastating. [[2]](#footnote-2)

Colonial powers, driven by their religious convictions and cultural biases, sought to erase indigenous as well and Afro-descendant cultural practices and impose their own norms. They enforced strict binary gender roles, condemning any deviation from heterosexuality and cisgender identities as immoral or deviant - a practice that is alive and thriving in the region today.

We see even more of this thinking reflected now in 2023, as the United States with the introduction of hundreds of anti-trans and anti-LGBTQ+ bills across several states. [[3]](#footnote-3) These legislative proposals, often grounded in discriminatory ideologies, have had a devastating impact on the transgender and LGBTQ+ community. These bills sought to restrict access to healthcare, ban transgender youth from participating in school sports consistent with their gender identity, and prohibit gender-affirming treatments.[[4]](#footnote-4) The effects of such legislation are deeply harmful, leading to increased marginalization, mental health challenges, and a heightened sense of vulnerability among transgender and LGBTQ+ individuals, while in some cases criminalizing their very being while blocking access to life saving care. These bills not only violated the fundamental rights and dignity of the community but also reinforced harmful stereotypes and perpetuated discrimination.[[5]](#footnote-5)

Meanwhile, Caribbean LGBTQI+ leaders have been challenging the historical legacy of colonialism for many years, and we are pleased to see three countries decriminalize same-sex intimacy in 2022 (Barbados, Saint Kitts and Nevis, and Antigua and Barbuda. This is absolutely essential for fostering more inclusive and equitable societies in our region that embrace the diversity of sexual orientations and gender identities. Unfortunately, the swift backlash experienced in the face of progress, as LGBTQ+ people in the region report a significant rise in violence and discrimination, underscores the urgent need for inclusive and equitable laws that protect and affirm the rights of all individuals, regardless of their sexual orientation or gender identity.

More must be done to ensure these human rights are protected and respected, and that States the world over are held accountable for the overturning of these long prevailing remnants of colonial oppression.

1. Stockett, Miranda. (2005). On the Importance of Difference: Re-Envisioning Sex and Gender in Ancient Mesoamerica. World Archaeology. 37. 566-578. 10.1080/00438240500404375 [↑](#footnote-ref-1)
2. Human Rights Watch, *"I Have to Leave to Be Me": Discriminatory Laws against LGBT People in the Eastern Caribbean*, 21 March 2018, available at: https://www.refworld.org/docid/5aba9a244.html [↑](#footnote-ref-2)
3. <https://www.aclu.org/legislative-attacks-on-lgbtq-rights> [↑](#footnote-ref-3)
4. <https://translegislation.com/> [↑](#footnote-ref-4)
5. <https://img1.wsimg.com/blobby/go/a7f16581-69e1-4468-b311-ad73a44ca9dc/downloads/From%20Fringes%20to%20Focus%20(LBQTM)%20Regional.pdf?ver=1685123731548> [↑](#footnote-ref-5)