

**A STUDY ON THE LAWS
& POLICIES LAWS AND
POLICIES RELATED TO
GENDER RECOGNITION
IN THE CARIBBEAN
TERRITORIES OF
ANTIGUA AND
BARBUDA, BELIZE &
JAMAICA**



OEA | Más derechos
para más gente



initiatives for
human rights

Canada 

**A STUDY ON THE LAWS & POLICIES LAWS AND
POLICIES RELATED TO GENDER RECOGNITION
IN THE CARIBBEAN TERRITORIES OF ANTIGUA
AND BARBUDA, BELIZE & JAMAICA**



CONTENIDO

1. Preamble.....	3
2. Scope of the Assignment and Objectives.....	5
3. Methodology.....	7
4. Background.....	10
5. CARICOM States and the OAS.....	14
6. EXISTING PROCESSES, GOOD PRACTICES & AVENUES FOR ADVOCACY.....	18

1. Preamble

Preamble:

Identification documents are important for one's daily life and functioning. This is true of all individuals, including transgender and non-binary persons. The need is the same. The ability to live in dignity, equality and security of these communities however is severely compromised when these communities do not have the option of legal gender recognition, resulting in vulnerability to discrimination, marginalization and exclusion from some gender segregated services when required to use an identity document that does not match their gender identity or gender expression. Therefore, legal gender recognition is an essential component of the legal protection that transgender people require in order to enjoy the full realization of their human rights.

In Advisory Opinion OC-24/17, the Inter-American Court indicated that the State must guarantee the legal recognition of the gender identity of all persons without discrimination, based on their right to a name (art. 18), private life (art. 11(2)), personal liberty (art. 7), freedom of expression (art. 13) and equality and non-discrimination (articles 1(1) and 24). They also held that, in their diversity of gender identities and expressions, people should be able to enjoy their legal capacity in all aspects of life.

As this report demonstrates, transgender people's dignity, equality, privacy and security are severely compromised if and when their gender identity and expression is not recognized through legal and administrative processes.

2. Scope of the Assignment and Objectives

Scope of the Assignment and Objectives:

The objective of this assignment is to assess 3 independent countries in the Commonwealth Caribbean (Antigua and Barbuda, Belize and Jamaica) and to observe their laws and policies related to gender recognition and whether those provisions are consistent with human rights standards set out in Advisory Opinion OC-24/17. This detailed assessment of relevant legal, regulatory and policy provisions, and the context within which they have developed, also aims to identify good practices in place, and possible avenues of advocacy for more trans inclusive approaches to civil registration in these countries.

The assignment also encompassed providing country cards and a summary of existing processes or good practices for trans individuals to rectify existing civil registry documents, and/or IDs to adequately reflect their name, image and gender marker, in accordance to their gender identity, in Belize, Jamaica and Antigua and Barbuda under the light of standards of the Advisory Opinion 24/17 for civil registries.

3. Methodology

Methodology

To achieve the objectives, a study design that aimed to capture the perspectives of trans persons navigating the legal framework, with a focus on civil society organizations, and civil registries. The study was conducted using an integrated methodology, comprised of a review of existing materials and the development of primary research though the research was highly iterative. These components were:

- A Desk Review
- Data Collection
- Interviews with local legal experts, civil society, and LGBTIQ friendly civil registry institutions
- Survey Instrument

Literature Review

The Literature Review focused on the 3 independent CARICOM countries in the Commonwealth Caribbean, Antigua and Barbuda, Belize, and Jamaica. There was a review of the literature published by various actors, including the media, LGBTIQ organizations and government departments. The Literature Review was challenged by a paucity of published materials on some questions but was a helpful guide in framing the questions that would inform the primary data collection.

Data Collection

The principal data collection methodology was questionnaires with LGBTIQ civil society organisations and Civil Registry Department responsible for registration of identification documents. Further interviews were conducted with activists and civil society organizations to assess their experience. By conducting interviews with the activists and civil society it was helpful in derstanding the breadth of experiences as reported, which was helpfully complemented by the survey of civil registries and civil society organisations. These were broadly complementary with the general findings of the research.

Survey of Civil Registries and Civil Society

The consulting team developed tools designed primarily to capture qualitative data as a complement to the interviews. The instruments were not designed to capture quantitative data. Instead, given the nature of this research, which sought to identify good practices in place, and possible avenues of advocacy for more trans inclusive approaches to civil registration in the linguistically, legally diverse context of CLARCIEV (directors of OAS Member State civil

registries), in Antigua and Barbuda, Belize and Jamaica. The survey's goal was not to be statistically representative, but rather to gather as many as possible.

Design of the Survey

To achieve this, a questionnaire composed of 46 broad questions to civil society and 35 broad questions to civil registries. This was provided by Synergía – Initiatives for Human Rights.

Data Collection

Between 15th February 2022 and 21st February 2022, the consultant sent out surveys with 1 registry replying and 6 civil society organizations responding.

This project looked at legal gender recognition for transgender and non-binary people. The project did not set out to collect data about laws, policies, regulations and court decisions that would enable intersex people to amend their name, sex/gender, title or gender-specific identification number on official documents.

This review shows that the transgender and non-binary people in the English speaking Caribbean region do not have access to legal gender recognition. Transgender and non-binary persons in each of the countries under study, do however have the ability to change their name on their identification documents and take pictures that accord with their gender identity.

4. Background

Background

Antigua and Barbuda, Belize and Jamaica are independent English-speaking countries who are part of the Commonwealth Caribbean. They are all former British colonies. Belize while situated in Central America because of its historical traditions is also considered part of the Commonwealth Caribbean and is a member of organization CARICOM (Caribbean Community). All three countries are members of CLARCIEV (Directors of OAS Member State Civil Registries).

This study is conducted in a context where transgender and non-binary persons in the Caribbean region – and globally – remain among the most marginalized populations, experiencing persistent poverty, social exclusion, and poor health outcomes. Two of the three countries under study, Antigua and Barbuda and Jamaica still maintain laws that criminalize consensual sexual relations between adults of the same sex in private, and that also affect trans persons and persons not conforming to gender.¹ The IACHR has stated that the perpetuation of such laws generates a culture of hostility, discrimination, and serious violations against LGBTI persons. These laws remain in force in these States, in violation of their international obligations regarding the right to equality and nondiscrimination.² Unjust use of criminal laws include public indecency or vagrancy laws, which while not directly criminalizes gender identity or expression often used to target transgender and non-binary person. Cross dressing laws which until recently was law of the land in Guyana criminalizes people’s gender expression.

In Belize on August 10, 2016, the Belize Supreme Court found the sodomy law unconstitutional in relation to consensual relations between adults in private.³ The Supreme Court’s decision found that the impact of the law on Mr. Orozco - a gay man - was disproportionate because of the profound related stigmatization and violated his constitutional right to dignity, privacy, equality before the law, freedom of expression and the prohibition against discrimination on the basis of “sex” which includes discrimination on the basis of “sexual orientation.” This judgment was upheld by the Court of Appeal of Belize and followed in Trinidad and Tobago, another Commonwealth Caribbean

¹ [Antigua and Barbuda] Sexual Offences Act of 1995 (Act No. 9), Section 12 (Buggery) Section 15 (serious indecency); [Dominica] Sexual Offences Act 1998, Section 15 (Buggery), article 16 (Attempted buggery); [Grenada] Criminal Code, article 431 (“unnatural connexion”); [Guyana] Criminal Law Act, Chapter 8:01, section 353 (Attempt to commit unnatural offences), Section 354 (buggery); [Jamaica] Offences against the Person Act, Section 76 (Unnatural Crime), Section 77 (attempt); [Saint Kitts and Nevis] Offences against the Person Act, Part XII, Section 56 (Unnatural offences and Sodomy); [Saint Lucia] Criminal Code, Sub-Part C, Subsection 133 (Buggery); and [Saint Vincent and the Grenadines] Criminal Code, Section 146 (buggery).

² The Inter American Court on Human Rights Advisory Opinion OC-24/17, para [39]

³ Caleb Orozco v. The Attorney General of Belize et al

country. Constitutional cases are currently underway challenging the constitutionality of similar laws in Antigua and Barbuda and Jamaica.⁴

Definitions of gender and/or sex in laws, policies or regulations impact on options for legal gender recognition in a country. The countries under study and most of the CARICOM States stem from the common law roots of the United Kingdom. Under the common law in the United Kingdom the biological sexual constitution of an individual is fixed at birth, at the latest, and cannot be changed either by the natural development of organs of the opposite sex or by medical or surgical means.⁵ The House of Lords, the highest United Kingdom court declaring the common law indicated that it was for Parliament to make the relevant changes to give effect to gender identity not the Court.

However, unlike UK law, in the Commonwealth Caribbean there are Constitutions which are the supreme law of those countries which contain a supremacy clause. These clauses provides that laws which are inconsistent with the constitution are void to the extent of their inconsistency. Whether or not the protection of transgender people is mentioned explicitly in the text of the constitution they apply to transgender and non-binary people. The Constitutions of the three countries all contain fundamental rights and freedoms that would protect the rights of transgender and nonbinary persons. They include:

- the right to dignity in Belize;
- the right to privacy in Antigua and Barbuda, Belize and Jamaica;
- the right to non-discrimination on the basis of sex in Antigua and Barbuda and Belize and non-discrimination on the basis of being male or female in Jamaica;
- equitable and humane treatment by a public authority in Jamaica; and
- equality before the law and the protection of the law in Antigua and Barbuda, Belize and Jamaica.

Gender recognition is about a person's recognition and protection before the law and ability to navigate through areas of daily life and their dignity, equality, privacy and security are severely compromised if their gender identity and expression is not recognized through legal and administrative processes. These processes include the possibility of changing name details and gender markers on identification documents and administrative records, such as birth certificates, identification cards, passports, driver's licences, and election documents.

⁴ <https://barbados.loopnews.com/content/rights-group-challenge-buggery-laws-barbados> ;<https://www.washingtonblade.com/2019/08/08/lawsuits-in-four-caribbean-countries-challenge-colonial-era-sodomy-laws/>

⁵ *Arthur Cameron Corbett v. April Corbett (Otherwise Ashley)* [1970] 2 All E.R. 33

There has been no case to date in the Commonwealth Caribbean challenging the constitutionality of identity laws or lack thereof. The most far-reaching judicial decision on transgender and non-binary rights is the decision by The Caribbean Court of Justice (CCJ), the final appellate Court of Belize in a decision on an appeal from another Commonwealth Caribbean country, Guyana. In the case *Quincy McEwan, Seon Clarke, Joseph Fraser, Seyon Persaud and the Society Against Sexual Orientation Discrimination (SASOD) v The Attorney General of Guyana*⁶ the CCJ declared unconstitutional Section 153(1) (XLVII) of the Summary Jurisdiction (Offences), Chapter 8:02, of Guyana, which criminalized cross-dressing and which the court specifically stated adversely impacted transgendered persons. The Court stated the expression of a person's gender identity forms a fundamental part of their right to dignity and the recognition of this gender identity must be given constitutional protection.

The final appellate court for Antigua and Barbuda and Jamaica remains the Judicial Committee of the Privy Council (the Privy Council sits in the United Kingdom and its judges are those that sit on the English House of Lords, the highest appellate Court in the United Kingdom). The Privy Council has not yet opined on the constitutionality in the independent Commonwealth Caribbean courts on the rights of transgender individuals but appear reluctant to provide broader definitions of sex or gender that recognize transgender people's gender identity and expression. In a decision in their capacity as the House of Lords, they acknowledged the common law position of sex being determined at birth. The House of Lords however held that the marriage laws which did not recognize gender identity in the United Kingdom were incompatible with the UK Human Rights Act and the UK's international obligations.⁷

These decision are an important steps towards the full recognition of gender identity and expression in the Caribbean and ensuring compliance with the State's international obligations.

⁶ [2018] CCJ 30 (AJ)

⁷ *Bellinger (FC) (Appellant) v. Bellinger* [2003] UKHL 21

5. CARICOM States and the OAS

CARICOM States and the OAS

All the CARICOM States including the countries under study are members of the Organization of American States (OAS).⁸ There are currently only four CARICOM States (Barbados, Dominica, Grenada and Jamaica) who are parties to the American Convention on Human Rights. Trinidad and Tobago having denounced the Convention in May 1998. There were only two (2) CARICOM States, since the Inter American Court of Human Rights was established who have acceded to its jurisdiction. They are Barbados and Trinidad & Tobago; Trinidad & Tobago denounced the Convention and Jurisdiction of the Court on the 26th May 1998. None of the countries under study are subject to the jurisdiction of the Inter American Court of Human Rights and only one under study (Jamaica) is a party to the American Convention on Human Rights.

While most of the CARICOM Member States are not parties to the American Convention on the Rights as members of the OAS, they are subject to the American Declaration of the Rights and Duties of Man (hereinafter the "American Declaration") which is under the supervision of the Inter American Commission on Human Rights. Although originally adopted as a resolution and not as a treaty, both the Commission and the Court have held that the American Declaration currently represents a source of international obligations for all the OAS member states.⁹ For its part, the IACHR has also reaffirmed and exercised its competence to consider potential violations of rights set forth in the American Declaration and the framework of the individual petitions and cases system. Advisory Opinion OC-24/17 laid the inter-American legal groundwork for the right to recognition of gender identity in both the American Convention and the American Declaration.

Further the rights to recognition before the law, self-determination, autonomy and privacy are set out in other binding international human rights treaties that have been very widely ratified by the Caribbean States that will be interpreted similarly to the American Convention on Human Rights.

All three countries are parties and subject to the Universal Declaration of Human Rights (UDHR) (1948), Art. 6; International Covenant on Civil and Political Rights (ICCPR), Art. 16; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979), Art.15; and Convention on the Rights of Persons with Disabilities (CRPD) (2007), Art 12. In addition, Article 8 of the Convention on the Rights of the Child (CRC) (1989) requires states to "respect the right of the child to preserve his or her identity." The

⁸ Antigua and Barbuda: 3rd December 1981; Belize: 8th January 1991; Jamaica: 7th August 1961.

⁹ I/A Court H.R., Interpretation of the American Declaration of the Rights and Duties of Man within the Framework of Article 64 of the American Convention on Human Rights, Advisory Opinion OC-10/89 of July 14, 1989, Series A No. 10, paragraph 37.

2007 Yogyakarta Principles, also details the extent to which international human rights standards applies to issues relating to gender identity or sexual orientation. In particular Principle 3 focuses on the right to recognition before the law, noting that “every person’s self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self- determination, dignity and freedom. These international instruments however have not been transformed into domestic law by the Commonwealth Caribbean.

As a feature of their colonial legacy, the countries under study like the rest of the Commonwealth Caribbean, adheres to the dualist doctrine to define the relationship between international law and its domestic law. This distinguishes them from the predominantly civil law (or “Romano-Germanic”) origins of the Latin countries. The Inter-American human rights system generally incorporates details of the civil law tradition more than it reflects any heritage of the common law tradition.¹⁰

The traditional view of dualist states is that international law does not automatically become part of their domestic law and further steps are needed to incorporate those obligations into national law. Unlike ‘monist’ legal systems, where international law is incorporated directly into the domestic legal system, in the Commonwealth Caribbean and the countries under study, the State normally needs to pass domestic legislation to give effect on the domestic plane to rules of law accepted in treaties.¹¹ The lack of incorporation of the agreement these human rights treaties does not absolve a state from its constitutional responsibilities but it was traditionally believed to therefore not have any effect or carry any obligations of the State domestically.

International human rights norms and commitments do however play an important role in domestic law in the Commonwealth Caribbean in a number of ways. Judges in the Commonwealth Caribbean have emphasized that internationally accepted standards in human rights cannot simply be ignored on the domestic plane and that international law was not mere window dressing.¹² In one such case *Cal v. Attorney General of Belize*,¹³ a formative case on indigenous rights in the Caribbean, the former Chief Justice of Belize noted that while the pronouncements of an international tribunal like the Inter-American Commission on Human Rights do not bind the Court, where appropriate they can be persuasive. Further, domestic Courts have also used international obligations of a State to interpretation its constitutional human

¹⁰ Carozza, Paolo (2015) "The Anglo-Latin Divide and the Future of the Inter-American System of Human Rights," Notre Dame Journal of International & Comparative Law: Vol. 5: Iss. 1, Article 6.

¹¹ *Chung Chi Cheung v R* (1939) AC 160; *J.H. Rayner (Mincing Lane) Ltd v The Department of Trade and Industry* (1990) 2 AC 418, [476]

¹² *AG v. Joseph*, (2006) 69 WIR 104 at para [107]

¹³ *Maya Leaders Alliance and others v Attorney General* [2015] CCJ 15 (AJ)

rights provisions and ambiguous statutes in such a way to ensure that the State complies with that States international obligations including its Inter American Human Rights obligations.

The use of international law and a more expansive interpretation of the protection of the law, was seen by the CCJ in their protection of indigenous rights in Belize, where there was no domestic legislation, save for preambular references in the Constitution and non-incorporated international treaties. The CCJ found that the Government of Belize breached Maya community members' rights to protection of the law by failing to ensure that the existing land law system recognized and protected Maya land rights as required under their international law obligations. The CCJ related the concept and constitutional right of protection of law with the responsibility of the state to comply with its international obligations and therefore recognized that a failure to honour its international commitments may breach the constitutional right to the protection of the law.

A similar position has not yet been fully adopted by the Privy Council. The position of the Privy Council in relation to unincorporated treaties can be seen in the case of *Boyce and Joseph v R*.¹⁴ A case from Barbados before it acceded to the CCJ. The Privy Council adopting the more common law dualist approach held that an unincorporated treaty, the Inter American Convention on Human Rights did not have any direct effect upon the domestic law of Barbados. They did hold however that international law can have a significant influence upon the interpretation of the Constitution because of the well established principle that where law is ambiguous, the courts will so far as possible construe domestic law so as to avoid creating a breach of the State's international obligations.

These judicial decisions can be a window into how the Courts in the countries under study may treat the international obligations of the States to give effect to gender identity. As already been held by the CCJ using international law, expression of a person's gender identity forms a fundamental part of their right to dignity. It follows that the recognition of this gender identity must be given constitutional protection. It is believed that the Privy Council may likewise do the same.

¹⁴ [2005] 1 AC 400

6. EXISTING PROCESSES, GOOD PRACTICES & AVENUES FOR ADVOCACY

EXISTING PROCESSES, GOOD PRACTICES & AVENUES FOR ADVOCACY

In each of the countries under study transgender and non-binary persons have the ability to change their name on their identification documents and to take pictures that accord with their gender identity. As there are no limitations regarding the eligibility of the name (save for names that are considered by the Registrar to be offensive or against public order or being sought for an improper purpose), the name does not necessarily have to correspond, according to normative social standards, with the sex assigned at birth of the person who chooses them. In addition, identification by names that are gender-neutral is valid.

While name-change provisions exist, all three are silent on how they apply to transgender and non-binary persons. In the Caribbean context where significant stigma prevails against transgender and non-binary persons, prejudice, ignorance or misinformation. When there is a discretion by a public official as in Antigua and Barbuda to deny a change of names that is offensive, against public policy or for an improper purpose, it may impose barriers that have a disproportionately negative impact on transgender and non-binary persons. There have however been no reports of transgender or non-binary persons being unable to change their name because the name they chose to identify themselves by does not accord with their assigned sex at birth.

The easiest process of each of the three countries under study to change one's name was Belize where a person is required to complete the Deed Poll renouncing the old name and signing in front a Justice of the Peace and filing it at the Civil Registry. In Antigua and Barbuda, the requirement of a hearing before a Registrar who can refer the matter to a High Court can have the effect of imposing eligibility criteria through this administrative procedure which may pose more of a challenge to transgender and non-binary persons.

This review showed that In the independent Commonwealth Caribbean countries under study, transgender and non-binary people do not have access to legal gender recognition and transgender and non-binary people cannot obtain any official identification documents that reflect their gender identity. Instead, their listed sex and/or gender is based on the individual's sex assigned at birth.

In the three countries under study, laws and judicial decisions emanating from the state do not define gender identity, gender expression or transgender people as a population group that enjoys recognition before the law. Since

definitions of terms such as 'sex', 'gender', 'gender identity' and 'gender expression' can either recognize or limit the universal application of the human rights of transgender and non-binary persons. It is important that advocates ensure that when legislation is passed in their territories, they ensure that definitions in laws and policies of these terms are inclusive of diverse genders, gender identities and expressions, and are based on self-determination.

In order to do so advocates must educate lawmakers, policymakers and judges on this matter so that their decisions reflect these correct understandings. It would be important for advocates to develop, through confidential data collection methods, reports that enable the size and diversity of transgender populations to be measured accurately in each state in order to monitor and address barriers to the full realization of transgender people's human rights. Advocates should share sound, expert data and knowledge with law makers, policy makes and judges. It is to be noted than TransWave Jamaica has produced a study on Gender Recognition in Jamaica, its effects and proposed its own Gender Recognition Bill.

If there are any such laws in the countries under study it is important to ensure that the right to legal gender recognition are accessible, non-discriminatory, consistent across various documents, apply to both new and existing documents, and respect transgender people's dignity and privacy.

While the countries in the region do not specifically recognize the protection of the rights of transgender and non-binary persons in their laws. The courts must apply the overarching human rights principles set out in their constitutions or international law through in their jurisprudence.

An avenue for advocacy is through litigation to ensure that transgender individuals are protected under human rights and anti-discrimination provisions of the Constitution and relevant laws by encouraging courts to including gender, gender identity and gender expression expressly as prohibited grounds for discrimination in cases before them. Similarly, Courts can be encouraged to interpret definitions of terms such as 'sex' in current laws to be inclusive of diverse genders, gender identities and expressions, and are based on self-determination.

In the region, there has been some significant progress in guaranteeing the rights of transgender and non-binary persons particularly through CCJ decisions in *McEwan v AG of Guyana* and so litigation on these issues can result in guaranteeing the right to legal gender recognition through judicial pronouncement.

Antigua and Barbuda



General information

Gained independence: 1 November 1981

Area: 440 km² (170 sq mi)

Population: approx 97,000

Member of OAS: 3rd December 1981

Administrative level: National

Responsible public agency: Civil Registry Department

Name of the practice: Procedure for name change, and capture of the photograph of the personal identification document that may accord with respect to a person's gender expression on identification documents. There is no procedure in the country that allows for the change of sex or the recognition of gender identity for people with non-normative gender identities on identification documents.

Year of beginning of the practice: N/A.

Nature of the procedure: Administrative

Eligibility: Nationals and residents

Background

It is not possible to rectify the sex/gender component in registration and identification documents to accord with one's gender identity.

The Civil Registration (Vital Statistics) Act, 2020 allows any person was born in the State; is a citizen of Antigua and Barbuda; has celebrated a life event in

the State; and has satisfied the requirements of the Act can request the change of their birth names to one of their choice. This procedure is contemplated in Part V of said law, in its section 23-29. This process allows a person to change their name on all their identification documents with the one of their choosing. As there are no limitations regarding the eligibility of the name (save for names that are considered by the Registrar to be offensive or against public order or being sought for an improper purpose), the name does not necessarily have to correspond, according to normative social standards, with the sex assigned at birth of the person who chooses them. In addition, identification by names that are gender-neutral is valid.

Likewise, a person can take a picture for their identification documents. The physical appearance of the person will not necessarily correspond to what is socially expected for a certain "sex", so it should not be an impediment to capturing the image for identification purposes.

Regulatory framework

Civil Registration (Vital Statistics) Act, 2020 Part V (Name Change) sections 23-29

Requirements

Pursuant to sections 23 of the Civil Registration (Vital Statistics) Act, 2020 applicants for the name change procedure must:

- (1) submit an application to the Registrar in prescribed form signed by a Commissioner of Affidavit/Notary public to change his or her birth name. accompanied by (a) evidence of the applicant's current name; and (b) payment of the prescribed fee
- (2) Register hears the application or can refer it to a judge in Chambers
- (3) The Registrar must register a change of name by making an entry about the change of name on the register, the Registrar may note the change in the entry relating to the birth or if the birth of the person whose name has been changed is registered under a corresponding law of another jurisdiction, the Registrar may notify the relevant registering authority of the change of name.

In relation to a child who is born in the State; or domiciled or ordinarily resident in the State the parent of the child may apply to the Registrar in a prescribed form to change the name of the child. The application may be made by one parent if –the intended applicant is the sole parent named in the registration of the child's birth; or proof that the child's other parent has died.If the parents of a child are dead or cannot be found, or for some other reason cannot

exercise their parental responsibilities over the child, the child's guardian may apply to change the name of the child.

Term of the procedure

The time from when an individual goes to Civil Registry to request a name change, until the resolution is issued the time is unknown.

Accessibility

The name rectification can be done at the Registry Department in the capital St Johns. The cost of the name change for an adult is EC \$1,500 and for a minor EC \$500.00.

The procedure can only be done in person at the Civil Registry offices in the capital St John. A parent may, on behalf of a son or daughter who has attained the age of 18 years, submit an application for a change of name of the said son or daughter, but the application must be accompanied by notarised letter of consent given by the child acknowledging that he or she has authorised the parent to make the application and consents to the application being made.

Confidentiality

The Registrar must register a change of name by making an entry about the change of name on the register, the Registrar may note the change in the entry relating to the birth or if the birth of the person whose name has been changed is registered under a corresponding law of another jurisdiction, the Registrar may notify the relevant registering authority of the change of name.

Said entries will be visible in a search of the Registry.

Comprehensiveness

As a result of the change in name a person can change the personal identification documents such as passport, social security, driver's licence, voter registration. The Civil Registry does not rectify these other documents nor does the office inform any authority about the rectification of the name, so the person who triggers the procedure is responsible for updating their identity data in all public and private instances where it deems necessary.

intersectional look

The name rectification procedure is available for people under 18 years of age and for foreigners.

Training: N/A

Participation of civil society: N/A

Note: The information included in this sheet was obtained from three sources:

- (1) Legislation
- (2) The questionnaire on recognition of gender identity and civil registration distributed to the countries of the region with the support of the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (CLARCIEV), and completed by civil society; and
- (3) Interview conducted with representatives of civil society.

Belize



General information

Gained Independence: 21 September 1981

Size: 22,966 km² (8,867 sq mi)

Population: 419,199

Member of OAS: 8th January 1991

Administrative level: National

Responsible public agency: Belize Vital Statistics Unit

Name of the practice: Procedure for name change, and capture of the photograph of the personal identification document that may accord with respect to a person's gender expression on identification documents. There is no procedure in the country that allows for the change of sex or the recognition of gender identity for people with non-normative gender identities on identification documents.

Year of beginning of the practice: N/A.

Nature of the procedure: Administrative

Eligibility: Nationals and residents

Background

It is not possible to rectify the sex/gender component in registration and identification documents to accord with one's gender identity.

A person can effect a name change by virtue of an instrument called a Deed Poll, a legal instrument in which a person renounces and abandon their name and allows an individual to assume a new name and provides documentary evidence of the name change. A Deed Poll can be used to change one's first name, surname, to add names, change the entire name, rearrange the current name, or simply change the spelling of one's name.

This Deed is registered at the General Registry in Deed Book. A certified copy of this Deed Poll allows a person to change their name on all their identification documents with the one of their choosing. As there are no limitations regarding the eligibility of the name (save for names that are considered by the Registrar to be offensive or against public order or being sought for an improper purpose), the name does not necessarily have to correspond, according to normative social standards, with the sex assigned at birth of the person who chooses them. In addition, identification by names that are gender-neutral is valid.

Likewise, a person can take a picture for their identification documents. The physical appearance of the person will not necessarily correspond to what is socially expected for a certain "sex", so it should not be an impediment to capturing the image for identification purposes.

Regulatory framework

General Registry Act, Chapter 327

Requirements

Applicants for a change of name prepare a Deed Poll in perscribed form renouncing and abandoning their name and declaring that they shall from then on in all records, deeds, documents, other writing, transactions and in proceedings subscribe to the new name. This must be witnessed and singed by a Justice of Peace.

File the Deed Poll with the Vital Statistics Unit in Belize City after paying the prescribed fee. The Deed Poll must be accompanied by two original birth certificate and valid identification (Passport/Social Security Card).

Upon filing, the document will be stamped and entered into the Registry of Deeds.

Term of the procedure

From the time the person goes to Civil Registry to request a name change, until the resolution is issued where the change is made is approximately two weeks. If the expedited procedure is taken the process takes three to four days.

Accessibility

The name rectification can be done at the Registry Department in Belize City. The cost of the name change is \$23.00 BZE/11.50USD for the normal procedure and takes two weeks or \$72BZE/36 USD for the expedited procedure to receive the name change in 3-4 days.

The procedure can only be done in person at the Vital Statistics Unit offices in Belize City.

Confidentiality

The Registrar must register the Deed Poll on the Register of Deeds.

Entries on the Registry of Deeds will be visible in a search of the Registry.

Comprehensiveness

As a result of the change in name, a person can change the personal identification documents such as passport, social security, driver's licence, voter registration. The Civil Registry does not rectify these other documents nor does the office inform any authority about the rectification of the name, so the person who triggers the procedure is responsible for updating their identity data in all public and private instances where it deems necessary.

intersectional look

The name rectification procedure is available for people under 18 years of age and for foreigners.

Training: N/A

Participation of civil society: N/A

Note: The information included in this sheet was obtained from three sources:

- (1) Legislation
- (2) The questionnaire on recognition of gender identity and civil registration distributed to the countries of the region with the support of the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (CLARCIEV), and completed by civil society; and
- (3) Interview conducted with representatives of civil society.

JAMAICA



General information

Gained Independence: 6 August 1962

Size: 10,991 km² (4,244 sq mi)

Population: 2,726,667

Member of OAS: 7th August 1961

Administrative level: National

Responsible public agency: Registrar General's Department

Name of the practice: Procedure for name change, and capture of the photograph of the personal identification document that may accord with respect to a person's gender expression on identification documents. There is no procedure in the country that allows for the change of sex or the recognition of gender identity for people with non-normative gender identities on identification documents.

Year of beginning of the practice: N/A.

Nature of the procedure: Administrative

Eligibility: Nationals and residents

Background

It is not possible to rectify the sex/gender component in registration and identification documents to accord with one's gender identity.

A person can effect a name change by virtue of an instrument called a Deed Poll, a legal instrument in which a person renounces and abandon their name and allows an individual to assume a new name and provides documentary evidence of the name change. A Deed Poll can be used to change one's first

name, surname, to add names, change the entire name, rearrange the current name, or simply change the spelling of one's name.

This Deed is registered at the Register of Deeds under the Records Office Act. A certified copy of this Deed Poll allows a person to change their name on all their identification documents with the one of their choosing. As there are no limitations regarding the eligibility of the name (save for names that are considered by the Registrar to be offensive or against public order or being sought for an improper purpose), the name does not necessarily have to correspond, according to normative social standards, with the sex assigned at birth of the person who chooses them. In addition, identification by names that are gender-neutral is valid.

Likewise, a person can take a picture for their identification documents. The physical appearance of the person will not necessarily correspond to what is socially expected for a certain "sex", so it should not be an impediment to capturing the image for identification purposes.

Regulatory framework

The Records Office Act, 1879

Requirements

Applicants for a change of name must first get a certified copy of your birth certificate. They must take that certified copy to the Registrar General Department to prepare a Deed Poll renouncing and abandoning their name and declaring that they shall from then on in all records, deeds, documents, other writing, transactions and in proceedings subscribe to the new name. The person will take the document and then go sign the Deed Poll with their new name in the presence of a Justice of the Peace.

The person will then take that signed document to the Stamp Duty and Transfer Tax Department to be legally stamped by a government agent. That stamped document will then be taken to the Registrar General Department for recording;

That document will be recorded in the Register of Deeds and a person will then receive a certified document recording the name change, with their birth certificated attached.

Term of the procedure

From the time the person goes to Civil Registry to request a name change, until the resolution is issued where the change is made it is approximately thirty days as part of the normal process. It can be done in seven to ten days in an expedited process or three to four days in an express process.

Accessibility

The name rectification can be done at the Registry Department in Jamaica.

The cost of the name change is J\$4500/USD\$30 for express (3 to 4 days); J\$3000/USD\$20 for expedited (7 to 10 days); and Ordinary is J\$2000/USD\$13.00 (30 days). Any additional documents accompanying the birth and marriage certificates for the recording process, incurs a cost of J\$500/USD\$3.50 each.

The procedure can be done in person at the Registrar General's Department in the cities Kingston and Montego Bay or can also be completed by an attorney on a person's behalf.

.

Confidentiality

The Registrar must register the Deed Poll on the Records of Deeds.

Entries on the Registry of Deeds will be visible in a search of the Registry.

Comprehensiveness

As a result of the change in name, a person can change the personal identification documents such as passport, social security, driver's licence, voter registration. The Civil Registry does not rectify these other documents nor does the office inform any authority about the rectification of the name, so the person who triggers the procedure is responsible for updating their identity data in all public and private instances where it deems necessary.

intersectional look

The name rectification procedure is available for people under 18 years of age and for foreigners.

Training: N/A

Participation of civil society:

- Note: The information included in this sheet was obtained from three sources:
- (1) Legislation
 - (2) The questionnaire on recognition of gender identity and civil registration distributed to the countries of the region with the support of the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics (CLARCIEV), and completed by civil society; and
 - (3) Interview conducted with representatives of civil society.

Civil society organizations including TransWave Jamaica have worked on the presentation of draft gender identity bills.

