

## Cross-dressing in Guyana

February 2009

### 7 Transgender women were arrested

Anthony Bess, Fraser, Joshua Peters, Persaud, Mc Ewan, Clarke, and Leon Conway were arrested for wearing women's clothing. According to a February 10, 2009 article in the SN, Bess, Fraser, Peters and Persaud pleaded guilty, and Mc Ewan, Clarke and Conway pleaded not guilty to the charge.

see:

<https://www.kaieteurnewsonline.com/2010/02/26/cross-dressing-in-guyana-is-the-supreme-court-courageous/>



## CCJ hears arguments in challenge to cross dressing law

### Caribbean Court of Justice Hearing

Within the English speaking Caribbean countries it has being a major challenge for persons who belong to the LGBT community. Laws that where handed down to the Caribbean by the rulers who once ruled the territory continues to be one of the chains that bond subsections of the population.

In 2009 there were 7 Transwomen who were charge with cross dressing as per the laws of Guyana. The litigants challenged the matter in 2010 and got a ruling by the then acting Chief Justice Ian Chang that both men and women were free to cross-dress in public once the reason for doing so was not for an "improper purpose" once it is done for Gender Expression. Acting Chancellor of Guyana's Judiciary, Justice Carl Singh, acting Chief Justice Yonette Edwards-Cummings and Justice Brassington Reynolds upheld the ruling of former acting Chief Justice Ian Chang. The definition for the "improper purpose" was not clear and was left to the discretion of the magistrates to decide what an "improper purpose" is. In June 2018, FOUR Guyanese Trans-women have asked that country's final appellate court, the Caribbean Court of Justice, to strike down an 1893 post-slavery vagrancy provision which led to their convictions in 2009.



*Seon Clarke, Quincy McEwan, Joseph Fraser and Seyon Persaud*

The CCJ heard arguments from the lawyers representing the litigants and lawyers representing the Government of Guyana.

Through their attorney Douglas Mendes SC, the group is arguing, among other things, that the cross-dressing law violates equality provisions in the Constitution and the right to freedom of expression.

However, attorney Kamal Ramkarran one of the attorneys representing the state, argued that the term, by its very nature, is not capable of definition and must remain broad.

He argues that it is within every adjudicator of the court to decipher "in the specific context, what is for an improper purpose."

Their contention, too, has been that the law contravenes the prohibition of discrimination and the guarantees of equality and freedom of expression, under Articles 149 and 146 of the Constitution.

Mendes argued that while it is no offence for a man to dress in a different (female) attire once it is not for an improper purpose, and vice versa, the law seems to target men, especially the category to which his clients subscribe and identify themselves. He noted there has never been charges instituted against women who dress like men.

Having heard the arguments, the court announced that it will consider the appeal and notices will be sent informing both sides as to when the ruling will be delivered.

## The law teacher and the litigant



Law lecturer Tracy Robinson addresses a forum on "administrative violence" at City Hall, Port of Spain last week.

He plops his knapsack down on the conveyor belt of the metal detector, and the polyester-pantsed woman guarding the entrance to the Caribbean Court of Justice lectures the young man: he must not drop it down so, but rest it down gently.

No, it is not the laptop inside that is her concern; it is her metal detector. It is such a familiar portrait; a small illustration of the thing we are there to litigate.

We are there, over 20 of us, for the final appellate hearing of a case that has largely gone unheralded as the first constitutional challenge to unfair Caribbean laws against LGBTI people. From Belize, Jamaica, Maryland and, of course, Guyana. University lecturers, a social worker, activists, unemployed people, NGO workers. The law student with the heavy bag.

The story the case is trying to tell about history is that of how we made the Caribbean—out of laws that control people in small ways, that seem archaic and petty like how to put down a knapsack, but do far more harm.

[See source link](#)

## Contact Us

Company Name

Guyana Trans United

Street Address

102 Thomas ST, Kitty

City, ST Zip Code

Georgetown, Guyana 00000

Phone

231-4703

Email

guyanatransunitedco@yahoo.com

## Source

<https://www.stabroeknews.com/2018/news/guyana/06/30/cj-hears-arguments-in-challenge-to-cross-dressing-law/>

<https://newsday.co.tt/2018/06/28/ccj-reserves-ruling-in-guyanese-transgender-appeal/>

<https://newsday.co.tt/2018/06/30/the-law-teacher-and-the-litigant/>