



HUMAN  
RIGHTS  
WATCH

# “I Have to Leave to Be Me”

Discriminatory Laws against LGBT People in the Eastern Caribbean



# **“I Have to Leave to Be Me”**

**Discriminatory Laws against LGBT People in the  
Eastern Caribbean**

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## Discriminatory Laws against LGBT People in the Eastern Caribbean

Glossary.....	i
Map .....	iv
Summary .....	1
<b>Key Recommendations</b> .....	<b>5</b>
To the Governments of Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines .....	5
To the Offices of the Ombudsman .....	6
To the Organization of Eastern Caribbean States .....	6
To the Commonwealth Secretariat.....	6
<b>Methodology</b> .....	<b>8</b>
<b>I. Background</b> .....	<b>9</b>
National Legislation: Buggery and Gross Indecency Laws in Small Island States in the Eastern Caribbean .....	9
International Law.....	13
LGBT Activism and Recent Developments in the Region .....	18
<b>II. Findings</b> .....	<b>28</b>
Social Context: A Climate of Homophobia .....	28
Exclusion from Family .....	28
Exclusion from Church .....	34
Bullying and Exclusion from School .....	37
<b>III. Harassment and Discrimination</b> .....	<b>39</b>
Physical Violence, Assaults, and Intimidation .....	39
Verbal Abuse and Harassment .....	45
Inappropriate Police Response .....	47
Emotional and Psychological Abuse: Lack of Mental Health Support .....	50

<b>IV. International Human Rights Law .....</b>	<b>55</b>
Non-Discrimination.....	56
Right to Privacy.....	57
Right to Protection against Violence.....	58
Economic and Social Rights .....	59
<b>Recommendations.....</b>	<b>61</b>
To the Government of Antigua and Barbuda .....	61
To the Government of Barbados .....	65
To the Government of Dominica .....	69
To the Government of Grenada.....	73
To the Government of St. Kitts and Nevis.....	77
To the Government of St. Lucia.....	81
To the Government of St. Vincent and the Grenadines .....	85
To the Organization of Eastern Caribbean States .....	89
To the Commonwealth Secretariat.....	89
<b>Acknowledgments.....</b>	<b>90</b>
<b>Appendix I: Antigua and Barbuda .....</b>	<b>91</b>
<b>Appendix II: Barbados .....</b>	<b>94</b>
<b>Appendix III: Dominica .....</b>	<b>96</b>
<b>Appendix IV: Grenada.....</b>	<b>98</b>
<b>Appendix V: St. Kitts and Nevis.....</b>	<b>100</b>
<b>Appendix VI: St. Lucia.....</b>	<b>102</b>
<b>Appendix VII: St. Vincent and the Grenadines .....</b>	<b>105</b>

## Glossary

<b>Biological sex</b>	The biological classification of bodies as female or male based on such factors as external sex organs, internal sexual and reproductive organs, hormones, and chromosomes.
<b>Bisexual</b>	The sexual orientation of a person who is sexually and romantically attracted to both women and men.
<b>Closeted/ being in the closet</b>	A person who does not acknowledge their sexual orientation to others. People may be completely in the closet (not admitting their sexual orientation to anyone), completely out, or somewhere in between.
<b>Gay</b>	A synonym for homosexual in many parts of the world; in this report, used specifically to refer to the sexual orientation of a man whose primary sexual and romantic attraction is towards other men.
<b>Gender</b>	The social and cultural codes (as opposed to biological sex) used to distinguish between what a society considers "masculine" or "feminine" conduct.
<b>Gender-based violence</b>	Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices based on gender. The term originally described violence against women but is now widely understood to include violence targeting women, transgender persons, and men because of how they experience and express their genders and sexualities.

<b>Gender identity</b>	A person’s internal, deeply felt sense of being female or male, both, or something other than female and male.
<b>Gender expression</b>	The external characteristics and behaviors (including such attributes as dress, appearance, mannerisms, speech patterns, and social behavior) that are regarded as typically “masculine” or “feminine” in a particular social context.
<b>Heterosexual</b>	The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the other sex.
<b>Homophobia</b>	Fear and contempt of homosexuals, usually based on negative stereotypes of homosexuality.
<b>Homosexual</b>	The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.
<b>Intersex</b>	A person born with reproductive or sexual anatomy that does not seem to fit the typical definitions of “female” or “male.”
<b>Lesbian</b>	The sexual orientation of a woman whose primary sexual and romantic attraction is toward other women.
<b>LGBT</b>	An acronym for lesbian, gay, bisexual, and transgender; sometimes referred to as “sexual and gender minorities.” In this report, the term LGBT is generally used to refer to individuals who self-identify as either lesbian, gay, bisexual, or transgender.
<b>LGBTI</b>	Lesbian, gay, bisexual, transgender, and intersex.
<b>Men who have sex with men (MSM)</b>	Men who have sex with men but who do not necessarily identify as “gay,” “homosexual,” or “bisexual.”

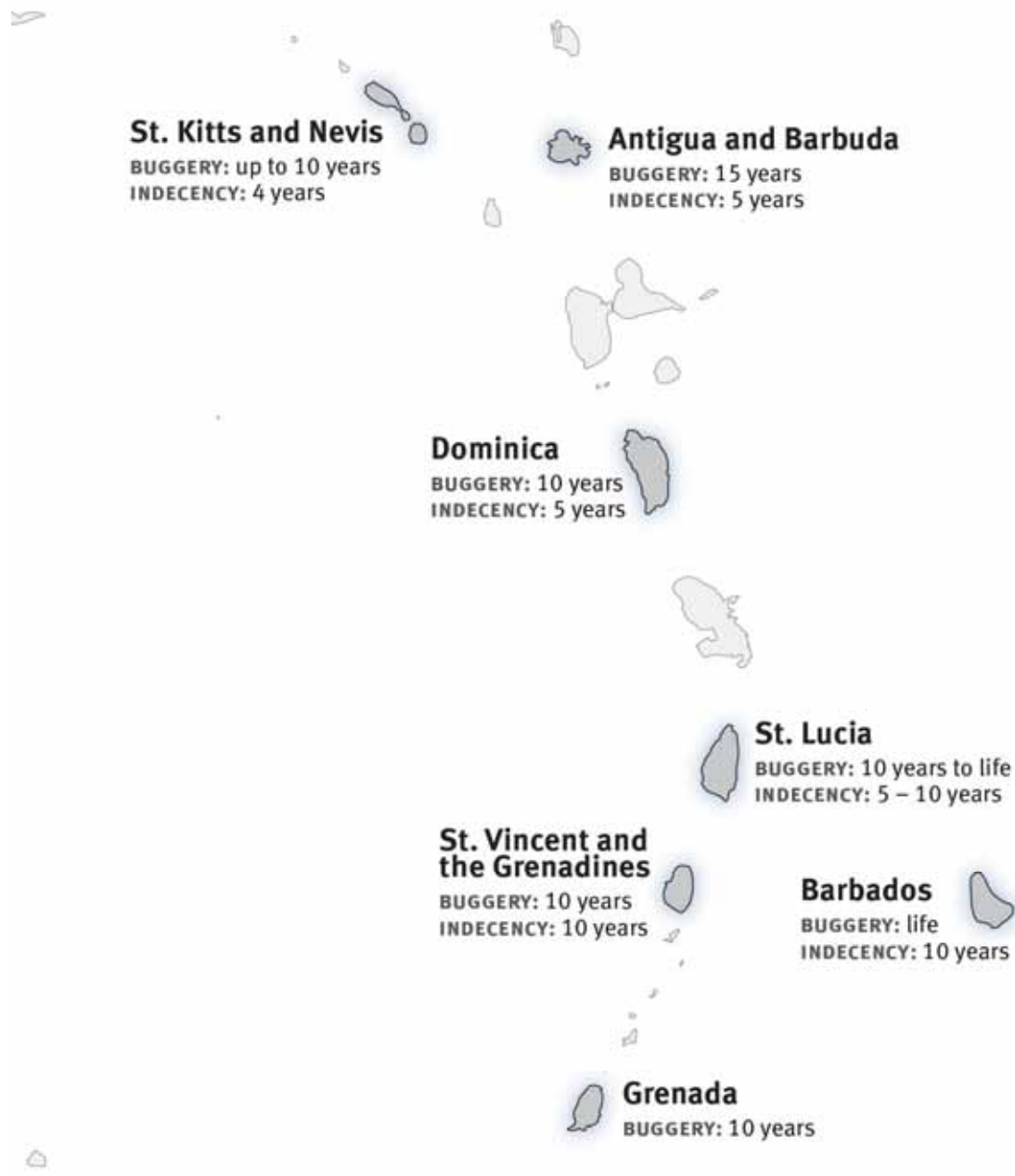
<b>Out</b>	A person who is open about their sexual orientation or gender identity.
<b>To be outed</b>	When a person’s sexual orientation is revealed either deliberately or inadvertently, with or without consent.
<b>Sexual and gender minorities</b>	An all-inclusive term that includes people who identify as lesbian, gay, bisexual or transgender, men who have sex with men, and women who have sex with women.
<b>Sexual orientation</b>	The way a person’s sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same sex, a different sex, or both.
<b>Transgender (also trans)</b>	The gender identity of people whose sex assigned at birth does not conform to their identified or lived gender.
<b>Transphobia</b>	Fear of, contempt of, or discrimination against transgender persons, usually based on negative stereotypes.

A note on Caribbean slang: The following common pejorative terms that refer to men who have sex with men appear in the report: antiman, battyman, batty bwoy, buggerer, buller, bullerman, chichiman, fish, shemale.



# Map

## Prison Sentences for Adults Convicted under Buggery and Gross Indecency Laws



## Summary

Every day I fear for my safety living in this country because of my sexual orientation. I am alive but if anyone ever find out and wanted to find out, they can kill me ...I am an easy target for anything.

—Peter, Dominica, February 21, 2017

The majority believes: “absolutely, kill them before they reproduce.” The average man would think to kill, they probably won’t do it because it is murder.

—Michaela, Grenada, February 21, 2017

The main fear is the fear of disclosure. The fear of being found out. They would lose the favor of their family. They may be displaced in church. People would lose respect for them in their work spaces. They have a whole lot to lose.

—Stella, retired nurse from Antigua, February 9, 2017

This report focuses on the experiences of lesbian, gay, bisexual, and transgender (LGBT) people in small island states of the Eastern Caribbean. It demonstrates, through individual testimony, how existing discriminatory legislation negatively impacts LGBT populations, making them ready victims of discrimination, violence, and abuse. The report includes seven Eastern Caribbean countries: Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. Populations in these countries range from 54,000 in St. Kitts and Nevis to 285,000 in Barbados.

All seven countries have versions of buggery and gross indecency laws, relics of British colonialism, that prohibit same-sex conduct between consenting persons. The laws have broad latitude, are vaguely worded, and serve to legitimize discrimination and hostility towards LGBT people in the Eastern Caribbean. They are rarely enforced by way of criminal prosecutions but all share one common trait: by singling out, in a discriminatory manner, a vulnerable social group they give social and legal sanction for discrimination, violence, stigma, and prejudice against LGBT individuals.

The English-speaking Caribbean is an outlier in the region. The fact that buggery and gross indecency laws are still on the books there is in stark contrast with recent developments in Latin America where states including Bolivia, Chile, Ecuador, Mexico, and Uruguay have been progressive in enacting non-discrimination policies and anti-bias legislation. Latin American countries, including Argentina, Brazil, and Chile have taken an international lead advocating for the rights of LGBT people at the United Nations. Several, including Costa Rica, Mexico, and Uruguay, are members of the Core Group of LGBT friendly states at the United Nations and of the Equal Rights Coalition, a group currently composed of 33 states committed to the rights of LGBT people.

All countries featured in this report are members of the Organization of American States and the Caribbean Community (CARICOM). Except for Barbados, all also belong to the Organization of Eastern Caribbean States (OECS). CARICOM and the OECS seek regional integration through economic cooperation and shared administrative functions.

Activists and civil society organizations have been at the forefront of efforts to advance the rights of LGBT people in the region, including by challenging discriminatory laws and exposing human rights violations. In some countries, activists have participated in LGBT awareness training for law enforcement agents. In others, civil society groups have challenged discriminatory legislation including by petitioning the Inter-American Commission on Human Rights (IACHR). Regionally groups have participated in strategic litigation initiatives.

In the Eastern Caribbean, family and church are cornerstones of social life. The fear of harassment, rejection, stigmatization, and even physical violence begins in the home and translates to key social spaces, including church and school. Interviewees said that they were afraid to come out in their typically close-knit communities, where social networks are tight and information travels fast. They also face the risk of being ostracized by their own families.

All interviewees described having been harassed by family at some point in their lives because they are LGBT or merely suspected to be. Fear of isolation has led many LGBT people to live in the closet, and prompted some to enter heterosexual marriages. Some report being thrown out of their home or cut off from financial support. Many have

experienced homelessness and life at the margins of society, rendering them vulnerable to violence and ill health.

The church plays an especially important role in social welfare, communal life, socialization, and in shaping social attitudes and moral ethics. The appendices to this report include comparative information about religious affiliations on each island. Many interviewees said that family rejection was often couched in moralistic terms, echoed in local church rhetoric.

Discrimination and stigma against LGBT people seeps into everyday activities, whether it be availing oneself of services such as health care, school, or riding a bus, or social activities such as going to the movies or shopping. Ordinary social encounters can be menacing. Some LGBT individuals described changing their lifestyle and behaviors to avoid contact with hostile members of their family, church, or community, while others described having to endure physical attacks. Some people opted to socialize only with a few trusted friends in the safety of their homes.

Verbal abuse and harassment can quickly escalate into physical assault. Testimonies show that LGBT people are vulnerable to abuse and attacks by neighbors and acquaintances. Interviewees described being stabbed, struck, pelted with bottles and bricks, beaten, slapped, choked and, in one instance, chased with a harpoon. Transwomen are particularly vulnerable to attacks by their partners, as well as strangers.

Discriminatory laws, including buggery and gross indecency laws, inhibit LGBT people from reporting abuse, and strengthen the hand of abusers. Many of those interviewed by Human Rights Watch explained that they did not trust the police enough to report incidents of abuse against them. Those that did described negative experiences, including inefficiency, inaction, and antipathy. The normalization of violence against LGBT people results in the continued marginalization and exclusion of LGBT people from the most basic protections of the law.

Verbal and physical abuse can also have serious long-term consequences by instilling in LGBT people feelings of fear, shame, and isolation, and lowering their self-esteem. Interviewees said they often experienced depression, suicidal thoughts, and self-inflicted harm. Support systems that exist in an increasing number of countries where same sex

relations are not or are no longer criminalized do not exist in these seven countries. As a result, LGBT people tend to fall through the cracks, as neither government agencies nor civil society organizations have developed services that can fully address their health or psychosocial needs.

The difficult and extreme nature of the experiences endured by LGBT individuals has led many to consider fleeing their countries. As one interviewee put it “when push came to shove” relocating became a desirable and sometimes the only alternative. One interviewee conveyed the general sentiment by stating: “I have to leave to be me.”

International law protects LGBT persons by prohibiting discrimination on the basis of sexual orientation. International human rights law establishes that matters of sexual orientation and gender identity, including consensual sexual relations, are protected under the rubric of the right to privacy and the right to be protected against arbitrary and unlawful interference with, or attacks on, one’s private and family life and one’s reputation or dignity. Criminalizing same-sex intimacy violates these international obligations.

Countries featured in this report have ratified international and regional treaties that require them to protect human rights without discrimination based on sexual orientation and gender identity. The details of exactly which treaty each country has signed onto vary, and are included in the appendices.

Eliminating laws that discriminate based on sexual orientation is a human rights obligation. Living up to this obligation could go a long way toward freeing part of the Eastern Caribbean population from violence and fear, while affirming human rights and dignity.

## Key Recommendations

### To the Governments of Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines

- Repeal all laws that criminalize consensual sexual activity among persons of the same sex.
- Ensure that criminal laws and other legal provisions are not used to punish consensual sexual activity among persons of the same sex.
- Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
- Consistent with the principle of non-discrimination, ensure that an equal age of consent applies to both same-sex and different-sex sexual activity.
- Pass comprehensive anti-discrimination legislation that prohibits discrimination, including on grounds of gender identity and sexual orientation, and includes effective measures to identify, prevent, and respond to such discrimination.
- Introduce and implement a gender recognition procedure in accordance with international standards and good practices to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants' identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.
- Conduct awareness-raising campaigns for the general public, journalists, and public officials, including law enforcement officials and medical professionals, that promote tolerance and respect for diversity, including gender expression, gender identity, and sexual orientation.

## To the Offices of the Ombudsman

- Establish confidential means whereby LGBT individuals can report abuse, publicize how individuals can report abuse without fear of reprisal, and investigate all such reports.
- Develop plans and allocate adequate resources to ensure systematic documentation and monitoring of human rights violations of LGBT people, including through collection of accurate data on acts of violence and discrimination due to real or perceived sexual orientation or gender identity.
- Act as a source of human rights information for the government and the public to raise awareness of the human rights impact of buggery and gross indecency laws.

## To the Organization of Eastern Caribbean States

- Acknowledge the impact that current laws have on the lives of LGBT people in member states by denouncing and condemning the provisions criminalizing consensual sexual activity among adult people of the same sex, such as buggery laws and serious or gross indecency laws.
- Begin to address LGBT issues head on, in an open and constructive way, by encouraging member states to decriminalize same-sex sexual relationships, and in the meantime, to issue a de facto moratorium to prevent the application of existing laws that criminalize same-sex sexual relationships.
- Offer support to politicians and religious leaders in member states to engage with civil society organizations in the region to work on reviewing, updating, amending, and creating laws on social protection for LGBT vulnerable youth.
- Recognize the role of LGBT organizations as platforms for advancement of human rights in Member States by engaging in dialogue and consultation with them in areas of health, education, and employment protections for LGBT people.

## To the Commonwealth Secretariat

- Consistent with the 1971 Singapore Declaration of Commonwealth Principles, which affirms “the liberty of the individual,” “equal rights for all citizens,” and “guarantees for personal freedom,” condemn and call for the removal of all

remaining British colonial laws that criminalize consensual sexual activity among people of the same sex.

- Promote the decriminalization of consensual, homosexual conduct.
- Develop models for gender-neutral legislation on rape and sexual abuse and for the protection of children.
- Integrate issues of sexual orientation and gender identity into all human rights educational and training activities, including the Commonwealth Human Rights Training Programme for police.



## Methodology

This report is based on field research conducted by Human Rights Watch over a four-week period in the countries of Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines in February 2017, as well as prior and subsequent desk-based research. Interviews took place in the capital cities of the islands: St. John's, Bridgetown, Roseau, St. George's, Castries, Kingstown, and Basetterre.

Human Rights Watch researchers interviewed 41 self-identifying LGBT people between the ages of 17 and 53. The interviewees were identified primarily through the Eastern Caribbean Alliance (ECADE) and local LGBT organization networks. Most interviews were conducted individually and in English. Human Rights Watch conducted only one group interview with seven gay men in Kingstown, St. Vincent and the Grenadines. We spoke to people in a variety of settings, including their homes, bus stations, the LGBT group's office in the capital city of each country, and the homes of their friends.

All persons interviewed provided verbal informed consent to participate and were assured that they could end the interview at any time or decline to answer any questions. Interviewees have been given pseudonyms and in some cases other identifying information has been withheld to protect their privacy and safety. No one was compensated for their participation. In some cases, funds were provided to cover travel expenses. The interviewees were mostly economically disadvantaged young adults.

# I. Background

## National Legislation: Buggery and Gross Indecency Laws in Small Island States in the Eastern Caribbean

All seven states covered by this report criminalize same-sex intimacy between consenting persons. Most of the laws use the terms “buggery” or “gross indecency,” though some outlaw “unnatural connexion” or sodomy. For simplicity’s sake, this report uses “buggery laws” and “gross indecency laws” as shorthands for the laws in all seven jurisdictions.

The reasons for selecting the targeted countries are twofold. First, they are neighboring countries that influence one another and that, as part of regional systems such as CARICOM and OECS, share an overarching judicial review system. Second, as small island states, they are often overlooked.

Buggery and gross indecency laws are seldom enforced against consenting persons. And the specific legal provisions vary from country to country. But they share one common trait: they all give social and legal sanction for discrimination, violence, stigma, and prejudice against lesbian, gay, bisexual, and transgender (LGBT) individuals.

Buggery and gross indecency laws are a residue of British colonialism. They are vaguely worded and enacted with broad latitude. They help create a context in which hostility and violence directed against LGBT people is legitimized, operating as an effective tool to ostracize and single out a vulnerable sector of the population.

In the seven countries covered in this report there is no consistent definition of “buggery” or the penalties imposed. Antigua and Barbuda and Dominica define buggery as “anal intercourse by a male person with a male person or by a male person with a female person.”<sup>1</sup> Most countries, including Barbados, St. Lucia and St. Vincent and the Grenadines, leave it undefined, specifying only the prison terms to be imposed.<sup>2</sup> St. Kitts and Nevis criminalizes “sodomy and bestiality” and defines the term by referencing “the

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<sup>1</sup> Antigua and Barbuda, Sexual Offences Act of 1995 (Act. No. 9), Article 12. Dominica, Sexual Offences Act 1998, sec. 16.

<sup>2</sup> Barbados, Sexual Offences Act 1992, Chapter 154, sec. 9. St. Lucia Criminal Code, No. 9 of 2004, sec. 133. St. Vincent and the Grenadines Criminal Code, 1990 sec. 146. See Appendix V. for further detail concerning relevant legislation.

abominable crime of buggery, committed either with mankind or with any animal.”<sup>3</sup> Grenada has the most open-ended provision, criminalizing “unnatural connexion,” which is undefined and has been interpreted in past case law to include consensual anal intercourse between same-sex persons.<sup>4</sup> Barbados has the most severe punishment: life imprisonment.<sup>5</sup> Dominica grants courts the power to order that “the convicted person be admitted to a psychiatric hospital for treatment” and St. Kitts and Nevis allows courts to add “hard labor” in the final judicial decision.<sup>6</sup>

Buggery laws do not distinguish between consensual and non-consensual sex. And rape laws in four of the seven island nations featured in this report define rape narrowly as non-consensual penile-vaginal sex. This means that existing rape laws fail to protect people against non-consensual anal or oral sex. There is a gap in the law to protect people both male and female from forced sex, both anal and oral. This is sometimes used as flawed rationale to retain the “buggery laws.” For example, in 2016 Prime Minister Stuart of Barbados claimed that buggery laws are exclusively aimed at non-consensual sex. He said: “The law of buggery has to do with abuse, where A abuses B without his consent... I want you to just equate in your own mind, buggery with rape. Rape is the offence committed against in a heterosexual relationship and buggery is the offence committed in a same-sex relationship. At the kernel of both is the absence of consent and therefore a protesting

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<sup>3</sup> Offences Against the Person Act 1986, ch. 4.21, sec.56, “Sodomy and Bestiality” (“Any person who is convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned for a term not exceeding ten years, with or without hard labour”). See Appendix V for further detail concerning relevant legislation.

<sup>4</sup> In the 156th Period of Sessions of the IACHR, civil society organizations from Grenada informed the commission that in the last five years there were three cases in which persons were charged with ‘unnatural connexion’ involving individuals engaging in consensual intercourse with same-sex partners. See “Informe sobre el 156 Período de Sesiones de la CIDH”, *Comisión Interamericana de Derechos Humanos (CIDH), Prensa, Comunicados, 2015, 120A*, December 24, 2015, <http://www.oas.org/es/cidh/prensa/comunicados/2015/120a.asp> (Spanish) (accessed September 26, 2017). Video of the hearing is available at: <https://www.youtube.com/watch?v=OlUouJF8x9k>. In May 2011 a 41-year-old man was arrested under the country’s anti-gay laws. See ‘Man Arrested for Gay Sex in Grenada’, *The Advocate*, May 26, 2011, <https://www.advocate.com/news/daily-news/2011/05/26/man-arrested-gay-sex-grenada> (accessed September 26, 2017).

<sup>5</sup> Sexual Offences Act 1992, Chapter 154, sec. 9 (“Any person who commits buggery is guilty of an offence and is liable on conviction on indictment to imprisonment for life”).

<sup>6</sup> Dominica, Sexual Offences Act 1998, sec. 16 (“(1) A person who commits buggery is guilty of an offence and liable on conviction to imprisonment for – (a) twenty-five years, if committed by an adult on a minor; (b) ten years, if committed by an adult on another adult; (c) or five years, if committed by a minor; and, if the Court thinks it fit, the Court may order that the convicted person be admitted to a psychiatric hospital for treatment.”). St. Kitts and Nevis, Offences Against the Person Act 1986, ch. 4.21, sec.57, “Sodomy and Bestiality” (“Any person who attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, commits a misdemeanor, and, on conviction, shall be liable to be imprisoned for a term not exceeding four years, with or without hard labor”).

party who wants to ensure that he or she gets justice through the courts.”<sup>7</sup> This is not the case. Buggery laws draw no distinction between consensual and non-consensual sex, and do not require lack of consent, as noted by Elwood Watts, principal Crown counsel in a buggery case in Barbados.<sup>8</sup>

Indeed, the buggery laws of all seven countries analyzed in this report are silent on consent, thus encroaching on the rights to non-discrimination and the right to privacy of individuals engaging in consensual same sex activity. Indeed, the broad wording of the laws and the way they are interpreted by police, courts, and the public means that consensual sex between members of the same sex is, according to the law, akin to rape.<sup>9</sup> What is needed is a gender-neutral rape law, and a repeal of the buggery laws.

The “gross indecency” provision was introduced in British Law in 1885 to cover all acts of sexual intimacy between men short of anal intercourse.<sup>10</sup> Gross indecency was not defined, but left to court interpretation. Similarly, in the states included in this report, the act of “gross indecency” or in some instances “serious indecency,” is defined in broad terms, if at all. For example, Antigua and Barbuda, Dominica, and St. Lucia define gross or serious indecency as: “any act other than sexual intercourse by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.” The vague wording of the law means that LGBT persons are susceptible to arrest and prosecution for a wide range of sexual acts.

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<sup>7</sup> “What does Barbados’ prime minister have to say about the country’s harsh buggery laws?,” *Daily Extra*, April 19, 2017, <https://www.dailyxtra.com/what-does-barbados-prime-minister-have-to-say-about-the-countrys-harsh-buggery-laws-73370> (accessed September 26, 2017).

<sup>8</sup> *Ibid.*

<sup>9</sup> “Battleground Barbados: LGBT activists face off against North American homophobes in the Caribbean,” *Daily Extra*, Apr 13, 2017, <https://www.dailyxtra.com/battleground-barbados-lgbt-activists-face-off-against-north-american-homophobes-in-the-caribbean-73349> (accessed September 26, 2017). (“*Speaking on the phone from Barbados, Shari Inniss-Grant and Stefan Newton, both directors at Equals Barbados, an LGBT-rights group, say they’re disappointed, though not surprised, by the prime minister’s stance on buggery. ‘It’s clearly understood around the world, in the Commonwealth and particularly in Barbados, as something that’s criminalizing homosexuality,’ Inniss-Grant says. ‘And it has the effect of stigmatizing individuals who are queer and really promoting discrimination against them.’*”).

<sup>10</sup> Human Rights Watch, *This Alien Legacy: The Origins of “Sodomy” Laws in British Colonialism* (Human Rights Watch, 2008), <https://www.hrw.org/report/2008/12/17/alien-legacy/origins-sodomy-laws-british-colonialism>, p. 20.

## Buggery Laws and Gross Indecency Laws in the “Commonwealth Caribbean”

by Westmin R. A. James<sup>11</sup>

### *The Origin*

The “Commonwealth Caribbean” refers to those states in the Caribbean Sea and in Central and South America that were British colonies. The independent states in the Commonwealth Caribbean include Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago. It also refers to “British Overseas Territories” (territories that have chosen to remain subordinate to Great Britain rather than becoming formally independent) in the Caribbean and North Atlantic: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat and Turks and Caicos Islands.

Anti-sodomy laws were a colonial import imposed on the colonies by the British rulers as there was no pre-existing culture or tradition in the Caribbean that required the punishment of consensual same-sex sexual conduct. The first recorded mentions of “sodomy” in English law date back to two medieval treatises called Fleta and Britton.<sup>12</sup> The texts prescribed that sodomites, together with sorcerers, Jews and renegades, should be burnt alive. In the 16th century, a statute of 1533 provided for the crime of sodomy punishable by death. Although this statute was repealed during the reign of Mary I, it was re-enacted by Parliament in the reign of Elizabeth I in 1563, and the statutory offence, so expressed, survived in England in substance until 1861. The Offences Against the Person Act 1861 included the offence of “buggery,” dropping the death penalty for a prison term of (10) years to life.

The movement for codification of the criminal law, particularly in the British colonies, gathered pace in the early 19<sup>th</sup> century when Thomas Macaulay was given the mandate to devise law for the Indian colony. The Indian Penal Code was the first comprehensive codified criminal law produced anywhere in the British Empire. In 1870, R.S. Wright, an English barrister, was asked by the Colonial Office to draft a criminal code for Jamaica, which could serve as a model for all of the colonies. Wright’s Code was not adopted by Jamaica but it was brought into force in

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<sup>11</sup> Westmin R.A. James is a lecturer in Constitutional and Commonwealth Caribbean Human Rights Law at the University of the West Indies, Cave Hill Campus, and litigation specialist with the University of the West Indies Rights Advocacy Project (U-Rap). “Buggery Laws and Gross Indecency Laws in the ‘Commonwealth Caribbean’” is an original piece by Westmin R.A. James, written for this report.

<sup>12</sup> Human Rights Watch, *This Alien Legacy: The Origins of “Sodomy” Laws in British Colonialism*, December 2008, <https://www.hrw.org/report/2008/12/17/alien-legacy/origins-sodomy-laws-british-colonialism>, p 13.

Belize (at the time, British Honduras) and later Tobago.<sup>13</sup> Thereafter the buggery law was instituted by the British colonial administration in Jamaica and other Caribbean states in the British Commonwealth in a manner similar to the 1861 British Offences Against the Persons Act.

“Homosexuality” is not a crime in the Caribbean but laws criminalize same-sex conduct. Even though colonies in the Caribbean adopted British laws outlawing same-sex intimacy, they vary in language, the types of acts prohibited, and the punishments imposed. Whatever the various incarnations they are often referred to as “sodomy” or “buggery” laws. Many times buggery and sodomy are used interchangeably.

Laws criminalizing consensual adult same-sex sexual conduct currently exist in 10 independent countries in the English-speaking Caribbean. Antigua and Barbuda, Barbados, Dominica, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines have the crime of ‘*buggery*.’ In 2000, the UK issued an order repealing sodomy laws in its Overseas Territories of Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat, and the Turks and Caicos islands in order to comply with its obligations as a Council of Europe member. After a 2016 successful constitutional challenge the High Court of Belize Supreme Court modified the law in Belize so it no longer applies to consensual sexual acts between persons in private.<sup>14</sup>

### *Savings Law Clauses*

Barbados presents an added complication to any challenge to these laws. There is a provision in the Constitution of Barbados that prevents the courts from declaring these pieces of legislation criminalizing same-sex intimacy from being in breach of the human rights provisions in the Constitution. This prohibition applies to all laws passed before the Constitution of which the buggery law is one (Belize also had a savings law clause but with a limited life span of five years, which has since expired).

## International Law

The English-speaking Caribbean is an outlier in the region. The continued existence of buggery and gross indecency laws there is in stark contrast with recent developments in Latin America where states including Argentina, Brazil, Chile, Mexico, and Uruguay have made rapid advances in family law, as well as in non-discrimination and anti-bias legislation.

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<sup>13</sup> M.L. Friedland, “R. S. Wright’s Model Criminal Code: A Forgotten Chapter in the History of the Criminal Law,” *Oxford J Legal Studies* (1981) 1 (3), 307-346.

<sup>14</sup> *Caleb Orozco v AG of Belize*, Claim No. 668 of 2010, Supreme Court of Belize, August 10, 2016.

In recent years, states including Argentina, Brazil, Colombia, and Uruguay have opted for same-sex marriage; Argentina and Bolivia have passed legal gender recognition legislation; Chile, Bolivia, and Uruguay have enacted anti-discrimination laws; and El Salvador and Peru have enacted hate-crime laws. Examples of legal measures that have been taken to address violence and discrimination include: in 2012 Argentina became the first state to pass a gender recognition law based entirely on self-identification<sup>15</sup>; in 2010 Brazil enacted the National Human Rights Action Plan (NHRAP), which stipulates specific measures and objectives to address violence and discrimination based on sexual orientation and gender identity<sup>16</sup>; similarly, in 2014 Mexico established specific teams and units to ensure that homophobic and transphobic hate crimes are investigated and prosecuted to the full extent of the law, and law enforcement officials have been trained accordingly<sup>17</sup>; and in 2016 Uruguay took several measures to address employment discrimination and create job opportunities for marginalized trans people, including a specific call for trans candidates for vacancies at the Ministry of Social Development and within the “Uruguay Trabaja” programme.<sup>18</sup>

Internationally, Latin American states have played a proactive role in protecting people from discrimination and violence based on sexual orientation or gender identity.<sup>19</sup> Several Latin American states, including Argentina, Brazil and Chile are members of the Core Group of LGBT friendly states.<sup>20</sup> The Equal Rights Coalition, a network of states aiming to advance the human rights of LGBT people, was founded in Uruguay in 2016, and includes Argentina, Chile, Costa Rica, Ecuador, Honduras, Mexico and Uruguay as members.<sup>21</sup>

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<sup>15</sup> Office of the United Nations High Commissioner for Human Rights, "Living Free and Equal," 2016, <http://www.ohchr.org/Documents/Publications/LivingFreeAndEqual.pdf>, p. 47.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Non-discrimination policies and anti-bias legislation in Latin America include: Bolivia: [http://www.embajadadebolivia.com.ar/m\\_documentos/img-documentos/ley-contra-racismo.pdf](http://www.embajadadebolivia.com.ar/m_documentos/img-documentos/ley-contra-racismo.pdf); Chile: <http://www.movilh.cl/legislation-laws-rules-and-proyectos/>; Ecuador: <http://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>; Mexico: <http://www.gob.mx/stps/articulos/stps-comprometida-con-la-lucha-por-la-igualdad-laboral-y-la-no-discriminacion>; Uruguay: <https://legislativo.parlamento.gub.uy/temporales/leytemp7481791.htm>

<sup>20</sup> The United Nations LGBTI Core Group (the Core Group) is a cross regional group of UN member states that includes Argentina, Australia, Brazil, Chile, Colombia, Costa Rica, Croatia, El Salvador, France, Germany, Israel, Japan, Montenegro, The Netherlands, Mexico, New Zealand, Norway, Spain, the United Kingdom, the United States, Uruguay, the European Union, and Albania (as an observer), as well as the Office of the UN High Commissioner for Human Rights, and the nongovernmental organizations Human Rights Watch and Outright Action International.

<sup>21</sup> Members of the coalition at the time of writing were: Uruguay (founder), The Netherlands (founder), Argentina, Austria, Belgium, Canada, Chile, Costa Rica, Czech Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Honduras, Italy, Mexico, Montenegro, New Zealand, Norway, Portugal, Serbia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom, and the United States. Created in July of 2016 conclusion of the Global LGBTI Human Rights Conference in

In recent years, Latin American states have been at the forefront of enhancing protection for LGBT people at the United Nations. The Human Rights Council has adopted three resolutions that reflect the commitment and consistent support of Latin American countries on issues relating to sexual orientation and gender identity. In 2011, a South African led resolution passed by the Human Rights Council, commissioned a global study on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity.<sup>22</sup> A follow up resolution in 2014 calling for a report on best practices for countering discrimination was introduced by Brazil, Chile, Colombia, and Uruguay.<sup>23</sup> A resolution in 2016 led to the appointment of an Independent Expert on Sexual Orientation and Gender Identity. Seven Latin American states<sup>24</sup>—Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Uruguay—and 41 additional countries jointly presented the text.<sup>25</sup>

The Organization of American States (OAS) and the Inter-American Commission on Human Rights (IACHR) have also taken steps to address human rights violations perpetrated against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in the Americas. All countries covered in this report are members of the OAS. Between 2008 and 2013 the OAS General Assembly approved six resolutions acknowledging and condemning discrimination and acts of violence against members of the LGBTI community, calling on member states, as well as the IACHR and other bodies to take appropriate measures to address the problem.

In its 2015 report "Violence against LGBTI people in America,"<sup>26</sup> the IACHR highlighted that laws criminalizing consensual sex between same-sex persons are incompatible with the principles of equality and non-discrimination. It also underscored the relationship

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Montevideo, Uruguay, the coalition seeks to strengthen cooperation in advancing LGBTI rights including by sharing best practices. Civil society advocates are not direct members of the group but are involved as part of the group's founding mandate.

<sup>22</sup> "Human rights, sexual orientation and gender identity" Human Rights Council resolution, (adopted June 17, 2011), A/HRC/RES/17/19,; <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/148/76/PDF/G1114876.pdf?OpenElement> (accessed September 26, 2017). Argentina, Brazil, Chile, Ecuador, Mexico, and Uruguay were among the Human Rights Council members voting in favor of the initiative.

<sup>23</sup> "Human rights, sexual orientation and gender identity," Human Rights Council resolution, adopted September 26, 2014, A/HRC/RES/27/32, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/27/32](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/27/32) (accessed September 26, 2017).

<sup>24</sup> "UN makes history on sexual orientation, gender identity", Human Rights Watch news release, June 30, 2016, <https://www.hrw.org/news/2016/06/30/un-makes-history-sexual-orientation-gender-identity>.

<sup>25</sup> "Protection against violence and discrimination based on sexual orientation and gender identity," Human Rights Council resolution, adopted June 30, 2016, A/HRC/RES/32/2, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/HRC/RES/32/2](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/RES/32/2) (accessed September 26, 2017).

<sup>26</sup> Inter-American Commission on Human Rights. "Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas," 2015, <http://www.oas.org/en/iachr/reports/pdfs/violenceigbtipersons.pdf>.



between these discriminatory laws and high rates of violence and discrimination against LGBT people. The IACHR has noted that several states including Barbados, Dominica, and St. Kitts and Nevis, featured in this report, have rejected UN Universal Periodic Review recommendations to decriminalize same-sex acts,<sup>27</sup> citing religious opposition (particularly from evangelical churches<sup>28</sup>) as well as cultural and societal opposition.<sup>29</sup>

Caribbean states have taken steps to increase economic cooperation and regional integration through the Caribbean Community (CARICOM) and the Organization of Eastern Caribbean States (OECS). In 1973, the Treaty of Chaguaramas established the Caribbean Community including CARICOM. And in 1981 the Treaty of Baseterre establishing the OECS economic union. In addition to economic integration, the OECS aims to increase human rights protections. All states covered in this report, with the exception of Barbados, are members of the OECS.<sup>30</sup>

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<sup>27</sup> *Ibid.*, p. 55. See also, Report of the Working Group on the Universal Periodic Review: Barbados, Addendum, A/HRC/10/73/Add.1, March 16, 2009, recommendation 77.17 (France, Canada, Slovenia, Czech Republic, Chile, Sweden), recommendation 77.18 (Canada); Report of the Working Group on the Universal Periodic Review: Barbados, A/HRC/10/73, January 9, 2009, para. 74; Report of the Working Group on the Universal Periodic Review: Dominica, A/HRC/27/9, June 26, 2014, para. 22; Report of the Working Group on the Universal Periodic Review: Saint Kitts and Nevis, A/HRC/17/12, March 15, 2011, para. 14; Report of the Working Group on the Universal Periodic Review: Saint Vincent and the Grenadines, Addendum, A/HRC/18/15/Add.1, September 22, 2011, para. 23; Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda, A/HRC/19/5, December 14, 2011, para. 35.

<sup>28</sup> Inter-American Commission on Human Rights. “Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas”. 2015, p. 55: A number of countries have made reference to religious considerations. For example, Barbados indicated that it is “a heavily religious society and has a tremendous lobby in terms of the church, including activist evangelists, who have their own views on this issue.” See report of the Working Group on the Universal Periodic Review: Barbados, A/HRC/10/73, January 9, 2009, para. 74.

<sup>29</sup> Inter-American Commission on Human Rights. “Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas,” 2015. p. 55: Human Rights Committee, Information received from Barbados on the implementation of the concluding observations of the Human Rights Committee, CCPR/C/BRB/CO/3/Add.1, June 2, 2009, para. 11; Report of the Working Group on the Universal Periodic Review: Barbados, A/HRC/23/11, March 12, 2013, para. 22; Report of the Working Group on the Universal Periodic Review: Saint Kitts and Nevis, A/HRC/17/12, March 15, 2011, para. 14; Report of the Working Group on the Universal Periodic Review: Saint Vincent and the Grenadines, Addendum, A/HRC/18/15/Add.1, September 22, 2011, para. 23. See also, IACHR, Press Release No. 79/13, “IACHR Expresses Concern about Mob Attacks, Police Abuse and other Forms of Violence against LGBTI Persons,” October 24, 2013.

<sup>30</sup> See website of the OECS, <http://www.oecs.org/homepage/member-states> (accessed June 13, 2017).

Table 1 – States covered in this report and their membership of CARICOM and OECS systems

CARICOM - CSME (Common Single Market and Economy)	OECS (Organization of Eastern Caribbean States)
Antigua and Barbuda	Antigua and Barbuda
Barbados	Dominica
Dominica	Grenada
Grenada	St. Kitts and Nevis
St. Kitts and Nevis	St. Lucia
St. Lucia	St. Vincent and the Grenadines
St. Vincent and the Grenadines	

CARICOM & Organization of Eastern Caribbean States		
	CARICOM	OECS
Created	Treaty of Chaguaramas 4 July 1973  • Revised Treaty of Chaguaramas 2001	Treaty of Baseterre (6/18/1981)
Member States	Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname	Anguilla, Antigua and Barbuda, British Virgin Islands, Dominica, Grenada, Montserrat, Martinique, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines
Total Population Encompassed	17,775,192	1,049,374

Judicial review by supra-national entities, including the Caribbean Court of Justice (CCJ) and the Eastern Caribbean Court, are integral to the sustainability of both regional systems. The Judicial Committee of the Privy Council (JCPC) retains jurisdiction for certain countries of the commonwealth.<sup>31</sup> The Caribbean Court of Justice (CCJ) has original jurisdiction in all matters related to the interpretation of the Treaty of Chaguaramas. It also exercises appellate jurisdiction for commonwealth countries in civil and criminal matters who no longer accept the Judicial Committee of the Privy Council (JCPC) as their appellate court. Barbados, Belize, Dominica, and Guyana have replaced the JCPC's appellate jurisdiction with that of the CCJ.<sup>32</sup> Cases from the Eastern Caribbean Supreme Court (ECSC) can be appealed to the Judicial Committee of the Privy Council. The ECSC can only accept cases that have already been considered by the high court of a member state, and thus effectively serves as a supreme court for the OECS.

Appendices I-VII to this report include an overview of country specific legal provisions, treaty ratifications, membership of international organizations, and states' response to recommendations on sexual orientation and gender identity during the Universal Periodic Review (UPR).

## **LGBT Activism and Recent Developments in the Region**

Activists and civil society organizations have been working intensely on the ground to transform the difficult daily reality faced by LGBT individuals.

The Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CariFLAGS) has worked for over 18 years to provide LGBTI people in the Caribbean with safe spaces, support services, and stronger communities. Currently based in Trinidad and Tobago, CariFLAGS is composed of several LGBTI NGOs across the Caribbean, including in St. Lucia, Jamaica, Trinidad and Tobago, the Dominican Republic, Belize, Grenada, Guyana, and Suriname.

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<sup>31</sup> These include: Antigua and Barbuda, The Bahamas, British Indian Ocean Territory, Cook Islands and Niue (Associated States of New Zealand), Grenada, Jamaica, St Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Tuvalu. See "Role The Judicial Committee of the Privy Council", Judicial Committee of the Privy Council, <https://www.jcpc.uk/about/role-of-the-jcpc.html#Commonwealth> (accessed June 13, 2017)

<sup>32</sup> As of 2011, Barbados, Belize, and Guyana had replaced the JCPC's appellate jurisdiction with that of the CCJ. In July, 2014, Dominica's Parliament approved a bill to make the CCJ the final court of appeal and Dominica acceded to CCJ appellate jurisdiction on March 6, 2015. See Caribbean Court of Justice, Overview of the Caribbean Court of Justice, <http://www.caribbeanelections.com/education/integration/ccj.asp> (accessed June 13, 2017).

CariFLAGS has also worked towards policy and cultural change on sexual and gender diversity in the Caribbean. CariFLAGS has as its main stated purpose to: “build a regional LGBTI movement in the Caribbean by strengthening local leadership and organizations, developing shared strategies for social change, coordinating challenges on LGBT rights issues in the courts, addressing underserved needs and groups, and supporting safe environments at the community level.”<sup>33</sup>

Another civil society group active in the region is the Eastern Caribbean Alliance for Diversity and Equality (ECADE), an umbrella body for human rights groups within the small countries of the Eastern Caribbean, such as Antigua and Barbuda, Barbados, Dominica, Grenada, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, and Saint Martin. It serves as a regional hub for the coordination of trainings, strategy meetings, and thematic conferences.<sup>34</sup>

Local and international LGBT organizations have partnered to facilitate LGBTI sensitivity training in the past few years for national police forces in Antigua and Barbuda, Barbados, Grenada, St. Lucia, and St. Kitts and Nevis, allowing for a more collaborative relationship with police enforcement officials.<sup>35</sup> For example, the Royal Barbados Police Force embarked on sensitivity training regarding the LGBTI community with the intention of bringing Barbados closer to its international human rights commitments. Police officers from Antigua and Barbuda have worked with civil society groups to reinforce the principles of community policing, human rights, professionalism, ethics, and their practical application to the LGBTI community. Diversity trainings in St. Lucia, sponsored by Aids Free World and United & Strong, have focused on managerial skills and senior officer training, providing them with guiding principles to employ in police interactions.<sup>36</sup> Facilitators have

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<sup>33</sup> See website of CariFLAGS, <http://www.alturi.org/cariflags> (accessed June 13, 2017).

<sup>34</sup> See website of Eastern Caribbean Alliance for Diversity and Equality, <http://www.ecequality.org> (accessed June 13, 2017).

<sup>35</sup> “Cops get LGBTI sensitivity training,” *Barbados Nation News*, March 17, 2017, <http://www.nationnews.com/nationnews/news/94675/cops-lgbti-sensitivity-training>; “Increasing the Visibility of LGBTI People and Their Rights in the Caribbean,” Canadian HIV/AIDS Legal Network, 4 December 2015, <http://www.aidslaw.ca/site/increasing-the-visibility-of-lgbti-people-and-their-rights-in-the-caribbean/?lang=en>; “Grenada is Making Progress on LGBTI Human Rights,” Erasing 76 Crimes, November 9, 2015, <https://76crimes.com/2015/11/09/grenada-is-making-progress-on-lgbti-human-rights/>; “Security personnel participate in LGBT Sensitivity Training,” *St. Kitts and Nevis Vibes*, June 14, 2015, <http://www.sknvibes.com/news/newsdetails.cfm/92250>. “Police Schooled in Sensitivity Training towards Gays,” *St. Lucia Star*, September 2, 2013, <http://stluciarstar.com/police-schooled-in-sensitivity-towards-gays/>.

<sup>36</sup> “Police Schooled in Sensitivity Training towards Gays,” *St. Lucia Star*, September 2, 2013, <http://stluciarstar.com/police-schooled-in-sensitivity-towards-gays/>.

gone to some lengths to avoid disputes about morality and religion by focusing instead on HIV prevention and public health.<sup>37</sup>

Civil society organizations have also used the complaints procedure of the IACHR to tackle the criminalization of same-sex relationships in their home countries. Four years ago, Gareth Henry and Ms Simone Edwards filed a petition with the IACHR challenging Jamaican laws that discriminate against LGBT people. The petitioners allege a number of violations by Jamaica of its legal obligations under the American Convention on Human Rights (ACHR) and the American Declaration on the Rights of Man (Declaration). At the time of writing, the petition was filed and submissions on admissibility by both Parties were finalized, but an admissibility decision by the IACHR was still pending.<sup>38</sup> The civil society organizations GrenChap and Groundation Grenada filed a petition with the IACHR challenging Grenada's "unnatural connexion" law. Grenada failed to appear at the hearing. The IACHR urged Grenada to decriminalize same-sex sexual relationships, and in the meantime to issue a de facto moratorium on application of this legislation.<sup>39</sup>

Local and international civil society organizations and individuals have filed lawsuits as well in their efforts to have discriminatory laws in the Caribbean repealed. In 2015, Jamaican activist Maurice Tomlinson filed a challenge against the governments of Belize and Trinidad and Tobago to overturn laws that on their face seek to prevent gay people from entering their countries. The current immigration laws in Trinidad & Tobago and Belize bar "undesirable" persons from entering—a list that includes homosexuals, prostitutes, and members of other marginalized groups.<sup>40</sup> The Caribbean Court of Justice ultimately dismissed the 'gay travel ban' case, declaring that the laws, while discriminatory in nature, have not been used in practice.<sup>41</sup> Tomlinson has also brought a fresh challenge to

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<sup>37</sup> "Increasing the Visibility of LGBTI People and Their Rights in the Caribbean," Canadian HIV/AIDS Legal Network, 4 December 2015, <http://www.aidslaw.ca/site/increasing-the-visibility-of-lgbti-people-and-their-rights-in-the-caribbean/?lang=en>; "Grenada is Making Progress on LGBTI Human Rights," Erasing 76 Crimes, November 9, 2015, <https://76crimes.com/2015/11/09/grenada-is-making-progress-on-lgbti-human-rights/>

<sup>38</sup> *Gareth Henry v. Jamaica*, see <http://www.humandignitytrust.org/pages/OUR%20WORK/Cases/Jamaica>.

<sup>39</sup> Report on the 156th Period of Sessions of the IACHR (available only in Spanish), December 24, 2015, <http://www.oas.org/es/cidh/prensa/comunicados/2015/120a.asp>. A video of the hearing is available at: <https://www.youtube.com/watch?v=OIUouJF8x9k>.

<sup>40</sup> "Caribbean Court of Justice dismisses gay travel ban case," Daily Extra, June 10, 2016, <http://www.dailyextra.com/world/news-and-ideas/news/caribbean-court-justice-dismisses-gay-travel-ban-case-195178>

<sup>41</sup> "Landmark gay rights case will challenge homophobic laws in Trinidad & Tobago and Belize LGBT activist Maurice Tomlinson takes case to the Caribbean Court of Justice," Independent, March 17, 2015, <http://www.independent.co.uk/news/world/americas/landmark-gay-rights-case-will-challenge-homophobic-laws-in-trinidad-tobago-and-belize-10114462.html>.

Jamaica's anti-buggery law; hearings before the Jamaican Constitutional Court started in February 2016.<sup>42</sup>

In 2016 the Belize Supreme Court in the case of *Caleb Orozco et al v AG of Belize*<sup>43</sup> became the first Commonwealth Caribbean Court to hold that laws that criminalized, inter alia, same-sex intimacy were unconstitutional. The court struck down section 53 of the Criminal Code, which outlawed "carnal intercourse against the order of nature" with punishment of up to 10 years in prison, on the grounds that the law went against the claimant's rights to human dignity, privacy, and freedom of expression. The court declared that the definition of 'sex' in the constitution included 'sexual orientation,' protected by the principles of equality and non-discrimination. The court reduced the scope of section 53 of the Criminal Code by excluding sexual activity taking place in private between consenting adults.

In February 2017, Jason Jones, a gay rights advocate, filed a legal challenge in Trinidad and Tobago against laws criminalizing homosexual conduct.<sup>44</sup> Soon thereafter, he claims to have received over 50 death threats.<sup>45</sup>

Two recent referendums, one in Bahamas and the other in Grenada, addressed the prohibition of discrimination based on sex but were defeated by unfounded fears that they would open the legal path to same-sex marriage.<sup>46</sup>

On January 9, 2018, the Inter-American Court of Human Rights issued Advisory Opinion No. 24[1],<sup>47</sup> in response to a request by the state of Costa Rica, made in May of that same year. In its opinion, the Court advised that state parties to the American Convention should recognize all civil rights for same-sex couples, including the right to civil marriage. The court

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<sup>42</sup> "Maurice Tomlinson calls on Jamaicans to fight anti-gay laws," Daily Extra, December 14, 2015, <http://www.dailyextra.com/world/news-and-ideas/news/maurice-tomlinson-calls-jamaicans-fight-anti-gay-laws-181901>.

<sup>43</sup> *Caleb Orozco v AG of Belize* Claim No. 668 of 2010 (Supreme Court of Belize, 10<sup>th</sup> August, 2016)

<sup>44</sup> "Gay-rights advocate challenges T&T's homosexuality laws," Daily Express, February 23, 2017, <http://www.trinidadexpress.com/20170223/news/gay-rights-advocate-challenges-tts-homosexuality-laws>; "Activist threatened for challenging Trinidad and Tobago sodomy law" Guardian, February 24, 2017, <http://www.guardian.co.tt/news/2017-02-24/gay-activist-challenges-tt's-homophobic-laws>.

<sup>45</sup> "Activist threatened for challenging Trinidad and Tobago sodomy law," Washington Blade, March 14, 2017, <http://www.washingtonblade.com/2017/03/14/activist-threatened-challenging-trinidad-tobago-sodomy-law/>.

<sup>46</sup> See "Same-Sex Marriage Is Already Constitutional," Tribune 242, April 28, 2016, <http://www.tribune242.com/news/2016/apr/28/same-sex-marriage-already-constitutional/>; "No vote dominates in Grenada's constitutional reform referendum," Caricom Today, November 25, 2016, <http://today.caricom.org/2016/11/25/no-vote-dominates-in-grenadas-constitutional-reform-referendum/>.

<sup>47</sup> See: [http://www.corteidh.or.cr/docs/opiniones/seriea\\_24\\_esp.pdf](http://www.corteidh.or.cr/docs/opiniones/seriea_24_esp.pdf)

also advised that states should establish fast, inexpensive and straightforward procedures to ensure legal gender recognition, based solely on the self-perceived identity of a person.

Out of the seven countries considered in this report, only Dominica (1993), Grenada (1978) and Barbados (1982) have ratified the American Convention but neither Grenada nor Dominica recognize the jurisdiction of the Inter-American Court of Human Rights. This means Barbados is the only country which has a treaty obligation to consider the Court's opinion, although the opinion should have resonance for all governments that seek to respect and protect universal human rights and equal norms.

### *Impact on LGBT Individuals*

Buggery and gross or serious indecency laws discriminate against LGBT people and have a negative impact on their lives. A 2008 Human Rights Watch report, "This Alien Legacy: The Origins of 'Sodomy' Laws in British Colonialism," traces the history of sodomy laws in former British colonies. The report outlines the effects of these laws on the lives of people most affected by them:

These laws invade privacy and create inequality. They relegate people to inferior status because of how they look or who they love. They degrade people's dignity by declaring their most intimate feelings "unnatural" or illegal. They can be used to discredit enemies and destroy careers and lives. They promote violence and give it impunity. They hand police and others the power to arrest, blackmail, and abuse. They drive people underground to live in invisibility and fear.<sup>48</sup>

The report also refutes the claim that these laws originate in values traditional in former colonies, or reflect deep seated national interests, showing instead that these "Made in Britain" laws were imposed by colonial authorities informed by racist stereotypes and colonialist fears of native sexuality. Whether the laws are enforced or not, their very existence places LGBT people in a perilous situation of vulnerability, inequality, and second-class status in every aspect of life.<sup>49</sup>

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<sup>48</sup> Ibid., p.5.

<sup>49</sup> In two cases in which the European Court of Human Rights struck down national sodomy laws—*Dudgeon v UK* (Judgment of October 22, 1981, Series A no. 45, para. 41,) and *Norris v Ireland* (Judgment of October 26, 1988, available at

Human Rights Watch has published two reports on Jamaica: *“Hated to Death”* (2004) and *“Not Safe at Home”* (2014). Both document the negative impact of Jamaica’s anti-LGBT laws, including their role in facilitating discrimination, violence, and barriers to health care.

Recent surveys conducted in Barbados and Trinidad and Tobago have indicated a high level of acceptance for the principle of non-discrimination, including on grounds of sexual orientation, coupled with widespread support for the buggery laws. A survey commissioned by the Joint United Nations Programme on HIV and AIDS (UNAIDS) Caribbean Regional Support Team in Trinidad and Tobago revealed that most respondents were opposed to discrimination based on sexual orientation. Of the 1,176 interviews conducted during October 2013, 78 percent of the respondents said it was not acceptable for people to be treated differently based on sexual orientation. Additionally, 56 percent of respondents said they were either accepting or tolerant of homosexuals.<sup>50</sup>

Similarly, a survey in Barbados prepared by the Caribbean Development Research Services Inc. (CADRES), showed that 67 percent of respondents were either tolerant or accepting of homosexuals. Most people surveyed, however, thought the buggery laws should be maintained despite “the absence of a clear appreciation of the reasons for the existence of buggery laws.”<sup>51</sup>

As detailed below and in the following chapter of this report, the continued existence of laws criminalizing LGBT conduct, even if infrequently enforced, creates conditions that facilitate abuses in all seven countries covered here. LGBT residents in the Eastern Caribbean interviewed by Human Rights Watch, described how stigma and discrimination permeate all aspects of life, including health care, education, and even everyday activities like going to movies, shopping, and riding the bus. LGBT individuals said that they were reluctant to report abuses for fear of the laws that prohibit same-sex intimacy.

In the countries included in this report, populations are small and social networks insular. Interviewees said that their close-knit communities made it difficult to come out and find

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<http://hudoc.echr.coe.int/eng?i=001-57547>, para. 38)—the court was clear that although the legislation was not being enforced in either jurisdiction when the cases were brought, the existence of the laws rendered the men potentially liable to prosecution and that “the very existence of this legislation continuously and directly affects [their] private li[ves]...”

<sup>50</sup> “A MANDATE TO ACT, Findings from a Poll on Public Attitudes to Sexual and Reproductive Health, Abuse, Violence and Discrimination,” UNAIDS Caribbean, June 1, 2015, <http://unaids-caribbean.org/sites/default/files/field/image/UNAIDS%20TT%202013%20POLL%20FINAL.pdf>.

<sup>51</sup> “Confusion over buggery law, *Barbados Today*, November 21, 2014. <http://www.barbadostoday.bb/2014/11/21/confusion-over-buggery-laws/> (accessed June 13, 2017).



acceptance. They were afraid of the negative consequences of being identified or perceived as LGBT. According to CARICOM's total population estimates for the 2000-2015 period, the populations of the countries included in this report are: 46,398 in St. Kitts and Nevis, 69,393 Dominica, 90,801 Antigua and Barbuda, 110,566 Grenada, 110,255 St. Vincent and the Grenadines, 172,818 St. Lucia and 274,633 in Barbados.

Many interviewees stressed the importance of discretion. Charles, a 24-year-old gay man from Antigua and Barbuda, told Human Rights Watch he would never be openly affectionate in public with another male. He said: "I would never hold hands [with another man]. You couldn't do that here, because society is just not accepting."<sup>52</sup> Peter, a 20-year-old gay man from Dominica, said "It saddens me that I have to sneak out and meet someone and can't bring anyone home."<sup>53</sup> He said that it was impossible for him to introduce partners to his family, something his heterosexual friends and siblings do at his age. Other interviewees told Human Rights Watch that for discretion and safety they pursued their intimate relationships "off-island," that is with visitors from other islands in the region, or from further afield. Nicholas, 20, expressed his feeling of constant fear and uncertainty: "you are not safe... you have to hide who you are. Otherwise they will get physical, shouting things. If two men were holding hands people would attack them."<sup>54</sup>

A number of popular dancehall songs, many of which originate in Jamaica, contain strong homophobic language and inflammatory lyrics. This music circulates through the islands and is emblematic of the daily stigmatization and denigration of LGBT people. An extreme example is the decades old, but still popular "Bumbo Red," a 1990 hit song by dancehall artist Capleton: "Lick a shot inna a battyman head! Lick a shot inna a lesbian head! All sodomite dem fi dead, all lesbian dem fi dead"<sup>55</sup>. It calls for gay and lesbian people to be shot in the head.

A decade later, many popular dancehall songs reiterated the message to kill and maim lesbians and gay men. For example, in 2000, Elephant Man's "A Nuh Fi Wi Fault,"<sup>56</sup> urged

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<sup>52</sup> Human Rights Watch interview with Charles, Antigua and Barbuda, February 12.

<sup>53</sup> Human Rights Watch interview with Peter, Dominica, February 21, 2017.

<sup>54</sup> Human Rights Watch interview with Nicholas, St. Kitts, February 3, 2017.

<sup>55</sup> "More Songs," post to "Murder Inna Dancehall" (blog), n.d., [http://www.soulrebels.org/dancehall/e\\_songs\\_more.htm](http://www.soulrebels.org/dancehall/e_songs_more.htm) (accessed June 14, 2017).

<sup>56</sup> "A Nuh Fi Wi Fault," Elephant Man, 2000, lyrics available at [http://www.soulrebels.org/dancehall/u\\_lyrics\\_a\\_nuh.htm](http://www.soulrebels.org/dancehall/u_lyrics_a_nuh.htm) (accessed June 14, 2017).

listeners to “When yuh hear a Sodomite get raped/but a fi wi fault/it’s wrong/two women gonna hock up inna bed/that’s two Sodomites dat fi dead” (“When you hear a lesbian getting raped/it’s not our fault/it’s wrong/two women in bed/that’s two sodomites who should be dead”), Beenie Man<sup>57</sup> sings, “I’m dreaming of a new Jamaica, come to execute all the gays,” and Babycham and Bounty Killer’s<sup>58</sup> encourages “Bun a fire pon a kuh pon mister fagoty, ears ah ben up and a wince under agony, poop man fi drown a yawd man philosophy” (“burn gay men ‘til they wince in agony, gay men should drown, that’s the yard man’s philosophy”).<sup>59</sup>

Manage, 35, from St. Vincent and the Grenadines, told Human Rights Watch: “On a daily basis, people see me coming and are very loud calling me ‘Battyman, Faggot, Battyman fi dead’ and using aggressive negative slurs towards me in public. Like in Jamaica, the type of music you listen to, when they talk about gays, the music says ‘kill them.’ Music in St. Vincent is anti-gay.”<sup>60</sup>

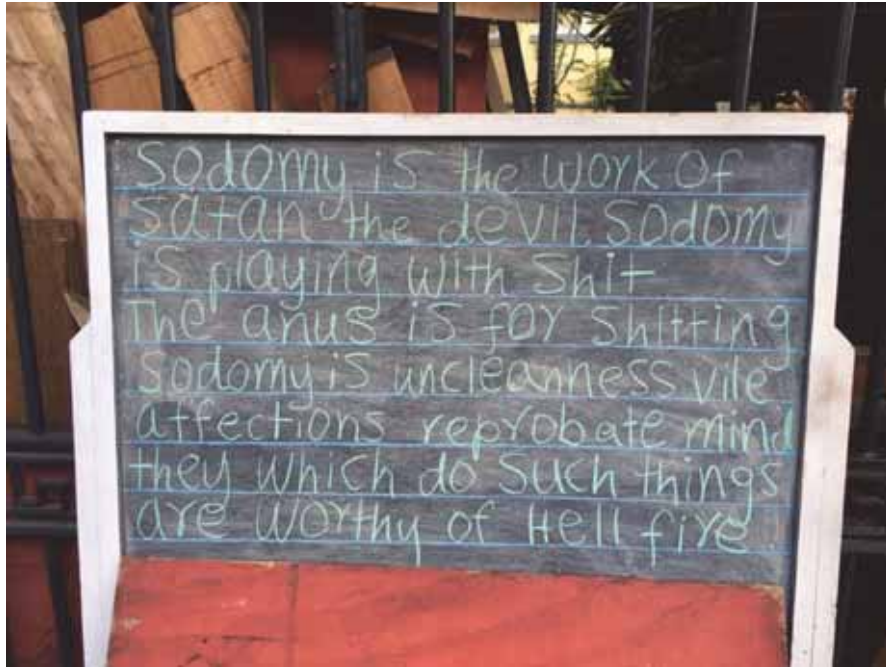
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<sup>57</sup> “Damn!,” Beenie man, 2000, lyrics available at [http://www.soulrebels.org/dancehall/u\\_lyrics\\_damn.htm](http://www.soulrebels.org/dancehall/u_lyrics_damn.htm).

<sup>58</sup> “Another Level,” Babycham and Bounty Killer, 1999, lyrics available at <https://www.stlyrics.com/songs/b/babycham30743/anotherlevelfeatbountykiller2197992.html>

<sup>59</sup> Lyric: “Lick a shot inna a battyman head! Lick a shot inna a lesbian head! All sodomite dem fi dead, all lesbian dem fi dead,” “More Songs,” post to “Murder Inna Dancehall” (blog), n.d., [http://www.soulrebels.org/dancehall/e\\_songs\\_more.htm](http://www.soulrebels.org/dancehall/e_songs_more.htm) (accessed May 22, 2017).

<sup>60</sup> Human Rights Watch interview with Sean from St. Vincent and the Grenadines, interviewed in Antigua and Barbuda, February 11, 2017.



Sign outside the house of an interviewee in St. George's, Grenada, February 15, 2017. The sign reads "Sodomy is the work of Satan the devil. Sodomy is playing with shit. The anus is for shitting. Sodomy is uncleanness vile affections reprobate mind they which do such things are worthy of Hell fire." ©2017 Human Rights Watch

Individuals told Human Rights Watch that discriminatory laws had a negative impact on their daily lives. Peter, a 20-year-old gay man from Dominica, said: "the buggery and gross indecency laws say that we can't be ourselves... These laws allow the negativity towards gay people to exist, the bigotry, [the] law allows people to insult and do anything [to us]."<sup>61</sup>

Florence, a 24-year-old transwoman from Barbados, told Human Rights Watch that the buggery and serious indecency laws "allow people to treat [LGBT] people badly. It steals them into thinking they can get away with it because since the law is 'on their side' they think they are being a 'good' citizen."<sup>62</sup>

Jason, a 40-year-old gay man from Barbados, said:

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<sup>61</sup> Human Rights Watch interview with Peter, Dominica, February 21, 2017.

<sup>62</sup> Human Rights Watch interview with Florence, Barbados, February 12, 2017.

People don't understand how much pressure it is not to be your true authentic self and how that is such a mental strain. To the point where that is so detrimental to you as a person. If you are living where you are constantly scolded and told that you're not good for just being you. And it hinders our education opportunities, and work opportunities and taking part in your community, that to me is a human rights violation. It doesn't have to be physical violence for it to be a human rights violation.<sup>63</sup>

As noted above, one interviewee, a 20-year-old gay man from St. Kitts and Nevis, conveyed the general sentiment about life for LGBT people on the islands when he said: "I have to leave to be me."<sup>64</sup>

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<sup>63</sup> Human Rights Watch interview with Jason, Barbados, February 12, 2017.

<sup>64</sup> Human Rights Watch interview with Nicholas, St. Kitts and Nevis, February 3, 2017.

## II. Findings

### Social Context: A Climate of Homophobia

I don't come out because my work would be jeopardized.

There is a lack of visibility.

— Nicholas, St. Kitts and Nevis, February 3, 2017

I've had coworkers that didn't want me to use certain things. People who didn't want to eat off the same plate, cups...They discriminated against me in my job.

— Augusten, St. Vincent and the Grenadines, February 18, 2017

### Exclusion from Family

In the islands of the Eastern Caribbean, family and church are at the cornerstone of social life. In these tightly-knit communities and interconnected social worlds, the fear of rejection by family and community runs deep.

For LGBT people homophobic messages are often first heard at home, and amplified in key social spaces, such as school and church. This leaves young LGBT people with a fear of harassment, rejection, stigmatization, and even physical violence. As the following testimonies show, those who are known to be gay or lesbian, or merely perceived to be, have a realistic fear of becoming social pariahs, alienated by family and community. LGBT people can find themselves treated as scapegoats, blamed for social woes such as poverty and AIDS.

Interviewees recounted in painful details the rejection they experienced at home, and the harassment, discrimination, and intolerance they suffered from relatives, neighbors, and friends.

All interviewees described having been harassed or rejected by family at some point in their lives because they are LGBT or perceived to be. Fear of isolation led people to go to extraordinary lengths to conceal their sexual orientation, including by entering

heterosexual marriages. Some interviewees reported leaving unbearably hostile home environments. Others were thrown out of home, cut off from family support, and left to fend for themselves. Many experienced homelessness, and lived on the margins of society, vulnerable to rape, violence, and disease.

Those who stayed with their abusive families reported emotional distress as they lived under the shadow of potential rejection and the loss of financial and emotional support.

Coming out was fraught with fear of rejection. Peter, a 20-year-old man from Dominica, now regrets coming out because of the negative reaction from his family. He described his home situation in these terms:

[H]omosexuality in Dominica is taboo, nobody asks about it. Families tend to cover it up. Hiding in Dominica is perfecting the art of acting. Coming out was one of the biggest mistakes I made, if I could turn it back I would... I learn to adapt, I have to put on that fake face.<sup>65</sup>

Florence, a 23-year-old trans woman from Barbados felt compelled to hide her gender identity from her stepfather for fear of being thrown out of her home, although she did confide in her mother:

In the [s]ummer 2010 I confessed to [my] mother that I was attracted to men. My stepdad functioned as dad and was more than extended family. I looked up to him, but his attitudes towards LGBT community let me know that his care to me would be conditional if I told him. He would have kicked me out had I told him anything.<sup>66</sup>

Arthur, an 18-year-old gay man from St. Kitts and Nevis, recalls how his family tried to suppress any expression of effeminacy, from as early as age six:

I was not the most masculine of boys growing up, being called “anti-man” as a result by them....[Whenever] I did something feminine [they would]

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<sup>65</sup> Human Rights Watch interview with Peter, Dominica, February 21, 2017.

<sup>66</sup> Human Rights Watch interview with Florence, Barbados, February 12, 2017.

jump on me...Mother was a very homophobic person, she asked me to change the way I talked and walked, I didn't like it.... She knew [I was gay] and she was in denial [because of] her feeling embarrassed.<sup>67</sup>

A fear of being shamed or losing face led some families to demand that their LGBT children stay in the closet. Those who chose to be out of the closet faced recurrent threats of violence within their homes. Emily, a 24-year-old trans woman from Antigua, said: “I was threatened by my dad – the first time it happened I was a child, really young. The second time, when I was 16, he found out that I was [LGBT] and told me that he would kill me.”<sup>68</sup>

Nicholas, a 20-year-old gay man from St. Kitts and Nevis, said: “I was threatened by my own mother, [she told her sons that] if any of us is “anti-man” she would kill us. She grew up in a homophobic family.”<sup>69</sup>

The fear of being evicted from his family home led Martin, a bisexual 17-year-old man from St. Kitts and Nevis, to stay firmly in the closet. His 12-year-old cross-dressing brother was shunned by family members who refused to talk to him, so Kevin decided it was prudent to keep quiet about his sexual orientation. He was also mindful of the fact that an openly gay friend of his, aged 18, had been beaten up and had bottles thrown at him by family members and villagers.<sup>70</sup>

Ernest, a 20-year-old gay man from Barbados, suffered a traumatic coming out experience which included physical violence from family members. In 2011 he came out to his mother, who shouted: “how could you like men, that’s nasty, you give up that shit, you’re nasty, you’re nasty!”<sup>71</sup> From that day on, she confronted him with passages from the Bible, while encouraging his brothers to beat him. He said:

I think they were trying to beat it out of me, convert me, but this is who I am, I can't change it... They'd keep on coming and beating me... Bajans [Barbadians] use the bible to justify their actions. I would call the police,

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<sup>67</sup> Human Rights Watch interview with Arthur, St. Kitts and Nevis, February 4, 2017.

<sup>68</sup> Human Rights Watch interview with Emily, Antigua and Barbuda, February 9, 2017.

<sup>69</sup> Human Rights Watch interview with Nicholas, St. Kitts and Nevis, Feb. 3, 2017.

<sup>70</sup> Human Rights Watch interview with Martin, St. Kitts and Nevis, February 5, 2017.

<sup>71</sup> Human Rights Watch interview with Ernest, Barbados, February 11, 2017.

but because my mother knew the police at that station, if I called, then she would call them back and then they would not come. I was a voice in the wilderness and nobody's paying me any attention.

On one occasion my three uncles beat me up because of being gay. One was in front, one was on the right and one was on the left, and they beat me until I spat blood. They cut my face in all directions. I called my grandfather and he did nothing.

After that my mother put me out. I was on the street for a night. And when my grandmother heard about it she came for me. I had to sleep on grandmother's floor, she gives me food, but doesn't support me emotionally. I wish to get away from my family. I have to see my uncles - who beat me - and my mother almost every day.<sup>72</sup>

To avoid stigma and humiliation, and in some cases to spare their families from suffering the same, LGBT people told Human Rights Watch that both gay men and lesbian women maintained relationships with the opposite sex, sometimes getting married, while secretly continuing same-sex relationships.

The desire to belong and be accepted by her family led Sophia, a 35-year-old lesbian from Barbados, to get married to a man. She said:

[A]t 19 I met a guy and he liked me, and I thought "my family would appreciate this." I decided to get married to him and our relationship lasted for almost 5 years, and that relationship produced one son, he is 14-years-old now. But I was unhappy. I didn't want to be with him, after 5 years I decided to break it off. My family knew I was unhappy – they would rather have me unhappy with a male than happy with a woman. [They] felt it would ruin their reputation.<sup>73</sup>

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<sup>72</sup> Human Rights Watch interview with Ernest, Barbados, February 11, 2017.

<sup>73</sup> Human Rights Watch interview with Sophia, Barbados, February 12, 2017.



After Sophia’s decision to separate from her husband, he and her family tried to deny her access to her son. A government agency in charge of child protection ultimately rejected their efforts as groundless. She recalls:

My sons’ dad and my father decided to take away my son. They placed my boy in a government agency in charge of promoting and protecting children’s rights. They took my son there and started questioning him about what type of treatment he received from me, and if mom had any friends that were LGBT persons. They took him and he endured that for three months. Ultimately, the agency decided “We can’t remove him from his mom. There are no grounds for us to remove him.” At the time my son was 10 years old.<sup>74</sup>

Her alienated former husband continued to make negative remarks about her, saying to their son things like: “if you knew what your mom was you would never go back to her.”<sup>75</sup>

Eviction and homelessness are a staple in the lives of many LGBT individuals. Human Rights Watch interviewed LGBT people who had been forced to move: kicked out of their homes because of the rejection of their family members, driven from home by community members who threatened to kill them, and in some cases violently attacked and forced to seek asylum abroad.

Alfred, a gay 53-year-old man from St. Vincent and the Grenadines, told Human Rights Watch: My mother put me out of my house at age 15—I wasn’t accepted and I struggled on my own.”<sup>76</sup> He roamed the streets from village to village for most of his teenage years in seek of shelter.

Augusten, a 36-year-old gay man and store clerk from St. Vincent and the Grenadines, told Human Rights Watch: “I was 19 when I started to work for my own dollar, I came out and told my grandmother and my cousins that I was gay. At that time I was actually supporting myself. They called me: ‘buller,’ ‘battyman.’ At age 23 [I started dating men and] let myself

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<sup>74</sup> Human Rights Watch interview with Sophia, Barbados, February 12, 2017.

<sup>75</sup> Human Rights Watch interview with Sophia, Barbados, February 12, 2017.

<sup>76</sup> Human Rights Watch interview with Alfred, St. Vincent and the Grenadines, February 18, 2017.

be and then my uncle and I had a dispute. He forced me to move, he told me to leave on a Wednesday. By Thursday I was out of my grandmother's house.”<sup>77</sup>

James, a 24-year-old bisexual man from St. Vincent and the Grenadines, said that he was shunned by his family, thrown out of his home, and beaten by his brothers, even as he sought shelter with friends. He said: “At age 16, I was kicked out of the house. My brothers would go to my friends' houses and told them that if they see me they would kill me... Black and blue eyes, mainly one of them was doing the bashing, taunting, beating and threatening me. I thought my mother knew [but she played ignorant]. I never spoke about it.”<sup>78</sup>

Thomas, a 34-year-old gay man from St. Lucia, described how his mother wavered between acceptance and rejection, allowing him to stay, and then throwing him out. This left him feeling unstable, insecure, and at times desperate and suicidal:

She keeps accepting me to stay and then she throws me out. I'm homeless right now and there is an apartment right across the street and a lady put me up for a week. I tried to commit suicide, because I am not stable. It's a hard time – I tried hanging myself in a road near town and somebody stopped me, a stranger. I don't feel safe, so I decide to stay inside most of the time.<sup>79</sup>

Alanis, a 23-year-old trans woman from Dominica, told Human Rights Watch about her ongoing experience with homelessness and violence within her home due to her gender identity:

I currently stay with my mom. I was homeless a lot of the times, staying on the streets like any vagrant. I try to cope with it, it hurts. I can't gain employment because of who I am. I got a lot of kicks, jump kicks by my sister, for the simplest things – both my sister and father, always for the

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<sup>77</sup> Human Rights Watch interview with Augusten, St. Vincent and the Grenadines, February 18, 2017.

<sup>78</sup> Human Rights Watch interview with James, St. Vincent and the Grenadines, February 19, 2017.

<sup>79</sup> Human Rights Watch interview with Thomas, St. Lucia, February 25, 2017.

simplest things. In terms of my mom, she fractured my arm and slapped me in the face, because of who I am and expressing who I am accordingly.<sup>80</sup>

Toby, a 38-year-old gay man in St. Lucia, recalled his extreme experience of exclusion and ostracism within the home, which drove him to several suicide attempts:

My father found out [I was gay] when somebody told him. When my mom found out – she didn’t speak to me for two years... I could only use one plate, one spoon, I could not touch anything else, it was like I had some contagious disease, they distanced themselves from me. I spent two years in a house where nobody spoke to me. I had nobody to turn to. I was always alone. I tried to commit suicide five times, for some reason it never worked. I left my house, I couldn’t take it anymore after two years of silent treatment.<sup>81</sup>

Erika, a 23-year-old lesbian from St. Kitts and Nevis, told Human Rights Watch that within her community prejudice runs deep and people openly speculate as to whether her son will be gay because he is being raised by a lesbian. Erika had a traumatic rape experience, compounded by social prejudice. She said people assumed that she had been “turned” lesbian because she was raped by a man. She said: “back home they all think that because I was raped, I am a lesbian; and that I fear men. But personally, that wasn’t it. I was raped. I’m a lesbian. I was like that before. I was always attracted to females.”<sup>82</sup>

## Exclusion from Church

Interviewees invariably referred to their countries as “Christian” nations. Certainly, church communities are at the center of social life and are ubiquitous across the islands. Churches play an important role in communal life and social welfare. And Christian communities are influential agents of socialization, shaping social attitudes, and moral codes. (Appendices I-VI include a detailed breakdown of religious affiliation in each island.)

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<sup>80</sup> Human Rights Watch interview with Alanis, Dominica, February 20, 2017.

<sup>81</sup> Human Rights Watch interview with Toby, St. Lucia, February 25, 2017.

<sup>82</sup> Human Rights Watch interview with Erika from St. Kitts, interviewed in Antigua and Barbuda, February 8, 2017.

Family rejection is often couched in religious terms, leading many interviewees to blame local church rhetoric for the prejudice they encounter within their families and society at large. LGBT people who experienced family rejection on religious grounds said that local pastors reinforced the prejudice that had already alienated them from family members and their communities.

Nicholas, a 20-year-old gay man from St. Kitts and Nevis, reinforced the idea that churches play a significant role in shaping public attitudes towards LGBT people, based on his experience of rejection in his own church community. Nicholas said his church hierarchy perceived him to be too ‘effeminate’ and led pastors to question his ability to take on certain responsibilities in the church choir. He told Human Rights Watch that he received a letter where he was “invited” to take a break from participating in the choir, and soon after taking a trip abroad he was placed on “probation”. Despite his love of the choir, the experience ultimately drove his decision to leave the choir, and the church.

Some individuals have endured extreme situations to stay in their religious communities. Arthur voluntarily submitted to an exorcism ritual conducted by his church pastor in the hope that it would make him straight. His pastor promised to help him “banish the devils” of homosexual desire. It did not work, but Arthur pretended that it did as he was afraid of being outed as gay. He feared being banished from the church “[b]ecause my sexual orientation [did not change after the exorcism]. I could not complain.”<sup>83</sup>

Richard said he avoided participating in certain public activities, including church events, because he is gay. He said: “I was in the church youth. I was very feminine, but I try to hide it...I would just feel strange because of my feminineness.”<sup>84</sup>

Michaela, a 22-year-old artist and lesbian from Grenada, said: “I want the church to do something. The church runs everything. If they become more accepting, like having gay people in the congregation, it would be a step in a better direction.”<sup>85</sup>

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<sup>83</sup> Human Rights Watch interview with Arthur, St. Kitts and Nevis, February 4, 2017.

<sup>84</sup> Human Rights Watch interview with Richard, St. Lucia, February 25, 2017.

<sup>85</sup> Human Rights Watch interview with Michaela, Grenada, February 14, 2017.

In 2017, the archbishop of the West Indies and Anglican bishop of Barbados, Dr. John Holder, spoke out against violence against LGBT people, stating that every human being must be treated equally. He emphasized to believers that an individual's sexual orientation does not deny their status as a child of God.<sup>86</sup>

### **Statement of the Holy See, Delivered at a UN Side Event in December 2009<sup>87</sup>**

In 2009 the Holy See participated in a panel discussion at the UN in New York and delivered the following statement about criminalization of homosexual conduct. The Holy See opposes all grave violations of human rights against homosexual persons and is opposed to discriminatory penal legislation which undermines the inherent dignity of the human person.

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Mr. Moderator,

Thank you for convening this panel discussion and for providing the opportunity to hear some very serious concerns raised this afternoon. My comments are more in the form of a statement rather than a question.

As stated during the debate of the General Assembly last year, the Holy See continues to oppose all grave violations of human rights against homosexual persons, such as the use of the death penalty, torture and other cruel, inhuman and degrading punishment. The Holy See also opposes all forms of violence and unjust discrimination against homosexual persons, including discriminatory penal legislation which undermines the inherent dignity of the human person.

As raised by some of the panellists today, the murder and abuse of homosexual persons are to be confronted on all levels, especially when such violence is perpetrated by the State. While the Holy See's position on the concepts of sexual

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<sup>86</sup> "All Must be Treated Equally," Barbados Advocate, February 17 2017, <https://www.barbadosadvocate.com/news/all-must-be-treated-equally> (accessed May 27, 2017).

<sup>87</sup> See: <https://www.hrw.org/news/2009/12/11/un-landmark-meeting-denounces-rights-abuses-based-sexual-orientation-gender-identity>

orientation and gender identity remains well known, we continue to call on all States and individuals to respect the rights of all persons and to work to promote their inherent dignity and worth.

Thank you, Mr. Moderator.

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The Reverend Philip J. Bené, J.C.D.  
Legal Attaché  
Permanent Observer Mission of the Holy See  
to the United Nations<sup>88</sup>

## Bullying and Exclusion from School

School bullying is ubiquitous and can affect anyone. But LGBT children are particularly vulnerable to bullying. They experience higher levels of victimization and are at greater risk of being bullied at school.

Interviewees recalled multiple types of bullying and harassment that they encountered at school, and the consequences this had for their safety, sense of belonging, and ability to learn. Interviewees said that teachers were ill-equipped to intervene to stop bullying. And in some cases teachers encouraged verbal harassment, or did little to stop it. Some interviewees recalled that teachers themselves made dismissive or derogatory comments about LGBT people, sometimes passing them off as jokes, sometimes being openly disparaging.

Michaela, a 22-year-old artist and lesbian from Grenada, recalled her teacher's unwillingness to stop bullying when she was a 16-year old high school student: "when bullying happens, you tell the teachers and they don't do anything."<sup>89</sup>

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<sup>88</sup> According to the most recently available census data for Dominica (2005 census), Grenada (2001 census), and St. Lucia (2010 census) these three countries, of the seven covered in this report, have the largest Catholic constituencies. See [http://www.dominica.gov.dm/images/dominica\\_statistics\\_at\\_a\\_glance\\_2005.pdf](http://www.dominica.gov.dm/images/dominica_statistics_at_a_glance_2005.pdf);

<http://catalog.ihsn.org/index.php/catalog/4322>;

<http://192.147.231.244:9090/stats/images/OtherPublications/StLuciaPreliminaryCensusReport2010.pdf>

<sup>89</sup> Human Rights Watch interview with Michaela, Grenada, February 14, 2017.

Nicholas, a 20-year-old gay man from St. Kitts and Nevis, found himself and his boyfriend outed on social media when they were both high school students, around age 15. His boyfriend at the time was outed when his picture was circulated on social media. He described his terror as beyond anything he had ever experienced up until then:

When I was still in high school and about 15 years old I was dating this guy even though I was in the closet. I had a profile on social media and someone started outing people. My boyfriend was named in the list. I did not know about it until I went to school the next day. The other boys were laughing, calling me names. I got a call during class from my boyfriend. He explained to me what happened, I got sick. The list had exposed 15 guys as gay before it was taken down.

Thereafter, Nicholas says, he was taunted and aggressively harassed for the remainder of his school days.<sup>90</sup>

Arthur, an 18-year-old gay man from St. Kitts and Nevis, described in poignant detail his feelings of isolation and loneliness as a result of being bullied. He told Human Rights Watch about being severely bullied in his first year of high school. He was terrified of meeting new people and tried his best to pass as straight. He described his fear as so disturbing that after any given school day, he would return home and go over each thing he could do in a more masculine way. Nonetheless, he recalled being taunted and unable to move around the school. In his third year in high school, he came out to two friends who outed him to other classmates. His fell into a depression. “I just wanted someone to talk to,” he said. The constant disdain shown by his classmates impacted his academic performance: “Before a final exam someone made a homophobic remark to me. I got a zero, I didn’t do the exam. The reason why I didn’t do it was because I was literally reflecting on what I did to cause that comment and what I could have done different, and how to change it.”<sup>91</sup>

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<sup>90</sup> Human Rights Watch interview with Nicholas, St. Kitts, February 3, 2017.

<sup>91</sup> Human Rights Watch interview with Arthur, St. Kitts, February 12, 2017.

## III. Harassment and Discrimination

### Physical Violence, Assaults, and Intimidation

Actual physical and sexual violence, or threats thereof, are part of the fabric of everyday life for many LGBT people. Fifteen out of 41 interviewees reported experiencing physical violence, while nine had more than one experience of physical violence.

The threat of violence keeps many people in the closet, afraid of what might happen if their sexual orientation or gender identity is disclosed. Arthur, 18, told Human Rights Watch that his perception of the violence and his fear of being caught up in it “never stops and it happens almost daily.”<sup>92</sup>

In the cases documented by Human Rights Watch, the perpetrators were private actors, including complete strangers, neighbors, acquaintances, or intimate partners, who seemed to think they had the moral authority to target LGBT people, without fear of arrest. Perpetrators of violence against LGBT people do so with impunity because they know that their victims are so afraid of stigma and discrimination that they are unlikely to report to the police. Interviewees said they were reluctant to report incidents due to their perception of police inaction and indifference to the crimes against them. Several said they were ridiculed by police or subjected to inappropriate questioning about their sex lives.

Respondents stated that gay men were more susceptible than lesbians to social rejection and physical violence. Amy, a 29-year-old bisexual female security guard from St. Vincent and the Grenadines, told Human Rights Watch: “violence happens more frequently to the gays. They accept more females than males.” She speculated that lesbians showing affection in public titillated dominant male heterosexual fantasies and that this may explain why lesbians are not targeted as often as gays.<sup>93</sup> Even as she said this, however, she noted that anti-LGBT discrimination can and does fuel violence against both gays and lesbians.

Sexual violence is also an ongoing risk and reporting makes gay men susceptible to ridicule or further questioning by police officers about their sexual orientation, which

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<sup>92</sup> Human Rights Watch interview with Arthur, St. Kitts, February 4, 2017.

<sup>93</sup> Human Rights Watch interview with Amy, St. Vincent and the Grenadines, February 18, 2017.



drives their decision to keep silent about it. Bill, A 31-year-old gay man from Antigua and Barbuda, recalled an episode from 2010 that left him with the impression that he had narrowly escaped being raped by an intruder:

At 3 a.m. a man came into my house with a gun while I was sleeping. I heard my bedroom door open, and at first I thought it was my sister. All I saw in the darkness were his boots, a gun, long sleeves, and a mask. I looked up and there was a gunman over me. I was sleeping naked. He told me not to move, he didn't ask for money. I asked him what was he doing in my house. He replied: "Are you gay?"

I started to get nervous, it was silent for a moment. It took what felt like 60 seconds for him to move the gun away from me and exit my bedroom door.

A year after that I was on a social media dating app where I had my picture up, and someone with a profile with no picture sent me a message that read "I should have taken it from you a year ago." I immediately knew it was the person who broke into my house. The text continued: "When I come back. I won't hurt you, you are a good girl. Why act so nough? [acting better than other people]." I started looking outside, scared that he would be back.<sup>94</sup>

Attacks can happen in the streets, at any hour of the day, including in public spaces and at events, such as carnival. Arthur, an 18-year-old from St. Kitts and Nevis, summed up his daily experiences in one sentence: "[When I am] strolling down the street people start yelling out 'anti-man.' Suddenly, they [begin to] throw bottles at me."<sup>95</sup> Similarly, Toby, a 38-year-old gay man from St. Lucia, told Human Rights Watch that he was pelted with stones in 2015 during carnival celebration. And more recently, in April 2016, he and his partner were attacked as they were entering their home one afternoon: "[I knew] it was motivated by us being gay because the term 'bulla' was used. As we were entering the house, a car pulled out, two persons jumped out....a gun was raised and they tried to pull the trigger, but the

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<sup>94</sup> Human Rights Watch interview with Bill, Antigua and Barbuda, February 8, 2017.

<sup>95</sup> Human Rights Watch interview with Arthur, St. Kitts, February 4, 2017.

trigger did not work. I told my boyfriend to run. They stabbed me, several times, the deepest one was below the navel. My boyfriend was also attacked with stones.”<sup>96</sup>

### Random Violence

Charles, a 24-year-old gay man from Antigua and Barbuda told Human Rights Watch about his first and only experience of physical homophobic violence, an episode that occurred in November 2016.

It was about 7 p.m., he had finished work and was walking home with a friend – a trans woman named Emily. They took a shortcut to the main road where they encountered a man on a bicycle who seemed to be following them. The man rode past them, before turning into an alley where he left his bike. He then walked past Charles and Emily and threatened them along the lines of “Batty-men must die” or “you are close to death” – Charles could not hear precisely. Charles and Emily separated and Charles crossed to the other side of the street, where the man followed him. When the man walked passed him again, this time very close, he felt what he described as a sharp pinch and sting. He soon realized that he was bleeding. He had been stabbed. Afraid, Emily had run away and Charles had fled from his assailant, who began to chase him until Charles finally escaped through some bushes and hid.

Charles tried to call people to tell them what was happening. His mother’s phone was off, but he reached his work supervisor and told her what had happened. He then asked people in the vicinity for help, an ambulance was called, and he spent the next three days in hospital. To this day Charles bears a visible scar, about an inch long on the upper-right-hand side of his body.

Charles described his attacker to police officials and explained that he had never seen him before and had no idea who he was. He has not seen him since, but says he would recognize him if he did. Charles had never seen his attacker before the attack. He provided a full description to the police and told officers that the assailant made homophobic insults before he was stabbed. Police took his statement, and clothes as evidence. He is unsure of the progress of the case. He was told to go to the police station to get more information but had not done so when we spoke with him. <sup>97</sup>

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<sup>96</sup> Human Rights Watch interview with Toby, St. Lucia, February 25, 2017.

<sup>97</sup> Human Rights Watch interview with Charles, Antigua and Barbuda, February 12, 2017.

In many cases violence occurs out of the blue, as was the case with Augusten, a 36-year-old gay man and store clerk from St. Vincent and the Grenadines, who blacked out after being attacked by a stranger in public. He said: “I had several instances where people pelted rocks and coconuts at me. One time I was walking home and a gentleman stopped me and slapped [me] in the face because I was gay. I actually blacked out, he caught me unguarded.”<sup>98</sup>

Homophobia permeates every sphere of life for most gay men. Sean, a 35-year-old from St. Vincent and the Grenadines, said:

In my life, I have been bullied, I have been harassed, maligned, terrorized because I am an openly gay person. So, if I’m somewhere, and a DJ would see me, they would announce it by saying something like “we have a battyman in the house” and put on homophobic music and the people would celebrate and respond to that. One night I was walking home, and there was a group of five guys, one shouted: “Battyman, fi dead” [gays should die] and suddenly they started throwing stones and bricks at me.<sup>99</sup>

Ernest, a 20-year-old gay man from Barbados, said he was violently attacked while swimming:

Last week, on Saturday I decided to go to the water and swim. Two young teenagers, aged 11 and 13, passed along the coast and suddenly I saw rocks coming down from the hill, they literally threw rocks at me. They knew who I was. They are from my neighborhood, it is a close-knit community.<sup>100</sup>

Gay men have routinely sought asylum on grounds of the homophobic violence experienced in their home country. Gabriel, a 36-year-old gay man from St. Lucia, sought and was granted asylum in Canada. He told Human Rights Watch: “In late 2009 when I was living in Castries, I could have ended up dead. Because I’m gay it would be swept under

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<sup>98</sup> Human Rights Watch interview with Augusten, St. Vincent and the Grenadines, February 18, 2017.

<sup>99</sup> Human Rights Watch interview with Sean from St. Vincent and the Grenadines, interviewed in Antigua and Barbuda, February 11, 2017.

<sup>100</sup> Human Rights Watch interview with Ernest, Barbados, February 11, 2017.

the rug.”<sup>101</sup> Two interviewees asked Human Rights Watch researchers how they could flee their country and seek asylum in a safer environment.

Michaela, a 22-year-old artist and lesbian from Grenada, told Human Rights Watch that the violence she experienced was perpetrated by complete strangers. She recalled an episode when she went on a beach swimming date with a girlfriend in July 2016. She told Human Rights Watch that they only hugged twice when a man appeared with a harpoon and chased them. She did not report the incident to the police, because in her view: “the police would have the same reaction, except they have guns.”<sup>102</sup>

She also described a similar incident that took place a few months later while spending an afternoon on the beach with her girlfriend. They were confronted by a team of construction workers. Michaela said: “They saw two girls too close and they began shaking the fence that divided the beach and the construction site while yelling “Stop your nastiness! Don’t do that to her! We don’t do this in our country!”<sup>103</sup> The men threatened the two women with a solid plank of wood.

Florence, 24-year-old a trans woman from Barbados, recounted how in mid-April 2016 she had taken a 5-minute walk from her house to a local store at about 9 p.m. to buy dinner when she was attacked by a group of men nearby. She said: “I heard a group yelling “bunfire pun battyman” [set her on fire]. It’s picked up from Jamaican dancehall and made its way here.”

Verbal assaults soon escalated to violence. As she recalls:

I’m walking, I don’t hear the group, which is strange because they always shout. But I hear a smash. Then I hear another smash, and I see a glass bottle skittling by me. And so I turn, and another glass bottle just missed my face, and I scream at them and start heading home. I keep watching the group. They threw bottles, all of them beer bottles, one broke right in front of my feet. Then I picked up a bottle and threw it back at them. They said

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<sup>101</sup> Human Rights Watch interview with Gabriel, St. Lucia, February 24, 2017.

<sup>102</sup> Human Rights Watch interview with Michaela, Dominica, February 21, 2017.

<sup>103</sup> Human Rights Watch interview with Michaela, Dominica, February 21, 2017.

nothing. As soon as I turned around, I [saw] they were throwing stones, too. They were about the size of my fist.

She took refuge with a neighbor who had two dogs for protection, and called the police. They arrived about an hour later and interviewed the young men who were then giggling among themselves. She identified one of the perpetrators who denied that he was involved.

“He told the officer: “It can’t be me, they gotta be mistaken.” In the end, the officers gave them a warning, and said ‘don’t bother her again.’”<sup>104</sup>

It is not only random strangers who perpetrate violence against LGBT people. Transgender women report being particularly vulnerable to intimate partner violence. Emily, a 24-year-old trans woman from Antigua and Barbuda, told Human Rights Watch about her first encounter with a suitor:

He made me take my clothes off and suddenly he started to shout “You bein’ a battyman—I am not gay don’t mess with me!” as he threatened me and told me he was not into “hanky-panky.” I only had my jeans and handbag but no shirt and no bra. I started to run up the road to get away until I couldn’t see him and met up with another trans woman friend of mine. It was a really horrible experience. I thought it would be easy, it is not.<sup>105</sup>

Isabella, a 20-year-old trans woman from Barbados, told Human Rights Watch about an incident in January 2016 when she was struck in her face with a bottle, after an altercation with people from her village. She was hospitalized. She said:

It happened very close [to] the police station. Once I went into the police station for help, I was received by an officer who said “do not let your blood on this desk” [but] he wrote the report for me to take to the hospital. In the hospital, I waited for three hours, gushing blood. Eventually a nurse came

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<sup>104</sup> Human Rights Watch interview with Florence, Barbados, February 12, 2017.

<sup>105</sup> Human Rights Watch interview with Emily, Antigua and Barbuda, February 8, 2017.

and wiped my face, the blood had hardened, she cleaned me up, and sent me off.<sup>106</sup>

Alanis, a 23-year-old a trans woman from Dominica, recalled a series of violent attacks on her between 2009 and 2017. These included several physical attacks which led to head injuries on three occasions. The most extreme form of violence that she experienced was being choked on the street by a stranger after a verbal altercation.<sup>107</sup>

## Verbal Abuse and Harassment

Almost all interviewees reported being routinely ridiculed, harassed, threatened, and verbally abused based on their real or perceived sexual orientation or gender identity. Indeed, for many the taunts were so commonplace that they did not deem it worthy of mention to Human Rights Watch researchers. Verbal abuse was so much part of the fabric of everyday life that it went unnoticed and unremarked.

Verbal abuse and harassment can quickly escalate into physical assault. Most interviewees said unless they were physically confronted they typically tried to ignore taunts and insults because physical altercations would ensue if they reacted.

Bill, a 37-year-old office clerk and gay man from St. Vincent and the Grenadines, told Human Rights Watch that he is subject to daily slurs and insults including ‘faggot,’ ‘fish,’ and ‘chichiman.’<sup>108</sup>

Gabriel, a 20-year-old a gay man and cosmetologist in Dominica, told Human Rights Watch:

I received threats of physical violence as a result of my sexual orientation. Persons from my village call me ‘battyman’ in passing. I received a death threat recently, only last week.<sup>109</sup>

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<sup>106</sup> Human Rights Watch interview with Isabella, Barbados, February 12, 2017.

<sup>107</sup> Human Rights Watch interview with Alanis, Barbados, February 20, 2017.

<sup>108</sup> Human Rights Watch interview with Bill, St. Vincent and the Grenadines, February 18, 2017

<sup>109</sup> Human Rights Watch interview with Gabriel, Dominica, February 22.

James, a 24-year-old bisexual man from St. Vincent and the Grenadines, recalls the slurs he receives on a daily basis: “They call me names: faggot, pussy, battyman, fish, ‘burn the gays alive.’ When I try to defend myself they throw things.... Strangers verbally assault me every day. I receive threats of physical violence also, almost every day.”<sup>110</sup>

As a gay man, Luke, aged 43, said he experienced daily verbal threats that he will be “cut, shot and burned.” He said that when he has reacted in self-defense, his aggressors have pelted him with stones while calling him “buller man” and “fuzzy hole.”<sup>111</sup>

Richard, a 20-year-old gay man working as an assistant in a civil society organization in St. Lucia, has received written and verbal threats online because of his sexual orientation. He said: “People who message me privately [through social media] send threats. All [of those messages are] negative slurs, saying ‘no gays’ and ‘we will kill you and beat you up.’” He also recalled an incident from 2015 when he was walking alone en route to his office: a hostile group of men followed him, yelling things like “oh battyman, don’t make us beat you there.” On another occasion, he told us, he was walking with his sister when someone yelled “Oh he’s gay, let’s burst his head, stab him, and kill him!”<sup>112</sup>

Toby, a 38-year-old gay man from St. Lucia, experienced several threats of physical violence. One, in particular, shook him: “In 2016 at carnival, people told me that they were going to beat me, shoot me, and kill me.” He told Human Rights Watch that his boyfriend received the same threats while being called “buller, battyman, faggot.”<sup>113</sup>

Alanis, a 23-year-old trans woman from Dominica, said she receives insults almost every day from family and strangers who call her “chichiman, shemale, buller, battyboy, battyman, buggerer, nasty salop.”<sup>114</sup>

Emily, a 24-year-old trans woman from Antigua and Barbuda, described how random strangers take it upon themselves to “discipline” her by confronting her and addressing her as a man. She said “people tear me down – they judge me a lot, they laugh and giggle

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<sup>110</sup> Human Rights Watch interview with James, St. Vincent and the Grenadines, February 19, 2017.

<sup>111</sup> Human Rights Watch interview with Luke, St. Vincent and the Grenadines, February 19, 2017.

<sup>112</sup> Human Rights Watch interview with Richard, St. Lucia, February 25, 2017.

<sup>113</sup> Human Rights Watch interview with Toby, St. Lucia, February 25, 2017.

<sup>114</sup> Human Rights Watch interview with Alanis, Barbados, February 20, 2017.

at me, they scorn me because that is how society is. I've receive threats." She continued: "Bashing someone is not just stone and bottles, it's: 'you think you are a woman, you are a man I will show you how a man is like' and 'I'm going to give you something you deserve.'"<sup>115</sup> She underscored her fear that, if the possibility presented itself, most people would throw things at her or beat her up.

## Inappropriate Police Response

Most LGBT people interviewed by Human Rights Watch had negative perceptions of the police. They said they expected the police to be biased, unresponsive, and unlikely to investigate crimes against them. In some cases, they feared arrest under laws that criminalized same-sex intimacy. Several interviewees reported that police asked them inappropriate, intrusive questions about their sex lives.

Fourteen people interviewed by Human Rights Watch said that they did not sufficiently trust the police to report incidents to them. Those that did report crimes to the police cited negative experiences including inefficiency, inaction, and in some cases, antipathy that led to secondary victimization.

Some LGBT people said that they relied on individual police officers whom they knew to be sympathetic. Some police officers in some of the countries covered in this report have gone through general human rights training, in line with several UPR recommendations that called on the countries to fight discrimination based on sexual orientation and gender identity and to thoroughly investigate acts of violence motivated by such animus.<sup>116</sup> Several people attributed positive interactions with the police to these trainings.<sup>117</sup>

Some interviewees, particularly those who lived in rural areas, also expressed having positive experiences with police officers who work in local villages. Bill, a gay man from Antigua and Barbuda, said: "The police in my village is much different from the one in St. John's, there is so much difference, we get to build relationship and they know me."<sup>118</sup>

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<sup>115</sup> Human Rights Watch interview with Emily, Antigua and Barbuda, February 9, 2017.

<sup>116</sup> See appendices for more information on Universal Periodic Review recommendations to the different states.

<sup>117</sup> Human Rights Watch interview with Bill, Antigua and Barbuda, February 8, 2017; Human Rights Watch interview with Toby, St. Lucia, February 27, 2017; Human Rights Watch interview with Nicholas, St. Kitts and Nevis, February 3, 2017.

<sup>118</sup> Human Rights Watch interview with Bill, Antigua and Barbuda, February 8, 2017.



Human rights training and sensitivity training for police on LGBT issues are particularly important in an environment in which commonplace homophobia bolsters a macho culture within the police. Laura, a 45-year-old trans woman from Antigua, said: “It is the culture within the force, they would gain no respect if they are not homophobic, people would think that if they are not homophobic then they are going ‘soft.’”<sup>119</sup>

As noted above, many interviewees told Human Rights Watch that police officers question LGBT individuals in a degrading manner about their sexual orientation, detracting attention from the crimes they are there to report.

Jason, a 40-year-old gay man from Barbados, described to Human Rights Watch past interactions with police officers:

If I say: “this person robbed me,” they would ask me: “were you soliciting them? And did they not pay you? Are you a callboy?”

Be it violence, be it being robbed, you’re questioned about your relationship with the person. Especially if you know the perpetrator. And the questions will go: “what was your role to encourage this?”<sup>120</sup>

When Jason was raped in 2011 and reported it, police were dismissive and he felt he was not being heard. He recalled: “To his day, I don’t know who did it. My assailant left something in the car, I gave it to the police, I didn’t touch it. I left that with them.” Jason said he has not returned to the station to follow up on the case because of the initial police response.<sup>121</sup>

Bill, a 31-year-old gay man from Antigua, was also treated dismissively by police officials when he tried to report a crime in 2010, an incident in which a man broke into his home and threatened him. He said: “Instead of them trying to circle the area to find out who it

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<sup>119</sup> Human Rights Watch interview with Laura, Antigua and Barbuda, February 8, 2017.

<sup>120</sup> Human Rights Watch interview with Jason, Barbados, February 12, 2017.

<sup>121</sup> Human Rights Watch interview with Jason, Barbados, February 12, 2017.

was, they were more into questioning about my lifestyle than into what I was telling them – the crime itself. We are just not taken seriously.”<sup>122</sup>

He told Human Rights Watch about another episode:

I get robbed at gunpoint. I went to one of the police stations close by in the city, in St. John’s. They took me to drive around the area. The officer questioned me about my lifestyle. If I were straight, [the questioning] would not have happened– they don’t look out for homosexuals.<sup>123</sup>

Augusten, a 36-year-old store clerk from St. Vincent and the Grenadines, told Human Rights Watch that even altercations with friends can lead to random questioning about his sexual orientation. He said:

I had a dispute with a friend of mine. I went to make a report and the officer who was taking the record, instead of being a listening aid, he was disrespectful saying “oh you want a man” – being dismissive. He suggested that because of my sexual orientation I asked for it.

Most gay people don’t go to the police, they are afraid of being physically bashed by them. I had experienced passing the police barracks and the police will turn yelling to me “little miss going there!” In 2013 a police officer called me a “buller” when he was walking back to town. Today if I pass the police barracks people will say things.<sup>124</sup>

Sophia, a 35-year-old from Barbados, said police discredited what she said because she was a lesbian:

In October 2016, my ex-girlfriend took my passport and I went to the police to get help to take it back. The police officer said “I saw you on Facebook together, who is the man and who is the woman?” He laughed it off. I felt

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<sup>122</sup> Human Rights Watch interview with Bill, Antigua and Barbuda, February 8, 2017.

<sup>123</sup> Human Rights Watch interview with Bill, Antigua and Barbuda, February 8, 2017.

<sup>124</sup> Human Rights Watch interview with Augusten, St. Vincent and the Grenadines, February 18, 2017.

like we don't get respect at all. Everything gets down to a sexual act. Who is on top and who is on bottom? I was so disappointed.

For me it doesn't make sense to report the policeman to the police, it just doesn't.<sup>125</sup>

Other interviewees also felt that they were not taken seriously by the police and that this led to police inaction and failure to handle their cases diligently. Emily, a 24-year-old trans woman, said: "I can't go a day without being interfered with, [but] people think it is a joke. Every time we make reports to the police station, they don't take it serious. Many times, I have filed complaints and reports. They come, take the statement, and give attackers only a warning. Just to sweet talk us...."<sup>126</sup>

Alanis from Dominica expressed her frustration and lack of hope in relying on police to properly investigate assaults against her. She said: "I have been making police reports since 2009 officially, they don't take my reports. [Instead] they make fun of me. I'm not taken serious at all. I never went back."<sup>127</sup>

Some, frustrated with the lack of police support, expressed a need to take matters into their own hands by fighting back in self-defense against attacks and aggression. Ernest, a 20-year-old gay man from Barbados, told Human Rights Watch that in such cases "you fight, I do not go to the police."<sup>128</sup>

## **Emotional and Psychological Abuse: Lack of Mental Health Support**

Verbal and physical abuse can have serious long-term consequences by instilling in LGBT people feelings of fear, shame, and isolation and lowering their self-esteem. Interviewees told Human Rights Watch that such feelings meant they often experienced depression; many said they had thoughts of suicide or had attempted it.

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<sup>125</sup> Human Rights Watch interview with Sophia, Barbados, February 12, 2017.

<sup>126</sup> Human Rights Watch interview with Emily, Antigua and Barbuda, February 9, 2017.

<sup>127</sup> Human Rights Watch interview with Alanis, Barbados, February 20, 2017.

<sup>128</sup> Human Rights Watch interview with Ernest, Barbados, February 11, 2017.

Because being LGBT is so strongly stigmatized, support systems that exist in an increasing number of countries where same sex relations are not criminalized or are no longer criminalized do not exist in any of the seven Caribbean countries covered in this report. LGBT people tend to fall through the cracks, as neither government agencies nor civil society organizations have developed services that can fully address their health or psychosocial needs.

Medical research suggests that poor health outcomes in LGBT populations are in part the result of persistent stigma directed toward them.<sup>129</sup> Individuals who experience stigma because of their sexual orientation often resort to concealment behavior—hiding their identity to avoid future victimization—and this is associated with a host of negative long-term psychological consequences. According to one study, the effects include depressive symptoms, negative affect and anxiety, poor self-esteem and elevated psychiatric symptoms, and psychological strain.<sup>130</sup> Physical health may also be affected if individuals withhold information about their sexual orientation from health care providers.

Many interviewees opened up and shared with Human Rights Watch, sometimes for the first time in their lives, personal stories of sexual violence and self-inflicted harm. Most of them were gay men. They expressed feelings of shame but had remained silent due to the pervasive homophobia in their countries. Almost all of them felt isolated, without support systems to turn to.

Nicholas, a 20-year-old gay man from St. Kitts and Nevis, said that he recurrently experienced suicidal thoughts and even once tried to commit suicide. He said: “People are reluctant to come forward. A lot of people are afraid, because of incidents that happened. It’s all about secrecy. Growing up I was always alone, always. I knew I was different, when my sister found out, I started to get beaten by my brothers and I reached that point to contemplate suicide.”<sup>131</sup>

Arthur, an 18-year-old gay man from St Kitts and Nevis, said: “I felt isolated. I know many people are going through the same as me. In college, there are so many of us. I

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<sup>129</sup> Mark L. Hatzenbuehler, et al., “Stigma and Minority Stress as Social Determinants of Health Among Lesbian, Gay, Bisexual, and Transgender Youth,” *Pediatric Clinics of North America*, December 1, 2016, vol. 63, Issue 6, p. 986.

<sup>130</sup> *Ibid.*, p. 988.

<sup>131</sup> Human Rights Watch interview with Nicholas, St. Kitts and Nevis, February 3, 2017.

experienced many ways of self-harm, cutting myself and also a suicide attempt. I was actually in the process of going through with it and a friend of mine ran to my house and caught me in the act. This gave me hope.”<sup>132</sup>

Feelings of extreme isolation can start at an early age. After long periods of constant physical and emotional bullying at school, Ernest, now 20, from Barbados, recalled contemplating committing suicide at age 13 in his own school. He said:

The previous school was an all-boys school. I went to jump off the roof [of the school]. The guidance counselors, students, everyone saw me. It was lunch time. I was on the roof, and [the guidance counselor] talked me down. Then my mom came to the school, and I went home. I was automatically admitted to the hospital.

After several suicide attempts and a stint in a psychiatric hospital, he finally found solace with a sympathetic aunt: “I called one of my aunts. She has a son who was gay and is not homophobic towards him.”<sup>133</sup>

Peter, a 20 -year-old gay man from Dominica, gave a vivid description of the intense inner conflict he experienced from family rejection. This, he said, explained his suicidal tendencies:

I have been suicidal more than one time. Depression comes from my family not accepting [me]. I was raised with family values as the most important thing. I was expected to be someone that I was not. I was going against to what the family wanted. I was 16 the first time I tried to cut my wrists. I was crying, praying, trying, and begging God to change me. When it dawned that it would not change I tried to kill myself. I blacked out.... There have been other attempts, more out of loneliness and because of family rejection, from being the black sheep of the family.<sup>134</sup>

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<sup>132</sup> Human Rights Watch interview with Arthur, St. Kitts and Nevis, February 4, 2017.

<sup>133</sup> Human Rights Watch interview with Ernest, Barbados, February 11, 2017.

<sup>134</sup> Human Rights Watch interview with Peter, Dominica, February 21, 2017.

Augusten, a 36-year-old gay man from St. Vincent and the Grenadines, said:

I contemplated suicide many times, I don't tell people that, especially when I was being bashed. The first time I tried to hang myself, the rope busted. After that, I tried it by buying sleeping pills. The second episode was a result of an experience I had earlier that day, when I got slapped by a random stranger in the street because of who I am. I just went to sleep and put the pills away. As an individual, I consider myself a Christian person. I prayed a lot that particular day.<sup>135</sup>

Sophia, a 35-year-old lesbian from Barbados, told Human Rights Watch that “mental and verbal abuse can be sometimes worse than physical abuse.” After fighting with her relatives over the custody of her child she sank into a deep depression. She said that due to her depression she quit her job and had to move back to living with her family. She eventually went to the hospital and received counseling.<sup>136</sup>

For transgender people, social rejection intensifies as they attempt to express their gender identity. Beth, a 20-year-old trans woman from Barbados, told her story of family rejection and her struggle with depression:

In September of 2016, my mother found female clothes in my room, and she confronted me with a threat. After a short while, they found the clothes a second time. I hid the clothes. It then stopped for a while. On the last occasion they found them, I tried to explain what it is to be transgender. My father only thought it was being gay. He told me to get rid of the clothes and I gave them to a friend. Ever since I lost the clothes, I keep getting more depressed, I can't be who I am, so I'm just stuck. When I wore the clothes, I could be who I really am.

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<sup>135</sup> Human Rights Watch interview with Augusten, St. Vincent and the Grenadines, February 18, 2017.

<sup>136</sup> Human Rights Watch interview with Sophia, Barbados, February 3, 2017.

After both incidents her sister asked her “to stop doing it” and this only exacerbated her depression, leading to several suicide attempts. She concluded “I can’t be who I am, I have to live in a cocoon.”<sup>137</sup>

Lack of hope led Alanis, a 24-year-old trans woman in Dominica, to attempt suicide in March of 2016. After her mother and family told her that they wanted her out of the house, she ingested Clorox and pills and was hospitalized for a week. She recalled her deep feelings of rejection:

I felt so rejected by society. I asked myself if I’m really an abomination and shameful. I have those down days, when I just want to go.<sup>138</sup>

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<sup>137</sup> Human Rights Watch interview with Beth, Barbados, February 13, 2017.

<sup>138</sup> Human Rights Watch interview with Alanis, Dominica, February 20, 2017

## IV. International Human Rights Law

International human rights treaties and standards require governments to protect LGBT people, including by prohibiting discrimination on the basis of sexual orientation or gender identity.<sup>139</sup> Core treaties—including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the American Convention on Human Rights (ACHR)—have been interpreted by courts and authoritative treaty bodies to ban such discrimination, as have a variety of other international instruments and sources of law.<sup>140</sup> Buggery and gross indecency laws violate these international treaties and standards and the experiences of LGBT persons documented in this report underscore how LGBT living in jurisdictions with such laws, face serious obstacles in exercising and enjoying basic rights.

As part of several regional bodies, all countries featured in this report are members of the Caribbean Community (CARICOM) and, except Barbados, of the Organization of Eastern Caribbean States (OECS), regional integration schemes aimed at bolstering the economies of 15 Caribbean nations. They are also members of the Organization of American States (OAS), a larger body of 35 states throughout North America, Central America, the Caribbean, and South America, which has a mandate to promote democracy, human rights, security, and development in the region.<sup>141</sup>

Ten of the 15 CARICOM member states still criminalize homosexual conduct.<sup>142</sup> The OAS, on the other hand, has become an outspoken proponent of equality. It has adopted several resolutions condemning “acts of violence and human rights violations perpetrated against

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<sup>139</sup> For authoritative guidance on the protection afforded by international human rights law against discrimination based on sexual orientation and gender identity, see “Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity,” 2006, [http://www.yogyakartaprinciples.org/principles\\_en.htm](http://www.yogyakartaprinciples.org/principles_en.htm).

<sup>140</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Jamaica on October 3, 1975; UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, Non-discrimination and economic, social and cultural rights (Article 2, paragraph 2 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/20 (2009), <http://www.refworld.org/docid/4a60961f2.html> (accessed May 10, 2014), para. 32 (“‘Other status’ as recognized in article 2, paragraph 2, includes sexual orientation”). Antigua and Barbuda, St. Kitts and Nevis, and St. Lucia have not ratified these treaties.

<sup>141</sup> See website of CARICOM, <http://www.caricom.org/>, and of the OAS, <http://www.oas.org/en/default.asp>.

<sup>142</sup> The 10 CARICOM member states with anti-LGBT laws are: Antigua and Barbuda, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, and Trinidad and Tobago.



individuals because of their sexual orientation and gender identity,” and has urged states “to adopt the necessary measures to prevent, punish, and eradicate” discrimination.<sup>143</sup>

The IACHR, the human rights organ of the OAS, has been particularly vocal in condemning violence and abuse based on sexual orientation or gender identity, and has urged states to eradicate discriminatory laws and policies—noting that not only do these laws and policies constitute human rights violations, they also fuel HIV in the region. In a 2015 report the IACHR stated that “this type of legislation ‘contribute[s] to an environment that, at best, does not condemn, and at worst condones discrimination, stigmatization, and violence’ against LGBT persons. These laws reinforce ‘already existing societal prejudices’ and severely increase ‘the negative effects of such prejudices on [the] lives’ of LGBT persons.”<sup>144</sup>

## Non-Discrimination

Discrimination on the basis of sexual orientation violates the right to equality and non-discrimination contained in the ACHR. Article 1.1 of the ACHR states that the parties to the convention “undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.”

In 2012 the Inter-American Court was very firm in making clear that sexual orientation and gender identity are grounds that fall within “other social condition.” The court stated:

Bearing in mind the general obligations to respect and guarantee the rights established in Article 1(1) of the American Convention...the Inter-American Court establishes that the sexual orientation of persons is a category protected by the Convention. Therefore, any regulation, act, or

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<sup>143</sup> OAS, General Assembly, “Human Rights, Sexual Orientation, and Gender Identity,” AG/RES. 2435 (XXXVIII- O/08), resolution adopted at the fourth plenary session, June 3, 2008. See also OAS resolutions entitled “Human Rights, Sexual Orientation and Gender Identity,” adopted in 2009 (AG/RES. 2504), 2010 (AG/RES. 2600), 2011 (AG/RES. 2653), and 2012 (AG/RES. 2721); OAS resolutions entitled “Human Rights, Sexual Orientation, and Gender Identity and Expression,” adopted in 2013 (AG/RES. 2807) and 2014 (AG/RES. 2863).

<sup>144</sup> Inter-American Commission on Human Rights, “Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas,” November 12, 2015, pp. 60-62.

practice considered discriminatory based on a person’s sexual orientation is prohibited. Consequently, no domestic regulation, decision, or practice, whether by state authorities or individuals, may diminish or restrict, in any way whatsoever, the rights of a person based on his or her sexual orientation.<sup>145</sup>

## Right to Privacy

International human rights law has long held that matters of sexual orientation, including consensual sexual relations, are protected under the rubric of the right to privacy and the right to be protected against arbitrary and unlawful interference with, or attacks on, one’s private and family life and one’s reputation or dignity.<sup>146</sup>

In *Toonen v. Australia*, the Human Rights Committee held that laws in Tasmania outlawing adult consensual sexual activity based on sexual orientation or gender identity violated the ICCPR’s guarantee to the right to privacy.<sup>147</sup>

In *Atala Riffo and Daughters v. Chile*, the Inter-American Court confirmed that sexual orientation is part of the right to privacy protected under the ACHR, and therefore any interference in it must meet the standards of “suitability, necessity, and proportionality” and cannot be discriminatory.<sup>148</sup>

The criminalization of same-sex conduct between consenting persons and the failure to protect against discrimination based on sexual orientation therefore violate the right to

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<sup>145</sup> Inter-American Court Of Human Rights, *Atala Riffo And Daughters v. Chile*, Judgment of February 24, 2012, Inter-Am. Ct. H.R., (Ser. C) No. 239 (2012), para 91 (“Bearing in mind the general obligations to respect and guarantee the rights established in Article 1(1) of the American Convention, ... the Inter-American Court establishes that the sexual orientation of persons is a category protected by the Convention. Therefore, any regulation, act, or practice considered discriminatory based on a person’s sexual orientation is prohibited. Consequently, no domestic regulation, decision, or practice, whether by state authorities or individuals, may diminish or restrict, in any way whatsoever, the rights of a person based on his or her sexual orientation.”).

<sup>146</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Articles 2 and 26 of the ICCPR affirm the equality of all people before the law and the right to freedom from discrimination. Article 17 protects the right to privacy. See also *Toonen v. Australia*, 50th Sess., Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992, April, 14, 1994, sec. 8.7. See also ACHR, art. 11.

<sup>147</sup> UN Human Rights Committee, *Toonen v. Australia*, CCPR/C/50/D/488/1992, March 31, 1994, <http://www1.umn.edu/humanrts/undocs/html/vws488.htm> (accessed May 10, 2017), para. 8.6.

<sup>148</sup> *Atala Riffo And Daughters v. Chile*, paras. 165, 170.

freedom from discrimination and the right to privacy guaranteed under the ICCPR and the ACHR. The continued existence of buggery laws, and the failure to protect in law against arbitrary interference with an individual’s private life based on their sexual orientation and gender identity, are incompatible with the international obligations of all seven countries covered in this report.

## Right to Protection against Violence

LGBT persons in these countries continue to be attacked and threatened with violence. Police complacency has led to a failure to prevent, punish, or even investigate many instances of targeted violence. Each country has failed to protect the right to life and to freedom from cruel, inhuman, and degrading treatment of LGBT people in their territory.

Articles 5 and 7 of the ACHR and ICCPR, respectively, prohibit inhuman and degrading treatment, with the ACHR explicitly providing that “[e]very person has the right to have his physical, mental, and moral integrity respected.”

Countries have positive duties to prevent physical, mental, and, in particular, life-threatening violence against LGBT people, to investigate such incidents when they do happen, and to hold responsible those who committed them—whether they are state agents or private individuals. The UN Human Rights Committee, in overseeing states’ compliance with the ICCPR, has been very clear to states that their positive obligations

will only be fully discharged if individuals are protected by the State, not just against violations of ... rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of ... rights in so far as they are amenable to application between private persons or entities.<sup>149</sup>

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<sup>149</sup> UN Human Rights Committee, General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 8.

The UN Office of the High Commissioner on Human Rights has noted that:

Hate-motivated violence against LGBT people is typically perpetrated by non-State actors—whether private individuals, organized groups, or extremist organizations. Nevertheless, failure by State authorities to investigate and punish this kind of violence is a breach of States’ obligation to protect everyone’s right to life, liberty and security of person, as guaranteed by article 3 of the Universal Declaration of Human Rights and articles 6 and 9 of the International Covenant on Civil and Political Rights.<sup>150</sup>

## Economic and Social Rights

The Committee on Economic, Social and Cultural Rights has explicitly stated that article 2.2 of the ICESCR, which prohibits discrimination in the exercise and enjoyment of the rights guaranteed under the covenant, includes discrimination based on sexual orientation.<sup>151</sup> It has also emphasized this in its general comments in relation to the rights to health, work, and water.<sup>152</sup>

### *Right to Health*

In addition to the ICESCR, the right to the highest attainable standard of health is guaranteed under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>153</sup> Access to the right to health must be on a non-discriminatory basis and discrimination on the basis of sexual orientation and gender identity is prohibited.<sup>154</sup>

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<sup>150</sup> UN Office of the High Commissioner, “Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law,” October 2012, <http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf> (accessed May 11, 2017), p. 14.

<sup>151</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, para. 32.

<sup>152</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, “Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights,” The Right to the Highest Attainable Standard of Health (art. 12), UN Doc. E/C.12/2000/4 (2000), para. 18; General Comment No. 15, The Right to Water (arts. 11 and 12 of the Covenant), UN Doc. E/C.12/2002/11 (2002), para. 13; General Comment No. 18, The Right to Work (art. 6), UN Doc. E/C.12/GC/18 (2006), para. 12.

<sup>153</sup> ICESCR, art. 12; CRC, art. 24; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981.

<sup>154</sup> For example, UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, para. 18; UN Committee on the Rights of the Child, General Comment No. 3, HIV/AIDS and the Rights of the Children, UN Doc. CRC/GC/2003/3 (2003),

The Pan American Health Organization (PAHO) says stigma and discrimination are major barriers to health for LGBT people throughout the Americas, including the Caribbean. In a recent statement PAHO director Dr. Carissa F Etienne said: “by universal health, we mean that everyone—irrespective of their socioeconomic background, ethnicity, gender or race—is covered by a well-financed, well-organized health system offering quality and comprehensive health services”.<sup>155</sup>

### *Housing and Work*

The Committee on Economic, Social and Cultural Rights recognizes that discrimination often occurs in the private sphere, and in particular in the private housing sector. It noted that “actors in the private housing sector (e.g., private landlords, credit providers, and public housing providers) may directly or indirectly deny access to housing or mortgages on the basis of ... sexual orientation...”<sup>156</sup> Similar discrimination may take place in the workplace, as has been the experience of several LGBT individuals who shared their stories with Human Rights Watch.

The committee therefore emphasized that state parties had to “adopt measures, which should include legislation, to ensure that individuals and entities in the private sphere do not discriminate on prohibited grounds.”<sup>157</sup>

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para. 8; General Comment No. 4, Adolescent health and development in the context of the Convention on the Rights of the Child, UN Doc. CRC/GC/2003/4 (2003), para. 6.

<sup>155</sup> “PAHO says stigma, discrimination major barriers to health for LGBT people in region,” source, date, <http://www.2030caribbean.org/content/unct/caribbean/en/home/news-centre/press-clippings/paho-says-stigma-discrimination-major-barriers-to-health-for-lg.html> (accessed May 27, 2017).

<sup>156</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, para. 11.

<sup>157</sup> Ibid.

## Recommendations

### To the Government of Antigua and Barbuda

#### *To the Office of the Prime Minister*

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.
- Ratify and implement the following international human rights treaties: International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and American Convention on Human Rights.

#### *To the Parliament*

- Repeal article 12 and amend article 15 of the Sexual Offences Act of 1995 (Act No. 9), which criminalize consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, and health care.
- Adopt a program to increase public awareness of the human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated

in part by the victim's sexual orientation or gender identity be included in the definition.

*To the Ministry of Legal Affairs, Public Safety, Immigration and Labor*

- Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.
- Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.

*To the Ministry of Health and The Environment*

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, and sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants' identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.
- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.

- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness of and cultural competency in LGBT issues and populations and adopt nondiscrimination policies for LGBT youth.
- Mandate LGBT awareness training for all staff who work in child welfare on juvenile justice issues.
- Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

*To the Ministry of Education, Science and Technology*

- Ensure that teachers, counselors, and other staff receive sufficient training and support to prevent bullying and harassment and to respond appropriately when it occurs.

*To the National Police*

- Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of sexual orientation or gender identity.
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation or gender identity.
- Establish monitoring systems to evaluate on an ongoing basis the capacity of police stations to handle matters relating to gender-based violence in a non-judgmental and efficient manner.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of sexual orientation or gender identity.
- Investigate all allegations of abuse or threats against individuals on grounds of gender identity or sexual orientation; ensure fair and impartial investigations of the complaints; and hold perpetrators accountable to the fullest extent of the law.



- Investigate and document reports of violence and abuse against individuals based on sexual orientation or gender identity.
- Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.
- Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.
- Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.

## To the Government of Barbados

### *To the Prime Minister*

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

### *To the Parliament of Barbados*

- Repeal section 9, chapter 154, of the Sexual Offences Act 1992, which criminalizes consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.
- As part of its international obligations, Barbados should consider Advisory Opinion 24 of the Inter-American Court of Human Rights, with a view to taking the necessary

measures in accordance that opinion to secure the rights of same-sex couples and legal gender recognition.

### *To the Ministry of Health*

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants' identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.
- Broaden the scope of the public health care policy to include access to hormone replacement therapy for transgender persons.

### *To the Ministry of Education*

- Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.
- Implement sexual education curricula, which are comprehensive, scientific and evidence based. These curricula should be inclusive in nature and reflect all sexualities, not only heterosexual individuals.

### *To Office of the Attorney General*

- Provide sensitivity training to members of the Barbados police force regarding interaction with members of the LGBTQ+ community.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated by sexual orientation or gender identity.

### *To the National Police*

- Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.
- Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender expression and identity and sexual orientation.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Investigate all allegations of abuse or threats against individuals on grounds of gender identity or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.
- Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.
- Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.
- Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization

and human rights training, and collaborate with them to identify and document incidences of violence.

- Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.

## To the Government of Dominica

### *To the Office of the Prime Minister*

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

### *To the Parliament*

- Repeal section 16 and amend section 14 of the Sexual Offences Act 1998 which criminalizes consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.
- Recognize the jurisdiction of the Inter-American Court of Human Rights, and in the meantime, consider Advisory Opinion 24, with a view to reforming legislation and policies on sexual orientation and gender identity.

### *To the Ministry of Justice, Immigration and National Security*

- Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.
- Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.

### *To the Ministry of Health and Environment*

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants' identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.

### *To the Ministry of Social Services, Family and Gender Affairs*

- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.

- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.
- Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.
- Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

*To the Ministry of Education and Human Resource Development*

- Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

*To the National Police*

- Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.
- Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Investigate all allegations of abuse or threats against individuals on grounds of gender identity or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.
- Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.



- Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.
- Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.
- Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.

## To the Government of Grenada

### *To the Office of the Prime Minister*

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

### *To the Parliament*

- Repeal article 431, Criminal Code of 1987 as amended in 1993, which criminalizes consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.
- Recognize the jurisdiction of the Inter-American Court of Human Rights, and in the meantime, consider Advisory Opinion 24, with a view to reforming legislation and policies on sexual orientation and gender identity.

### *To the Ministry of Education and Human Resource Development*

- Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

### *To the Ministry of Health*

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants' identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.

### *To the Ministry of Legal Affairs*

- Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.
- Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.

### *To the Ministry of Social Development, Housing and Community Development*

- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.
- Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.
- Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

### *To the National Police*

- Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.
- Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Investigate all allegations of abuse or threats against individuals on grounds of gender expression, gender identity, or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.

- Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity or expression.
- Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.
- Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.
- Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.

## To the Government of St. Kitts and Nevis

### *To the Office of the Prime Minister*

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.
- Ratify and implement the following international human rights treaties: International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and American Convention on Human Rights.

### *To the Parliament*

- Repeal sections 56 and 57 of the Offences Against the Person Act Revised in 2002, which criminalize consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.

### *To the Ministry of Justice, Legal Affairs and Communications*

- Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.
- Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.

### *To the Ministry of Community Development, Gender Affairs, and Social Services*

- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.
- Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.
- Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

### *To the Ministry of Health*

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.

- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants' identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.

#### *To the Ministry of Education*

- Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

#### *To the National Police*

- Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.
- Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Investigate all allegations of abuse or threats against individuals on grounds of gender expression, gender identity, or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.



- Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.
- Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.
- Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.
- Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.

## To the Government of St. Lucia

### *To the Office of the Prime Minister*

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.
- Ratify and implement the following international human rights instruments: International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and American Convention on Human Rights.

### *To the Parliament*

- Repeal section 133 of the Criminal Code, which criminalize consensual same-sex conduct.
- Amend section 132 of the Criminal Code to remove the gender-specific definitions of sexual intercourse.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.

*To the Ministry of Education, Innovation, Gender Relations and Sustainable Development*

- Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

*To the Ministry of Health and Wellness*

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants' identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.
- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.

- Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.
- Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

*To the Ministry of Home Affairs, Justice and National Security*

- Work with relevant civil society organizations to undertake comprehensive public awareness-raising and sensitivity campaigns on sexual and gender diversity that condemn anti-LGBT violence and promote respect for the human rights of all people, regardless of sexual orientation or gender identity.
- Work with police, prosecutors, health care providers, and other social service agencies to develop an integrated approach or protocol to deal with LGBT people who are victims of violence.

*To the National Police*

- Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.
- Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender expression and sexual orientation.
- Investigate all allegations of abuse or threats against individuals on grounds of gender identity or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.
- Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.

- Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.
- Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.
- Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.

## To the Government of St. Vincent and the Grenadines

### *To the Office of the Prime Minister*

- Publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity.

### *To the Parliament*

- Repeal sections 146 and 148 of the Criminal Code, which criminalize consensual same-sex conduct.
- End legal discrimination against lesbian, gay, bisexual, and transgender (LGBT) people by repealing all existing laws criminalizing same-sex conduct.
- Pass laws defining the crime of rape in a gender-neutral way so that non-consensual sex between men or between women is included in the definition and subject to equal punishment.
- Take effective measures to combat discrimination on all grounds, including on grounds of sexual orientation or identity. Enact legislation to protect LGBT individuals from discrimination in employment, housing, access to education, health care.
- Adopt a program to increase public awareness of human rights principles of non-discrimination and equality.
- Publicly condemn attacks or incitement to violence against individuals or groups on the basis of sexual orientation and gender identity.
- Recognize the vulnerability of men who have sex with men (MSM) to HIV and include reference to MSM in national HIV/AIDS prevention programs.
- Establish a National Human Rights Institution, in line with the Paris Principles, mandated to promote and protect human rights of all citizens including LGBT individuals.
- Adopt inclusive hate crimes legislation to identify and prosecute bias-motivated violence on the basis of actual or perceived sexual orientation or gender identity. Clearly define “hate crimes,” and ensure that any rape or sexual assault motivated in part by the victim’s sexual orientation or gender identity be included in that definition.

### *To the Ministry of Health, Wellness and the Environment*

- Introduce and implement a gender recognition procedure in accordance with international standards and good practice to allow people to change their legal gender on all documents through a process of self-declaration that is free of medical procedures or coercion. Such gender recognition procedure should ensure that changes to documents are made in a way that protects privacy and dignity.
- Develop guidelines and training on non-discrimination for all state health personnel. Ensure that all staff working in healthcare settings are adequately trained and sensitized.
- Scale up training for health care practitioners to understand the health needs and risks for LGBT people, and establish monitoring and evaluation mechanisms to ensure that such trainings contribute to improved provision of services to LGBT people.
- Institute appropriate training for healthcare service providers on human rights, gender-based violence, sexual orientation and gender identity.
- Enable LGBT people to undergo needs assessments for their health (including mental health) and develop programming to address those needs. Such assessments should be strictly voluntary, provide options for anonymity and other protections for participants' identities, and be conducted in ways that respect the privacy and dignity of LGBT individuals.

### *To the Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, Persons with Disabilities and Youth*

- Develop an estimate of the incidence and prevalence of homelessness among LGBT youth.
- Dedicate funds to developmental, preventive, and intervention programs targeted to LGBT youth.
- Develop shelter space and psychosocial support programs for LGBT homeless people.
- Require that all agencies that seek government funding and licenses to serve homeless youth demonstrate awareness and cultural competency of LGBT issues and populations at the institutional level and adopt nondiscrimination policies for LGBT youth.
- Mandate LGBT awareness training for all staff who work in child welfare or juvenile justice issues.

- Develop an inclusive, non-discriminatory homelessness policy that explicitly commits to address the needs of LGBT homeless people.

*To the Ministry of Education, National Reconciliation and Ecclesiastical Affairs*

- Ensure that teachers, counselors, and other staff receive sufficient training and support to intervene in bullying and harassment when it occurs.

*To the National Police*

- Investigate all allegations of physical or verbal abuse or threats against individuals on the basis of gender identity and sexual orientation.
- Introduce appropriate police training at all levels on human rights and violence based on sexual orientation and gender identity.
- Establish monitoring systems to evaluate on an ongoing basis the work of police stations on their capacity to handle matters relating to gender based violence in a non-judgmental and efficient manner.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Take all appropriate measures to ensure that all police officers respect the rights to non-discrimination, equality, and privacy, and do not discriminate in the exercise of their functions, including on grounds of gender identity and sexual orientation.
- Investigate all allegations of abuse or threats against individuals on grounds of gender expression, gender identity, or sexual orientation, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.
- Investigate and document reports of violence and abuse against individuals based on sexual orientation and gender identity.
- Strengthen monitoring and reporting mechanisms to better document incidents of hate crime against LGBT people, ensure accurate reporting and collation of information, and identify patterns of crimes.
- Undertake prompt, independent, and effective investigations into all allegations of acts of violence, including those that may be motivated on the grounds of sexual orientation or gender identity.



- Build a stronger working relationship with leading LGBT organizations. Work consistently and systematically with these organizations to develop sensitization and human rights training, and collaborate with them to identify and document incidences of violence.
- Ensure that all police officers are trained and equipped to properly document and efficiently handle cases of sexual violence targeted at LGBT people.

## To the Organization of Eastern Caribbean States

- Acknowledge the impact that current laws criminalizing same-sex sexual relations have on the lives of lesbian, gay, bisexual and transgender (LGBT) people.
- Begin to address LGBT issues head on in a more open and constructive way.
- Offer support to politicians and religious leaders to engage with LGBT groups and civil society organizations in the region.
- Recognize the role of these organizations as platforms for development and advancement of human rights records in the region.

## To the Commonwealth Secretariat

- Consistent with the 1971 Singapore Declaration of Commonwealth Principles, which affirms “the liberty of the individual,” “equal rights for all citizens,” and “guarantees for personal freedom,” call for the removal of all remaining colonial laws that criminalize consensual sexual activity among people of the same sex.
- As part of Commonwealth programs to help member nations implement international obligations in domestic laws, promote the decriminalization of consensual homosexual conduct on an equal basis with heterosexual conduct.
- Also as part of these programs, develop models for gender-neutral legislation on rape and sexual abuse, and for the protection of children.
- Integrate issues of sexual orientation and gender identity into all human rights educational and training activities, including the Commonwealth Human Rights Training Programme for police.

## Acknowledgments

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This report was reviewed by Graeme Reid, LGBT rights program director; Daniel Wilkinson, Americas division managing director; Aisling Reidy; and Joseph Saunders, deputy program director.

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This report would not have been possible without the contributions of all of the LGBT individuals in the region who shared their personal stories with us. We express deep gratitude to them and admiration for their courage. We hope their stories will inspire others.

## Appendix I: Antigua and Barbuda

General Country Information	
<b>Population</b>	90,000 (2013)
<b>Gained Independence</b>	November 1, 1981
<b>Multilateral Affiliations</b>	Member of the African, Caribbean and Pacific Group of States, Association of Caribbean States, Caribbean Community, Non-Aligned Movement, Organization of Eastern Caribbean States, Organization of American States, United Nations, and World Trade Organization.
<b>Relevant Legislation</b>	<p>Sexual Offences Act of 1995 (Act No. 9)</p> <p><b>Article 12 - Buggery</b></p> <p>“(1) A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment -</p> <ul style="list-style-type: none"> <li>(a) for life, if committed by an adult on a minor;</li> <li>(b) for fifteen years, if committed by an adult on another adult;</li> <li>(c) for five years, if committed by a minor.</li> </ul> <p>(2) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.”</p> <p><b>Article 15 - Serious Indecency</b></p> <p>“(1) A person who commits an act of serious indecency on or towards another is guilty of an offence and is liable on conviction to imprisonment -</p> <ul style="list-style-type: none"> <li>(a) for ten years, if committed on or towards a minor under sixteen years of age;</li> <li>(b) for five years, if committed on or towards a person sixteen years of age or more,</li> </ul> <p>(2) Subsection (1) does not apply to an act of serious indecency committed in private between -</p> <ul style="list-style-type: none"> <li>(a) a husband and his wife; or</li> <li>(b) a male person and a female person each of whom is sixteen years of age or more;</li> </ul> <p>(3) An act of “serious indecency” is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of genital organ for the purpose of arousing or gratifying sexual desire.”</p>

Source: Commonwealth Secretariat and Human Dignity Trust Country Reports<sup>158</sup>

<sup>158</sup> Information obtained through the Commonwealth Secretariat website, Member countries of the Commonwealth, <http://thecommonwealth.org/member-countries> and Human Dignity Trust “Criminalization of Homosexuality” Country reports for Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. See: [http://www.humandignitytrust.org/uploaded/Map/Country\\_Reports/Antigua\\_and\\_Barbuda.pdf](http://www.humandignitytrust.org/uploaded/Map/Country_Reports/Antigua_and_Barbuda.pdf); [http://www.humandignitytrust.org/uploaded/Map/Country\\_Reports/Barbados.pdf](http://www.humandignitytrust.org/uploaded/Map/Country_Reports/Barbados.pdf); [http://www.humandignitytrust.org/uploaded/Map/Country\\_Reports/Dominica.pdf](http://www.humandignitytrust.org/uploaded/Map/Country_Reports/Dominica.pdf); [http://www.humandignitytrust.org/uploaded/Map/Country\\_Reports/Grenada.pdf](http://www.humandignitytrust.org/uploaded/Map/Country_Reports/Grenada.pdf); [http://www.humandignitytrust.org/uploaded/Map/Country\\_Reports/Saint\\_Kitts\\_and\\_Nevis.pdf](http://www.humandignitytrust.org/uploaded/Map/Country_Reports/Saint_Kitts_and_Nevis.pdf);

Ratification Status	
Treaty	Ratification Date, Accession(a), Succession(d) Date
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	July 19, 1993 (a)
ICCPR - International Covenant on Civil and Political Rights	Not ratified
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	August 1, 1989 (a)
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	October 25, 1988 (d)
ICESCR - International Covenant on Economic, Social and Cultural Rights	Not ratified
ACHR – American Convention on Human Rights	Not ratified

Source: UNOHCR Treaty Body Database by Country

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[http://www.humandignitytrust.org/uploaded/Map/Country\\_Reports/Saint\\_Lucia.pdf](http://www.humandignitytrust.org/uploaded/Map/Country_Reports/Saint_Lucia.pdf);  
[http://www.humandignitytrust.org/uploaded/Map/Country\\_Reports/Saint\\_Vincent\\_and\\_the\\_Grenadines.pdf](http://www.humandignitytrust.org/uploaded/Map/Country_Reports/Saint_Vincent_and_the_Grenadines.pdf)

## UN Universal Periodic Review

UPR Cycle	SOGI Recommendations	State response
<b>1st cycle UPR October 2011</b>	Antigua and Barbuda received eight recommendations directly related to sexual orientation and gender identity: six dealt with decriminalization and public awareness campaigns on discrimination and were rejected. The other two, which the government accepted, urged it to condemn acts of violence based on the real or perceived sexual orientation or gender identity of the victim or the defense of related rights, and called on it to adopt policies and initiatives to address discrimination. <sup>159</sup>	The government’s final response to its 1st cycle UPR, as recorded in the Working Group Report, states: “There was a certain amount of public acceptance of homosexual conduct, although generally in a silent way. Antigua and Barbuda, however, did not have a political mandate with respect to changing the law, notwithstanding the fact that enforcement of those laws was not actually sought. The Government would continue its efforts on education and information to ensure that the public opinion would in time adopt the international standards.” <sup>160</sup>
<b>2nd cycle UPR May 2016</b>	The government received 13 recommendations directly related to SOGI and rejected 12 of them: 10 of the latter dealt specifically with decriminalization and two dealt with SOGI discrimination. The sole recommendation accepted by the government was a general statement on discrimination. <sup>161</sup>	Rejecting almost all of the recommendations, the government argued that public opinion would need time to change before the government could address its “inherited” criminalization laws due to the “moral and religious” nature of Antiguan society. However, it acknowledged that these laws “had to change at some point if the Government was serious about human rights.” <sup>162</sup>

<sup>159</sup> Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda, A/HRC/19/5, December 14, 2011, [https://www.upr-info.org/sites/default/files/document/antigua\\_and\\_barbuda/session\\_12\\_-\\_october\\_2011/a\\_hrc\\_19\\_5\\_antigua-and-barbuda\\_e.pdf](https://www.upr-info.org/sites/default/files/document/antigua_and_barbuda/session_12_-_october_2011/a_hrc_19_5_antigua-and-barbuda_e.pdf) (accessed September 26, 2017). See also ILGA, “State-Sponsored Homophobia: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition,” May 2017, [http://ilga.org/downloads/2017/ILGA\\_State\\_Sponsored\\_Homophobia\\_2017\\_WEB.pdf](http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf) (accessed September 26, 2017 (hereafter referred to as “ILGA Report 2017”).

<sup>160</sup> Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda, A/HRC/19/5, December 14, 2011, [https://www.upr-info.org/sites/default/files/document/antigua\\_and\\_barbuda/session\\_12\\_-\\_october\\_2011/a\\_hrc\\_19\\_5\\_antigua-and-barbuda\\_e.pdf](https://www.upr-info.org/sites/default/files/document/antigua_and_barbuda/session_12_-_october_2011/a_hrc_19_5_antigua-and-barbuda_e.pdf) (accessed September 26, 2017), para. 48.

<sup>161</sup> Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda, A/HRC/WG.6/25/L.10, May 20, 2016, [https://www.upr-info.org/sites/default/files/document/antigua\\_and\\_barbuda/session\\_25\\_-\\_may\\_2016/a-hrc-wg.6-25-l.10\\_o.pdf](https://www.upr-info.org/sites/default/files/document/antigua_and_barbuda/session_25_-_may_2016/a-hrc-wg.6-25-l.10_o.pdf) (accessed September 26, 2017). See ILGA Report 2017, pp. 108.

<sup>162</sup> Report of the Working Group on the Universal Periodic Review: Antigua and Barbuda, A/HRC/WG.6/25/L.10, May 20, 2016, [https://www.upr-info.org/sites/default/files/document/antigua\\_and\\_barbuda/session\\_25\\_-\\_may\\_2016/a-hrc-wg.6-25-l.10\\_o.pdf](https://www.upr-info.org/sites/default/files/document/antigua_and_barbuda/session_25_-_may_2016/a-hrc-wg.6-25-l.10_o.pdf) (accessed September 26, 2017), para. 39 & 53.

## Appendix II: Barbados

General Country Information	
<b>Population</b>	285,000 (2013)
<b>Gained Independence</b>	November 30, 1966
<b>Multilateral Affiliations</b>	Member of the African, Caribbean and Pacific Group of States, Association of Caribbean States, Caribbean Community, Non-Aligned Movement, Organization of American States, United Nations and World Trade Organization.
<b>Relevant Legislation</b>	<p>Sexual Offences Act 1992, Chapter 154</p> <p><b>Buggery - Section 9</b>                      “Any person who commits buggery is guilty of an offence and is liable on conviction on indictment to imprisonment for life.”</p> <p><b>Serious Indecency - Section 12</b>                      “(1) A person who commits an act of serious indecency on or towards another or incites another to commit that act with the person or with another person is guilty of an offence and, if committed on or towards a person 16 years of age or more or if the person incited is of 16 years of age or more, is liable on conviction to imprisonment for a term of 10 years.                      (2) A person who commits an act of serious indecency with or towards a child under the age of 16 or incites the child under that age to such an act with him or another, is guilty of an offence and is liable on conviction to imprisonment for a term of 15 years.                      (3) An act of “serious indecency” is an act, whether natural or unnatural by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.”</p>

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws

Ratification Status of Barbados	
Treaty	Ratification Date, Accession(a), Succession(d) Date
ICCPR - International Covenant on Civil and Political Rights	January 5, 1973 (a)
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	October 16, 1980
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	November 8, 1972 (a)
ICESCR - International Covenant on Economic, Social and Cultural Rights	January 5, 1973 (a)
CRC - Convention on the Rights of the Child	October 9, 1990

### Ratification Status of Barbados

Treaty	Ratification Date, Accession(a), Succession(d) Date
CRPD - Convention on the Rights of Persons with Disabilities	February 27, 2013
ACHR – American Convention on Human Rights	November 5, 1981

Source: UNOHCR Treaty Body Database by Country

### UN Universal Periodic Review

UPR Cycle	SOGI Recommendations	State response
<b>1st cycle UPR December 2008</b>	Barbados received seven recommendations pertaining to SOGI, most of which called for decriminalization of same-sex sexual acts as well as the introduction of non-discrimination legislation. <sup>163</sup>	The government rejected all seven recommendations, but argued that its Constitution protects the “fundamental rights and freedoms” of all individuals without mention of concerns regarding gender identity. <sup>164</sup>
<b>2nd cycle UPR January 2013</b>	Barbados received thirteen recommendations pertaining to SOGI, of which it accepted three, accepted one in part, and ‘noted’ nine. The three accepted recommendations were general calls for the government to protect “all human rights,” and provide human rights education, including on matters of SOGI. The recommendation accepted in part pertained to discrimination, but the state also ‘noted’ two similar ones. The remaining seven recommendations that were ‘noted’ had urged decriminalization of same-sex sexual acts. <sup>165</sup>	The government defended its rejection of the seven decriminalization recommendations by arguing that “persons who engaged in same-sex relationships were not prosecuted, since without a complaint there could be no successful prosecution of such acts.” The state further argued that as a democracy it was “hesitant to go against the wishes of the people” on a matter about which there was “no consensus.” Still, the government affirmed that “it was committed to ensuring that the rights of all persons were protected from harm.” <sup>166</sup>

<sup>163</sup> Report of the Working Group on the Universal Periodic Review: Barbados, A/HRC/WG.6/3/L.5, December 5, 2008, Advance Unedited Version, [https://www.upr-info.org/sites/default/files/document/barbados/session\\_03\\_-\\_december\\_2008/a\\_hrc\\_wg6\\_3\\_l5\\_barbados.pdf](https://www.upr-info.org/sites/default/files/document/barbados/session_03_-_december_2008/a_hrc_wg6_3_l5_barbados.pdf) (accessed September 26, 2017).

<sup>164</sup> Ibid., para. 14.

<sup>165</sup> Report of the Working Group on the Universal Periodic Review: Barbados, A/HRC/23/11, March 12, 2013, [https://www.upr-info.org/sites/default/files/document/barbados/session\\_15\\_-\\_january\\_2013/ahrc2311e.pdf](https://www.upr-info.org/sites/default/files/document/barbados/session_15_-_january_2013/ahrc2311e.pdf) (accessed [date]). See ILGA Report 2017, p. 108/109.

<sup>166</sup> Ibid., paras. 21, 22.



## Appendix III: Dominica

General Country Information	
<b>Population</b>	72,000 (2013)
<b>Gained Independence</b>	November 3, 1978
<b>Multilateral Affiliations</b>	Member of the African, Caribbean and Pacific Group of States, Association of Caribbean States, Caribbean Community, Non- Aligned Movement, Organization internationale de la Francophonie, Organization of Eastern Caribbean States, Organization of American States, United Nations and World Trade Organization.
<b>Relevant Legislation</b>	<p>Sexual Offences Act 1998</p> <p><b>Section 14 - Gross Indecency</b></p> <p>“(1) Any person who commits an act of gross indecency with another person is guilty of an offence and liable on conviction to imprisonment for five years.</p> <p>(2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent.</p> <p>(3) For the purposes of subsection (2) –an act shall be deemed not to have been committed in private if it is committed in a public place; and a person shall be deemed not to consent to the commission of such an act if – (i) the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent representations as to the nature of the act; (ii) the consent is induced by the application or administration of any drug, matter or thing with intent to intoxicate or stupefy the person; or (iii) that person is, and the other party to the act knows or has good reason to believe that the person is suffering from a mental disorder.</p> <p>(4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of genital organs for the purpose of arousing or gratifying sexual desire.”</p> <p><b>Section 16 - Buggery</b></p> <p>“(1) A person who commits buggery is guilty of an offence and liable on conviction to imprisonment for – (a) twenty-five years, if committed by an adult on a minor; (b) ten years, if committed by an adult on another adult; (c) or five years, if committed by a minor; and, if the Court thinks it fit, the Court may order that the convicted person be admitted to a psychiatric hospital for treatment.</p> <p>(2) Any person who attempts to commit the offence of buggery, or is guilty of an assault with the intent to commit the same is guilty of an offence and liable to imprisonment for four years and, if the Court thinks it fit, the Court may order that the convicted person be admitted to the psychiatric hospital for treatment.</p> <p>(3) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.”</p>

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws

### Ratification Status for Dominica

Treaty	Ratification Date, Accession(a), Succession(d) Date
ICCPR - International Covenant on Civil and Political Rights	June 17, 1993 (a)
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	September 15, 1980
ICESCR - International Covenant on Economic, Social and Cultural Rights	June 17, 1993 (a)
CRC - Convention on the Rights of the Child	March 13, 1991
CRPD - Convention on the Rights of Persons with Disabilities	October 1, 2012
ACHR – American Convention on Human Rights	June 3, 1993

Source: UNOHCHR Treaty Body Database by Country

### UN Universal Periodic Review

UPR Cycle	SOGI Recommendations	State response
<b>1st cycle UPR January 2010</b>	State received seven recommendations pertaining to SOGI, including recommendations to implement comprehensive human rights education and “undertake measures to promote tolerance and non-discrimination on grounds of sexual orientation or identity” by utilizing the Yogyakarta Principles. <sup>167</sup>	State did not accept any of the seven recommendations including calls for the decriminalization of same-sex sexual acts and institution of non-discrimination principles. The state also ‘noted’ several recommendations regarding its HIV/AIDS program, including calls for legislation banning discrimination on the basis of HIV status. In response, Dominica conceded that existing law is “discriminatory” and that there is a “certain element of discrimination in the society.” <sup>168</sup>
<b>2nd cycle UPR May 2014</b>	State received twelve recommendations regarding SOGI which called for decriminalization and implementation of non-discrimination principles. The Working Group also expressed concern about the protection of human rights defenders working on SOGI issues. <sup>169</sup>	State argued that it did not “prevent defenders of any cause from exercising their rights.” Rejecting the recommendations for decriminalization, the state argued that nobody had been charged under the law and that “the Government was not prepared to introduce any legislation to Parliament decriminalizing sexual relations between adults of the same sex.” <sup>170</sup>

<sup>167</sup> Report of the Working Group on the Universal Periodic Review: Dominica, A/HRC/13/12, January 4, 2010, [https://www.upr-info.org/sites/default/files/document/dominica/session\\_06\\_-\\_november\\_2009/a\\_hrc\\_13\\_12\\_dominica\\_e.pdf](https://www.upr-info.org/sites/default/files/document/dominica/session_06_-_november_2009/a_hrc_13_12_dominica_e.pdf) (accessed September 26, 2017). See ILGA Report 2017, pp. 110.

<sup>168</sup> ILGA Report 2017, pp. 110.

<sup>169</sup> Report of the Working Group on the Universal Periodic Review: Dominica, A/HRC/27/9, June 26, 2015, [https://www.upr-info.org/sites/default/files/document/dominica/session\\_19\\_-\\_april\\_2014/a\\_hrc\\_27\\_9\\_e.pdf](https://www.upr-info.org/sites/default/files/document/dominica/session_19_-_april_2014/a_hrc_27_9_e.pdf) (accessed September 26, 2017). See ILGA Report 2017, pp. 110-111.

<sup>170</sup> ILGA Report 2017, pp. 110-111.

## Appendix IV: Grenada

General Country Information	
<b>Population</b>	106,000 (2013)
<b>Gained Independence</b>	February 7, 1974
<b>Multilateral Affiliations</b>	Member of the African, Caribbean and Pacific Group of States, Association of Caribbean States, Caribbean Community, Non-Aligned Movement, Organization of Eastern Caribbean States, Organization of American States, United Nations and World Trade Organization.
<b>Relevant Legislation</b>	Criminal Code of 1987 as amended in 1993 <b>Article 430.</b> “Whoever publicly and willfully commits any grossly indecent act is guilty of a misdemeanor.”  <b>Article 431.</b> “If any two persons are guilty of unnatural connexion, or if any person is guilty of unnatural connection with any animal, every such person shall be liable to imprisonment for ten years”.

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws

Ratification Status	
Treaty	Ratification Date, Accession(a), Succession(d) Date
ICCPR - International Covenant on Civil and Political Rights	September 6, 1991 (a)
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	August 30, 1990
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	May 10, 2013
ICESCR - International Covenant on Economic, Social and Cultural Rights	September 6, 1991 (a)
CRC - Convention on the Rights of the Child	November 5, 1990
CRPD - Convention on the Rights of Persons with Disabilities	August 27, 2014
ACHR – American Convention on Human Rights	July 14, 1978

Source: UNOHCR Treaty Body Database by Country

## UN Universal Periodic Review

UPR Cycle	SOGI Recommendations	State response
<b>1st cycle UPR May 2010</b>	Grenada received five recommendations to decriminalize same-sex sexual relations, none of which it accepted. <sup>171</sup>	The government confirmed that its law criminalizing same-sex sexual relations remained in effect and might be considered “discriminatory,” but said that repeal would require a “growing tolerance on the part of the people” before the government would take action. The state argued that there was no such discrimination “in the provision of health and other services in that regard.” <sup>172</sup>
<b>2nd cycle UPR January 2015</b>	Grenada received sixteen recommendations regarding SOGI. Most of the recommendations urged Grenada to decriminalize same-sex sexual relations, with additional calls for anti-discrimination education programs and legislation. <sup>173</sup>	None of the sixteen recommendations were accepted, although the government addressed the matter at length in its response. The government said that the protection of LGBTI persons was considered as part of its constitutional reform process, but that ultimately its reform committee decided not to move forward with the issue because “it was obvious that there was not much support for that issue nationally.” However, the state noted that the committee recommended legislation on workplace sexual orientation discrimination. <sup>174</sup>

<sup>171</sup> Report of the Working Group on the Universal Periodic Review: Grenada, A/HRC/15/12, June 16, 2010, [https://www.upr-info.org/sites/default/files/document/grenada/session\\_08\\_-\\_may\\_2010/a\\_hrc\\_15\\_12\\_e.pdf](https://www.upr-info.org/sites/default/files/document/grenada/session_08_-_may_2010/a_hrc_15_12_e.pdf). See ILGA Report 2017, pp. 111-112.

<sup>172</sup> Report of the Working Group on the Universal Periodic Review: Grenada, A/HRC/15/12, June 16, 2010, [https://www.upr-info.org/sites/default/files/document/grenada/session\\_08\\_-\\_may\\_2010/a\\_hrc\\_15\\_12\\_e.pdf](https://www.upr-info.org/sites/default/files/document/grenada/session_08_-_may_2010/a_hrc_15_12_e.pdf), para. 26.

<sup>173</sup> Report of the Working Group on the Universal Periodic Review: Grenada, A/HRC/29/14, April 9, 2015, [https://www.upr-info.org/sites/default/files/document/grenada/session\\_21\\_-\\_january\\_2015/a\\_hrc\\_29\\_14\\_e.pdf](https://www.upr-info.org/sites/default/files/document/grenada/session_21_-_january_2015/a_hrc_29_14_e.pdf). See ILGA Report 2017, pp. 112.

<sup>174</sup> Report of the Working Group on the Universal Periodic Review: Grenada, A/HRC/29/14, April 9, 2015, [https://www.upr-info.org/sites/default/files/document/grenada/session\\_21\\_-\\_january\\_2015/a\\_hrc\\_29\\_14\\_e.pdf](https://www.upr-info.org/sites/default/files/document/grenada/session_21_-_january_2015/a_hrc_29_14_e.pdf), para. 35.

## Appendix V: St. Kitts and Nevis

General Country Information	
<b>Population</b>	54,000 (2013)
<b>Gained Independence</b>	September 19, 1983
<b>Multilateral Affiliations</b>	Member of the African, Caribbean and Pacific Group of States, Association of Caribbean States, Caribbean Community, Non-Aligned Movement, Organization of Eastern Caribbean States, Organization of American States, United Nations and World Trade Organization.
<b>Relevant Legislation</b>	<p>Offences Against the Person Act Revised in 2002</p> <p><b>Part XII. Unnatural Offences</b></p> <p><b>Section 56 - Sodomy and Bestiality</b></p> <p>“Any person who is convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned for a term not exceeding ten years, with or without hard labor”.</p> <p><b>Section 57 - Attempt to Commit an Infamous Crime</b></p> <p>“Any person who attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, commits a misdemeanor, and, on conviction, shall be liable to be imprisoned for a term not exceeding four years, with or without hard labor”. [Note: “any indecent assault upon any male person” is undefined and thus subject to arbitrary interpretation, which could potentially encompass any behavior perceived as a homosexual advance.]</p>

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws

Ratification Status	
Treaty	Ratification Date, Accession(a), Succession(d) Date
ICCPR - International Covenant on Civil and Political Rights	Not ratified
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	April 25, 1985 (a)
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	October 13, 2006 (a)
ICESCR - International Covenant on Economic, Social and Cultural Rights	Not ratified
CRC - Convention on the Rights of the Child	July 24, 1990
ACHR – American Convention on Human Rights	Not ratified

Source: UNOHCHR Treaty Body Database by Country

## UN Universal Periodic Review

UPR Cycle	SOGI Recommendations	State response
<b>1st cycle UPR</b> <b>January 2011</b>	St. Kitts and Nevis received eight recommendations regarding SOGI. The majority of the recommendations called for decriminalization and the incorporation of non-discrimination provisions in legislation. <sup>175</sup>	The government did not accept any of the eight recommendations but argued that, although the law was still in effect, “in terms of the society at large, such persons did enjoy the same rights and privileges as everyone else.” The government also said that HIV/AIDS-related care was openly accessible to MSM. 176
<b>2nd cycle UPR</b> <b>November 2015</b>	St. Kitts and Nevis received eight recommendations regarding SOGI which again addressed non-discrimination provisions and decriminalization. Two additional general recommendations called for an end to all forms of discrimination to all the “full enjoyment of all human rights by every member of society.” <sup>177</sup>	The government did not accept any of the SOGI recommendations, including the general non-discrimination statements. The government responded by stating there was “no formal or positive legal discrimination against persons” in the country, and that the government had received no reports of such violence or discrimination. <sup>178</sup>

<sup>175</sup> Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, A/HRC/WG.6/10/L.10, February 3, 2011, Advanced Unedited Version, [https://www.uprinfo.org/sites/default/files/document/saint\\_kitts\\_and\\_nevis/session\\_10\\_-\\_january\\_2011/saint\\_kitts-a\\_hrc\\_wg.6\\_10\\_l.10-eng.pdf](https://www.uprinfo.org/sites/default/files/document/saint_kitts_and_nevis/session_10_-_january_2011/saint_kitts-a_hrc_wg.6_10_l.10-eng.pdf). See ILGA Report 2017, pp. 116-117.

<sup>176</sup> Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, A/HRC/WG.6/10/L.10, February 3, 2011, Advanced Unedited Version, [https://www.uprinfo.org/sites/default/files/document/saint\\_kitts\\_and\\_nevis/session\\_10\\_-\\_january\\_2011/saint\\_kitts-a\\_hrc\\_wg.6\\_10\\_l.10-eng.pdf](https://www.uprinfo.org/sites/default/files/document/saint_kitts_and_nevis/session_10_-_january_2011/saint_kitts-a_hrc_wg.6_10_l.10-eng.pdf), para. 35. See ILGA Report 2017, pp. 116.

<sup>177</sup> Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, A/HRC/31/16, November 20, 2015, Unedited Version, [https://www.upr-info.org/sites/default/files/document/saint\\_kitts\\_and\\_nevis/session\\_23\\_-\\_november\\_2015/a\\_hrc\\_31\\_16.pdf](https://www.upr-info.org/sites/default/files/document/saint_kitts_and_nevis/session_23_-_november_2015/a_hrc_31_16.pdf). See ILGA Report 2017, pp. 116.

<sup>178</sup> Report of the Working Group on the Universal Periodic Review: St. Kitts and Nevis, A/HRC/31/16, November 20, 2015, Unedited Version, [https://www.upr-info.org/sites/default/files/document/saint\\_kitts\\_and\\_nevis/session\\_23\\_-\\_november\\_2015/a\\_hrc\\_31\\_16.pdf](https://www.upr-info.org/sites/default/files/document/saint_kitts_and_nevis/session_23_-_november_2015/a_hrc_31_16.pdf), para. 16. See ILGA Report 2017, pp. 116.

## Appendix VI: St. Lucia

General Country Information	
<b>Population</b>	182,000 (2013)
<b>Gained Independence</b>	February 22, 1979
<b>International Relations</b>	Member of the African, Caribbean and Pacific Group of States, Association of Caribbean States, Caribbean Community, Non-Aligned Movement, Organisation internationale de la Francophonie, Organization of Eastern Caribbean States, Organization of American States, United Nations and World Trade Organization.
<b>Relevant Legislation</b>	<p>Criminal Code, No. 9 of 2004 (Effective 1 January 2005)</p> <p><b>Section 132 - Gross Indecency</b></p> <p>“(1) Any person who commits an act of gross indecency with another person commits an offence and is liable on conviction on indictment to imprisonment for ten years or on summary conviction to five years.</p> <p>(2) Subsection (1) does not apply to an act of gross indecency committed in private between an adult male person and an adult female person, both of whom consent.</p> <p>(3) For the purposes of subsection (2) –</p> <p>(a) an act shall be deemed not to have been committed in private if it is committed in a public place; and</p> <p>(b) a person shall be deemed not to consent to the commission of such an act if –</p> <p>(i) the consent is extorted by force, threats or fear of bodily harm or is obtained by false and fraudulent representations as to the nature of the act;</p> <p>(ii) the consent is induced by the application or administration of any drug, matter or thing with intent to intoxicate or stupefy the person; or</p> <p>(iii) that person is, and the other party to the act knows or has good reason to believe that the person is suffering from a mental disorder.</p> <p>(4) In this section “gross indecency” is an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.”</p> <p><b>Section 133 - Buggery</b></p> <p>“(1) A person who commits buggery commits an offence and is liable on conviction on indictment to imprisonment for –</p> <p>(a) life, if committed with force and without the consent of the other person;</p> <p>(b) ten years, in any other case.</p> <p>(2) Any person who attempts to commit buggery, or commits an assault with intent to commit buggery, commits an offence and is liable to imprisonment for five years.</p> <p>(3) In this section “buggery” means sexual intercourse per anus by a male person with another male person.”</p>

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws

### Ratification Status for Saint Lucia

Treaty	Ratification Date, Accession(a), Succession(d) Date
ICCPR - International Covenant on Civil and Political Rights	Not ratified
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	October 8, 1982 (a)
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	February 14, 1990 (d)
ICESCR - International Covenant on Economic, Social and Cultural Rights	Not ratified
CRC - Convention on the Rights of the Child	June 16, 1993
ACHR – American Convention on Human Rights	Not ratified

Source: UNOHCR Treaty Body Database by Country



## UN Universal Periodic Review

UPR Cycle	SOGI Recommendations	State response
<b>1st cycle UPR</b> <b>January 2011</b>	St. Lucia received eight recommendations regarding SOGI. Most of the recommendations called for decriminalization of same-sex sexual relations and non-discrimination, one called for thorough investigations into acts of violence committed against individuals on the basis of SOGI, and another called for adequate protection of human rights defenders who work on SOGI-related issues. <sup>179</sup>	The government rejected or ‘noted’ the six recommendations which called for decriminalization and non-discrimination. State accepted the two recommendations calling for thorough investigations and protection of human rights defenders, respectively. The delegation emphasized that the Constitution “does not allow for discrimination against anyone,” but questioned the role of the state in “advocacy and changes in attitude of certain sectors of society” that could prompt decriminalization. <sup>180</sup>
<b>2nd UPR November 2015</b>	St. Lucia received thirteen recommendations regarding SOGI. Ten of these called for the decriminalization of same-sex sexual acts while three were related to educational programs and unspecific commitments to fight against discrimination based on SOGI. <sup>181</sup>	The government rejected the ten recommendations calling for decriminalization and non-discrimination legislation, and it accepted recommendations pertaining to educational programs. The government explained that it had considered enacting non-discrimination legislation and had outlawed workplace sexual orientation discrimination. The delegation stressed that the Constitution protects all individuals including LGBTI people, and that such individuals are not barred from judicial redress. <sup>182</sup>

<sup>179</sup> Report of the Working group on the Universal Periodic Review: St Lucia, A/HRC/17/6, March 11, 2011, [https://www.upr-info.org/sites/default/files/document/saint\\_lucia/session\\_10\\_-\\_january\\_2011/a\\_hrc\\_17\\_6\\_saint\\_lucia\\_e.pdf](https://www.upr-info.org/sites/default/files/document/saint_lucia/session_10_-_january_2011/a_hrc_17_6_saint_lucia_e.pdf). See ILGA Report 2017, pp. 117-118.

<sup>180</sup> Report of the Working group on the Universal Periodic Review: St Lucia, A/HRC/17/6, March 11, 2011, [https://www.upr-info.org/sites/default/files/document/saint\\_lucia/session\\_10\\_-\\_january\\_2011/a\\_hrc\\_17\\_6\\_saint\\_lucia\\_e.pdf](https://www.upr-info.org/sites/default/files/document/saint_lucia/session_10_-_january_2011/a_hrc_17_6_saint_lucia_e.pdf), para. 65. See ILGA Report 2017, pp. 117-118.

<sup>181</sup> Report of the Working Group on the Universal Periodic Review: St Lucia, A/HRC/31/10, December 15, 2015, [https://www.upr-info.org/sites/default/files/document/saint\\_lucia/session\\_23\\_-\\_november\\_2015/a\\_hrc\\_31\\_10.pdf](https://www.upr-info.org/sites/default/files/document/saint_lucia/session_23_-_november_2015/a_hrc_31_10.pdf). See ILGA Report 2017, pp. 117-118.

<sup>182</sup> Report of the Working Group on the Universal Periodic Review: St Lucia, A/HRC/31/10, December 15, 2015, [https://www.upr-info.org/sites/default/files/document/saint\\_lucia/session\\_23\\_-\\_november\\_2015/a\\_hrc\\_31\\_10.pdf](https://www.upr-info.org/sites/default/files/document/saint_lucia/session_23_-_november_2015/a_hrc_31_10.pdf), paras. 18 & 19.

## Appendix VII: St. Vincent and the Grenadines

General Country Information	
<b>Population</b>	109,000 (2013)
<b>Gained Independence</b>	October 27, 1979
<b>International Relations</b>	Member of the African, Caribbean and Pacific Group of States, Association of Caribbean States, Caribbean Community, Non-Aligned Movement, Organization of Eastern Caribbean States, Organization of American States, United Nations and World Trade Organization.
<b>Relevant Legislation</b>	<p>Criminal Code, 1990 Edition</p> <p><b>Section 146 - Buggery</b></p> <p>“Any person who –</p> <ul style="list-style-type: none"> <li>(a) commits buggery with any other person;</li> <li>(b) commits buggery with an animal; or</li> <li>(c) permits any person to commit buggery with him or her; is guilty of an offence and liable to imprisonment for ten years.” <p><b>Section 148 - Gross Indecency</b></p> <p>“Any person, who in public or private, commits an act of gross indecency with another person of the same sex, or procures or attempts to procure another person of the same sex to commit an act of gross indecency with him or her, is guilty of an offence and liable to imprisonment for five years.”</p> </li></ul>

Source: Commonwealth Secretariat and HRW Map of Countries with Anti-LGBT Laws

### Ratification Status for Saint Vincent and the Grenadines

Treaty	Ratification Date, Accession(a), Succession(d) Date
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	August 1, 2001 (a)
ICCPR - International Covenant on Civil and Political Rights	November 9, 1981 (a)
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	August 4, 1981 (a)
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	November 9, 1981 (a)
ICESCR - International Covenant on Economic, Social and Cultural Rights	November 9, 1981 (a)
CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	October 29, 2010 (a)
CRC - Convention on the Rights of the Child	October 26, 1993
CRPD - Convention on the Rights of Persons with Disabilities	October 29, 2010 (a)
ACHR – American Convention on Human Rights	Not ratified

Source: UNOHCR Treaty Body Database by Country

UN Universal Periodic Review		
UPR Cycle	SOGI Recommendations	State response
<b>1st cycle UPR</b> <b>May 2011</b>	St. Vincent and the Grenadines received eleven recommendations related to SOGI, all of which called for decriminalization of same-sex sexual relations and non-discrimination. <sup>183</sup>	The government rejected all 11 recommendations, arguing that “in the context of the moral, societal and cultural make-up of the State,” there was no impetus to repeal the discriminatory laws. <sup>184</sup>
<b>2nd cycle UPR</b> <b>May 2016</b>	St. Vincent and the Grenadines received eight recommendations related to SOGI calling for decriminalization and non-discrimination. <sup>185</sup>	Again, the government rejected all of the recommendations and argued that the discriminatory laws had public support within the country’s “Christian society,” although some social change was acknowledged particularly among youth. The delegation claimed that no imprisonments had been made under the discriminatory laws. <sup>186</sup>

<sup>183</sup> Report of the Working Group on the Universal Periodic Review: St. Vincent and the Grenadines, A/HRC/WG.6/11/L13, May 13, 2011, Unedited Version, [https://www.uprinfo.org/sites/default/files/document/saint\\_vincent\\_and\\_the\\_grenadines/session\\_11\\_-\\_may\\_2011/a\\_hrc\\_wg.6\\_11\\_l13\\_saint\\_vincent.pdf](https://www.uprinfo.org/sites/default/files/document/saint_vincent_and_the_grenadines/session_11_-_may_2011/a_hrc_wg.6_11_l13_saint_vincent.pdf). See ILGA Report 2017, pp. 118-119.

<sup>184</sup> Report of the Working Group on the Universal Periodic Review: St. Vincent and the Grenadines, A/HRC/WG.6/11/L13, May 13, 2011, Unedited Version, [https://www.uprinfo.org/sites/default/files/document/saint\\_vincent\\_and\\_the\\_grenadines/session\\_11\\_-\\_may\\_2011/a\\_hrc\\_wg.6\\_11\\_l13\\_saint\\_vincent.pdf](https://www.uprinfo.org/sites/default/files/document/saint_vincent_and_the_grenadines/session_11_-_may_2011/a_hrc_wg.6_11_l13_saint_vincent.pdf), para. 29. See ILGA Report 2017, pp. 118-119.

<sup>185</sup> Report of the Working Group on the Universal Periodic Review: St. Vincent and the Grenadines, A/HRC/WG.6/25/L.2, May 18, 2016, Unedited Version, [https://www.uprinfo.org/sites/default/files/document/saint\\_vincent\\_and\\_the\\_grenadines/session\\_25\\_-\\_may\\_2016/a-hrc-wg.6-25-l.2.pdf](https://www.uprinfo.org/sites/default/files/document/saint_vincent_and_the_grenadines/session_25_-_may_2016/a-hrc-wg.6-25-l.2.pdf). See ILGA Report 2017, pp. 118-119.

<sup>186</sup> Report of the Working Group on the Universal Periodic Review: St. Vincent and the Grenadines, A/HRC/WG.6/25/L.2, May 18, 2016, Unedited Version, [https://www.uprinfo.org/sites/default/files/document/saint\\_vincent\\_and\\_the\\_grenadines/session\\_25\\_-\\_may\\_2016/a-hrc-wg.6-25-l.2.pdf](https://www.uprinfo.org/sites/default/files/document/saint_vincent_and_the_grenadines/session_25_-_may_2016/a-hrc-wg.6-25-l.2.pdf), para. 44. See ILGA Report 2017, pp. 118-119.

# “I Have to Leave to Be Me”

## Discriminatory Laws against LGBT People in the Eastern Caribbean

*“I Have to Leave to Be Me”* focuses on the experiences of lesbian, gay, bisexual, and transgender (LGBT) people in small island states of the Eastern Caribbean. It demonstrates, through individual testimony, how existing discriminatory legislation negatively impacts LGBT populations, opening the door to discrimination, violence, and abuse. The report includes seven Eastern Caribbean countries: Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. All seven countries have versions of buggery and gross indecency laws, relics of British colonialism, that prohibit same-sex conduct between consenting persons. The laws have broad latitude, are vaguely worded, and serve to legitimize discrimination and hostility towards LGBT people in the Eastern Caribbean. They are rarely enforced by way of criminal prosecutions but all share one common trait: by singling out, in a discriminatory manner, a vulnerable social group they give social and legal sanction for discrimination, violence, stigma, and prejudice against LGBT individuals.



*Jason (pseudonym), a 40-year-old gay man from Barbados.*

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