

# Sodomy Laws in the Anglo-phone Caribbean: Strategies for Effecting Change

# Type of Sodomy Law: J'ca

## OAPA

- **76.** Whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be imprisoned and kept to hard labour for a term not exceeding ten years.
- **77.** Whosoever shall attempt to commit the said abominable crime, or shall be guilty of any assault with intent to commit the same, or of any ***indecent assault*** upon any male person, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour.

# Types of Sodomy Laws (Contd.)

- **79.** Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of ***gross indecency*** with another male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for a term not exceeding two years, with or without hard labour.

# Types of Sodomy Laws (T'dad)

- Sexual Offences Act, No. 27 of 1986 (Modified by Sexual Offences (Amendment) Act No. 31 of 2000)114

Section 13 “Buggery” Buggery committed an adult on another adult - 25 years imprisonment. Section 16 “Abduction on a female” Sexual acts between women - imprisonment for ten years for a first offence and to imprisonment for fifteen years for a subsequent offence.

# Sodomy Law: (Contd.)

- Section 53 **Belize** Criminal Code Cap 101.
  - “Every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for ten years.”
- **Grenada** Criminal Code
  - Article 431

"If any two persons are guilty of unnatural connexion [sic], or if any person is guilty of an unnatural connexion with an animal, every such person shall be liable to imprisonment for ten years".

# Sodomy Laws (Contd.)

- **Guyana:** Criminal Law (Offences) Act

Section 354 “Everyone who commits buggery, either with a human being or with any other living creature, shall be guilty of felony and be liable to imprisonment for life.”

Section 153 (1) (xlvii) of the Summary Jurisdiction (Offences) Act Chapter 8:02 which criminalises as a minor offence the “wearing of female attire by men; wearing of male attire by women.”

# Sodomy Law (Contd.)

- **St. Vincent and the Grenadines**

Section 146 Any person who "commits buggery [anal intercourse] with any other person" and any person who "commit buggery with him or her is "liable to imprisonment for ten years".

# Anglo-phone countries with SL

- Antigua & Barbuda 15 Years
- Barbados Life imprisonment
- Belize 10 Years
- Dominica 10 Years
- Grenada 10 Years
- Guyana Life imprisonment
- Jamaica 10 Years
- St. Kitts 10 Years
- St. Lucia 10 Years
- St. Vincent 10 Years
- Trinidad & Tobago 25 Years



# Effects of Sodomy Laws

- Criminalizing useful citizens,
- HIV/AIDS infection prevalence rate in Jamaica
  - 33% among MSM vs. 1.8% in General Population
- Harassment
  - Recent arrest of Police Officer for 12 days on suspicion
- Down Low Culture: Forced Marriages
- Diminished quality of life
  - Can't demonstrate affection
- Job Loss
- General Stigma and Discrimination

# What is Needed

- Repeal of Laws
- Change of Culture
- Affirmative Action to address years of Stigma and Discrimination
- Positive State Actions to support rights recognition and protection.

# Challenges

- Fundamentalism
  - Jamaican Govt. Adventist and Opposition Pentecostal
- Social Resistance
  - Majority still oppose decriminalization
- Other Legislative Priorities of Government
- Constitutional Savings Law Clause
- Disagreement on change strategy within LGBTI Community
- Apathy/Fear within LGBTI Community
  - Threats & violence against and assassination of activists
- Lack of Binding International Agreements on SO&GI
- Capacity of staff.

# What's being done

- Regional Strategizing
- Legislative Challenge in Belize
  - Savings Law Clause in Other Countries
- Jamaican Claim before Inter-American Commission
  - OAS Resolution 2435 and 2504
  - Difficulty in finding suitable Claimant
- Letter writing campaign to change public opinion
  - Success with major Journalist
- Pride events in Guyana and Legislative Challenge to Cross-Dressing Law.
- Challenge to Cross-Dressing Law in Curacao.

# OAS Resolution 2435 and 2504

- Condemn Acts of Violence
- Require states to investigate and prosecute crimes against persons based on their Sexual Orientation and Gender Identity
- Protect Human Rights Defenders
- Require OAS to continue to pay attention to this issue.
- Permanent Council Report at the 40<sup>th</sup> OAS Session on this issue.
- **(NON-BINDING RESOLUTIONS)**

# What can you do?

- Lobby your governments to pressure Anglo-phone countries to repeal the laws
- Share best practices how achieved legislative changes
- Provide resources (especially Financial for campaigns and Translation of Outreach material/tools)
- Provide Asylum if necessary
- Continue the dialogue



THANK YOU!