

By Anna Dickson,
Philip Loft,
Tim Robinson,
Nigel Walker

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LGBT+ rights and issues in the Caribbean



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Summary

Eleven Caribbean states maintain laws which [criminalise consensual sexual relations between adults of the same sex in private](#) (PDF): Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. While many of the laws originate from the colonial era, they have yet to be repealed.

Legal frameworks and change

In many cases strong societal pulls against repealing such legislation are linked to religious beliefs. Challenging such traditional social views is not easy, but attempts to reform legislation have increased in recent years.

For example, Barbados has begun to talk more openly about the need for change, although it has placed limits on how far it is prepared to do so. In 2020 the Government said it would [recognise a form of civil union](#) for same sex couples, but would not go as far as to permit same sex marriage.

And in a landmark ruling in 2018, Trinidad and Tobago (not included in this paper) determined that sections of its Sexual Offences Act which criminalised consensual same-sex activity between adults [were unconstitutional](#).

In 2019 in Dominica, a [legal challenge against laws](#) which ban same sex sexual activity and punish same sex relations was launched. The case is still ongoing.

Social discrimination

While some progress has been made, there are still significant barriers to full LGBT+ equality. Even in places where these laws are not consistently enforced, they contribute to an acceptance of societal discrimination.

In March 2018, Human Rights Watch published a report, titled [I had to leave to be me](#) (PDF), highlighting the extent of discrimination against LGBT+ people living in the Eastern Caribbean. Interviewees described harassment by family members and fears of isolation, violence and homelessness.

In 2019, the Inter-American Commission on Human Rights has [cited concerns](#) that participation in advocacy against discriminatory legislation has exposed activists to death threats, intimidation and violent attacks.

A 2014 report on LGBT+ experiences in the Commonwealth also stated negative statements by church and political leaders [reinforced negative attitudes towards LGBT+ persons](#) (PDF).

As a result, many LGBT+ people remain wary of being open about their LGBT+ status.

What can the UK Government do?

All of the Caribbean states in this paper are middle income countries and are not eligible to receive Official Development Assistance (ODA) from the UK. ODA is aid intended to promote the economic welfare and developing of mostly low-income countries. However, as Commonwealth member states and former British colonies, the UK is in a position to engage constructively with them on LGBT+ inclusion.

On 17 May 2021, the Minister for Women and Equalities laid a [written statement](#) on plans for the first ever global LGBT+ rights conference, which will take place in the UK in 2022. The intention of the conference is to:

Bring together countries, international civil society and businesses to improve the rights and freedoms of LGBT people around the world. We will address three key challenges: supporting decriminalisation and legislative reform to advance equality and legal protections for LGBT people globally, tackling violence and discrimination, and improving access to public services.

This briefing describes the status of LGBT+ rights in seven Caribbean states. It also looks at societal forms of discrimination. These include in employment practice, access to healthcare and involvement in civic life.

Where relevant, each country profile sets out UK Government actions to promote LGBT+ rights. Further reading is also included for some countries depending on availability of material.

We have used the acronym LGBT+ in this briefing paper (except where we are quoting someone else's words). This refers to lesbian, gay, bisexual and transgender people. The '+' symbol is used to include people whose identities do not fit typical binary notions of male and female, or who decide to identify themselves using other categories to describe their gender identity or their sexuality. In the countries we focus on, the legislation is largely around same sex sexual activity rather than gender identity.

This paper should be read as correct at the time of publication.

Further reading

Human Rights Watch, [Discriminatory laws against LGBT people in the Eastern Caribbean, 2019](#)

Human Rights Watch, [Paradise Lost: The Plight of LGBT People in the Eastern Caribbean](#), 21 March 2018

J-Flag et al, [Human rights violations against LGBT people in Jamaica: A shadow report](#), 2016

1 Antigua and Barbuda

1.1 Legislative context

Antigua & Barbuda is one of ten Caribbean states that maintain laws that criminalise consensual same-sex relations.

1995 Legislation

The [Sexual Offences Act 1995](#) sets out the below:

Section 12: “A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment. [...] In this section ‘buggery’ means sexual intercourse per anus by a male person with a male person or by a male person with a female person.”

Same-sex intimacy between adult men carries a maximum prison sentence of 15 years.

Section 15: “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.” This does not apply if committed between a husband and wife or between a male person and a female person if they are both over sixteen.

This carries a maximum sentence of five years in prison.

Impact of law and legal challenge

There have been [very few reported instances](#) of individuals being arrested under the 1995 Act. In 2020, the US State Department [says](#) “the [1995] law was not strictly enforced.”

In 2019, the Eastern Caribbean Alliance for Diversity and Equality [launched legal action against the 1995 Act](#). The [challenge was ongoing](#) in 2020.

Possible changes in legislation

Antigua & Barbuda Government

In 2018, Prime Minister Gaston Brown said that the country [may have to change its laws](#), citing pressure from the Commonwealth.

This represented a change from 2016, when the same Government had said the 1995 legislation would [remain unchanged](#), though [emphasised it](#) “upholds

the core legal obligations of states with respect to protecting the human rights of LGBTI people.” In the same year, the [Minister of Social Transformation](#) had described the law as “antiquated.”

Following the [UN Human Rights periodic review of Antigua & Barbuda](#) in 2016, the state [did not accept several recommendations](#) to end discrimination against LGBT+ persons or to abolish laws that criminalise consensual same-sex relationships. It did, however, accept a recommendation to “continue the efforts to ensure that national legislation prohibits discrimination on the grounds of disability, sexual orientation, gender identity and social status.”

1.2 Social discrimination

The US State Department [says](#) “no law specifically prohibits discrimination against LGBTI persons,” but the Government encourages employers to not discriminate on grounds of sexual orientation or gender identity. The Government has sought to [facilitate dialogue](#) with LGBT+ groups.

In 2020, the US State Department reported [no public violence](#) against LGBT+ persons due to their actual or perceived sexual orientation. Freedom House has said the [LGBT+ community is marginalised and faces discrimination](#), impacting on its ability to engage with the political process.

In 2013, the Canadian Immigration and Refugee Board [reported instances of discrimination](#). These included some challenges accessing basic health and social care services, job loss, and fear in revealing social orientation.

LGBT+ organisations have [worked with the local police force](#) to offer training and reinforce community policing and human rights.

1.3 UK Government and Parliament statements

Antigua & Barbuda is [one of 36 Commonwealth Members](#) that criminalise same-sex acts between consenting adults.

In 2018, the Prime Minister, Theresa May, said the UK Government would be ready to support any Commonwealth member wanting to [reform legislation](#) that makes discrimination against LGBT+ people possible. She said the Government recognised that “these laws were often put in place by my own country.”

At the end of 2018 The UK announced a [£5.6 million programme](#) to advance the legal equality and rights of all Commonwealth citizens, regardless of their gender, sex, sexual orientation or gender identity.

UK Government support for LGBT+ rights in Antigua & Barbuda was [raised in 2014](#), prior to the creation of the £5.6 million programme. The rights of LGBT+

persons in the Commonwealth was also raised in a [general debate on the Commonwealth](#) in March 2021.

1.4

Further reading

Huffington Post, [The life of a transgender woman in the Caribbean](#), 8 December 2016

Human Dignity Trust, [Antigua & Barbuda](#), (regularly updated)

2 Barbados

2.1 Legal context

Consensual same-sex sexual acts between men and women are illegal in Barbados.

The Sexual Offences Act (1992) Section 9 criminalises the act of “buggery” between men with life imprisonment.

Further to this, Section 12 of the same Act punishes “serious indecency” with imprisonment of up to ten years and is defined as any “act, whether natural or unnatural by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire” and is applicable to such acts between men and between women and is punishable with imprisonment of up to ten years for both men and women.¹

Calls for legislative change

In 2016 the country’s Attorney General, Adriel Brathwaite said that gay people should be protected:

As a lawmaker, if Jane decides she wants to live with Janice, that is their business as far I am concerned. But I will not change the law to allow them to be married in Barbados. I will not stop them from being able to access health care, being able to have a job, or to be able to eat and sleep and do all the things I do. We are going to have to decide as a country if this is so fundamental to our way of life as a country that we are willing to uphold it and deal with the consequences thereof.”²

In September 2020, Governor General Dame Sandra Mason said that in order for no Barbadians to be discriminated against, her Government would “recognise a form of civil unions for couples of the same gender” but stressed that “my Government is not allowing any form of same sex marriage, and will put this matter to a public referendum.”³

In order for civil unions to be introduced, the anti-gay laws would have to be scrapped with Prime Minister Mia Mottley saying:

¹ ILGA ‘[State-Sponsored Homophobia 2020: Global Legislation Overview Update](#)’, December 2020

² [Barbados official says gays should be ‘left alone’ despite sodomy law](#), Pink News, 7 June 2016

³ [Government to recognise ‘a form of civil unions’ for same sex couples](#), Barbados Today, 15 September 2020

Nor can a society as tolerant as ours, allow itself to be “blacklisted” for human and civil rights abuses or discrimination on the matter of how we treat human sexuality and relations.

My government will do the right thing, understanding that this too will attract controversy.⁴

In September 2021, as part of the preparations for Barbados becoming a republic, the Charter of Barbados was [launched](#) for consultation. It was [debated](#) in the House of Assembly in November. Article 1 of the proposed Charter states that “All Barbadians are born free and are equal in human dignity and rights regardless of (...) sexual orientation.”

2.2 Discrimination and signs of progress

The US State Department’s 2020 report says that although there were no reports of the law being enforced, NGOs claim that “the potential for arrest and prosecution under the law was among the most serious issues facing the LGBT+ community.” People were often open about their sexuality and gender identity but police disapproval and societal discrimination meant that they were vulnerable to threats, crime, and destruction of property. NGOs also claimed that LGBT+ people suffer from discrimination in housing, employment, education and access to health care.⁵

In 2018 Barbados held its first Pride celebration and march in the capital Bridgetown with Pink News [reporting](#) that more than 120 people marched and danced through the streets. The following year, RoAnn Mohammed, the Pride organiser told Barbados Today that the celebrations were “outstanding and positive” and she was “pleased with the attendance”.⁶

2.3 UK Parliament

There have been no recent mentions of LGBT+ issues in Barbados in the UK Parliament.

In 2014, Simon Kirby asked what steps the UK Government were taking to promote LGBT rights in Barbados. In reply, Sir David Liddington spoke broadly of making regular representations through our Embassies, High Commissions and international organisations, adding “we promote tolerance and non-discrimination against LGBT people and to address discriminatory laws, in particular those that criminalise homosexuality” and “within the

⁴ [Barbados Government proposes civil unions and hints it will make gay sex legal](#), Gay Star News, 16 September 2020

⁵ US State Department, [2020 Country Reports on Human Rights Practices: Barbados](#), 30 March 2021

⁶ [‘Outstanding’ PRIDE parade](#), Barbados Today, 2 July 2019

Commonwealth we continue to encourage the Secretariat and the Secretary-General to do more to promote the rights of its LGBT people.”⁷

2.4 Further reading

Human Dignity Trust, [Country profile: Barbados](#) (regularly updated)

⁷ PQ 207242 [[on Barbados](#)] 5 September 2014

3

Dominica

3.1 Legislative context

Dominica is one of ten Caribbean states that maintain laws that criminalise consensual same-sex relations. There is [little recognition and protection for LGBT+ persons in the country](#).

Legislation criminalises same-sex relationships. [Section 14 of the Sexual Offences Act 1998](#) criminalises “gross indecency” between persons of the same sex. A person convicted was originally liable for imprisonment for up to five years, but an [amendment in 2016](#) increased this to up to twelve years.

In addition, [Section 16 of the same Act](#) criminalises attempts to commit “buggery,” with a penalty of four years imprisonment and the possibility of admission to a psychiatric hospital for treatment, if the court sees fit.

There are limited protections against hate crime. In 2019, [Dominica adopted legislation](#) that includes the crime of murder motivated by the victim’s sexual orientation as an exceptionally serious crime that can lead to the imposition of life imprisonment for the perpetrator.

Enforcement

The Dominican Government has said [enforcement of the statutes is rare](#).

In 2014, the Prime Minister, Roosevelt Skerrit, said that the police [“never” arrested people at their homes](#) engaged in same-sex sexual activity.

In 2013, [Dominican police rejected statistics](#) suggesting that 35 people were arrested and charged with buggery between 1995 and 2000. The Police said while there were 35 reported cases over the period, only one person was imprisoned.

In 2010, a report by the Caribbean HIV Aids Partnership Dominican Sector said that [from 2000 to 2010 there were 50 reported cases of buggery](#). However, the data does not record how many of these cases were between consenting adults.

There have been some confirmed instances of arrests. These include, in 2012, the arrest of two men on a cruise. They were charged with [indecent exposure](#).

[Pink News reports](#) that in 2001 fifteen women were arrested for engaging in same-sex sexual acts, charged with gross indecency, and sentenced to five

years imprisonment. Ten males were also sentenced to five years imprisonment for engaging in same-sex activity.

2019 legal challenge

In 2019, an anonymous gay man [launched a legal claim challenging laws](#) that ban same-sex sexual activity and punish same-sex relations. The challenge seeks to argue that the law violates Dominica's constitution that guarantees rights of expression, privacy and freedom from inhumane punishment. The [case is supported by the Canadian HIV/AIDS Legal Network](#), who previously supported cases in Jamaica and Barbados.

The case has been subject to delays. In 2020, the [original judge had to recuse himself](#) because the Pastor of his church applied to enter the case opposing the lawsuit. Supporters of the lawsuit have accused the Church of [delaying tactics](#).

In March 2020, the Dominican Government said [they would respect the court's decision but have no intention to repeal the legislation](#).

In 2021, Bishop Gabriel Malzaire of Roseau said he [would file court documents on behalf of the Dominica Christian Council](#) as an interested party in support of the laws criminalising same-sex sexual relations having previously said in 2013 he did not support the law (see below). The submission said the church [had a duty to oppose](#) steps that threaten "public decency and/or public morality."

Debates on reform

Prior to the legal challenge, there have been calls to reform the law.

In 2011, the Former Chief Justice of the Eastern Caribbean Supreme Court, Sir Brian Alleyne, said consenting same-sex sexual relations [should be decriminalised](#).

Religious groups have, at times, taken contrasting positions but in general are not in favour of changing the law.

In 2013, the head of the Roman Catholic Church in Dominica, Bishop Gabriel Malzaire, [said he wanted to see an end to violence against LGBT+ persons and same-sex marriage legalised](#). However, he emphasised the Church still saw "homosexual activity [...] [as] among many wrongs, which if not controlled, can lead to spiritual death." His statement followed calls an LGBT+ group, MiriDom, for the Church to set out its position on LGBT+ rights. The Bishop subsequently opposed the 2019 lawsuit seeking to decriminalise same-sex relationships.

The Dominica Association of Evangelical Churches, [argued in the same year that political parties should oppose reforms to LGBT+ rights](#).

The Government has opposed changes to the law.

In 2014, the Prime Minister, Roosevelt Skerrit, [rejected calls to re-examine the Sexual Offences Act](#) and said the Government would “never” recognise same-sex marriage in the country. In 2019, it [“noted” recommendations](#) by the UN Human Rights Council to [amend or repeal discriminatory laws](#) and promote a legal framework that protects LGBT+ rights.

In 2016, Opposition Senator Isaac Baptiste [called on the government to consider decriminalising same-sex relations](#). He argued criminalisation was at odds with the island’s attempt to develop its tourism sector and was inconsistent with international trends.

3.2 Reports of discrimination

The US State Department says [no laws prohibit discrimination](#) against a person based on their sexual orientation, gender identity, gender expression or sex characteristics in employment, housing or healthcare.

In 2020, the [US State Department reported](#) that anecdotal evidence suggested “strong societal and employment discrimination” was “common” against LGBT+ persons, and that NGOs reported victims often avoided notifying the police for fear of harassment or because of social stigma.

The same report notes that when informed, [police poorly investigated some claims](#).

Both reports were confirmed by a [UN team in 2019](#).

The anonymous man who brought the 2019 legal case has also said he has been subject to [discrimination and harassment](#) because of his sexual orientation.

In 2019, the Dominican Government said over the previous five years there had been no cases of violence or death threats targeting LGBT+ persons [reported to the Police](#) and access to healthcare was not denied to LGBT+ people.

Education

In 2012, the country’s Education Minister [formed a taskforce](#) whose responsibilities included “investigating and identifying the root cause of deviance and the increasing incidents of homosexuality among our student population.”

The initial report said that the “problem” was [larger than the taskforce first thought](#). A larger taskforce was established, with the mandate of mitigating the “spreading of crime, violence, homosexuality and deviant behaviours in school.”

The last reference to the taskforce appears to be in [September 2012](#).

NGOs and civil society

In 2019, the Inter-American Commission on Human Rights reported that many LGBT+ organisations were afraid to carry out human rights work. They [cited concerns](#) that participation in strategic litigation against discriminatory legislation exposed activists to death threats, intimidation and violent attacks.

Minority Rights Dominica is one [active group](#), and [supports the 2019 legal challenge](#).

In December 2020, Kaleidoscope, the international LGBT+ human rights charity that seeks to uphold human rights in the Commonwealth, [launched a small grants advocacy scheme for civil society organisations](#) in the Eastern Caribbean, including Dominica. Grants were for organisations working towards positive changes in laws and policies on gender equality and LGBT+ rights.

3.3 UK Parliament and Government

Dominica is [one of 36 Commonwealth Members](#) that criminalise same-sex acts between consenting adults.

In 2018, the Prime Minister, Theresa May, said the UK Government would be ready to support any Commonwealth member wanting to [reform legislation](#) that makes discrimination against LGBT+ persons possible. She said the Government recognised that “these laws were often put in place by my own country.” The UK announced a [£5.6 million programme](#) to advance the legal equality and rights of all Commonwealth citizens, regardless of their gender, sex, sexual orientation or gender identity.

The rights of LGBT+ persons in the Commonwealth was also raised in a [general debate on the Commonwealth](#) in March 2021.

In 2014, the UK Government was [asked what it was doing to promote LGBT+ rights in Dominica](#). In response, the Government said combatting violence and discrimination against LGBT+ people formed an important part of its wider human rights work and that it worked through embassies and international organisations to promote tolerance and non-discrimination.

4 Grenada

4.1 Legal context

Consensual same-sex sexual acts between men are illegal in Grenada.

Section 431 of the Criminal Code 1987 criminalises “unnatural connexion/crime”, stating “If any two persons are guilty of unnatural connexion, or if any person is guilty of unnatural connexion with any animal, every such person shall be liable to imprisonment for ten years.”

Further to that, Section 430 criminalises “grossly indecent acts” punished by two years in prison. This law states “whoever publicly and wilfully commits any grossly indecent act is guilty of a misdemeanour”.⁸

The Human Dignity Trust says that while the language is gender-neutral, only sexual acts between men are criminalised under this provision.⁹ However, the United Nations Human Rights Committee says that “by implication it covers both opposite-sex and same-sex acts” which are committed in public.¹⁰

Calls for reform

In 2013 the president of the Senate called for the island to reconsider its laws and said, “the day is fast approaching” when the English-speaking Caribbean islands should “fall in line with the mainstream.”¹¹

In 2015 Prime Minister, Dr Keith Mitchell, [speaking at a town hall meeting in Brooklyn](#), New York, invoking Pope Francis, called for more tolerance of the LGBT+ community, saying “who am I to judge”.¹² However, in 2017 he attracted criticism for making homophobic remarks about two members of the main opposition party whilst addressing a women’s rally.¹³

⁸ ILGA World ‘[State-Sponsored Homophobia 2020: Global Legislation Overview Update](#)’, December 2020

⁹ Human Dignity Trust, [Grenada](#), Accessed 24 June 2021

¹⁰ Office of the United Nations High Commissioner for Human Rights, [Criminal Law Concerning Same-Sex Intimacy in Grenada](#), Accessed 24 June 2021

¹¹ [Leader of Grenada’s senate calls for island to reconsider its laws banning sex between men](#), Washington Post, May 2013

¹² [Grenada Going Places on LGBTI Human Rights](#), Groundation Grenada, 9 November 2015

¹³ [Prime Minister under fire over homophobic comments](#), Caribbean News Service, 29 May 2017

4.2 Social discrimination

The US State Department says that although the authorities do not actively enforce the laws, there are also no laws that prohibit discrimination in terms of housing, employment, education, health care or access to government services for LGBT+ people.¹⁴

However society is generally intolerant of same sex sexual conduct and many churches condemn it. As a result LGBT+ people are wary of being open about their LGBT+ status.

In March 2018, Human Rights Watch [interviewed](#) a 22-year-old lesbian who had been bullied at high school with no protection from the school. The same woman and her partner were chased with a man with a harpoon. In another incident they were threatened by a group of construction workers.

4.3 UK Parliament

There have been no recent mentions of LGBT+ issues and Grenada in Parliament.

In 2014, Simon Kirby asked what steps the UK Government were taking to promote LGBT rights in Grenada. In reply, Sir David Liddington spoke broadly of making regular representations through our Embassies, High Commissions and international organisations, adding “we promote tolerance and non-discrimination against LGBT people and to address discriminatory laws, in particular those that criminalise homosexuality” and “within the Commonwealth we continue to encourage the Secretariat and the Secretary-General to do more to promote the rights of its LGBT people.”¹⁵

4.4 Further reading

Human Dignity Trust, [Country profile: Grenada](#) (updated regularly)

¹⁴ US State Department, [2020 country reports on human rights practices: Grenada](#), 30 March 2021

¹⁵ PQ 207238 [[on Grenada](#)], 5 September 2014

5 Guyana

5.1 Legal context

Consensual same sex acts between men are illegal in Guyana.

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) reports that the laws criminalising same-sex sexual activity in Guyana were last amended in 1893.¹⁶

Section 353 of the [Criminal Law \(Offences\) Act](#) (1893) punishes the crime of “buggery” committed either with a human being or with any other living creature, with imprisonment for life. Under Section 352, an attempt to commit buggery carries a penalty of imprisonment for ten years.

Additionally, Section 351 punishes acts of “gross indecency” with any other male person, in public or private, with imprisonment for two years.

In 2017, the Government announced a plan to hold a referendum on whether “homosexuality” should remain criminalised.¹⁷ However, this was opposed by LGBT+ rights groups on the basis that it would only fuel homophobia.¹⁸

A law criminalizing cross-dressing remains in place despite a 2018 decision by the Caribbean Court of Justice that the law is unconstitutional.

5.2 Social discrimination

In its most recent series of country reports on human rights, the US State Department considered the rights and experiences of the LGBT+ community in Guyana. It notes that the laws are not generally enforced but are used to intimidate men who were gay or perceived to be gay.

There is no antidiscrimination legislation to protect people from discrimination based on real or perceived sexual orientation, gender identity or expression, or sex characteristics. NGOs reported widespread discrimination of people in this regard.

¹⁶ ILGA, [State-sponsored homophobia: Global legislation overview update](#), December 2020

¹⁷ [Referendum to decide legality of homosexuality](#), Guyana Chronicle, 20 April 2017

¹⁸ [Rights Groups believe referendum on anti-gay laws will only fuel more homophobia](#), News Source Guyana, 24 May 2017

Reports noted official and societal discrimination in employment, access to education and medical care, and in public space.

The US State Department further reports that:

According to a 2014 survey, approximately 12 percent of men who had sex with men experienced stigma daily, while approximately 30 percent of transgender youth and adults encountered stigma every day or regularly.¹⁹

OutRight Action International, in its [overview of Guyana](#), explains the law banning same-sex sexual activity is rarely enforced, but contributes to negative perceptions of LGBT+ people, and that politicians regularly use anti-LGBT+ hate speech.

As a result, societal opinion of LGBT+ people is mostly negative and the community faces threats, violent attacks, discrimination, harassment, and social stigmatisation.

Some progress has been made, though, with Guyana hosting its first Pride march in 2018 (the same year as Barbados). Public opinion – notably in the younger generations – is also starting to shift to a more liberal position.

5.3

UK Parliament

On 29 June 2021 Foreign Office Minister Nigel Adams responded to a written question on [how much overseas aid](#) had been spent in the Caribbean, including spending disbursed for the purpose of advancing global LGBT+ rights. Although the answer provided a broad figure, the total includes money distributed to Guyana:

Between 2015 and 2019, the UK Government has spent over £456 million of Official Development Assistance in the priority ODA-eligible Caribbean countries (Antigua & Barbuda, Belize, Dominica, Grenada, Guyana, Jamaica, St Lucia, and St. Vincent and the Grenadines) and over £1.1 billion in the wider Americas region. The UK plays an active role globally in support of LGBT+ rights. We have consistently committed funding to LGBT+ rights programme work across the region.

¹⁹ US State Department, [2020 country reports on human rights practices: Guyana](#), 30 March 2021

6 Jamaica

6.1 Legal context

Consensual sexual relationships between adults of the same sex are illegal in Jamaica.

The [Offences Against the Persons Act 1864](#) prohibits certain acts:

- Section 76: Those “convicted of the abominable crime of buggery, committed either with mankind or with any animal” may be liable to imprisonment or hard labour for a term not exceeding ten years.
- Section 77: An attempt to commit such “abominable crime” may be punishable with imprisonment of up to seven years, with or without hard labour.
- Section 79: “Gross indecency” with another male person, in public or private, may result in imprisonment of up to two years, with or without hard labour.
- Under the [Sexual Offences Act 2009](#), those convicted under Sections 76, 77 and 79 of the 1864 Act must be registered as a “sex offender” and comply with specific obligations.

Impact of law

In 2020, the US State Department reported that [officials did not prosecute](#) consensual same-sex sexual conduct between men.

In 2014, Human Rights Watch [argued that the laws still](#) “offer legal sanction to discrimination” and give “social sanction to prejudice.” It notes that the laws have been used by Police to extort money, for public television stations to refuse to air positive statements about LGBT+ persons, and by landlords to refuse to rent to people suspected or known to be LGBT+.

Inter-American Commission on Human Reports Report, 2020

In December 2020, the Inter-American Commission on Human Rights (IACHR) published its decision that Jamaica is in [violation of its legal obligations under the American Convention on Human Rights](#) as its laws violate the principle of equality, non-discrimination and the right to privacy.

The Commission issued [six recommendations](#) to the Jamaican Government. These include the repeal of the sections of the 1864 Act that criminalise LGBT+ persons, adopting a legal framework to prohibit all forms of discrimination based on sexual orientation, gender identity and body diversity, and collecting statistical data relating to violence against LGBT+ people.

It was reported that the [Jamaican Justice Minister](#) said in February 2021 that the IACHR's decision was "not binding" and the issue was a "delicate one" which may be dealt with by a referendum.

Marriage

The [Jamaican Constitution](#) allows for marriage between a man and a woman only.

Successive Jamaican Governments have [previously rejected calls to legalise same-sex marriage](#).

Wider protections from discrimination

There are [limited employment protections](#). Section 13 of the Staff Orders for the Public Service (2004) requires that public service employees shall be treated fairly and equitably without discrimination based on sexual orientation.

In 2014, the Jamaican Government added an amendment to the 1864 Act criminalising the production, recording, or distribution of any audio or visual materials [that promote violence](#), including against LGBT+ persons.

The [International LGBTI Association](#) states that there are no broad legal protections or protections against hate crime or incitement in the country.

6.2

Situation reports

Jamaican Government & Parliament positions

Both the [Guardian newspaper](#) and [Reuters](#) have reported growing momentum to repeal discriminatory legislation since 2015.

At the Commonwealth Heads of Government Meeting in 2018, Jamaican Prime Minister Andrew Holness said that attitudes in Jamaica were changing, and that its laws [protect the human rights of all Jamaicans](#), regardless of their sexual orientation.

Following the statement, the Jamaican PM said he [expected the decriminalisation process to take time](#) and he wanted to see the process "opened up to more people."

In 2018, a Jamaican Parliamentary Committee recommended LGBT+ rights could be one of the issues [put to a referendum](#). In 2016, Prime Minister Holness had also suggested the issue could be [put to a public vote](#).

In 2020, the UN Human Rights Council, following its periodic review of human rights in Jamaica, published [recommendations](#) to decriminalise consensual same-sex relations and for the state to prevent and punish acts of both societal and institutional discrimination. The Jamaican Government [“noted” recommendations](#) that included implementing “comprehensive anti-discrimination legislation, after meaningful consultation with civil society” and to repeal “all provisions that criminalise same-sex relations between consenting adults by 2025.”

Violence and discrimination against LGBT+ persons

In 2019, Jamaican NGO J-Flag [recorded 21 human rights violations](#) against the LGBTQ community. These included physical and verbal assault, home expulsion and cyberbullying. Its previous report, [covering 2011-2017](#), detailed 261 cases that were reported to the NGO.

A 2016 J-Flag-commissioned [report on human rights violations](#) also cited discrimination in access to healthcare. This included transgender individuals not having access to hormonal and surgical treatments, violation of patient confidentiality and refusal to assist LGBT+ persons. In 2021, with support from UNAIDS and the UN Population Fund, Jamaica has developed the [“Trans and Gender Non-Conforming National Health Strategy”](#). This seeks to advance the health and well-being of transgender people.

In 2014, Human Rights Watch said [police protection remained inadequate](#), and cited cases where police had not intervened. However, it noted cases of police violence against LGBT+ people had [decreased since its 2004 report](#).

Nevertheless, the country once deemed the most homophobic country in the world in 2006, has seen an increased acceptance of LGBT+ people. Jamaica held its first Pride event in 2015 and has continued to do so every year since with increasing participants.²⁰

6.3

UK Government statements

Jamaica is [one of 36 Commonwealth Members](#) that criminalise same-sex acts between consenting adults.

In 2018, the Prime Minister, Theresa May, said the UK Government would be ready to support any Commonwealth member wanting to [reform legislation](#)

²⁰ The Guardian, [Welcome to Jamaica – no longer ‘the most homophobic place on Earth’](#), 6 December 2018

that makes discrimination against LGBT+ persons possible. She said the Government recognised that “these laws were often put in place by my own country.” The UK announced a [£5.6 million programme](#) to advance the legal equality and rights of all Commonwealth citizens, regardless of their gender, sex, sexual orientation or gender identity.

In 2019, the Foreign Office Minister, Sir Alan Duncan, was asked [what steps the Department was taking to promote LGBT+ rights in Jamaica](#). He said the Government was working with human rights organisations to raise awareness and welcomed the statements made by Prime Minister Holness.

6.4 Further reading

IACHR, [Report No. 400/20](#) [Discrimination case], 2020

Stonewall, [Jamaica](#), 2019

UK Home Office, [Country policy and information note: Jamaica: Sexual Orientation and gender identity](#), 2017

J-Flag et al, [Human rights violations against LGBT people in Jamaica: A shadow report](#), 2016

Human Rights Watch, [Not safe at home: Violence and discrimination against LGBT people in Jamaica](#), 2014

Human Rights Watch, [Hated to death: Homophobia, violence, and Jamaica's HIV/AIDS epidemic](#), 2004

7

St Lucia

7.1

Legal context

Consensual same-sex sexual acts between men and women are illegal in St Lucia.

Section 132 of the Criminal Code (2004) Gross Indecency, criminalises sexual acts other than intercourse between two people of the same sex, with a maximum penalty of ten years imprisonment, and applies equally to such acts between men and between women.²¹ Gross indecency is defined as “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”²²

Further to the Gross indecency laws, Section 133 of the Criminal Code (2004) criminalises “buggery” (defined as “sexual intercourse per anus by a male person with another male person”) with a maximum punishment of ten years imprisonment, and any attempt to commit buggery is punished with imprisonment for five years.²³

Possible legal reform

In 2019, the St. Lucia Times reported that the National Security Minister, Hermangild Francis, supported a review of the buggery law and said:

Everybody should have the right to their own sexual, their own religious beliefs and association with political parties [...] Homosexuality with consenting adults in their privacy – I see no problem, but like I said, everybody is entitled to their opinion and we must respect everybody in that kind of discussion.²⁴

Later that year, Prime Minister Allen Chastanet said that his Government had not taken a “definitive decision” yet on reviewing or repealing the buggery law, but acknowledged that it was “certainly something that is going to require a lot of dialogue and discussion” and said “this is something that we

²¹ Human Dignity Trust, [Country profile: Saint Lucia](#), accessed 22 June 2021

²² ILGA, [‘State-Sponsored Homophobia 2020: Global Legislation Overview Update’](#), December 2020

²³ Ibid

²⁴ [National Security Minister Supports Buggery Law Review](#), St Lucia Times, 28 March 2019

are going to continue to review, but my Government does not have an official position on it as yet”.²⁵

7.2 Social discrimination

The US State Department says that although the law is not enforced in practice, there is widespread discrimination against LGBT+ people. Civil society groups have said that the few openly LGBT+ persons in St Lucia face “daily verbal harassment and, at times, physical threats” and some were “denied access to rental homes or forced to leave rental homes and were denied jobs or left jobs due to a hostile work environment.”²⁶

In 2019 St Lucia held a [Pride celebration](#) with a press conference, panel discussion and fair, but without a march or parade. According to Maria Fontenell of the [Eastern Caribbean Alliance for Diversity and Equality](#) (ECADE), the Pride celebration was all about having conversations with Saint Lucians with questions such as “why are you so antagonistic about a person whose sexuality is different from the norm” and “what do you feel is so wrong in society as an LGBTQI person.”²⁷

Despite there not being a parade, the weekend Pride celebration came under attack from religious groups on the island. The Pentecostal Assembly of the West Indies (PAWI) held a meeting before the pride event opposing what they called the “LGBT agenda”.²⁸ However, Archbishop Robert Rivas of the Roman Catholic church said his church “was not opposed to the LGBTQ community’s plans.”²⁹

7.3 Further reading

[Human Dignity Trust St Lucia](#) (updated regularly)

[UN: Eastern Caribbean States Called Out Over Anti-LGBT Bias](#), Human Rights Watch, 21 January 2021

²⁵ [St Lucia yet to take definitive position on buggery laws](#), Jamaica Observer, 1 October 2019

²⁶ US State Department, [2020 Country Reports on Human Rights Practices: Saint Lucia](#), 30 March 2021

²⁷ [Weekend of Celebration for LGBT Community in Saint Lucia](#), Loop, 24 August 2019

²⁸ [Pentecostal group condemns 'LGBT agenda' ahead of St Lucia Pride event](#), Loop, 20 August 2019

²⁹ [Pastors object to 'Devilish' LGBTQ Pride Celebration](#), St Lucia Star, 28 July 2019

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