



UNIVERSITY OF TORONTO  
FACULTY OF LAW

INTERNATIONAL  
HUMAN RIGHTS  
PROGRAM

**NEWS RELEASE**

*For immediate release*

## **CHALLENGE LAUNCHED AGAINST TWO SECTIONS OF BARBADOS' DISCRIMINATORY SEXUAL OFFENCES ACT**

*It's time to end the criminalisation of LGBTQ Barbadians*

**BRIDGETOWN, Barbados, June 6, 2018** — Three Barbadians — a trans woman, a lesbian and a gay man — are filing today a petition against Barbados before the Inter-American Commission on Human Rights (IACHR) challenging laws criminalising “buggery” and other intimacy between consenting partners, including same-sex partners, as violating numerous rights guaranteed in the *American Convention on Human Rights*. The IACHR is a principal and autonomous organ of the Organization of American States (OAS) whose mission is to promote and protect human rights in the American hemisphere.

The challenge is focused on two sections of Barbados' *Sexual Offences Act* (SOA): Section 9 and Section 12. Section 9 criminalises “buggery,” which the courts have confirmed means anal sex — between men, but also between a man and a woman. The maximum penalty is life in prison; it is the harshest buggery law in the hemisphere. Section 12 criminalises “serious indecency,” which is sweepingly defined in the SOA as any act by anyone “involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.” The maximum penalty is 10 years in prison if the act is committed on or towards a person aged 16 or older; the penalty is higher in the case of a person under the age of 16. Even when seemingly neutral, there is a long history of indecency laws being used to target same-sex intimacy and LGBTQ people.

“With these laws, we have been stripped of the freedom to enjoy one of the most important aspects of any romantic relationship — intimacy,” says Alexa Hoffmann, one of the petitioners in the case and a trans Barbadian woman. “Many LGBTQ Barbadians face stigma, discrimination and abuse every day — which are deemed permissible and certainly exacerbated by the existence of these hateful laws. I have seen many of my friends simply pack their bags and leave Barbados, even though our constitution was designed to protect everyone as equals. These laws must be relegated to the dustbins of history.”

“At their core, these laws violate the human rights of all Barbadians, but they are overwhelmingly used to discriminate against LGBTQ people,” says Maurice Tomlinson, Senior Policy Analyst at the Canadian HIV/AIDS Legal Network. “Evidence also shows

that these provisions, and the stigma and discrimination to which they contribute, undermine the access of transgender people, gay men and other men who have sex with men to critical HIV services, including for testing, treatment, care and support. This undermines an effective response to HIV. We hope that the IACHR will recommend that the Government of Barbados repeal sections 9 and 12 of the SOA in their entirety, so as to decriminalise private consensual sexual activity between those above the legal age of consent.”

The ultimate goal of the petition is to end the criminalisation of consensual sexual activity between persons above the age of consent, in particular the criminalisation of consensual sex between same-sex partners, and stop the state-sponsored homophobia they represent.

There is no timeline for a decision; however, petitions should be given priority by the IACHR as they concern fundamental rights and freedoms. Further details about the IACHR process are [available in the backgrounder document online](#).

The Legal Network, along with Trans Advocacy & Agitation Barbados (TAAB) and the University of Toronto’s International Human Rights Program, is supporting this petition and providing technical assistance to the three petitioners.

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