

**Call by the UN Independent Expert on SOGI for inputs:
Report on colonialism and sexual orientation and gender identity**

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Primary legal material

Inter-American Court of Human Rights

Boyce v Barbados, ACHR Series C no 169 of 20 Nov 2007.

Advisory Opinion OC-24/17, Inter-Am. Ct. H.R. (ser. A) No. 24 (24 November 2017).

Antigua and Barbuda

Case law

Orden David v AG – Claim No.ANUHCV2021/0042 (5 July 2022) (unreported)

Bahamas

Legislation

Sexual Offences Act 1991 (Bahamas).

Case law

Pinder v R [2002] UKPC 46

Bowe v R [2006] UKPC 10

Barbados

Case law

Boyce v the Queen [2004] UKPC 32

Nervais v Regina [2018] CCJ 19 (AJ) (Barbados)

Unconstitutionality of sodomy laws: The High Court of Barbados delivered oral judgment on 13 December 2022 – written decision pending unreported.

Belize

Case law

Caleb Orozco v AG of Belize – Claim No.668 of 2010 (10 August 2016)

AG of Belize v Caleb Orozco – Civil Appeal No 32 of 2016 (30 December 2019)

Canada

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Civil Marriage Act – 20 July 2005

Cuba

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Civil Code Reform –*Gaceta Oficial de la República de Cuba*, Minsiterio de Justicia, No 4 (Extraordinaria) 12 January 2022)

Guyana

Legislation

Summary Jurisdiction (Offences) Act 1893 (Guyana)

Case law

McEwan v Guyana [2018] CCJ 30 (AJ)

Bisram v DPP (Guyana) [2022] CCJ 7 AJ (GY)

Jamaica

Case law

Watson v the Queen [2004] UKPC 34

Saint Kitts and Nevis

Case Law

Jamal Jeffers et al v The Attorney General Of St. Christopher And Nevis – Claim No.SKBHCV2021/0013, (29 August 2022) (unreported)

Trinidad and Tobago

Case law

Matthew v State of Trinidad and Tobago [2004] UKPC 33

Surratt v Trinidad and Tobago [2007] UKPC 55.

Jason Jones v AG of Trinidad and Tobago—Claim No.CV2017-00720) (appeal filed by the government is still pending).

Chandler v The State No 2 (Trinidad and Tobago) [2022] UKPC 19.

UK

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An Act for the Punishment of the Vice of Buggerie 1533, 25 Hen. 8 c. 6.

Judicial Committee Act 1833, 3-4 Will. 4 c. 41

The Criminal Law Amendment Act 1885, 48-9 Vict. c.69

Sexual Offences Act 1956, 4 -5 Eliz. 2 c. 69

Case law

Rex v Jacobs Russ. & Ry. 331, 168 Eng Rep 830 (KB 1830).

UK – British Overseas Territories

Case law

AG of Bermuda v Roderick Ferguson [2022] UKPC 5 (Bermuda).

Chantelle Day at al v The Governor of the Cayman Islands et al [2022] UKPC 6 (Cayman Islands).

USA

Case law

Obergefell et al v Hodges 576 US 644 (2015)

Secondary legal material

L Campos Boralevi “Jeremy Bentham’s Writings on Sexual Non-Conformity: Utilitarianism, neo-Malthusianism, and Sexual Liberty” (1983) 2 TOPOI 123

ML Friedland ‘R. S. Wright's Model Criminal Code: A Forgotten Chapter in the History of the Criminal Law’ (1981) 1 Oxford J. Legal Stud. 307

E Han and J O'Mahoney ‘British Colonialism and the Criminalisation of Homosexuality” (2014) 27 (2) Cambridge Review of International Affairs 268

R Hyam *Empire and Sexuality: The British Experience* (Manchester University press London 1990).

Lord Mance and J. Turner, *Privy Council Practice* (Oxford: OUP, 2017)

Lord Millet *As in Memory Long* (Wildy London 2015)

H. Montgomery Hyde *The Trials of Oscar Wilde* (Dover New York 1962).

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L Raznovich ‘Privy Council’s Errors of Law Hinder Progress of LGBTI Rights in the Caribbean’ (2022) (1) 33 *European Human Rights Law Review* 65
JF Stephen 3 *A History of the Criminal Law of England* (Macmillan London 1883)

R Zaffaroni “La Penalización de las Relaciones Homosexuales y Su Efecto sobre la Salud Mental de la Sociedad” in B Scherer (ed) *Queering Paradigms VII – Contested Bodies and Spaces* (Peter Lang Oxford 2018) epílogo.

Other material

“Attorney General [Trinidad and Tobago - Mr Faris Al-Rawi] Talks – Episode 3 – What does the Attorney General do?” (11 July 2021) available at <<https://www.youtube.com/watch?v=ABBzVPmRRDI>> (between 16:10 and 19:35) [accessed 24 May 2023].

P Crehan *The Economic Case for LGBT+ Inclusion in the Caribbean* (Open for Business 2021) A copy is available at: <<https://open-for-business.org/reports>> [accessed 24 May 2023].

House of Lords, Hansard - 15 August 1921, Vol. 43 cc567-77. <<http://hansard.millbanksystems.com/lords/1921/aug/15/commons-amendment-2>> [accessed 24 May 2023].

L Raznovich, R Zaffaroni *et al* “The human right to respect sexual orientation and gender identity in the Caribbean and Latin America - Current situation and perspectives” (San Jose: IIHR, 2021) (the “IIHR Report”). A copy is available at: <<http://www.ilanud.or.cr/lanzamiento-del-libro-el-derecho-humano-al-respeto-a-la-os-y-la-ig-en-el-caribe-y-en-america-latina/>> [accessed 24 May 2023].