

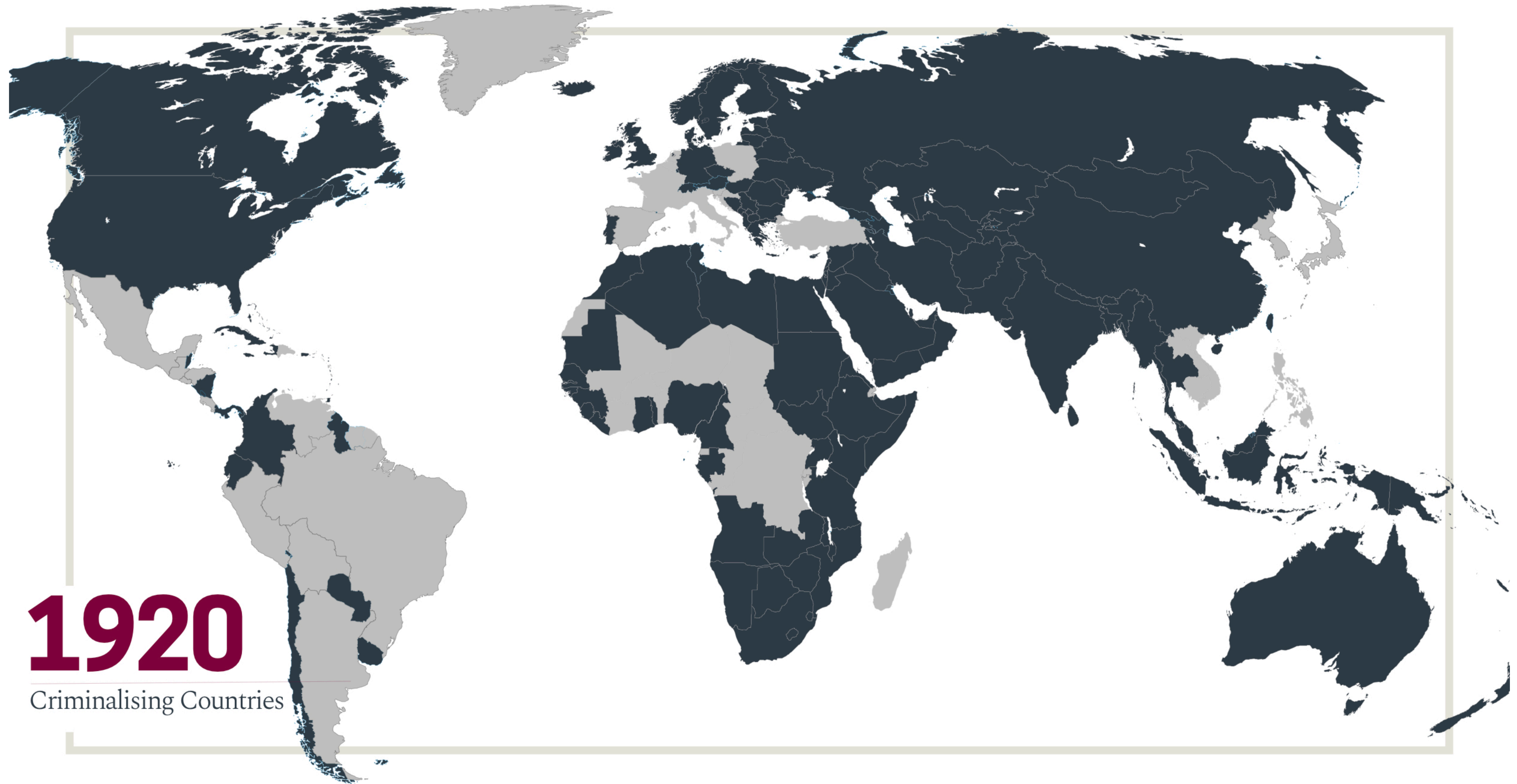
Developments since 2017



Human Dignity Trust

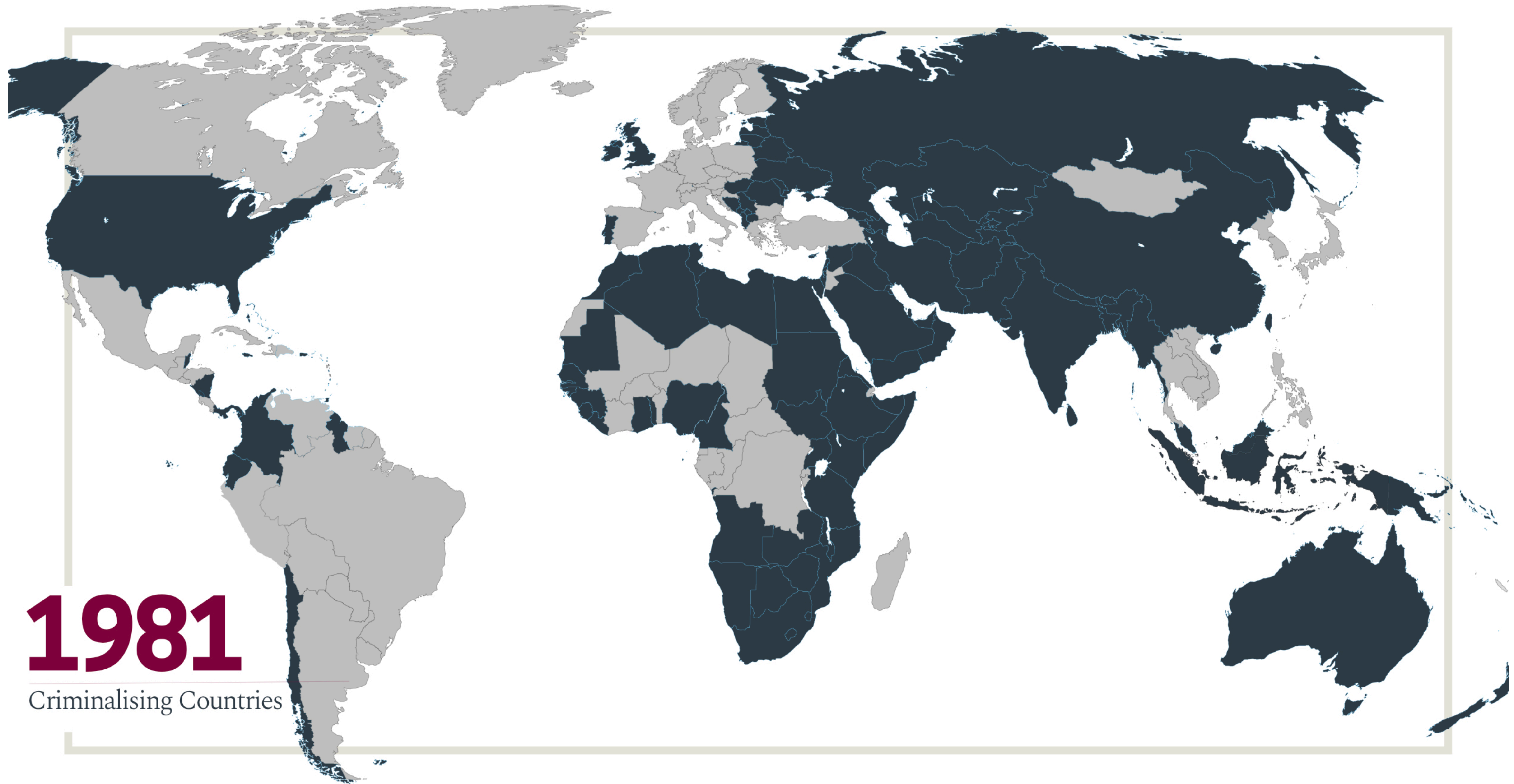
Developments in
Strategic Litigation
since 2017

Téa Braun
Director
The Human Dignity Trust



1920

Criminalising Countries



1981

Criminalising Countries

Singapore

2018

Decriminalisation

In September and October 2018, two separate cases were filed challenging Section 377a of the Penal code, the colonial era provision that criminalises same-sex activity between men.

They are due to be heard by the Singapore High Court in November 2019.



India

2018

Decriminalisation

In September 2018, the Supreme Court unanimously ruled that Section 377, the colonial era provision that criminalises same-sex activity between men, was unconstitutional.

This followed years of campaigning and litigation, including a High Court win in 2009, which was later overturned at the Supreme Court in 2013.

A stylized map of Sri Lanka is shown on the left side of the slide. It is divided into two main color sections: a dark grey section representing the northern and eastern parts, and a maroon section representing the southern and western parts. The map is positioned on the left side of the slide, partially overlapping the main content area.

Sri Lanka

Decriminalisation **2018**

In August 2018, a case was filed with the CEDAW committee, seeking to establish that criminalising lesbians and bisexual women violates the CEDAW Convention.

This case seeks to develop international law beyond the ICCPR and bring attention to the criminalisation of sex between women.

Kenya

2018

Forced anal examinations

Following an adverse ruling at the High Court in 2016, a case challenging the use of anal examinations to 'prove' homosexuality won on appeal in March 2018, with the practice being ruled unconstitutional and unlawful.

2019

Freedom of Association

In March, the Court of Appeal upheld the earlier 2015 High Court decision that the the NGO Coordination Board had acted unlawfully in its refusal to register the NGO NGLHRC.

2019

Decriminalisation

In May 2019 the High Court in Nairobi found that Sections 162 and 165 of the Penal did not violate the constitution. Notice of appeal has been filed.





Botswana

2017 Gender Markers

In September, in *ND v. Attorney General of Botswana and others* the High Court ruled in favour of a transgender man who sued the Registrar of National Registration to change the gender indicated on his government-issued identity document from female to male.

2017 Gender Markers

In December, in *Kgositau v. Attorney General and Registrar of National Registration*, the High Court ordered the Registrar of Births and Deaths to amend the gender marker on a transgender applicant's birth certificate.

2019 Decriminalisation

In June, the High Court of Botswana in Gaborone held the Penal Code provisions criminalising private, consensual same-sex intimacy to be unconstitutional, thereby decriminalising such acts. The government has appealed.

Trinidad & Tobago

2019

Decriminalisation

In April 2018 the High Court found that the sections of the Sexual Offences Act, which prohibited “buggery” and “serious indecency” between two men and criminalised consensual same-sex activity between adults, were unconstitutional. The government has appealed.

Barbados

2018

Decriminalisation

In June 2018, a case challenging the criminalisation of same-sex activity was filed at the Inter-American Commission on Human Rights.

The petition was communicated to the government of Barbados this week. The government has three months to respond.

Jamaica



2018

Decriminalisation

In July 2018 the Inter-American Commission on Human Rights accepted the admissibility of a case challenging Jamaica's buggery and gross indecency laws.

The complaint was initially lodged in 2012, by Gareth Henry, a gay man living in exile, and Simone Edwards, a lesbian who was also forced to flee the country.



Belize

Decriminalisation **2018**

In August 2016 , the Supreme Court of Belize ruled in favour of Caleb Orozco, finding that Section 53 of the Penal Code, which criminalised same-sex activity between men, was unconstitutional.

A limited appeal, lodged by the government, was heard in October 2018, with judgment reserved. The appeal does not challenge the result of decrim.



Guyana

2018

Decriminalisation of Gender Expression

In November, the Caribbean Court of Justice determined that the law that criminalised the “*wearing of female attire by man; wearing of male attire by woman*” for “*immoral purposes*” was unconstitutionally vague, violated the appellants’ right to protection of the law and was contrary to the rule of law.

This followed rulings in the High Court of Guyana (2013) and the Court of Appeal (2017) which had found that, while it is not a criminal offence for a male to wear female attire and for a female to wear male attire in public, it was still a criminal act when done so for “*immoral purposes*.”

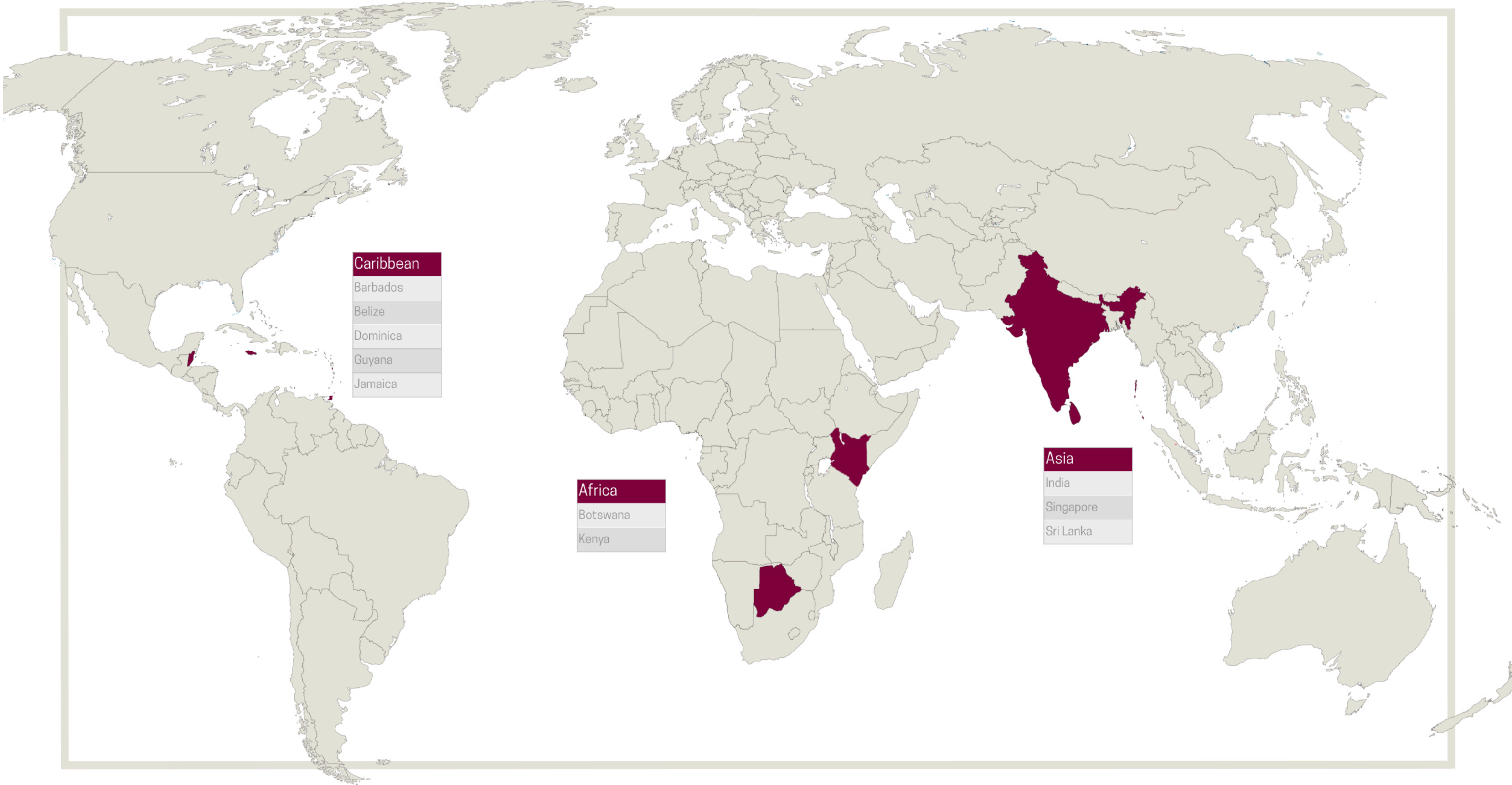
Dominica

2019 Decriminalisation

In July 2019, a case challenging the country's law which criminalises buggery and other sexual activity between consenting partners was filed in the High Court of Justice.

The challenge targets section 14 and section 16 of the Sexual Offences Act, which criminalise gross indecent and buggery respectively..





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