

Constructing a Legal Gap Analysis: Barbados and LGBTQ+ Persons

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This article is the first in a planned series of articles which will assist in the development of a legal gap analysis in Barbados, focusing on LGBTQ+ persons and their rights and protections under the law. In 2022, the Barbados High Court, in the case of Holder-McClean-Ramirez et al v Attorney General of Barbados (2022) 44/220 determined that ss9 and 12, which criminalised buggery and serious indecency, were unconstitutional. This decriminalisation of same-sex sexual activity through judicial means, as opposed to Parliamentary, assisted in the creation of a lacuna in the law regarding rights and protections for LGBTQ+ persons which is yet to be filled. This article will present an overview of a suggested structure for the legal gap analysis. Further articles will focus on specific aspects, including an examination of the current legal position with regard rights and protections recognised (and absent) and the initial conceptualisation of their potential position on the Barbadian legal landscape within its socio-cultural framework.

Keywords: Barbados, LGBTQ+, legal gap analysis, enslavement, colonisation

Introduction

Barbados is a small island, located slightly outside of the Caribbean island chain, positioned in the Atlantic Ocean between north and south America. It was discovered (uninhabited) by the English in 1625, settled in 1627, and remained a colony of Great Britain until independence in 1966. It's population, of approximately 280,000, is primarily black and Christian, both direct consequences of enslavement which operated from 1627 – 1838.

Barbados had criminalised same-sex sexual activity since colonisation through legislative provisions of buggery and serious indecency. This continued until 2022, when the High Court ruled that such criminalisation was unconstitutional. In doing so, the court simultaneously repealed codified colonial-era jurisprudence and opened the door for legal change regarding the rights and protection of LGBTQ+ persons in Barbados. However, such change is yet to materialise.

The repeal of buggery and serious indecency through the judiciary (as opposed to the executive) has assisted in the resulting lacuna in the legislative framework, wherein ancillary provision which includes LGBTQ+ persons in new or existing legislative provision are yet to be enacted. The continued absence of rights and protections from the legal framework, now four years post decriminalisation, has resulted in the alteration of LGBTQ+ persons in law from (criminalised) inclusion,

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to now being invisibilised. Their notable absence in legal structure calls for a legal gap analysis.

However, focus within this article (and subsequent publications in this series) is not concerned with *whether* such rights should be afforded in law. The recognition of LGBTQ+ persons through the provision of rights and protections, as an overarching premise, is initially evident and apparent. The question for this series of articles is instead *which* rights and protections, viewed through a Barbadian lens. This research series therefore seeks to develop a structure through which to place any legal change within the context of Barbadian society and culture, contextualising necessary legislative reform within the cultural and societal norms of Barbados.

This article is the first in the planned series, the overall aim of which is to develop a methodologically robust lens through which a legal gap analysis can take place. The legal gap analysis, as opposed to being exclusively comparative, will be conducted through a lens which integrates and interrogates Barbados's culture, societal and structural norms. In doing so, it will seek to avoid neo-colonial narratives and instead centre the analysis within Barbadian norms.

This article, as the first within the series, introduces Barbados, its history and legislative positioning with regard buggery, serious indecency, and current LGBTQ+ recognising framework. The broader project scope is introduced in greater detail, along with rationale and the development of the research methodology.

Historical and Doctrinal Background

Colonial Origins of the Buggery and Serious Indecency Offences

The offences of serious indecency and buggery as existed in Barbados until 2022 derive much of their history from the legal and societal structures in place in the UK during their formation, after which they were imported into Barbados through coloniality.

Buggery

The offence of buggery finds its foundations in the Bible, specifically the Old Testament. Found within 'Divers laws and ordinances' in the Old Testament Book of Leviticus is a list of prohibited sexual activities, which includes:

If a man ... lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon you.¹

¹Leviticus 20:13. Detailed in M Kirby, 'The sodomy offence: England's least lovely criminal law export?' in C Lennox & M Waites (eds.) *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth: Struggles for Decriminalisation and Change* (School of Advanced Study, University of London, 2013).

In England and Wales, the common law offence of buggery was codified by Henry VIII,² and repealed during the reign of Mary I in 1553.³ It was then re-enacted by Elizabeth I in 1562,⁴ with reasoning that a lack of statutory provision on buggery had resulted in “‘divers evil disposed persons’ having become ‘more bold to commit the ... most horrible and detestable vice of buggery ... to the high displeasure of Almighty God.’”⁵ The offence remained in force in England and Wales, in varying forms, until 1967, when it was repealed.⁶

During the 19th century, the British public were hostile towards homosexuality,⁷ and it was on these foundations of public condemnation and religious association that the Offences Against the Person Act 1861 (“OAPA 1861”) was drafted which criminalised buggery in England and Wales.⁸ Despite limited data on the prevalence of same-sex sexual activity in Barbados, after the abolition of slavery in the early 19th century, the desire for the codification of criminal laws in British colonies gained momentum.⁹ On the heels of the 1861 OAPA in England and Wales came the Barbadian *Offences Against the Person Act* 1868 (OAPA 1868). S62 OAPA 1868 codified buggery in Barbados and was identical to Section 61 of the English OAPA 1861. Its criminalisation remained, with the latest iteration included in the Barbados Sexual Offences Act 1992 under section 9:

Any person who commits buggery is guilty of an offence and is liable on conviction on indictment to imprisonment for life.

Serious Indecency

In 1885, the British Parliament passed the Criminal Law Amendment Act 1885 (“An Act to Make Further Provision for the Protection of Women and Girls, the Suppression of Brothels, and Other Purposes”). The 1885 Act was triggered by an exposé in the *Pall Mall Gazette* in which a series of articles alleged child prostitution and slavery in London.¹⁰ Termed the Labouchere amendment, included in the Act was the offence of gross indecency under S11, drafted to criminalise same-sex sexual activity between males which did not constitute buggery. Section 11 read:

²Sodomy Statutes (1533-1563) The Whole Volume of Statutes at Large, 2 parts (London, 1587), 25 Henry VIII, CH. 6 (1533-1534) 2.

³An Act Repealing Certain Treasons, Felonies, And Praemunire 1 Mary, CH. 1 (1553)17.

⁴Elizabeth revived the law as created by Henry VIII.

⁵P. Johnson, ‘Buggery and Parliament, 1533–2017’ University of York, Parliamentary History, Vol. 38, pt. 3 (2019), 325–341, 328.

⁶S1 (1) Sexual Offences Act 1967.

⁷J. Gaskins, C. Lennox, M. Waites (eds) ‘Buggery’ and the Commonwealth Caribbean: A Comparative Examination of the Bahamas, Jamaica, and Trinidad and Tobago, Human rights, Sexual Orientation, and Gender Identity Human Rights Consortium, Institute of Commonwealth Studies (School of Advanced Study, University of London, 2013) 431.

⁸S1 (1) Sexual Offences Act 1967, a homosexual act in private shall not be an offence provided that the parties consent thereto and have attained the age of twenty-one years.

⁹R.S. Wright, an English barrister, asked in 1870 by the Colonial Office to draft a criminal code for Jamaica to act as a model for all the colonies J. Gaskins, C. Lennox, M. Waites (eds) ‘Buggery’ and the Commonwealth Caribbean: A Comparative Examination of the Bahamas, Jamaica, and Trinidad and Tobago, Human rights, Sexual Orientation, and Gender Identity Human Rights Consortium, Institute of Commonwealth Studies (School of Advanced Study, University of London, 2013) 431.

¹⁰FA Roberts ‘The Maiden Tribute of Modern Babylon’ Pall-Mall Gazette.

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 (...)

As section 11 explicitly applied only to males, a new clause concerning ‘acts of indecency by females’ was proposed in 1921. The Criminal Law Amendment Bill was debated in Parliament, its justification centred in ‘moral weaknesses’, ‘the falling away of feminine morality’ and the wiles of ‘abandoned females’.¹¹ The House of Commons introduced a provision to match S11 of the 1885 Act, criminalising same-sex sexual activity for females:

Any act of gross indecency between female persons shall be a misdemeanour and punishable in the same manner as any such act committed by male persons under section eleven of the Criminal Law Amendment Act, 1885 (Hansard HC. Deb. 4th August 1921, vol. 145, cols 1799-1800)

It succeeded in the House of Commons, but was rejected in the House of Lords, as “the risk of advertising lesbianism was simply too great”¹² with the House noting “To call in the policeman to suppress a vice is the best way to encourage the knowledge of that vice and the spread of it.”¹³ Therefore, sexual activity between men was criminalised in England and Wales, but not between women.

The Offences as codified in Barbadian Law

Through replicated legal provision, mirrored criminalisation traversed the Atlantic to the Commonwealth Caribbean, initially criminalising sexual activity between men through the offence of buggery and a S11 equivalent. However, when the Barbadian Sexual Offences Act 1992 was drafted, alongside criminalising buggery, provisions were drafted for serious indecency to include ‘persons’ as opposed to ‘males’ as in S11:

(3) An act of “serious indecency” is an act, whether natural or unnatural by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.

The enforcement of section 12 in Barbados was sufficiently minimal that jurisprudence is almost non-existent. Corollary to this, or perhaps consequentially, section 12 was ambiguously worded, and crucially, as with section 9, consent, or lack thereof, was omitted. Section 12 was sufficiently vague its language that a perfunctory reading would determine that it included any sexual act committed by anyone, where reproduction was not the aim – i.e. using genitals, for the purpose of arousing.

¹¹Mr. Macquisten, Hansard, Criminal Law Amendment Bill [Lords] Volume 145: debated on Thursday 4 August 1921.

¹²J Lawson “Sapphic Sedition”: Lesbians and Law in the 1921 Criminal Law Amendment Act, The Law Bod Blog, June 2025.

¹³Colonel Wedgwood, Hansard, Criminal Law Amendment Bill [Lords] Volume 145: debated on Thursday 4 August 1921.

The Human Rights Impact of Criminalisation

The impact of criminalising same-sex sexual activity through ss9 and 12 extended far beyond potential prosecution, and included societal and structural inequalities and legal lacunas. In 2022, the Inter-American Commission on Human Rights published a report on admissibility based on a petition against ss9 and 12 of the Barbadian Sexual Offences Act 1992. The petition was brought by three Barbadians alleging Barbados was in violation of numerous obligations under the American Convention on Human Rights. The petition identified a number of harms resulting from the criminalisation of same-sex sexual activity, noting:

The petition contends that the status quo both violate and encourage violations of multiple rights of LGBT people in Barbados (including the Petitioners). These rights include the right to physical, mental, and moral integrity; the right to equality before the law; the right equal protection of the law; the right to judicial protection, the right to privacy; the right to family, and the right to freedom of expression.¹⁴

In 2004 and 2014, Human Rights Watch published reports detailing the impact of the laws in Jamaica, noting how their role in facilitating barriers to healthcare, discrimination and societal violence.¹⁵ A 2018 Human Rights Watch report entitled “I have leave to be me: Discriminatory Laws against LGBT People in the Eastern Caribbean”¹⁶ identified a number of discriminatory realities for LGBTQ+ persons in the Caribbean:

I don’t come out because my work would be jeopardized.
There is a lack of visibility.

— Nicholas, St. Kitts and Nevis, February 3, 2017

I’ve had coworkers that didn’t want me to use certain things. People who didn’t want to eat off the same plate, cups... They discriminated against me in my job.

— Augusten, St. Vincent and the Grenadines, February 18, 2017

Areas identified as seats for discriminatory practice in the Human Rights Watch 2018 report include harassment, violence and abuse. Below is a selection of quotes from the 2018 report, detailing first-hand accounts of the experiences of LGBTQ+ persons:

Exclusion from Church:

“Some individuals have endured extreme situations to stay in their religious communities. Arthur voluntarily submitted to an exorcism ritual conducted by his church pastor in the hope that it would make him straight. His pastor promised to help

¹⁴Report No. 239/22 Petition 1081 -18 Report on Admissibility Alexa Hoffmann et al, Barbados (OEA/Ser.L/V/II Doc. 242 26 September 2022).

¹⁵Human Rights Watch, *Hated to Death, Homophobia, Violence, and Jamaica’s HIV/AIDS Epidemic*, November 2004; Human Rights Watch, *Not Safe at Home, Violence and Discrimination against LGBT People in Jamaica*, October 2014.

¹⁶Human Rights Watch “I have leave to be me: Discriminatory Laws against LGBT People in the Eastern Caribbean” (March 2018).

him “banish the devils” of homosexual desire. It did not work, but Arthur pretended that it did as he was afraid of being outed as gay. He feared being banished from the church “[b]ecause my sexual orientation [did not change after the exorcism]. I could not complain.”¹⁷

Bullying and Exclusion from School:

“Interviewees recalled multiple types of bullying and harassment that they encountered at school, and the consequences this had for their safety, sense of belonging, and ability to learn. Interviewees said that teachers were ill-equipped to intervene to stop bullying. And in some cases teachers encouraged verbal harassment, or did little to stop it. Some interviewees recalled that teachers themselves made dismissive or derogatory comments about LGBT people, sometimes passing them off as jokes, sometimes being openly disparaging”.¹⁸

Physical Violence, Assaults and Intimidation:

“Actual physical and sexual violence, or threats thereof, are part of the fabric of everyday life for many LGBT people. Fifteen out of 41 interviewees reported experiencing physical violence, while nine had more than one experience of physical violence;”

Sexual Violence:

“Sexual violence is also an ongoing risk and reporting makes gay men susceptible to ridicule or further questioning by police officers about their sexual orientation, which drives their decision to keep silent about it”.¹⁹

Verbal Abuse and Harassment:

“Almost all interviewees reported being routinely ridiculed, harassed, threatened, and verbally abused based on their real or perceived sexual orientation or gender identity.”²⁰

Inappropriate Police Response:

“Most LGBT people interviewed by Human Rights Watch had negative perceptions of the police. They said they expected the police to be biased, unresponsive, and unlikely to investigate crimes against them (...) Several interviewees reported that police asked them inappropriate, intrusive questions about their sex lives”.²¹

Emotional and Psychological Abuse: Lack of Mental Health Support:

“LGBT people tend to fall through the cracks, as neither government agencies nor civil society organizations have developed services that can fully address their health or psychosocial needs (...) Medical research suggests that poor health outcomes in LGBT populations are in part the result of persistent stigma directed toward them.”²²

¹⁷Ibid 35.

¹⁸Ibid 37.

¹⁹Ibid 39.

²⁰Ibid 45.

²¹Ibid 47.

²²Ibid 51.

Judicial Decriminalisation in Regional and Domestic Context

Savings Clauses and the Regional Pattern of Judicial Repeal

The offences of buggery and serious indecency were once prevalent across the majority of Commonwealth Caribbean jurisdictions. The criminalisation of same-sex sexual activity moved to the region through colonial-era legislative structures, and upon independence, the majority of Commonwealth Caribbean constitutions contained savings clauses which provided a form of protection to pre-independence laws, preventing them from being challenged as unconstitutional. Savings clauses took one of two forms, the first, narrower form protected pre-independence laws authorising but not those mandating.²³ The second, wider form protected all pre-independence laws from challenge unconstitutional.²⁴ However, despite protective constitutional structures, multiple jurisdictions have, through various interpretations and challenges, been successful in repealing buggery and serious indecency. Jurisdictions, in addition to Barbados, include Antigua and Barbuda, Belize, St Lucia, St Kitts and Nevis and Trinidad and Tobago. The High Court of Trinidad and Tobago, in determining the provisions unconstitutional, described the impact of the offences:

... In a case such as this, she/he must be able to make decisions as to who she/he loves, incorporates in his/her life, who she/he wishes to live with and make a family with and not have to live under the constant threat, the proverbial "Sword of Damocles", that at any moment she/he may be persecuted or prosecuted. That is the threat that exists at present. It is a threat that is sanctioned by the State and that sanction is an important sanction because it justifies in the mind of others in society who are differently minded that the very lifestyle, life and existence of a person who chooses to live in the way that the claimant does is criminal and is deemed of a lesser value than anyone else. ... In this way, Parliament has taken the deliberate decision to criminalize the lifestyle of persons like the claimant whose ultimate expression of love and affection is crystallized in an act which is statutorily unlawful, whether or not enforced. This deliberate step has meant, in this circumstance, that the Claimants 'rights are being infringed'.²⁵

Important to note, expanded upon below, is that none of these repeals have been through Parliament and the legislative process. All repeals of the offences of buggery and serious indecency across the Commonwealth Caribbean region have been determined by various courts (some the High Court, others Supreme Court) achieved through constitutional challenges brought by a combination of individuals and NGOs. This, it is argued, exacerbates the importance of any legislative review and reform proposals being contextualised within societal and cultural norms, as the executive, comprised of elected officials, as representatives of the population, have not engendered change. Instead, it has been engendered through an (unelected) judiciary.

²³As seen in all OECS states, including St Vincent and the Grenadines, St Lucia, St Kitts and Nevis and Dominica. See *Pratt v A-G of Jamaica* [1994] 2 AC 1 (JM PC) and *Hughes v R* [2002] 2 LRC 585 (SLU CA).

²⁴As seen in Trinidad and Tobago, the Bahamas, Jamaica and Barbados.

²⁵*Jones v Attorney General of Trinidad and Tobago* [2018] CV 2017-02072 para 91.

Holder-McClean-Ramirez v Attorney General of Barbados: Facts and Reasoning

The case which determined that buggery and serious indecency were in breach of constitutional rights and guarantees in Barbados was *Holder-McClean-Ramirez et al v Attorney General of Barbados*,²⁶ decided by the High Court of Barbados in 2022. The claimants in the case comprised of two individuals, Rene Holder-McClean Ramirez and Raven Davina Gill and Equals Inc, an NGO whose work includes the promotion of human rights and sexual reproductive health. The claimants requested the court either declare S9 and S12 unconstitutional and without effect or amend both to include consensual acts by those over 16 years old. Jurisprudence from other jurisdictions where laws with similar wording have been declared unconstitutional were produced in support. In affidavits filed in support of the application, Holder-McClean Ramirez and Gill spoke to their experiences in Barbados as LGBTQ+ persons, discussing harassment, rape, stigmatisation, discrimination, violence and abuse. The third defendant, Equals Inc, highlighted challenges facing its members, reiterating the experiences of the individuals. The defendants, representing the State of Barbados, invoked discussion on separation of powers, a nod to Privy Council (JCPC) jurisprudence concerning the mandatory death penalty (*Chandler v Trinidad and Tobago* [2022] UKPC 19) whilst maintaining that the provisions of buggery and serious indecency, in their current form, did not constitute a breach of the Constitution. This position was reaffirmed in the defendant's affidavit in response which included a denial that S9 and S12 'fostered intolerance towards members of the LGBT community'(para 37). The High Court determined that the provisions, ss9 and 12, were open to judicial challenge (i.e. they were not 'saved' laws) and, upon challenge determined that they were unconstitutional. The decision of the High Court decriminalised same-sex sexual activity in Barbados, paving the way for legal and social reforms for LGBTQ+ persons.

It is worthy of note that, whilst it did not occur, the Barbados Attorney General released the following statement following the case:

I do have some immediate concerns in relation to the striking down of the offences created in section 12 since that section concerns, among other things, indecent sexual conduct with minors. I am awaiting the perfected order and also the written decision of Justice Weekes and unfortunately, that decision will not be available until early in the new year, but when we see the written decision, we would then be able to analyse her legal reasoning and make a decision on whether we appeal or not.²⁷

However, in 2024, the Sexual Offences (Amendment) Act was passed, which repealed ss9 and 12 of the Sexual Offences Act CAP154.

²⁶Holder-McClean-Ramirez et al v Attorney General of Barbados (2022) 44/220

²⁷Sherrylyne Clarke, "Buggery Laws Struck Down by Supreme Court" Nation News (17 December 2022). Available at: <https://www.nationnews.com/2022/12/13/buggery-laws-struck-supreme-court/>.

Critical Analysis: The Significance of Repeal through Courts rather than Parliament

As discussed above, this case is one in a line of Constitutional cases heard in the Commonwealth Caribbean which have challenged the offences of buggery and serious indecency. The jurisdiction specific drafting of each savings clause has mandated each claimant overcome the question of whether the law has been saved without recourse to directly applicable jurisprudence, a process which has inevitably delayed or deterred such cases being brought. The findings in *Ramirez* are in line with regional decisions such as *Jamal Jeffers et al v Attorney General of St Christopher and Nevis*, *Orden-David et al v Attorney General of Antigua and Barbuda*, *Orozo v Attorney General of Belize* and *Jones v Attorney General of Trinidad and Tobago*, evidencing the growing body of jurisprudence in the region declaring buggery and serious indecency as breaches of fundamental rights and freedoms. Although the modes adopted to circumvent the operation of savings clauses have differed, their outcome, including the identification of constitutional breaches, remains across jurisdictions.

The elephant in the room is why? Why has it been necessary for citizens and NGOs to engage in lengthy, technical, expensive legal processes to declare laws in breach of fundamental freedoms? Each jurisdiction needing its own constitutional battle between state and citizenry to confirm that which has been common knowledge for decades – criminalising consenting same-sex sexual activity between adults through archaic colonial-era legislation is in breach of constitutionally protected fundamental rights and freedoms.

First to consider is whether a constitutional amendment could be tabled, or suggested, to remove savings clauses (nineteen amendments have been made to Barbados's constitution since 1966, including annually from 2018-2021)? Savings clauses were included to ensure orderly transition from colonial rule to independence. Independence occurred over 50 years ago for the majority of Commonwealth Caribbean states – any perceived period of transition is long over. The present-day function of savings clauses appears as facilitator of stagnant, pre-independence law being held in a time warp, in particular when clearly in conflict with the Constitution, burdening future generations to colonial-era legacies and mindsets. Questioning is needed regarding their purpose decades post-independence, and whether if available, it is time to remove them from the Constitution entirely. Doing so, at minimum would ensure the Constitution becomes, as it was intended to be, the supreme law of the land, rather than supreme over law made post-independence, subordinate to that made pre, save for those subject to legal challenge. In addition, the interpretative techniques being employed in cases of clear Constitutional rights breaches are rendering the existence of savings clauses futile, potentially reducing confidence in the legal structure. In the case of the mandatory death penalty in Barbados, again brought by citizens against the state on constitutional breach vs savings clauses, the phrase 'human rights through the back door' became common parlance – the implication being that human rights were being imposed and laws changed through sleight of hand and deception as opposed to in an open and transparent manner. Which segues appropriately into the second question of why Governments have not been proactive with repeal of these patently discriminatory laws? As each domestic court determines

the provisions unconstitutional, Governments are exposed to detailed analysis of their discriminatory nature. Armed with this knowledge, which has been framed in Caribbean jurisprudence, interpreted and applied by Caribbean justices with cultural and societal considerations, Governments across the region are still not repealing buggery and serious indecency through the Parliamentary process. Why wait until a Constitutional challenge is mounted, which may or may not pass the savings clause hurdle, leaving the task to the Judiciary? Outside of obvious separation of powers discussions regarding the role of the Executive, this places arguably unreasonable reliance on the citizenry and interested NGOs to call out and fight against that which the state itself is so very aware of, concerning laws which violate basic rights and fundamental freedoms. To note, in 2018, the current administration in Barbados entered power on a 30-0 majority in Parliament, which was retained in 2022 and 2026. *Ramirez* presents yet another jurisdiction in the Commonwealth Caribbean relying on the judiciary to mandate change in law as opposed to the Executive.

Toward a Methodology for the Legal Gap Analysis

The manner in which the offences of buggery and serious have been repealed, through judicial means as opposed to Parliamentary, presents numerous questions for analysis. The overarching questions are what this method tells us about law and its role in the protection of rights, and how is that reconciled with next steps. The repeal of provisions have not been subjected to multiple and detailed analysis by Parliamentarians as to their benefits and detriments, justifications for repeal or retention or consequences of either. The courts, in declaring the criminalising provisions of same-sex sexual activity unconstitutional, results in the repeal of the provision without a natural legislative reform path to follow (aside from the repeal of the offending provisions themselves). As discussed above, these provisions have been embedded not only in Barbadian legislation but national psyche for generations, and their legacy will not, it is humbly suggested, be erased through court judgment alone. Instead, what is needed is a whole-sale review of the legislative structures which held up the provisions, as without significant change to those in addition to the repeal of the provisions themselves, the rights of LGBTQ+ persons are guaranteed only with regard the single offending sexual acts.

The Problem with a Purely Comparative Approach

There are multiple approaches which could be adopted for a review of legislative structures, the most direct of which would be a comparative approach, considering legislation available elsewhere and mapping this onto that in force in Barbados. Such an approach would highlight gaps alongside providing alternative relevant legislative frameworks. Law serves to structure society, and acts as mechanisms through which “policy makers signal what are good values, or what the acceptable

norms are (Gileber and Hayashi 2021).’’²⁸ However, adopting a universalising approach exploits an (incorrect) assumption of cultural hegemony across nations produced through a reliance on neo-colonial modalities. In their 2002 article ‘Re-Orientating Desire: The Gay International and the Arab World’,²⁹ Massad considers the approach of universalising in the context of the Arab and Muslim world, discussing the white, neoliberal project of the Global North to ‘rescue’ LGBTQ+ persons in the Global South. They note:

When the Gay International incites discourse on homosexuality in the non-Western world, it claims that the “liberation” of those it defends lies in the balance. In espousing this liberation project, the Gay International is destroying social and sexual configurations of desire in the interest of reproducing a world in its own image, one wherein its sexual categories and desires are safe from being questioned.

This approach reproduces a key feature of colonialism - the construction of the ‘Other,’ wherein colonialism divided the world divided into ‘us’ and ‘Others.’ Colonisers ascribed characteristics to themselves and the ‘Other’ which served to distinguish between them, thereby polarising the two groups. The colonisers shared and possessed certain, standardised traits, as did the colonised. Throughout their seminal text, *Orientalism*, Edward Said contends that colonialism was rooted in a concept of distinction, wherein binary divisions of ‘self’ and Other were used to promote the difference between “the familiar (Europe, the West, us) and the strange (the Orient, the East, them)”.³⁰ As noted by Alpana Roy:

(t)he term ‘Other’ is a key concept in postcolonial theory. The textual construction of the term ‘Other’ can be traced to the dualistic thought structures of Western epistemologies, where ideas were essentially formed around Hegelian binary oppositions (such as man/woman, positive/negative, white/black, and so on).³¹

A solely comparative approach which identifies, maps and prioritises white, Western legislative structures being imposed on Caribbean legislative structures would perform the same neo-colonial function as described by Massad, whilst simultaneously implying both hegemony across nations and an ideal in existence to be replicated, representing the colonial construction of the Other and its binarised structures – one legislative structure is correct, and one is incorrect.

A Proposed Three-step Methodology: (i) Comparative Legislative Review; (ii) A Barbados-specific Contextual Lens; (iii) Analysis of Reform Options through that Lens

To avoid doing so, a comprehensive analysis of legislative reform must be analysed through a lens which both recognises and employs the social, cultural,

²⁸UNDP National LGBTI Survey: Barbados May 2023, 71.

²⁹J Massa ‘Re-Orientating Desire: The Gay International and the Arab World’ Public Culture (2002) 14, 2, 385.

³⁰E Said, *Orientalism* (Pantheon Books, 1978) 40.

³¹A Roy ‘Postcolonial Theory and Law: A Critical Introduction’ (2008) 29 Adelaide Law 331.

economic and political dynamics of Barbados, positioning any suggestions for reform within its relevant, Barbadian context. This article therefore contends that a robust legislative reform analysis requires a three-step approach. The first is a comparative approach, considering international obligations, domestic legislative provision and a review of comparative legislative frameworks. The second is the development of a theoretical lens which accounts for Barbados's cultural, political and societal structures. The third is the analysis of the available legislative reform through the lens developed, enabling the production of a robust reform structure which seeks to avoid reproducing colonial structures. This paper will provide an introduction to stages one and two of this approach, producing a synopsis of the current Barbadian legislative structures and identifying potential gaps, before considering the development of a lens through which such openings can be analysed and evaluated.

Step One: Comparative Legislative Review

The foundation for this legislative review is the 2023 National LGBTI Survey: Barbados. Part of a wider project entitled Being LGBTI in the Caribbean, the United Nations Development Programme (UNDP) commissioned the University of the West Indies (UWI), Cave Hill Campus to undertake a National LGBTI Survey for Barbados.³² The survey had two specific aims:

- (1) produce knowledge and assess personal costs related to LGBTQ+ people's experiences of social exclusion, stigma and discrimination; and
- (2) make useful recommendations that may inform the development and implementation of inclusive public policies.

Eight areas of research were considered: Citizen Security; Education; Employment; Health; Housing; Violence; Access to Justice; and Political Participation.

Existing Domestic Legal Provision

Although limited in number, there are currently in force two Acts which have been identified as providing rights and/or protection to LGBTQ+ persons.

Sexual Harassment (Prevention) Act 2017

Whilst the Act does not explicitly mention gender or sexual orientation, it defines sexual harassment under Section 3 in an inclusive manner, which includes:

- (a) the use of sexually suggestive words, comments, jokes, gestures or actions that annoy, alarm or abuse a person;
- (d) asking a person intrusive questions that are of a sexual nature that pertain to that person's private life;

³²UNDP National LGBTI Survey: Barbados May 2023.

- (g) any other sexually suggestive conduct of an offensive nature in circumstances where a reasonable person would consider the conduct to be offensive.³³

Employment (Prevention of Discrimination) Act 2020

The 2020 Act, to be read in conjunction with the 2012 Employment Rights Act, explicitly addresses the issue of employment discrimination and identifies nineteen grounds—including sex, sexual orientation, medical condition, marital status, domestic partnership status and family responsibility—on which to extend protection from direct or indirect and intentional or unintentional acts of discrimination. Whilst it does not recognise ‘gender’, it does recognise sexual orientation. Further, the 2020 Act identifies the family as comprising domestic partners, with the following definitions provided to aid interpretation:

“domestic partnership” means the relationship between two persons each at least 18 years of age, who live together on a genuine domestic basis but does not include:

- (a) the relationship between a married couple;
- (b) a relationship where one of the persons provides the other with domestic support or personal care or both for a fee or reward, and

“domestic partner” shall be construed accordingly; “domestic partnership status” means the state of being a domestic partner; or the domestic partner or the former domestic partner of a particular individual.³⁴

Existing Social and Political Provision

In addition to the above legislative provision, there have been attempts at recognition and/or inclusion by Government representatives in Barbados.

The Social Justice Committee

In 2019, the Minister of Labour, Social Security and Third Sector introduced a Social Justice Committee, the aim of which was to “consider and make recommendations to Government, directly through the Social Partnership and Cabinet, on social justice issues,” relating to “poverty alleviation; the role of the family in fostering cultural and social norms and values; discrimination; access to education; integration of people with disabilities; access to employment; safety and security and the environment.”³⁵ The Committee comprises of representatives from the LGBTQ+, sex-workers and disability communities, as well as from faith-based institutions (although it currently only has one LGBTQ+ representative).

The Welcome Stamp

In June 2020, Barbados introduced The Barbados Welcome Stamp, which allowed persons who earn a minimum of \$50,000 USD per year to obtain a 12-

³³Sexual Harassment (Prevention) Act 2017

³⁴International Labour Organization, “Barbados”: Available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=110880

³⁵Marlon Madden, “New ‘Social Justice Group’ in Partnership,” Barbados Today (28 March 2022). Available at: <https://barbadostoday.bb/2019/03/28/new-social-justice-group-in-partnership/>

month visa to live and work remotely. When discussing the stamp and its availability in the Houses of Parliament following its introduction, the Prime Minister stated:

I want to say that as long as I am prime minister of this nation, we welcome all. Everyone... This country that has been forged regrettably in the bowels of discrimination cannot want to discriminate against anybody for any reason, all must breathe in this world, all must breathe in this country.³⁶

Political Statements

In September 2020, Dame Sandra Mason, the-then Governor General and first President of Barbados made the following statement:

My government is prepared to recognize a form of civil unions for couples of the same gender so as to ensure that no human being in Barbados will be discriminated against, in exercise of civil rights that ought to be theirs. The settlement of Barbados was birthed and fostered in discrimination, but the time has come for us to end discrimination in all forms. I wish to emphasize that my government is not allowing any form of same-sex marriage and will put this matter to a public referendum. My government will accept and be guided by the vote of the public as promised in the manifesto.³⁷

Prior to Barbados transitioning from a constitutional monarchy to a republic in 2022, a Charter of Barbados was drafted, the first article of which states:

All Barbadians are born free and are equal in human dignity and rights regardless of age, race, ethnicity, faith, class, cultural and educational background, ability, sex, gender or sexual orientation.³⁸

In discussing the Charter in Parliament, the Prime Minister Mia Mottley stated (although the Charter is not legally binding, it serves (...)):

...to ensure that we must never, never, never, never reflect any ounce of discrimination against any human being in this nation if we are to be fair to the battles and to honour the battles fought by our ancestors and if we are to be fair to the precepts of human dignity that we believe in, whether as a nation or spiritually so...³⁹

It is however central to the rationale of this research that one (albeit of a number) of routes to ensure rights and protections are recognised and enforceable to individuals within society is through legislative provision. Whilst such words are significant in demonstrating consciousness and will, alone they do little to ensure rights and protections are defined and upheld.

³⁶“Mottley on 12-month Welcome Stamp: ‘We Welcome All, Everyone,’” (21 July 2020). Available at: <https://www.youtube.com/watch?v=HDjxbQxglfI>.

³⁷Her Excellency Dame Sandra Mason, GCMG DA QC, “Speech from the Throne,” Barbados Parliament, 15 September 2020. Available at: https://www.barbadosparliament.com/uploads/quick_link/d75dd5f579f78066eae7d131e15153.pdf.

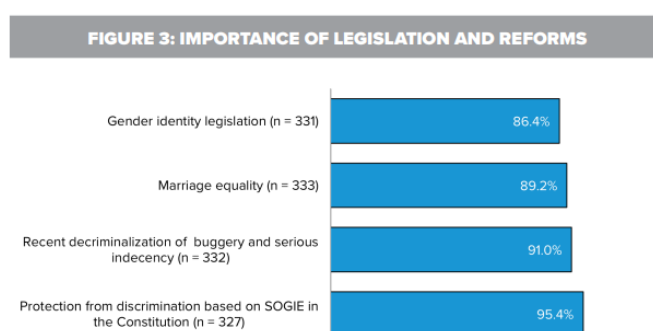
³⁸Sherrylyn Clarke, “The Charter of Barbados,” Nation News (23 November 2021). Available at: <https://www.nationnews.com/2021/11/23/the-charter-of-barbados/>.

³⁹*Ibid.*

Prospective Areas for Legislative Reform

Space in this paper does not permit an extensive analysis of the possible legislative reforms available for consideration, and this will be carried out in later articles. However, an initial review presents a number of possible areas. These include same-sex marriage and civil unions; anti-discrimination legislation; recognition of hate crimes on the basis of gender and sexual orientation; change of legal gender; and same-sex adoption. The ILGA (International Lesbian, Gay, Bisexual, Trans and Intersex Association) extends this review of applicable legislation to include regulation of (so-called) conversion therapy, restrictions on interventions on intersex minors and freedom of expression. The 2022 LGBTI Barbados survey asked respondents about the importance of legislative reform, the following responses were provided:

Figure 1. Importance of Legislation and Reforms, LGBTIO Survey 2022



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The above highlights protection from discrimination and the decriminalisation of buggery and serious indecency as legislative priorities, alongside marriage equality and gender identity legislation. The report does not include the questions asked, so whilst these are highlighted as those receiving 85%+ responses, we are unsure as to what the original question offered by way of options for consideration.

Same-sex Marriage and Partnership Recognition

Same-sex marriage legislation may be specifically drafted to extend marriage rights to same-sex couples, or exist as amendment to opposite-sex marriage Acts in existence, for example changing the language to sex-neutral. Partnership recognition as a legal relationship may be restricted to same-sex couples or be available for all, and legislation may recognise them as civil partnerships, civil unions concubinary unions, de facto partnerships and/or cohabitantes. Such partnership recognition may afford rights equal to marriage, or not. Where rights are not equal to marriage with regard rights, duties and benefits, partnership unions are unlikely to be afforded rights in excess of those obtained through marriage. As of May 2026, neither legal recognition of same-sex unions or a referendum concerning same-sex marriage has taken place.

⁴⁰UNDP National LGBTI Survey: Barbados May 2023.

Data as of June 2026 indicates that same-sex marriage has been legalised in 39 countries, including the UK, Canada, Taiwan, the Netherlands, South Africa and Thailand,⁴¹ whilst same-sex unions have been legalised in several jurisdictions, including Chile, Greece and Hungary. Same-sex marriage legislation may be specifically drafted to extend to same-sex couples, or exist as amendment to opposite-sex marriage Acts, for example changing the language to sex-neutral. Unions may be restricted to same-sex couples or be available for all, and legislation may recognise them as civil partnerships, civil unions concubinary unions, de facto partnerships and/or cohabitee.

Anti-discrimination Legislation

This appears as priority for LGBTQ+ persons in Barbados, with 95.4% of respondents in the LGBTI Survey in Barbados highlighting this as an area for legislative reform. Legislative anti-discrimination protections can create duties and prohibit conduct for those in public and/or private services. Public services may include the Police, healthcare and public transport, public bodies include local councils or Government departments, and private services include those in the private sector who provide goods and services, such as shops, cinemas and restaurants.

Hate Crimes

Hate crime against LGBTQ+ persons may be legislated as a specific offence, where the crime was motivated by the victims real or assumed sexual orientation, gender identity etc, or as an aggravating factor in sentencing, enabling sentence to be increased where the offence was motivated by the victims real or assumed sexual orientation, gender identity etc. Whilst sexual orientation and gender identity are the most common basis for either specific offences or aggravating factors, legislation may include gender expression and/or sex characteristics.⁴² Where hate crimes are recognised as aggravating features, legislation may attach them to specific offences, or enable them to be applicable for all, and may recognise some or all as a basis for aggravation. For example, in Costa Rica, homicide (unlawful killing) committed based on 'gender expression', 'sexual choice' and 'gender identity' aggravates the sentence.⁴³

Specific offence legislation is exemplified in S29 Crime and Disorder Act 1998, as amended by S145 Crime and Policing Act 2026 in England and Wales. S145 includes hostility related to sexual orientation or transgender identity alongside racial, religious and disability hostility. Any crime can be prosecuted as a hate crime where the offender has:

- demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity; or
- been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity.⁴⁴

⁴¹See: https://ourworldindata.org/data-insights/more-than-30-countries-have-legalized-same-sex-marriage?utm_source=chatgpt.com.

⁴²See ILGA database: Area One, Hate crime law.

⁴³Article 112 Penal Code (1970).

⁴⁴ Crown Prosecution, Hate Crime <www.cps.gov.uk>

Where hate crimes exist as aggravating features, this occurs at sentencing, within legislation, regulations or guidelines, enabling the seriousness of an offence to be explicitly aggravated by hostility which is based on, for example, sexual orientation, gender identity etc.

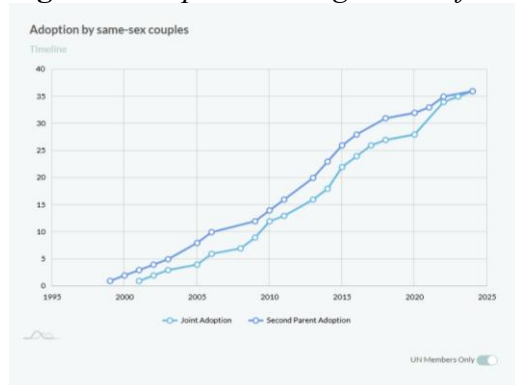
Change of Legal Gender

Legislation which provides legal procedures for a person to amend their gender identity in identity documents may be available with or without requirements. Where requirements exist, they may include gender affirming surgery, sterilisation, hormone treatment, a medical diagnosis (gender dysphoria, for example) and/or living in the affirmed gender for a specified period of time. Legislation recognising a change of legal gender may be an administrative process, without any of the requirements above, as in Argentina (Gender Identity Law (Law No. 26,743) (2012)). Legislation may also provide for non-binary recognition, wherein an “X” is utilised in identity documentation.

Same-sex Adoption

Legislation enabling adoption by same-sex couples may recognise adoption in two primary forms, as joint adoption and second parent adoption. Joint adoption legislation may or may not require a formal union (marriage/civil union) with rights afforded independently or through recognition of the union. For example, in Estonia, the Law to reform Family Law and other related laws (2023) defined marriage in gender-neutral terms, legalising marriage equality providing access to the same rights. In the Netherlands, the Law on Adoption by Persons of the Same-Sex (Law No 21) does not require marriage or a formal union for joint adoptions. Second parent adoption, whereby a person adopts the child of their partner, has historically been the most common form of adoption by same-sex couples:

Figure 2. *Graph Indicating Forms of Adoption Globally by Same-sex Couples*



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As with joint adoption, single parent adoption legislation may require recognition of a formal union, or may contain intentent requirements (for example, in Switzerland, step-child adoption is permissible for those living in ‘de facto cohabitation’ under Article 264-c Civil Code). Legislation permitting adopting by same-sex couples is most prevalent in Europe.⁴⁶

⁴⁵ILGA database: Area One, Adoption by same-sex couples.

⁴⁶Ibid – 24 states in Europe permit same-sex adoption, 24 do not.

Step Two: Developing a Barbados-Specific Interpretive Lens

The first stage in the development of a lens through which reform to Barbadian legislative provision is to be analysed requires the contextualising of Barbados's present cultural, societal, economic and social norms within its past structures. These past structures can be divided into four distinct time periods, which will be summarised below. Whilst they may appear confined to governance and political construction and thus formulaic in nature, it is contended that they represent significant changes in Barbadian culture and society which extend far beyond their administrative, political and chronological appearance. These are enslavement, colonisation, independence and republicanism.

Historical Periodisation: Enslavement, Colonisation, Independence, Republicanism *Enslavement*

Contemporary histories of Barbados begin with its discovery and settlement by the English in 1625, soon after which it became a slave society (as opposed to a society with slaves) with the majority of slaves brought to the island via the Middle Passage from West Africa. Barbados was developed as a large factory, producing the much-desired commodity of sugar to be exported and sold internationally. Enslaved persons were forced to produce sugar, which was exported for sale. In previous research, I have identified five key features aspects of the Barbadian experience of slavery which had a significant impact on contemporary structures of law, politics and national identity (1) economic exploitation; (2) propertisation of people (3) a 'slave culture' characterised by displacement and a non-unified cultural identity; (4) the unique role of religion in both enslavement and postenslavement; and (5) the significance of race during slavery and abolition. Each will be expanded upon in future articles in the full development and exploration of the lens.

Colonisation

For the purposes of this analysis of Barbadian history, it is deemed necessary to separate Barbados's enslaved history from its colonial history. Enslavement operated from 1627 until abolition in 1833 (1834, 1838).⁴⁷ Following the Emancipation Act, and the abolition of the apprenticeship structure, Barbados remained a colony of the United Kingdom until 1966, when it became an independent state, operating under a constitutional monarchy which retained the British Monarch as Head of State, represented locally by a Governor General. In 1954, a ministerial Government was established with Grantley Adams as Premier, and in 1961, Barbados was granted full internal self-government, with Errol Barrow as Prime Minister.

⁴⁷1833 is the date of the Emancipation Act, however it did not come into force until 1834, and apprenticeship dictated that freed slaves existed under an un-free structure until 1838 when apprenticeship was abolished. It is for these reasons that this date is not fixed, albeit in law, it appears as 1833.

Independence

Prior to independence, Barbados was a member of The West Indies Federation. The aim of the Federation was to establish a political union between a number of Commonwealth Caribbean islands, serving to remove them as colonies from the United Kingdom but prevent each island going it alone as an independent territory. When the Federation collapsed, states began gaining independence from the UK, starting with Trinidad and Jamaica in 1962 before Barbados in 1966. Following independence, Barbados operated as constitutional monarchy until 2021. A key milestone in the development of Caribbean wide jurisprudence came with the introduction of the Caribbean Court of Justice (CCJ), a regional court situated with the CARICOM political and economic union, self-described as an integration movement.⁴⁸ The CARICOM Member States are: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago.⁴⁹ The CCJ holds two jurisdictions, original and appellate. The original is tasked with interpreting the Treaty governing members of CARICOM and the single market, and the appellate as a final court of appeal to those who cede to its jurisdiction. Barbados ceded to the CCJ in its appellate jurisdiction in 2005 and was one of the first states to do so. At time of writing, only five CARICOM members have ceded jurisdiction away from the Judicial Committee of the Privy Council to the CCJ. In its capacity as a final court of appeal, it has jurisdiction to hear appeals on criminal and civil matters.

Republicanism

In 2021, Barbados became a Republic. Under the Constitutional (Amendment) (No.2) Act 2021, the British sovereign was removed as Head of State and replaced with a President. Further changes included vesting all property held by the Crown in the State and amending all references in law from Her Majesty the Queen, the Crown, and the Sovereign to be read as the State, alongside the removal of “Royal” from the Barbados Police Force and the Prison.

In their article entitled “Why does Barbados symbolic transition to a republic matter”, Robert Goddard notes “Barbados transition to a republic is merely symbolic, but for generations of Barbadians, there has been something incongruous about the symbols and images dominating the spaces around the country. Symbols matter in the histories of nation-states and this marks the capstone of a much longer process of decolonisation from Britain.”⁵⁰ The author cites a poll wherein 1/3 of the Barbadian population supported republicanism, whilst 1/3 were largely neutral. Concern was expressed over the lack of referenda, a promise made in 2008 but not fulfilled.⁵¹

⁴⁸See <https://caricom.org>.

⁴⁹ See <https://caricom.org/member-states-and-associate-members/>.

⁵⁰ See <https://blogs.lse.ac.uk/latamcaribbean/2022/01/13/why-barbados-symbolic-republic-matter/>.

⁵¹See <https://www.grenadianconnection.com/Grenada/ViewNews.asp?NID=3177&CID=15004&TC=1358&EP=1267&yr=2005&Cat=0000&Sch=>.

Contemporary Cultural and Societal Norms

The development of a suitable lens necessitates consideration of cultural and societal norms and ideals created through consideration of both Barbadian past and present, the effect of which is acknowledged and accepted limitations. Whilst a lens of the past is developed (inaccurately) through its positioning as something of a static picture, the present is accepted as unstable and shifting when seeking to identify of cultural and societal norms. Instead, the lens developed will be an amalgamation of assumptions and theories, contextualised through their position in Barbadian history alongside their continuing position in Barbados today.

In 1979, Kamau Brathwaite, a renowned Barbadian poet and academic defined Barbadian culture as:

“Historically influenced life-style and expression, taking into special account the ancestral forces that have contributed to this life-style and expression . . . so that Amerindian, European and African orientations and influences must be taken into account; as must folk forms, colonial patterns, bourgeois-native, radical/experimental and metropolitan/modern formations.”

In the 2010 Barbados cultural framework, three aspects of Barbadian cultural heritage were identified:

1. Language and oral tradition
2. Religion
3. Natural, archaeological and historical cities and relics.

Cultural and societal norms today have been constructed through a fusion which incorporates the historic and continuing influences of, not limited to but including indigeneity, Africanism, enslavement, coloniality and Caribbeanism. As noted by Gilroy:

The distinctive historical experiences of this diaspora’s (African) population have created a unique body of reflections on modernity and its discontents which is an enduring presence in the cultural and political struggles of their descendants today.⁵²

The positioning Barbadian norms and customs, cultural and societal at the centre of a legal analysis is not without challenge, in particular, as noted above, owing in part to the fluidity and subjectivity of norms. Variability and flexibility will therefore be essential in its development, both initial and continual.

Toward Conceptual Markers for the Lens

Following an analysis of the cultural and societal norms of Barbados, conceptual markers will be identified and developed, which will provide the foundational framework from which a theoretical lens will emerge. These conceptual markers

⁵²Ibid 45.

will create an academic framework through which prospective laws can be analysed, examined and recommended, amended or dismissed.

Step Three: Applying the Lens (Prospective)

In their 2019 chapter ‘LGBT Rights, Sexual Citizenship, and Blacklighting in the Anglophone Caribbean: What Do Queers Want, What Does Colonialism Need?’, Grey and Attai address the issue which this article raises in the context of sexual citizenship in the Anglophone Caribbean. In doing so, they consider how Caribbean states have been “negotiating and resisting” in ways that resonate with their communities⁵³ by drawing on what they have termed ‘moments’ in three jurisdictions, Guyana, Jamaica and Trinidad and Tobago. Their analysis of these moments, although distinct from the aim of this article, provide a comparative framework which too seeks to move away from a neo-colonial, copy and paste of legal structures from the Global North into the rest of the world, and instead highlights their identified moments and situates them with a Caribbean specific narrative of resistance within the LGBTQ+ movements. The development and subsequent use of a Barbadian specific lens build on the arguments developed by Grey and Attai through consideration of how domestic jurisprudence may be constructed utilising a Barbadian-centred logic, however rather than considering how challenge *is* occurring, this research will lay focus on how it *could* occur.

Conclusion

This article has sought to develop a structure under which a legal gap analysis addressing LGBTQ+ rights and protections in Barbados can take place, following the 2022 repeal of the offences of buggery and serious indecency. It has been argued that, in contrast to adopting a universalising approach of recommendations from legal structures from elsewhere, a legislative review should take place of available legal structures, before an analysis of those structures through a Barbadian specific lens. Doing so centres Barbadian norms in the analysis, requiring law to be examined through identified conceptual markers which seek to reflect a Barbadian reality.

⁵³Grey, Cornel, and Nikoli A. Attai, ‘LGBT Rights, Sexual Citizenship, and Blacklighting in the Anglophone Caribbean: What Do Queers Want, What Does Colonialism Need?’, in Michael J. Bosia, Sandra M. McEvoy, and Momin Rahman (eds), *The Oxford Handbook of Global LGBT and Sexual Diversity Politics*, Oxford Handbooks (2020; online edn, Oxford Academic, 8 Jan. 2019),

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