

**OFFICE OF THE PRESIDENT
REPUBLIC OF TRINIDAD AND TOBAGO**

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It is with growing concern that I have been following in the media, both traditional and social, the escalating tensions surrounding Sections 13 and 16 of the Sexual Offences Act and the recent judgment of our Court on the constitutionality of those provisions.

I urge those participating in the debate to bear in mind that while all of us are entitled to hold and express robustly our point of view, we must be careful not to damage the national psyche by inadvertently inciting victimisation, bigotry and violence.

I implore citizens, especially those in a position to influence others, to inform themselves fully on the law and the facts before making public utterances.

For ease of reference, the Sexual Offences Act Sections 13 and 16 read as follows:

13. (1) A person who commits the offence of buggery is liable on conviction to imprisonment for twenty-five years. (2) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.

16. (1) A person who commits an act of serious indecency on or towards another is liable on conviction to imprisonment for five years. (2) Subsection (1) does not apply to an act of serious indecency committed in private between— (a) a husband and his wife; (b) a male person and a female person each of whom is sixteen years of age or more, both of whom consent to the commission of the act; or (c) persons to whom section 20(1) and (2) and (3) of the Children Act apply. (3) An act of “serious indecency” is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire.

In layman’s terms, it is against the law under Section 13 (as set out above) to have anal intercourse whether man with man or man with woman, even where the parties are consenting adults acting in private. It is also unlawful by virtue of Section 16 for there to be the exciting or satisfying of sexual desire by engaging in acts short of sexual intercourse but which involve the use of genital organs e.g. oral sex between consenting adult males as well as between consenting adult females.

It is these specific prohibitions that engaged the attention of the Court. The arguments in the case did not touch and concern non-consensual sexual acts or sexual acts involving adults with children.

The Law Association of Trinidad and Tobago describes the current situation as follows:

“The decision is to be appealed and as such the final verdict on the constitutionality of the law is yet to be determined. It is important to appreciate, however, that it is not in dispute that the criminalisation of same-sex, consensual sexual relations infringes important constitutional rights. The legal issues to be determined on appeal are whether a law which admittedly violates constitutional rights is nevertheless saved from being struck down by a constitutional provision which protects old colonial laws, and whether the legislature by a special three-fifths majority can override what they know to be a constitutional violation.”

I take this opportunity to remind commentators of the request I made in my inauguration address that those with a platform from which to disseminate their views, or those of others, report responsibly and comment civilly on the facts.

Her Excellency Paula-Mae Weekes

President of the Republic of Trinidad and Tobago