

# Constitutional Challenge Litigated by WeirFoulds LLP Strikes Down Anti-LGBT Laws in St. Kitts and Nevis

August 30, 2022

On August 29, 2022, the High Court of Justice in the Federation of Saint Christopher and Nevis (St. Kitts and Nevis) declared laws criminalizing consensual, private acts of same-sex intimacy between adults to be unconstitutional.

Partner [Nadia Chiesa](#) represented the Claimants in this Constitutional challenge to successfully overturn the “buggery laws” in St. Kitts and Nevis. The Court found these laws contravened Constitutionally guaranteed rights to freedom of expression and personal privacy.

This decision comes two months after Antigua and Barbuda became the first Eastern Caribbean nation to strike down its so-called “buggery and serious indecency laws”, following a successful Constitutional challenge supported by Nadia Chiesa and WeirFoulds.

Since 2020, Nadia Chiesa and WeirFoulds LLP have supported the [Eastern Caribbean Alliance for Diversity and Equality \(ECADE\)](#)’s five-country legal challenge aimed at laws which infringe the basic human rights, dignity, and equal treatment under the law of LGBTQ+ persons throughout the region.

On the St. Kitts and Nevis challenge, Nadia worked with E. Anthony Ross QC, along with a team of Caribbean lawyers led by Douglas Mendes SC and Veronica S. P. Cenac.

“We’re incredibly proud of this judgment that recognizes and affirms the Constitutional protections to which the LGBTQ+ community in St. Kitts and Nevis is entitled. The Court has held unequivocally that every person should be treated equally under the law, regardless of their sexual orientation,” said Nadia Chiesa, Chair of the WeirFoulds LLP Commercial Litigation Practice Group and a Partner in the Caribbean Practice Group.

“It’s encouraging to see this decision come so soon after these laws were overturned in Antigua and Barbuda. While there is much work ahead, it represents another important step forward as St. Kitts and Nevis becomes the fourth country in the Eastern Caribbean to strike down these outdated, colonial laws. We must recognize the litigants and ECADE for their bravery and commitment to fighting for the rights of the LGBTQ community in the Caribbean.”

WeirFoulds LLP has a long-standing commitment to upholding access to justice and giving back to the community through the *pro bono* work of its highly experienced team of lawyers. Nadia spearheads the firm’s *pro bono* human rights litigation services throughout the Caribbean, which have played a critical role in challenging legislation which violates fundamental rights as defined under international law.

[Click here](#) for the original announcement from ECADE.

To learn more about our Caribbean Practice Group as well as our Commercial Litigation Practice Group, or to contact one of our lawyers, visit our [Caribbean](#) and [Commercial Litigation](#) overview pages.



[www.weirfoulds.com](http://www.weirfoulds.com)

#### Toronto Office

4100 – 66 Wellington Street West  
PO Box 35, TD Bank Tower  
Toronto, ON M5K 1B7

Tel: 416.365.1110

Fax: 416.365.1876

#### Oakville Office

1320 Cornwall Rd., Suite 201  
Oakville, ON L6J 7W5

Tel: 416.365.1110

Fax: 905.829.2035