



# CANADIAN HIV/AIDS LEGAL NETWORK IN THE CARIBBEAN

## Why the Caribbean? And why LGBTQ rights?

As a region, the Caribbean has the second-highest HIV prevalence rate in the world, after sub-Saharan Africa. UNAIDS and regional and national agencies have identified homophobia as a factor contributing to this startling statistic. The legal and social environment varies significantly across the region, as does community organizing to defend and advance the human rights of lesbian, gay, bisexual, transgender and queer (LGBTQ) people. However, in numerous countries, particularly the Commonwealth Caribbean, the criminalization of consensual same-sex relationships and gender non-conforming people — accompanied by wider societal stigma and discrimination, which is often intensified by fundamentalist religious groups — has had a damaging effect on health and human rights.

Among other harms, gay men and other men who have sex with men (MSM), as well as trans people, are driven away from effective HIV prevention treatment, care and support. The results can be devastating. Jamaica has the highest HIV prevalence rate among MSM (33%) in the western hemisphere, if not worldwide; in Barbados, Dominica, St. Vincent and the Grenadines, it is 14%, 26% and 29.5%, respectively. It is no coincidence that, in those countries, consensual sex between men is a crime punishable by years in prison. These countries also offer little or no legal protection against discrimination, and homophobic violence and harassment are reported regularly.

Activists are mobilizing around the region, building the case for the rights of LGBTQ people through a variety of strategies. These include researching public opinion, educating communities and law enforcement about human rights, amplifying the voices of progressive faith leaders, engaging parliamentarians and policy-makers to pursue law reform, advocacy in the media and litigation. The Canadian HIV/AIDS Legal Network (the Legal Network) and our Caribbean expert in Canada are developing collaborations with local partners to challenge and eventually eliminate the laws, policies and attitudes that contribute to violence, discrimination and the ongoing HIV epidemic.

## The Approach and Strategies

Building on its experience and successful efforts in Canada, the Legal Network employs various strategies in the Caribbean to ensure that human rights are enjoyed by all:

### ➔ Challenging anti-LGBTI laws

In partnership with local and international allies, the Legal Network is leading and/or supporting litigation to challenge anti-LGBTI laws. We are currently supporting two constitutional court cases brought by our staff lawyer and Jamaican human rights activist Maurice Tomlinson. The first is an appeal challenging TV stations that refused to air an ad advocating respect for the human rights of gay Jamaicans. The second is a challenge to Jamaica's colonial-era laws criminalizing "buggery" and "gross indecency" between men. We are also working with local petitioners in Barbados on a challenge to similar laws in that country. We will continue to work with local partners who may be interested in launching another such challenge in the region.

### ➔ Sensitivity training

Working from training developed for the Toronto Police Service and specifically adapted for the Caribbean by our partner AIDS-Free World, the Legal Network continues to deliver LGBTQ sensitivity training to uniformed services across the Caribbean. Collaborating with local LGBTQ groups and in cooperation with national government institutions, we have to date trained members of the police force, fire brigade, customs department, immigration agency, port security and army in Antigua and Barbuda, Barbados, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia and Suriname. We are seeking to conduct this training program in other countries in the region, including Jamaica.

### ➔ **Working with faith leaders**

The Legal Network supports the work of progressive faith leaders by assisting them in spreading a more inclusive message. Across the Commonwealth, religion plays a significant role in the retention of laws criminalizing LGBTQ people, and is part of discussions aimed at abolishing such laws. Therefore, in 2017, the 50<sup>th</sup> year of the first partial decriminalization of sodomy in the Commonwealth (the U.K.), we partnered with local and international Christian leaders to host the first-ever global conference in Jamaica on the role of the church (past, present and future) in ending anti-LGBTQ laws. This groundbreaking Intimate Convictions conference was live-streamed and recordings are available on our website. Further, an edited volume of the conference presentations is being produced and will be shared with politicians, judges, religious leaders and other stakeholders across the Commonwealth. We are working with other faith leaders and civil society partners to host similar dialogues in countries with similar laws across the Commonwealth. Many of the uniformed officers we train (see above) are also lay faith leaders or part-time clergy and, through our relationships with them, we have an opportunity to dispel some of the prevailing myths about homosexuality and to build an understanding of and respect for the rights of LGBTQ people.

### ➔ **Visibility campaigns**

Alongside local partners, the Legal Network was active in helping to organize the first ever “Stand for Equality and Inclusion” demonstration in front of the Barbados Parliament, which was followed by similar events in Grenada and Jamaica. We also sponsored the inaugural Montego Bay Pride and Barbados Pride in 2015, participated in panel presentations and public discussions on homophobia across the region, and hosted public discussions of Jamaica’s treatment of LGBTQ people through the screening of the award-winning documentary, *The Abominable Crime*. We will continue to support Montego Bay Pride in 2018 as local activists increasingly take on the leadership of this important event raising the visibility of LGBTQ Jamaicans.

### ➔ **Reports to national and international bodies**

The Legal Network collaborates with local groups to craft submissions to parliamentary and UN bodies describing the impact of homophobia on Caribbean LGBTQ people. One such submission was sent to the Jamaican Joint Select Committee of Parliament, which is reviewing the country’s *Sexual Offences Act*. The Act mandates “sex offender” registration and monitoring for anyone convicted under the laws criminalizing consensual sex between men. We also make submissions to Canadian parliamentary sub-committees studying Canada’s response to the situation of LGBTQ people in the Caribbean and globally. We use our special consultative status at the United Nations to amplify the voices of local activists from various countries in the global south, and to complement the efforts of Caribbean LGBTQ human rights defenders in holding countries accountable for the human rights obligations they have agreed to in international law. We are one of only a handful of civil-society organizations registered with the Organization of American States (OAS) and we are part of a regional coalition that regularly advocates for LGBTQ human rights in that forum.

### ➔ **Working with the diaspora**

The Legal Network regularly presents at Caribbean diaspora events, engaging with diaspora groups and providing information about our work in the region. Working with Caribbean nationals in the global north through organizations such as the Jamaica Association of Gays and Lesbians Abroad (JAGLA) and the Jamaican Canadian Association (JCA), as well as similar groups of other Caribbean communities, we support diaspora groups as they mobilize and urge their host countries and their diplomatic missions abroad to take action in ending anti-LGBTQ laws and policies in the Caribbean. In 2018, we successfully spearheaded efforts in support of a Jamaican petition to block an American pastor from visiting Jamaica to preach death to LGBTQ people.

### **About the Canadian HIV/AIDS Legal Network**

The Canadian HIV/AIDS Legal Network promotes the human rights of people living with, at risk of or affected by HIV or AIDS, in Canada and internationally, through research and analysis, litigation and other advocacy, public education and community mobilization. Relying on sound evidence and analysis to challenge the stigma and discrimination faced by LGBTI people that leads to misguided policies and injustice, the Legal Network strives for a world in which the health and human rights of LGBTI people everywhere are fully protected.