

Statement

GAME-CHANGER: BELIZE SUPREME COURT STRIKES DOWN ANTI-LGBTI LAW

TORONTO, August 11, 2016 — The Canadian HIV/AIDS Legal Network applauds yesterday's landmark decision from the Supreme Court of Belize, which overturned the country's archaic law prohibiting "carnal intercourse against the order of nature," setting a precedent for LGBTI human rights that we hope will ripple across the region.

The Belize Supreme Court's decision takes aim at Section 53 of the Criminal Code, which prescribes prison sentences of up to 10 years for, among other things, intercourse between consenting adults of the same sex. Reading his 100-minute-plus ruling from the bench, Chief Justice Kenneth Benjamin declared that Section 53 contravenes the Constitution of Belize — specifically its guarantees of the right to human dignity, personal privacy and equal treatment before the law. The Chief Justice underscored that removing the section would help curb the tide of HIV infection, especially among men who have sex with men (MSM), who are deterred from participating in HIV testing and treatment programs due to stigma and discrimination. Importantly, the ruling also mentioned that while the Court may consider the views of religious groups, it could not unquestioningly act on them.

Belize's decision is groundbreaking and potentially game-changing. Ten states in the Caribbean continue to cling to British colonially imposed anti-gay edicts. Such outdated laws contribute to hate and violence against LGBTI people, and exacerbate the HIV epidemic in the region, which suffers from some of the highest rates of infection in the world. Striking down these laws is crucial to the linked projects of human rights and public health.

In Jamaica, the Legal Network is supporting an ongoing constitutional challenge by Maurice Tomlinson, a lawyer and LGBTI activist who was forced to leave his country after receiving death threats related to his LGBTI advocacy. As in Belize, Maurice's case has been vociferously opposed by religious groups, many of which have been granted intervenor status. Although it is not binding outside of Belize, we hope that this clear and decisive ruling will be highly persuasive in Jamaica and other countries in the region, and have positive ramifications among member states of the Caribbean Community (CARICOM).

Read about Maurice's constitutional challenge: <http://www.aidslaw.ca/site/constitutional-challenge-to-jamaicas-anti-sodomy-law-qa/>

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