

## **Human Dignity Trust**

Belize scraps law targeting gay men

10 August 2016

Small Caribbean state sheds colonial legacy law

FOR IMMEDIATE RELEASE: 10 August 2016

***Orozco v Attorney General of Belize (Belize High Court 10 August 2016)***

### **Summary:**

Criminalisation of homosexuality declared unconstitutional.

By a judgment handed down on 10 August 2016 the Chief Justice of Belize held that provisions in the Belize Criminal Code purporting to criminalise private consensual sexual conduct between adults of the same sex breached the Constitution of Belize and so should be declared void. In doing so the Chief Justice upheld the claim brought by the Belizean activist Caleb Orozco against the Government of Belize. The Chief Justice held that laws purporting to criminalise private homosexual conduct breached the rights to dignity, privacy, equality and non-discrimination enshrined in the Belize Constitution and so were void. Mr Orozco's arguments were supported by the Commonwealth Lawyers Association, The Human Dignity Trust and the International Commission of Jurists (the Interveners).

The decision of the Chief Justice represented the first occasion on which any Caribbean Court had determined such a constitutional challenge.

### **Press Release:**

A law in Belize that disproportionately affects gay men was today ruled unconstitutional by the country's Supreme Court after a three-year wait for the judgment.

Section 53 of Belize's Criminal Code, an old British colonial law, banned 'carnal intercourse against the order of nature' and thereby made consensual gay sex between adult men in private illegal in Belize. Today the legal provision has been ruled 'unlawful' to the extent that it can be applied to same-sex activity.

In handing down the judgment, Chief Justice Kenneth Benjamin agreed that Section 53 amounts to a violation of the constitutional rights to dignity, privacy, equality and non-discrimination on grounds of sex. He found that there was no justification in the form of 'public morality' and therefore the law must be modified. He awarded costs to the Claimant, Caleb Orozco.

The case is the culmination of years of work by a Caribbean-led coalition of lesbian, gay, bisexual and trans (LGBT) activists, academics and legal experts. The individual claimant is Caleb Orozco, a Belizean gay man and prominent LGBT human rights advocate.

Today Orozco said:

*"This is the first day of my life in which it is legal for me to be me.*

*This is a history-making judgment for Belize, the country which I am proud to call home.*

*Our judicial system has been proven to be robust and unprejudiced. This judgment should give other oppressed minorities the confidence to speak up and stand up for themselves in situations of human rights abuse in the way I have. Our courts really are there to protect us all.*

*In striking down Section 53, Belize has also rejected a poisonous remnant of colonial rule. We have reaffirmed ourselves as a society built on dignity and respect for all our people.*

*This is a proud day."*

Simone Hill, President of the United Belize Advocacy Movement (UNIBAM) said before the judgment:  
*"This is about our human rights. As citizens of this country our rights should be respected without fear or favour. Win or lose, we will continue the fight to ensure the victory of the protection of our rights."*

The case was heard in May 2013 and presided over by Chief Justice Kenneth Benjamin. Today's ruling - some three years and three months later - upholds Belize's LGBT (lesbian, gay, bisexual and trans) community's human rights to privacy, equality, dignity and non-discrimination, all of which are protected under the country's constitution.

A group of churches, namely the Roman Catholic Church of Belize, the Belize Church of England Corporate Body, and the Belize Evangelical Association of Churches were admitted as 'Interested Parties' in the case opposing Mr Orozco's claim and seeking to maintain the criminalisation of gay men in Belize. Meanwhile, the International Commission of Jurists, the Commonwealth Lawyers Association and the Human Dignity Trust were joint 'Interested Parties' in support of Mr Orozco.

Téa Braun, Legal Director of the Human Dignity Trust, said:

*"This is a great victory for human rights and the rule of law.*

*Intimacy in private between two adults of their own free will should not be a matter for the law. The only outcome of such laws is to blight the lives of members of the LGBT community by fostering a climate of oppression and state-sponsored discrimination.*

*The bravery and resilience of colleagues across the Caribbean who have worked tirelessly on this case is an inspiration. Caleb Orozco is a hero and a trailblazer. The Human Dignity Trust is immensely proud to have worked alongside him and his legal team."*

Alex Ward, President of the Commonwealth Lawyers Association, which passed a resolution on the 'Decriminalisation of Sexual Orientation' in 2009, said:

*"This is a sound and just ruling which we whole heartedly welcome. It is the CLA's mandate to uphold the rule of law across the Commonwealth and today marks a considerable success in maintaining the integrity of the Belizean Constitution and protecting its citizens' fundamental rights."*

Livio Zilli, Senior Legal Adviser at the International Commission of Jurists (ICJ), said:

*"The ICJ hails the courage, commitment and tenacity of the entire LGBT movement in Belize, and Caleb Orozco's in particular, and salutes this decision as a critical contribution to upholding people's human rights whatever their sexual orientation or gender identity."*

While convictions under Section 53 in Belize were rare, the law carried a sentence of up ten years' imprisonment effectively for consensual homosexual sex.

There are still 76 legal jurisdictions across the world that make same-sex intimacy between consenting adults a crime. Of these, 38 countries are, like Belize, members of the Commonwealth.

Ends

#### Notes to Editors

1. For more information call Kapil Gupta on 0207 419 3770 or email [kapil@humandignitytrust.org](mailto:kapil@humandignitytrust.org)
2. The United Belize Advocacy Movement (UNIBAM) is one of several LGBT-led policy and advocacy NGOs in the country. Its focuses are health and human rights. [www.unibam.org](http://www.unibam.org)
3. Mr Orozco together with UNIBAM – of which Mr Orozco is Executive Director and which was an 'Interested Party' supporting the litigation – were represented by Lisa Shoman SC, Chris Hamel-Smith SC, Simeon Sampson SC and Westmin James.
4. The Interested Parties that joined in support of the case were represented by Godfrey Smith SC and Debevoise & Plimpton led by Lord Goldsmith QC. Tim Otty QC, founder of the Human Dignity Trust, Tristan Jones, Jessica Gladstone, Nicola Leslie, Conway Blake, were key members of the victorious legal team.

<http://www.humandignitytrust.org/pages/NEWS/Press%20Releases?NewsArticleID=516>