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The Long Battle to Eradicate Homophobia in Belize

by Louisa Reynolds
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Activists are seeking to change Article 53 of the Belizean Constitution, which declares gay relationships unlawful, on the grounds that it is an infringement of basic human rights.

Caleb Orozco is tired of being regarded as a criminal by his country’s legal system purely because of his sexual orientation. Orozco, a health educator and president of the United Belize Advocacy Movement (UNIBAM), is now leading a legal crusade to prove that Article 53 of Belize’s Criminal Code, which states that every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for ten years, violates basic human rights.

UNIBAM seeks to eliminate the phrase "with any person" so that sexual intercourse, anal or otherwise, in private between consenting adults, whether of the same sex or heterosexual partners, is legal.

Their argument is based on the Belizean Constitution, which recognizes the right to human dignity, the right to not be subject to arbitrary or unlawful interference with one’s privacy, and the right to equal protection under the law without discrimination.

The organization is being supported by the International Commission of Jurists, the Commonwealth Lawyers’ Association, and the Human Dignity Trust. In their view, Belizean laws with regard to same-sex relationships are antiquated and need to be repealed.

The National Aids Commission also favors the changes as it believes that if individuals can be more open about their sexual preference without fear of stigma and discrimination because they know their rights will be protected under the law, they will also be more willing to report HIV infections, thus reducing the risk of contagion. However, the move has met with fierce opposition from both Catholic and Protestant religious organizations.

Gay marriages will be next, say church leaders

On Nov. 23, 2012, the Council of Churches held the Belize Action/Family Forum at the Holy Redeemer parish hall in Belize City, during which a number of religious leaders spoke out vehemently against homosexuality and condemned the move to amend the Criminal Code.

"What we are dealing with is an abomination, and it is a sin against God. Homosexuality is one of the many sins that we have to fight against," said council president Canon Leroy Flowers, during the three-hour event. "They’re after the kids. The UK approved same-sex marriage years ago; now they’re having court battles to lower the age of consent... This proves that they’re after the kids. Homosexuals cannot have kids; therefore they must recruit."

On Aug. 20, the conservative group Belize Can staged a demonstration against the legal amendment in front of the National Assembly at 8:30 a.m. and a second protest in front of the University of Belize (UB) at 11:00 a.m., against the recent creation of a gender studies department. Belize Can demands that UB specify that "gender equals male and female only."
However, UNIBAM’s legal-reform proposal says nothing about same-sex marriages or adoption by same-sex couples.

On Dec. 3, 2012, two days before UNIBAM presented its case against the Attorney General in court, the Council of Churches, which has joined the case as an interested party, organized the Take a Stand rally in Battlefield Park.

Christian leaders have formed the Belize Action Team to fight against UNIBAM’s agenda. Scott Stirm, pastor of Jubilee Ministries, one of the five members of the team, contends that changing the law would mean that "male-on-male" rape would no longer be punishable under Belizean law.

UNIBAM’s court hearing was originally set for Dec. 5-7 but has been postponed to Dec. 9, after the Council of Churches asked the court to strike out some of UNIBAM’s witnesses, as they are not considered experts who could give valid testimony. UNIBAM responded by filing a counter-claim that some of the Council’s witnesses were not suitable.

So far, Prime Minister Dean Barrow has said that the government will argue for the constitutionality of the article that is being challenged, while the opposition People’s United Party has merely said that it will respect the ruling of the Supreme Court.

**Homosexuality in Central America and the Caribbean**

The Belize Action Team says that the international organizations that support UNIBAM seek to "topple Belize’s homosexuality laws" to set a legal precedent that can be used to overturn similar laws in larger Caribbean nations such as Jamaica. "They’re trying to force their homosexual values down our throats," said Stirm.

Lesbian, gay, bisexual, and transgender (LGBT) rights is a complex issue in Central America and the Caribbean. Belize and the former British West Indies, which include Jamaica, Barbados, Guyana, and Trinidad and Tobago, have "anti-sodomy" laws.

Belizean immigration law also bans gay males and females from entering the country, although in practice cases of gay tourists being prosecuted have been extremely rare.

Meanwhile, same-sex relationships are legal in Costa Rica, El Salvador, Honduras, Nicaragua, and Panama, although levels of tolerance vary from country to country. Costa Rica can be regarded as one of the most advanced countries in the region in the progress made to fight homophobia and discrimination. Same-sex relationships became legal in 1971, whereas Panama and Nicaragua repealed laws banning homosexual relationships as late as 2008. However, a movement to legalize gay marriages in Costa Rica has been unsuccessful.

Costa Rica, El Salvador, Nicaragua, and Guatemala also have laws that ban discrimination against gays and lesbians. However, these laws are rarely enforced, and people who engage in same-sex relationships face discrimination in the workplace, harassment, and are even at risk from violent attacks.

In Guatemala, Belize’s closest neighbor, UN Special Rapporteur on extrajudicial, summary or arbitrary executions Philip Alston reported during his latest visit to the country in 2008 that transvestites were being subjected to "social cleansing" operations carried out by the Police, to eliminate so called "undesirables."
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