

The HIV Legal Network in the Caribbean



The HIV Legal Network promotes the human rights of people living with HIV or AIDS and other populations disproportionately affected by HIV, punitive laws and policies, and criminalization, in Canada and internationally. Since 1992, we have been doing this critical work through research and analysis, litigation and other advocacy, public education, and community mobilization.

This is our life's work. As an internationally renowned advocacy organization, we will continue to advocate, support, and mobilize for lasting human rights change, however long it takes, until our clear vision becomes a reality.

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 long 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 LGBTQ+ people. But in many countries, and particularly the Commonwealth Caribbean, the criminalization of consensual same-sex relationships and gender non-conforming people — fueled by stigma and discrimination, which is often intensified by fundamentalist religious leaders and 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 (29.8%) in the Western Hemisphere, if not worldwide; in Barbados and Dominica, it is 11.8% and 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 against gay men, lesbians, and trans people are reported regularly.

But the moral arc is quickly bending towards change in this region. Recent positive decisions in courts in the Caribbean, including in Barbados, Antigua and Barbuda, St. Kitts and Nevis, and most recently Dominica in April 2024, have found laws that criminalize same-sex intimacy to be unconstitutional. We continue to work with activists in the region to build the case for human rights for all, including LGBTQ+ communities whose rights have long been denied. The time to act is now.

Victory in Dominica

On April 22, 2024, the High Court of Justice in Dominica struck down two sections of the country's Sexual Offences Act. This welcome decision in the constitutional challenge, launched by a gay man who must remain anonymous for his safety and supported by MiRiDom and the HIV Legal Network, marked an historic day for LGBTQ+ people in Dominica and around the world. With this victory, MiRiDom — with support from the HIV Legal Network — is now leading the work with communities to ensure the rights of LGBTQ+ people are understood, accepted, and protected, and that LGBTQ+ people in Dominica are able to live in safety and love with dignity.



In June 2025, MiRiDom and the HIV Legal Network collaborated on a four-day in-country advocacy and communications training workshop with community members.

Next Up: Guyana

Guyana, situated in South America but considered part of the Caribbean, is the only remaining Caribbean nation that has not had a constitutional challenge brought against its anti-gay laws — but not for long. Since 2024, the [HIV Legal Network](#) and SASOD Guyana have worked together on a project funded by ACTIF (via Global Affairs Canada), campaigning for widespread and public acceptance for LGBTQ+ communities while simultaneously preparing for litigation to remove anti-gay laws that block the realization of human rights for all and impede access to healthcare. Led by in-country experts at SASOD Guyana, the partners have been collaborating on legal strategy, public communications, and relationship building within the country, softening the ground for any potential litigation. Right now, change is already happening, and a progressive narrative arc is building as conversations begin to shift in Guyana. To that end, SASOD Guyana launched an important public campaign called [Guyana Together](#) that already has the support of more than 100 in-country [organizations](#). You can visit the campaign at guyanatogether.gy.



In May 2025, the High Commissioner of Canada to Guyana hosted both SASOD Guyana and the HIV Legal Network for an evening of thoughtful conversation.

Jamaica: Where Your Support is Needed Now

The HIV Legal Network, alongside Jamaican-Canadian lawyer and LGBTQ+ activist Maurice Tomlinson, first launched a constitutional challenge to Jamaica's anti-sodomy laws in 2015. We have watched in earnest as other Caribbean nations have come to favourable legal decisions supporting the rights of LGBTQ+ people — and we expect that, ultimately, justice will prevail here, too. As a result of a petition Maurice filed, alongside AIDS Free World, with the Inter-American Commission on Human Rights (IACHR) and their subsequent scathing report in 2021, the international community has already recognized that Jamaica's *Offences Against the Person Act* violates several of the individual rights protected by the *American Convention on Human Rights*, which Jamaica ratified in 1978.

However, this constitutional challenge has proven to be long and winding, with the Court ruling unhelpfully on a procedural issue and throwing hurdle after hurdle and delay after delay in our way. But Maurice, now the claimant in this litigation, will not be deterred.



"As a proud Jamaican-Canadian man and member of the LGBTQ+ community, I have been on an emotional rollercoaster since October 27, 2023 when the Supreme Court shielded the anti-sodomy law from judicial scrutiny in my homeland.

This law is used to criminalize, imprison, and inflict violence upon LGBTQ+ Jamaicans. It is also a law that drives LGBTQ+ people away from HIV testing, care, and treatment — and acts as a driver of new HIV infections in the country. It is a terrible, misguided law that denies my humanity. I had no choice but to appeal this ruling." -Maurice Tomlinson (Human Rights Lawyer and LGBTQ+ Advocate, and Claimant)

For more information on the HIV Legal Network's activities in the Caribbean, please check out: hivlegalnetwork.ca/Caribbean today.

We would love to have your support!