

FOCUS RIGHT: YOUNG PEOPLE AND HUMAN RIGHTS

A Factsheet on the Rights of Lesbian, Gay, Bisexual and Transgender Youth

Openly lesbian, gay, bisexual and transgender (LGBT) youth in Jamaica are routinely subjected to stigma and discrimination and violence. Jamaica has developed and fostered a culture, largely through music and by religious institutions which celebrate and sanction homophobic treatment of LGBT persons. This has resulted in Jamaica being branded as one of the most homophobic place on earth by several international human rights organizations. This stems from a widely accepted culture that homosexuality is immoral and unjust and heterosexuality is the only acceptable sexual orientation (as ordained by God). This ideology is fuelled by the various agents of socialization within the Jamaican Society.

The LGBT community in Jamaica lives in constant fear of their lives. There have been “hate crimes” against lesbian, gay, bisexual and transgender persons, especially young people, in Jamaica. To make it worse there are little or no avenues for redress or bringing perpetrators to justice.

Human Rights In Jamaica

Young people, ages 10 to 24, comprise nearly one-third of the Jamaican population¹. Jamaica has signed on to a number of international human rights agreements which recognise, although not explicitly, the inalienable and indivisible rights of all persons including lesbian, gay, bisexual and transgender persons. These agreements includes the:

- Universal Declaration on Human Rights
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social, and Cultural Rights (ICESCR)²

There is a Charter of Fundamental Rights and Freedoms which replaced Chapter 3 of the Constitution.³ However, the Charter of Rights does not include sexual orientation as a ground for non-discrimination.

The LGBT community, including LGBT youth, are ostracized by the 1864 Offences Against the Person Act, an obsolete and exploitive law, that criminalize acts of same-sex intimacy. These acts are referred to as “buggery” and “gross indecency” in Sections 76, 77 and 79.⁴ Buggery is punishable with ten years imprisonment with hard labour. Gross indecency is punishable by up to two years in prison with or without hard labour”.

Homophobia and its impact on Youth

There is no research to suggest where Jamaicans learn and adopt their negative treatments to LGBT persons, however, the most common avenues for outrage are through religious institutions, primarily the church; reggae and dancehall music and from political and key opinion leaders.

Religious Institutions: One of the most dominant social institutions within the Jamaican society is religion. Jamaica is a christian country with one of the highest number of churches per square mile in the world. Many churches and other religious and faith-based organisations condemn homosexuality as a sin and strongly advocate against of the promotion of rights for LGBT persons in Jamaica. However, there are some supportive churches and faith-based leaders in Jamaica.

In 2009, Political Ombudsman and religious leader, Bishop Herro Blair in an interview with World Focus expressed that “there are two things [he] would never allow anyone to do to my boys and that was to turn them into homosexuals and give them drugs.”⁵

Wellesley A. Blair, Administrative Bishop for the New Testament Church of God in Jamaica and The Cayman Islands, lashed out against the LGBT community. In an interview with the Jamaica Gleaner, on February 28, 2007, he said “sodomites who are caught should be beaten [...] when the court orders lashing, some of those Sodomites who are caught and some of the criminals, should be brought in the square of Half-Way Tree and be lashed and send them home.”⁶

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Reggae and Dancehall Music:

The reggae and dancehall music fraternity has produced several songs that do not only promote hatred for LGBT persons but also advocate the beating and killing them. For example, dancehall artistes Capleton, Elephant Man, T.O.K, Konshenz, Queen Ifrica, Vybz Kartel, Bennie Man, Bounty Killer and Buju Banton are among many who have collectively produced over 200 songs referred to as hate music.⁷

Tanya Stephens, an international artiste, has been promoting tolerance for LGBT Jamaicans through her music and has advocated for the rights and equality of LGBT persons in Jamaica. International reggae artiste Tanya Stephens has not only promoted tolerance for LGBT Jamaicans through her music but has actively lobbied and advocated for LGBT rights in Jamaica.

Political and Key Opinion Leaders:

Politician and Member of Parliament for south west St Ann, Ernest Smith, called for J-FLAG to be outlawed, Mr Smith lashed out at J-FLAG saying "How can you legitimise an organisation that is formed for the purpose of committing criminal offences?" In May of 2008 Prime Minister Bruce Golding in an interview with BBC HARDTALK state that gays will not be given position of power within government.⁸

Violence Against LGBT Youth in Jamaica

Young LGBT Jamaicans are often times victims of horrendous acts of discrimination and violence perpetrated by their family, community, school, healthcare professionals and even the police.⁹ Statistics from the Caribbean Gender and Sexuality Review (CGSR) at the University of the West Indies (UWI) St Augustine (in Trinidad and Tobago) highlights that over thirty murders motivated by hate against LGBT persons have occurred between 1997 and 2004. This includes the murder of seventeen persons, including prisoners and wardens, presumed to be homosexuals in a prison riot in 1997(1998) when discussions were being to distribute condoms in Jamaican prisons. Additionally, LGBT persons

have reported 129 incidents of human rights violations to the Jamaica Forum for Lesbians, All-Sexuals & Gays (J-FLAG). The majority of these incidents are meted out to young LGBT persons, particularly males.

Examples of human rights violations against LGBT youth:

- In 2001, four male students from the Northern Caribbean University were attacked for reportedly being homosexuals.¹⁰
- In 2004, an eleventh grade male student at Dunoon Technical High school was beaten by fellow school mates after his father discovered he was gay and told students to beat him.¹¹
- In April 2006, Law enforcers were called in to assist a student of the University of the West Indies who was beaten after rumours circulated that he made advances to another male student in a "forbidden" restroom on the campus.¹²
- Amnesty 2010 Annual Report highlights over three cases of corrective rape among women assumed to be lesbians.¹³
- Between January and August 2011, eleven males between the ages 16 to 25 were made homeless because of their sexual orientation.¹⁴
- In 2008 Dane Harris was stabbed several times by two men after allegedly accused of making sexual advances towards Dwayne Gordon and Andy Williams. The two reportedly devised a plan where Gordon would agree to meet with Harris, so they both could 'beat' him. Harris's decomposing body was recently found in Havendale on February 26.
- J-FLAG received a report of bullying targeted at a gay youth in December 2010 at Mico University College in Kingston. During a private conversation, a third year student was tricked into admitting that he was gay by another student. The other student recorded the conversation and broadcast it over the school's PA system. The student was forced to leave the school.¹⁵

What has been done in Jamaica

Jamaica Forum for Lesbians, All-Sexuals & Gays

- Parliamentary Submission to include non-discrimination on the ground of sexual orientation in the Charter of Fundamental Rights and Freedoms in December, 2001.¹⁵ A statement on the Charter of Rights was also submitted in March 2011.
- JFLAG has continued to advocate against all forms of discrimination releasing regular press statements on current issues affecting the LGBT community. and by publishing position papers on topics related to human rights, and by engaging entities such as the Jamaica

Broadcast Commission, the Ministry of National Security and Justice, Jamaicans for Justice, Amnesty International, etc.¹⁶

- Operate a Crisis Intervention Programme for persons who are at risk of or victims of discrimination and violence based on real or perceived LGBT status. Services are free and include emergency housing and medical assistance, Provides a myriad of social services to the LGBT community. These include: referrals and counseling etc.

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- In 2011, JFLAG developed a Tolerance video encouraging families and friends of LGBT Jamaicans to love them unconditional.

Pride in Action

- Targets young LGBT youth at the tertiary level within the 17-30 age cohort. They are based at the University of the West Indies, however the organization also supports LGBT students from the Northern Caribbean University and University of Technology.
- Continues to provide empowerment, training and support to young lesbians, gays, bisexuals and transgendered Jamaicans in tertiary institutions.

Government of Jamaica

- Policy Statement on Violence Against Gays & Lesbians (April 7, 2009)
- Jamaica Constabulary Force (JCF) Orders encouraging police officers to respect the human rights of all Jamaicans, including their sexual preferences.

The Government must:

¡Living Out Loud! *empowering proud identities*

¡Living Out Loud! is a project by and for LGBT youth which provides information, counseling, social support and referral services to LGBT adolescents and youth in a space that is free from stigma and discrimination to empower them about human rights and reduce risk taking.

WWW.ILIVEOUTLOUD.ORG | ADMIN@ILIVEOUTLOUD.ORG

Supported by



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- ¹⁶ Jamaica Forum for Lesbians, All-Sexuals and Gays; <http://www.jflag.org/>