



Jamaica Forum for Lesbians, All-Sexuals & Gays

COMMENTS ON THE INTERIM REPORT BY THE GOVERNMENT OF JAMAICA PURSUANT TO PARAGRAPH 27 OF THE CONCLUDING OBSERVATIONS OF THE HUMAN RIGHTS COMMITTEE IN RESPECT OF JAMAICA'S THIRD PERIODIC REPORT TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Jamaicans continue to have strong negative attitudes towards homosexuality¹ yet very little has been done to prohibit discrimination on the basis of sexual orientation and gender identity². In fact, on November 21, 2012, Jamaica voted³ against resolution **A/C.3/67/L.36** condemning extrajudicial, summary or arbitrary executions which urges States "to investigate promptly and thoroughly all killings, including... all killings committed for any discriminatory reason, including sexual orientation⁴."

On November 1, 2012, a student at the University of Technology (UTech) received several physical blows from security officers tasked with protecting him from violence⁵. It is alleged he was found in a compromising position with another male and then had to seek refuge for his safety. Despite national outrage following this gruesome incident and the Prime Minister's comments in December 2011 leading up to the General Elections, the government has remained largely silent on the issue of human rights for LGBT Jamaicans. Just recently, they announced that the review of the buggery law is not on its list of priorities.

Research suggests that almost two in every five Jamaicans believe the government is not doing enough to protect and promote the rights of lesbian, gay, bisexual and transgender (LGBT) persons to freedom from discrimination, violence and other forms of harassment⁶.

Currently, one in every five is tolerant of lesbian, gay, bisexual and transgender (LGBT) people. Similarly, one in every five would support an addendum to the Charter of Rights affording rights to the LGBT community.

¹ 2012 Boxill Survey on Attitudes & Perceptions towards Same-Sex Relationships

² http://www.jamaicaobserver.com/news/Promised-buggery-review-put-on-back-burner_13056162

³ http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/67/L.36

⁴ <http://ilga.org/ilga/en/article/nPu0m801eL>

⁵ <http://jamaica-gleaner.com/latest/article.php?id=40911>

⁶ <http://www.jflag.org/2012/09/2012-national-survey-of-attitudes-and-perceptions-of-jamaicans-towards-same-sex-relationships/>



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Nonetheless, despite this support, the government recently announced that the review of the buggery law is not on its list of priorities⁷.

Much more still needs to be done so we can move forward as a cohesive and just society that intends to become the place of choice to live, work, raise families and do business.

Between January and November 2012, J-FLAG has received 39 reports of discrimination, harassment and violence from persons on the basis of their real or perceived sexual orientation or gender identity. There were 27 allegations that were not reported to J-FLAG.

Access to Justice

While all citizens have equal access to the law and the justice system, there are significant barriers, which prevent LGBT persons from seeking redress where their rights have been infringed. It is unclear how current efforts to reform the legal and justice systems will impact on LGBT persons.

J-FLAG has a developing relationship with the Jamaica Constabulary Force (JCF) and commends the Office of the Police Commissioner for proceeding with a recommendation to promote greater respect for LGBT persons. J-FLAG is part of task force commissioned by the police commissioner to look at issues within a particular division and strategies on ways to address them. We are currently working with the JCF to host a series of sensitization sessions with Police officers across the island. We have already supported two trainings with police officers in Kingston & St Andrew, St James and St Ann on two occasions on human rights, sex work and policing in Jamaica. J-FLAG staff, the LGBT community and allies are also linked in to key police personnel who they can contact to report homophobic crimes and other matters of the law such as domestic violence. The police have also provided security over the years at all public demonstrations against homophobia and discrimination. Notwithstanding, there are some police stations/officers, which community members continue to experience antagonism with.

Tolerance Campaign

J-FLAG is unaware of any effort by the government to foster tolerance and respect for every citizen and promote a culture of non-violence outside the scope of the national HIV and AIDS response, which has its own challenges.

⁷ <http://www.jflag.org/wp-content/uploads/2012/09/2012-ATTITUDES-AND-PERCEPTIONS-OF-JAMAICANS-TOWARDS-SAME-SEX-RELATIONSHIPS.pdf>



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The Anti-Bullying Initiative, which is a joint multi-sectoral effort to respond to increasing levels of discrimination and violence based on prejudice in schools, is only chaired by a government agency – the Child Development Agency (CDA). The project is the effort of a number of partners including J-FLAG, which approached UNICEF in 2011 to support such a campaign.

The project has been delayed significantly because of the extended wait for the Ministry of Education (MOE) to come on board. The decision was made to move ahead with the procurement process, which has started, and newspaper ads were sent out to invite interested persons to submit bids for the research component of the project.

We do not have a written response from the MOE formally communicating its stance but UNICEF has had discussion on the issue with them at every level, including with the Minister. Their understanding, from multiple conversations especially with the CEO and other senior personnel, is that their concerns are that: 1) the project is too focused on homophobic bullying and 2) J-FLAG's role in the project gives it an unfair advantage in pursuing its agenda and MOE participation could be viewed by the public as endorsing J-FLAG's work. UNICEF and other partners have clarified the goals of the project and the roles of the partners including the broadening of the steering committee to reflect greater diversity in civil society membership but this has not changed MOE's stance. However, up to mid-October, the unofficial stance of the Ministry was that they would not engage directly in the project but would support CDA as requested. A formal written communication from the Ministry on the issue; we have not yet received it.