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# “The World as it Should Be”

**Advancing the Human Rights of  
LGBT People in Jamaica**

Updated July 2015



**ON HUMAN RIGHTS**, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability, and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

*Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.*

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## **Acknowledgements**

Human Rights First has historically worked to combat discrimination and violence against LGBT people around the world. Current work on the human rights of LGBT people focuses on homophobia, violence, and discrimination in the Caribbean and on the sweep of anti-LGBT propaganda laws in the former Soviet Union.

This report is the result of interviews with civil society activists, U.S. embassy staff, Jamaican officials, and members of the LGBT community during a March 2015 trip to Jamaica by Human Rights First staff Shawn Gaylord and Mariel Perez-Santiago and consultant Suha Dabbouseh. The report also involved extensive research and consultation with civil society activists as well as U.S. government officials both in Jamaica and in the United States.

We are grateful to all those who took the time to meet with us to share their insights and guidance. We are inspired by your tireless efforts to advance the human rights of LGBT people in Jamaica. A special thanks to Angeline Jackson, Jalna Broderick, Dane Lewis, and Maurice Tomlinson for sharing their insights prior to our trip as well as for their ongoing guidance and support.

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-Shawn Gaylord and Mariel Perez-Santiago

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*“You’re more eager for progress that comes not by holding down any segment of society, but by holding up the rights of every human being, regardless of what we look like, or how we pray, or who we love. You care less about the world as it has been, and more about the world as it should be and can be.”*

*“Several years ago, when Angeline was 19, she and a friend were kidnapped, held at gunpoint and sexually assaulted. And as a woman, and as a lesbian, justice and society were not always on her side. But instead of remaining silent, she chose to speak out and started her own organization to advocate for women like her...And she became a global activist. But more than anything, she cares about her Jamaica, and making it a place where everybody, no matter their color, or their class, or their sexual orientation, can live in equality and opportunity. That’s the power of one person, what they can do.”*

–President Barack Obama,  
Town Hall with Young Leaders of the Americas  
April 9, 2015, Kingston, Jamaica

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## Executive Summary

Human Rights First traveled to Jamaica in March 2015 and interviewed members of the lesbian, gay, bisexual, and transgender (LGBT) community, Jamaican officials, civil society activists, and U.S. Embassy staff about the human rights challenges facing LGBT people and the work of civil society to combat discrimination and violence against them. We learned that while there are serious challenges to the human rights of LGBT people in Jamaica, civil society activists are changing the tide through important efforts to combat violence, discrimination, and homophobia. Jamaica—a country that *Time* magazine once called the most homophobic place on earth<sup>1</sup>—is now poised for positive change. The current momentum is a prime opportunity for the United States to lead an international effort to support Jamaican civil society in combatting violence and discrimination and working towards full realization of the human rights of LGBT people.

### Background

Homosexuality is criminalized in Jamaica under various provisions of the colonial-era Offences Against the Person Act. These provisions are often referred to collectively as the “sodomy law.” The law’s defenders claim it is rarely if ever enforced. However, activists’ primary concern is that the law is used to justify other human rights violations against the LGBT community. While Jamaica’s Charter of Fundamental Rights and Freedoms contains anti-discrimination language, sexual orientation and gender identity are not listed as protected classes. Jamaica is party to various international treaties that have been interpreted to guarantee protections for LGBT people. Nonetheless, LGBT Jamaicans often face

serious violence and discrimination because of their sexual orientation or gender identity.

From 2008-2012, J-FLAG—an organization that advocates for the rights of Jamaican LGBT people—documented 231 acts of violence and discrimination against members of the LGBT community. Many other violations likely go unreported given the hostile climate. Some LGBT people have even been killed. Recent cases of mob violence against LGBT people have spurred international outrage.

LGBT people experience a climate of generalized societal homophobia. Lesbians, bisexual women, and transgender people face an additional threat of gender-based and/or sexual violence. LGBT people are discriminated against in access to healthcare, employment, and housing. Access to healthcare is a pressing concern; many members of the community are reluctant to seek out essential HIV treatment because of prior experiences of discrimination, ridicule, and/or rejection in healthcare centers.

The police are often responsible for stigmatization and discrimination against LGBT people. Police corruption is a serious challenge, and some officers use the sodomy law as leverage to extract bribes. Activists report general mistrust of the police force and reluctance to report cases of violence and discrimination against the LGBT community. A culture of impunity for police violence and corruption further breeds distrust in the judicial system.

Within the government, most public officials are reluctant to openly support the rights of LGBT people. However, a few have expressed support for members of the LGBT community, with some denouncing violence and others developing

programs that cater to LGBT people. Strong public leadership is necessary for realizing the rights of members of the LGBT community, but political figures are largely unwilling to break rank with their constituents. Activists therefore point to the urgent need to challenge general societal homophobia. They identify homophobic music, the anti-LGBT rhetoric of certain religious groups and leaders, and the homophobic coverage of some media as challenges to combatting anti-LGBT sentiment in society.

### **The Promise of Civil Society Activism**

Activists from multiple sectors of civil society are rising to the challenge of combatting homophobia, discrimination, and violence in Jamaica. During our time there, Human Rights First noted strong linkages and cooperation between civil society groups advancing the rights of LGBT people. By combatting the legal and institutional structures of homophobia, providing direct services to LGBT people, and spearheading public education campaigns, activists are pushing back against the multiplicity of challenges to the human rights of members of the LGBT community. Many address discrimination against LGBT people, working with the government and international partners to tackle stigma in healthcare centers. Others are providing skills and enterprise training to LGBT people. Other organizations are educating

lesbians, bisexual women, and transgender people about their rights and providing psychosocial support.

Civil society organizations are also working in coalition to develop strategies to combat the sodomy law. Additionally, organizations are embarking on public education campaigns building respect for the human rights of all Jamaicans. Some religious leaders and music artists are also encouraging constructive dialogue around the rights of LGBT people in Jamaica.

### **The Right Time for U.S. Action**

Thanks to the extensive and vital efforts of civil society, Jamaica is poised for change. Given the substantial U.S. influence and leadership in the region and President Obama’s commitment to supporting LGBT human rights through all foreign policy initiatives, the United States can be a strong partner for promoting the human rights of LGBT people in Jamaica. The United States should build on the momentum created by Jamaican civil society by supporting their efforts to advance the rights of members of the LGBT community. This report outlines recommendations to multiple bureaus within the U.S. Departments of State, Justice, and Commerce. It also outlines actions Congress can take as well as recommendations to USAID and The President’s Emergency Plan for AIDS Relief (PEPFAR).

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## Introduction

In March of 2015, the news that President Barack Obama would make an historic visit to Jamaica galvanized the citizens of the island nation. President Obama is wildly popular in Jamaica, partly because he is the first African-American to hold the U.S. office. His visit represented the first to the country by a U.S. president since Ronald Reagan in 1982.

Prior to Obama's visit, Human Rights First led a letter signed by twenty national advocacy organizations asking the president to include LGBT issues on the agenda for his bilateral talks with the Jamaican government. We requested that he meet with lesbian, gay, bisexual, and transgender (LGBT) leaders in Jamaica during his visit to uphold his commitment to full inclusion of LGBT issues in all U.S. foreign policy efforts.

President Obama did exactly what we called for during his visit. While meeting with Jamaican Prime Minister Portia Simpson-Miller, Obama expressed his administration's concern about the lack of protection and respect for the rights of the LGBT community in Jamaica.<sup>2</sup> Additionally, the president invited LGBT activists to participate in a forum with Caribbean youth, attended by approximately 350 young leaders. In his remarks, President Obama praised the young leaders for envisioning “the world as it should be and can be,” and recognized the important work of Jamaican LGBT activist Angeline Jackson, Executive Director of Quality of Citizenship Jamaica (QCJ).

Obama's recognition of Jackson demonstrated crucial support for civil society activists working on behalf of LGBT people, who perform important and difficult work. By underscoring Jackson's

resilient leadership, President Obama humanized the challenges of the LGBT community in Jamaica. Furthermore, the president recognized Jackson's status as a global activist, while emphasizing her ultimate goal of fostering progress in her own country. Activists in Jamaica and throughout the region praised this type of U.S. leadership on the issue. Obama was right to

### A FIRST IMPRESSION

Upon our arrival, a member of the Human Rights First team had an exchange with a Jamaican immigration official that exemplified the normalcy of anti-LGBT attitudes in the country. In response to the immigration official's request to name organizations we would meet with during our stay, our staff member named two prominent Jamaican LGBT organizations. The official's professional demeanor immediately transformed to suspicion and alarm. She then asked if we were aware of these groups' work on behalf of “homosexuals.” The official's visceral and visibly biased reaction to the mere allusion to LGBT issues illustrates what Jamaican activists describe as the day-to-day manifestations of homophobia.

highlight Jackson's story, which illustrates Jamaican advocates' active role in nation building and the vital contributions of civil society in advancing the human rights of LGBT people.

Human Rights First traveled to Jamaica in March 2015 to meet with U.S. Embassy staff, Jamaican officials, civil society, and individual members of the LGBT community to discuss the challenges to the human rights of LGBT people in Jamaica and to learn about the important work to combat discrimination and violence. Our trip to Jamaica



followed a year of communication and work with local activists, including partnership with Angeline Jackson and Quality of Citizenship Jamaica.

This report outlines the legal, political, and social landscape concerning the rights of the LGBT community in Jamaica. It highlights the efforts of local civil society in combatting the human rights challenges facing LGBT people, as well as current U.S. engagement in Jamaica. The report culminates in recommendations to U.S. government agencies and lawmakers to promote U.S. and international support for the rights of the LGBT community in Jamaica.

Human Rights First concludes that, while the situation for Jamaica's LGBT people is extremely challenging, the coordinated and multifaceted efforts of local civil society show exceptional promise in catalyzing positive institutional and societal change. The current momentum created by local civil society and the explicit U.S. commitment to the rights of LGBT people, outlined in President Obama's 2011 Memorandum, presents a prime opportunity for the United States to lead the international community in supporting Jamaican civil society in combatting violence and discrimination and working towards the full realization of the human rights of LGBT people in Jamaica.

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## Legal Landscape

Article 76 of the 1864 Offences Against the Person Act punishes anal sex between men, described as the “abominable crime of buggery,” with up to ten years of imprisonment with hard labor. Attempted “buggery” is criminalized under Article 77 of the law. Article 79 of the act criminalizes undefined acts of “indecency” between men.<sup>3</sup> The aforementioned laws, introduced during Britain's colonial rule and often

referred to collectively as “the sodomy law,” criminalize homosexuality, producing and reinforcing societal condemnation of LGBT people and breeding a permissive climate for discrimination and violence against them. As with similar laws in many countries today, arrest under these laws is not the primary concern.<sup>4</sup> Around the world, laws that criminalize entire populations are used to justify other rights violations, from denial of legal rights such as free expression or adoption, to an implicit justification for violence against LGBT people—who are essentially perceived as criminals—and impunity in cases of such violence.

In a meeting with Human Rights First, a Jamaican lawyer described a recent court case that highlighted this concept. The Jamaican Constitutional Court reserved judgment in a suit brought by LGBT activist Maurice Tomlinson against major Jamaican TV stations, who refused to broadcast an ad promoting tolerance and respect for LGBT people. In their argument against transmitting the ad, stations sought to legitimize their actions by citing the sodomy law.<sup>5</sup> The Constitutional Court threw out the claim, ruling “freedom of expression does not give anyone the right to use any other person's property to disseminate his views.”<sup>6</sup> While the Constitutional Court did not explicitly agree that refusing to broadcast the ad was justified because of the sodomy law, the defense's legal argument exemplifies the sodomy law's usage as a tool to legitimize denying rights to members of the LGBT community.

## Legal Protections Applicable to Members of the LGBT Community

The 2011 Jamaican Charter of Fundamental Rights and Freedoms was developed to replace Chapter 3 of the Jamaican Constitution, with the purported aim of providing comprehensive



protections for all citizens.<sup>7</sup> The Charter safeguards individual rights, including the rights to “life, liberty, security of the person” and “respect for...private and family life.” While the Charter outlines protections from discrimination, sexual orientation and gender identity are not included in the list of protected classes.

At the time of the Charter’s legislative proceedings, J-FLAG—a Jamaican organization that advocates for the human rights of LGBT people—urged the parliament to include broad anti-discrimination language to ensure protection against discrimination based on sexual orientation, disability, and health status.<sup>8</sup> However, these efforts were unsuccessful and language against discrimination based on sexual orientation was deliberately omitted from the Charter. Canadian lawmaker Janet Epps-Buckingham allegedly advised members of the Jamaican parliament against using the word “sex” in the Charter because the term could open the door for protection based on sexual orientation.<sup>9</sup> The writers of the Charter instead used the phrase “on the grounds of being male or female” to avoid such an interpretation.

As Jamaican Minister of Justice Mark Golding notes, the Charter “was designed in such a way that it has put some limits on the ability of those minority groups to use the Constitution as a tool for challenging laws that they consider to be not in their interest.”<sup>10</sup> For members of the LGBT community, the exclusion of language labeling sexual orientation or gender identity as protected classes renders the Charter a less effective tool for challenging the country’s sodomy law. The President of the Constitutional Court has noted, however, that while the Charter does not mention LGBT people, it is to be understood that LGBT people are entitled to the rights found in the Charter.<sup>11</sup>

Furthermore, Jamaica generally lacks clear or far-reaching anti-discrimination legislation. While he

did not mention LGBT people specifically, Minister of Justice Golding has called for such legislation to protect certain groups from human rights violations.<sup>12</sup> Notably, Jamaica’s “Staff Orders for the Public Service”—which outline the operational procedures for the Jamaican civil service—do explicitly include sexual orientation as a protected category for those in public service. However, similar protections for those working in the private sector are nonexistent, and employment discrimination continues to be a significant issue for the LGBT community.

## Jamaica's International Legal Obligations

Jamaica is party to numerous international treaties that protect the human rights of LGBT people. Using the phrase “male or female” rather than protection on the basis of “sex” in the Jamaican Charter of Fundamental Rights and Freedoms is an explicit attempt in domestic law to circumvent the protections guaranteed under the International Covenant on Civil and Political Rights (ICCPR), to which Jamaica is party.<sup>13</sup> The U.N. Human Rights Committee has broadly interpreted the protection on the basis of “sex” to include sexual orientation or gender identity.<sup>14</sup>

Jamaica is also party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The CEDAW Committee expressed concern about the limited categories of protection against discrimination in the Jamaican Charter of Fundamental Freedoms in its 2012 report, stating that such restriction limits “the scope of protection for some women.”<sup>15</sup>

Jamaica ratified the American Convention on Human Rights. In 2011, AIDS-Free World, a non-profit working to address the issues that undergird HIV, filed a legal petition within the Inter-American Commission on Human Rights (IACHR). It alleged that Jamaica’s sodomy law violates numerous

rights enshrined in the American Convention on Human Rights.<sup>16</sup> While the Jamaican government must participate in the legal proceedings of the IACHR, the Commission’s findings are not binding and are thus unenforceable. However, AIDS-Free World notes Jamaica’s sensitivity to international perception, reliance on “international goodwill for tourism,” and possible sanctions from members of the Organization of American States as reasons why Jamaica would potentially abide by an IACHR ruling.<sup>17</sup> Dr. Carolyn Gomes, longstanding human rights advocate and the executive director of the Caribbean Vulnerable Communities Coalition (CVC), also notes the importance of the IACHR as a space for “validation of local voices” working on behalf of the rights of the Jamaican LGBT population.<sup>18</sup>

## Legal Challenges

Recent legal challenges related to LGBT issues illustrate the institutional and societal obstacles to the recognition of the human rights of LGBT people.

LGBT activist Javed Jaghai challenged the sodomy law before the Jamaican Supreme Court in 2013, citing the right to privacy enshrined in the Jamaican Charter of Fundamental Rights and Freedoms. Jaghai claims he was evicted from his apartment due to his sexual orientation.<sup>19</sup> One year after initiating the challenge, Jaghai was forced to withdraw his case because of threats against him and his family. He noted in his affidavit that he was “no longer willing to gamble with [his] life or the lives of [his] parents and siblings.”<sup>20</sup> The case’s withdrawal demonstrates how difficult challenging such laws can be in a climate of violent homophobia.

While some advocacy groups have sought to find a new plaintiff to continue the challenge against the law, others are ambivalent regarding the timing. Dr. Gomes expressed concern that if a future challenge failed, it could further entrench the provisions of the law and the accompanying homophobia. While she asserts that overturning the sodomy law is essential to securing the rights of LGBT people, Dr. Gomes believes that legal challenges must be timed correctly and coupled with other efforts to counter the societal and institutional roots of homophobia.

In 2014, the Jamaican Parliament assembled a committee to conduct a routine review of the Sexual Offences Act of 2009, as required by law. The Sexual Offences Act (SOA) includes provisions in a number of areas such as rape, incest, and sexual assault. Given the limited opportunities to repeal the sodomy law outright, many saw this review as an opportunity to decriminalize consensual adult same-sex activity; even the Jamaican Minister of Justice pointed to this possibility.<sup>21</sup>

However, other organizations recognized the necessity of amending other parts of the SOA before the sodomy law can be overturned. Currently, any repeal of the sodomy law would expose gaps in the SOA, including the fact that the current law does not recognize male victims of rape. To advocate for such changes, a coalition of ten organizations, including Quality of Citizenship Jamaica (QCJ) and J-FLAG, submitted a report titled: “Collective Civil Society Submission to the Joint Select Committee reviewing the Sexual Offences Act and Related Acts.” This submission made a number of recommendations including using gender-neutral language throughout the SOA and strengthening definitions of rape. The review of the act is ongoing.

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## Human Rights Violations against LGBT People

### Violence

Dane Lewis, executive director of J-FLAG, called the high level of fear of violence and discrimination among members of the LGBT community “a consequence of the number of persons who are being violently attacked, discriminated against, turned out of their homes, threatened and sexually abused, among other violations because of their sexual orientation and/or gender identity.”<sup>22</sup> From 2008-2012, J-FLAG documented 231 acts of violence and discrimination against members of the LGBT community. The organization noted that many of these crimes go unreported, given the “hostile social and cultural environment” in the country.<sup>23</sup>

In 2013, teenager Dwayne Jones was brutally murdered after attending a party dressed in feminine attire. He was stabbed, beaten, shot, and run over by a car by a violent mob.<sup>24</sup> The case attracted international attention and outrage. At the release of the 2013 U.S. Department of State Human Rights Country Reports, then-Acting Assistant Secretary for Democracy, Human Rights, and Labor Uzra Zeya cited the brutal murder of Dwayne Jones as an example of the egregious global trend of “troubling acts of violence against LGBT persons.”<sup>25</sup> Despite outrage at the national and international level, the case remains unsolved.

The co-founder of J-FLAG, Brian Williamson, was murdered in 2004. Well-known in Jamaica as an elder statesman within the LGBT community, Williamson was found in his home with multiple stab wounds to his neck and face. Police investigated the death primarily as a burglary despite the jubilant crowd at the crime scene shouting homophobic expressions.<sup>26</sup> The

murderer was ultimately arrested and sentenced to life in prison.<sup>27</sup>

British Honorary Consul to Jamaica John Terry was found strangled in September 2009. Police did not consider the case a hate crime but rather the result of an argument between Terry and an associate, despite a note near the body that read, “This is what will happen to ALL gays.”<sup>28</sup> While a suspect has been charged in the murder, multiple delays in the legal proceedings over the years have prolonged the case.<sup>29</sup>

Lesbians, bisexual women, and transgender people (LBT) also face the threat of gender-based violence in Jamaica. Jamaican Public Defender Arlene Harrison Henry cited domestic violence as a serious challenge in Jamaica.<sup>30</sup> A 2011 report notes that “the problem of domestic violence is exacerbated for lesbian women, who not only face societal discrimination but experience violence and discrimination within their own families.”<sup>31</sup> A 2012 report by the IACHR also denounced the alarming trend of rape of lesbian women by men, “with the purported ‘justification’ that rape will ‘cure’ gay women.”<sup>32</sup> President Obama alluded to the severe issue of sexual violence against lesbians in Jamaica when he told Angeline Jackson's story. Members of the LBT community face the dual threat of gender-based violence and discrimination plus violence and discrimination based on sexual orientation or gender identity.

Some members of the LGBT community are able to take extraordinary measures to protect their security. Jamaican activists note they often add layers of security to their lives by living in gated communities or by taking only private transportation. However, those who are unable to afford such extraordinary measures are more likely to suffer anti-LGBT violence.

A U.S. official in Jamaica notes that mob violence is a severe problem, particularly as it affects members of the LGBT community. He described

mob violence as an expression of a general lack of faith in the Jamaican justice system. Indeed, the U.S. Department of State documents an “overburdened, under resourced, and ineffective judicial system” as one of Jamaica’s principal challenges.<sup>33</sup>

## Discrimination

Dwayne Jones’ murder was the tragic ending to a life marked by years of discrimination due to his sexual orientation and perceived gender identity. He was bullied in school, forced from his home by his father at age 14, and expelled from his community by neighbors. According to activists and members of the LGBT community, LGBT people face both general societal discrimination as well as discrimination in access to services, including healthcare, housing, and employment.

Many members of the LGBT community report discrimination in access to housing. LGBT youth who are rejected by their families and kicked out of their homes encounter even more grave obstacles finding shelter. In Kingston, many of these youth were forced to live in storm drains or “gullies.”<sup>34</sup> Police later forced them out of the gullies as well. Activists note that there are no shelters or safe houses specifically for LGBT youth. Lack of funding along with the difficulty of finding someone willing to rent or sell a building to LGBT people are current barriers to providing this important service.

Many advocates also report serious obstacles to accessing healthcare services. Activists providing direct health services to the LGBT population recounted various anecdotes of healthcare workers’ mistreatment of LGBT people based on sexual orientation and/or gender identity. They note that while HIV medicine is available, many in the LGBT community are reluctant to access this essential treatment because of prior experiences

### The Cost of Activism

When we met with Dane Lewis, he was exhausted after a day-long search for a new apartment.\* Mr. Lewis recognized real estate agents’ evasive and vague responses and apartment managers’ claims to lack of availability of homes as thinly veiled expressions of homophobia. As a publicly recognized LGBT rights activist and gay Jamaican, Mr. Lewis has previously encountered obstacles to finding housing, as well as other difficulties because of his activism.

\*Human Rights First Interview with Dane Lewis. March 9, 2015. Kingston, Jamaica.

of discrimination, ridicule, and/or rejection in healthcare centers. A lack of privacy and anonymity for those seeking treatment, particularly in small rural communities, is another discouraging factor to LGBT people seeking treatment.

This climate of fear and difficulty accessing treatment contributes to the disproportionately high HIV infection rate of nearly 33 percent among men who have sex with men (MSM) in Jamaica.<sup>35</sup> Dr. Sandra Knight, chair of the Jamaican National Family Planning Board, admits the severity of the lack of healthcare access.<sup>36</sup> The Board has made efforts to sensitize healthcare professionals to the treatment of LGBT people, but they are limited in reaching all healthcare workers in the country. Transgender people are disproportionately affected. Most, Dr. Knight explained, choose to emigrate in order to access important treatments.

Transgender people, as well as lesbians and bisexual women, face even further discrimination. In addition to obstacles to healthcare and treatment, transgender people also “struggle to gain lawful employment, as their state identification documents do not match their

assumed gender identity,” according to the IACHR report on human rights in Jamaica.<sup>37</sup> Jalna Broderick, Director of Programs and Administration at Quality of Citizenship Jamaica (QCJ), explains that many services for members of the LGBT community are tied to HIV prevention and treatment, which disproportionately affects men—and so many programs do not cater to the particular gender or health issues affecting members of the LBT community.<sup>38</sup> QCJ highlights the higher rate of mental health issues, such as depression, anxiety, or mood disorders among lesbians and bisexual women.<sup>39</sup>

## Access to Justice

Similar to mob violence, one analyst argues that violence perpetrated by the police is rooted in officers’ mistrust of the justice system and perpetuated by impunity in cases of police violence. The U.S. Department of State reports only one conviction of a police officer for extrajudicial killings since 2006.<sup>40</sup> The Inter-American Commission on Human Rights has also reported concerns about institutionalized impunity for police killings.<sup>41</sup> The violence and corruption attributed to the police results in general mistrust by Jamaican citizens, including members of the LGBT population.

Members of the Jamaica Constabulary Force (JCF) often contribute to stigmatization and discrimination against LGBT people. Some police use the sodomy law as leverage to extract bribes, threatening to arrest or release the names of members of the LGBT community to the media.<sup>42</sup> This practice illustrates how the sodomy law emboldens the security forces to subjugate LGBT people.

While most Jamaicans expressed support for the sodomy laws in a 2014 poll, over 80 percent admit that gay men are not treated fairly by the police or justice system. Just under 80 percent of Jamaicans believe the same holds true for

lesbians.<sup>43</sup> Jamaican Public Defender Arlene Harrison Henry notes reports of general police inaction in cases of violence or discrimination against LGBT people. Many activists say such inaction is rooted in homophobia among the police force.

When Angeline Jackson reported her sexual assault in 2009, the female police officer she spoke to initially questioned her sexuality, saying she “should leave this lifestyle and go back to church.”<sup>44</sup> These attitudes are also a problem within police leadership. Fitz Bailey, who leads the JCF Organized Crime Division, claimed in 2011 that LGBT people are a primary group responsible for lottery scams. However, Commissioner of Police Owen Ellington promptly retracted Bailey’s statement. J-FLAG praised this move, saying that the experience should serve to guide how the police addresses issues related to the LGBT population, “especially those who are victims of crimes and are at risk for violence.”<sup>45</sup> In its 2013 annual report, J-FLAG also recognized instances where police “protected LGBT people from baying mobs... even placing themselves in harm’s way to ensure the safety of these citizens.”<sup>46</sup>

Notably, Jamaica’s police force implemented a diversity policy in 2011, which includes sexual orientation as a protected class and directs police to ensure that LGBT people and other groups are able to file police reports.<sup>47</sup> However, it is unclear whether members of the police force are in practice being held accountable for non-compliance with the policy.<sup>48</sup>

The prevalence of homophobic attitudes within the police force, combined with the general inefficiency of the justice system, result in an overall lack of investigation into violence or discrimination against LGBT people. Human Rights Watch documented 56 cases of violence against LGBT people in Jamaica in its 2014 report and notes that in only four of these cases “were



victims aware of any arrests of suspects by the police.”<sup>49</sup>

While the Ministry of National Security developed ways to monitor and disaggregate data on crime, including against members of the LGBT community, such documentation has not been effective in practice, given the lack of prioritization and mishandling of such cases by police.<sup>50</sup> Impunity, coupled with institutionalized homophobia, result in a serious issue of lack of justice for the LGBT community.

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## Political Climate

During her election campaign in 2011, Jamaican Prime Minister Portia Simpson-Miller expressed a degree of support for the LGBT population, particularly when compared to her predecessor Bruce Golding. Asked to respond to Golding’s comment that he would not allow an LGBT person to serve on his cabinet, Simpson-Miller responded that she would allow an LGBT person to serve in her administration.<sup>51</sup> Simpson-Miller further stated that “no one should be discriminated against because of their sexual orientation” and suggested she would lead a conscience vote on the sodomy law if elected.<sup>52</sup>

To date, Prime Minister Simpson-Miller has not fulfilled her campaign pledge. In April 2014, she spoke at the opening of Parliament and advised that there would be no review of the law in the near future since it was not considered a priority for the majority of Jamaicans.<sup>53</sup> Advocates protested during Simpson-Miller’s March 2015 speech in New York City, calling on her to protect the rights of the LGBT population in Jamaica. Simpson-Miller’s response was defiant, claiming the Jamaican government does not commit violence against LGBT people.<sup>54</sup>

The Prime Minister’s silence and overt hostility indicate a concerning departure from her previous statements in favor of protecting the rights of LGBT people. Jamaican Public Defender Arlene Harrison Henry, who has been a perennial advocate for the rights of LGBT people, explained to Human Rights First that elected officials and leaders are not ready to break political rank with their constituents and support the rights of LGBT people. Thus, strong political and state leadership is required to reduce homophobia in the country.

In a climate of entrenched homophobia, Dr. Sandra Knight of the National Family Planning Board is one of few prominent individuals within the Jamaican government who demonstrates support for the rights of all people, including members of the LGBT community. Many activists note that support at high levels of government is essential to the movement towards LGBT equality. Dr. Knight noted that the National Family Planning Board, an institution housed within the Ministry of Health, exists to “serve every single Jamaican.” However, Dr. Knight acknowledges the practical obstacles to the full realization of this mandate, as illustrated by the discrimination LGBT people face in healthcare facilities.

In 2014, Minister of Youth Lisa Hanna announced the intention to develop programs to address the challenges facing LGBT youth.<sup>55</sup> Former Prime Minister P.J. Patterson underscored the need for more meaningful debate surrounding the sodomy law and the need to “find a way of moving away from polarised positions into one that accepts that differences of race or colour, differences of class, [and] differences even in terms of sexual preferences.”<sup>56</sup> While there are instances of support within different state entities, activists explain that these have not yet coalesced.

Many local advocates find promise in Minister of Justice Mark Golding’s recent statements. Golding responded to Dwayne Jones’s murder by stating, “all well-thinking Jamaicans must embrace the



principle of respect for the basic human rights of all persons” which “requires tolerance towards minority groups and non-violence in our dealings with those who manifest a lifestyle that differs from the majority of us.”<sup>57</sup> Nonetheless, Minister Golding’s support for the human rights of LGBT people likely encounters internal friction within the Ministry of Justice. The Solicitor General within the Ministry of Justice, Nicole Foster-Pusey, is also a member of the Lawyers’ Christian Fellowship (LCF). While the LCF responded to a 2012 incident of violence against an allegedly gay man by saying they will “not tolerate violence against anyone,”<sup>58</sup> they are an organization that actively seeks to keep the 1864 sodomy law intact.

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## Societal Attitudes Toward Members of the LGBT Community

Harrison Henry described homophobia as an attitude “deeply ingrained in the minds of most Jamaicans.” A survey conducted by the University of the West Indies at Mona in 2012 found that 76 percent of respondents are against amending the buggery law and a majority (65 percent) express opposition to amending the Charter of Fundamental Freedoms to protect the rights of members of the LGBT community.<sup>59</sup> Additionally, approximately 88 percent of respondents feel that male homosexuality is immoral and 83.5 percent perceive female homosexuality as immoral.<sup>60</sup>

The survey data cited dancehall and reggae music, as well as church attendance, as factors that correlate with homophobic attitudes. Respondents who listen primarily to dancehall and reggae are more likely to hold negative views of homosexuality. According to the survey, those who attend church less frequently are “more likely

to have positive feelings such as acceptance and appreciation,” towards LGBT people, though the study found the correlation was weak.<sup>61</sup> Activists in Jamaica highlighted both the role of some music and certain religious groups in contributing to the anti-LGBT sentiment in Jamaica.

### “Murder Music”

Jalna Broderick of QCJ described a period in Jamaica during the 1960s and 1970s when there was relative acceptance towards LGBT people, with vibrant LGBT communities and general societal tolerance. The decline of the rights of LGBT people coincided with a time when, as Broderick stated, “our music started to reflect hate and violence.” Arlene Harrison Henry also noted the connection between some dancehall music and homophobia in Jamaica.

The international “Stop Murder Music Campaign” denounced the lyrics in certain dancehall artists’ music.<sup>62</sup> While the campaign faced criticisms on several grounds, including that some of its proponents promoted stereotypes of Caribbean culture, it raised important concerns about the homophobic lyrics in some artists’ music.<sup>63</sup> Buju Banton’s infamous yet highly popular hit “Boom Bye Bye” describes shooting a gay man with the lyrics, “It’s like boom bye bye / Inna batty boy head.”<sup>64</sup> When challenged about his violently homophobic lyrics, Banton cited the sodomy law as justification for expressing anti-gay sentiment in his music—yet another example of the ways the law legitimizes homophobia.<sup>65</sup> The jubilant crowd that gathered outside of Brian Williamson’s home after his 2004 murder sang lines from “Boom Bye Bye,” illustrating the symbolic power of Banton’s song in promoting and fomenting homophobia.<sup>66</sup>

### Religion

Activists in Jamaica point to the homophobic rhetoric of certain religious groups as an obstacle to respect for the rights of LGBT people.

Evangelical Christians now represent a significant portion of the population in Jamaica. The U.S. Department of State reports that 49 percent of Jamaicans are affiliated with the Church of God, the Seventh-Day Adventist Church, or the Pentecostal Church.<sup>67</sup>

Dr. Rohan Lewis, dean of the Faculty of Education and Liberal Studies at The University of Technology in Kingston, noted the irony of one of the primary arguments against human rights for the LGBT community in Jamaica: some claim that homosexuality is a North American import, and thus not part of Jamaican tradition and culture. However, American evangelical churches play a strong role in importing and exacerbating homophobia in Jamaica. Lewis explained that since the 1970s, American evangelical churches have become entrenched in Jamaican society and are no longer viewed as outsiders. In contrast, advocacy on behalf of the human rights of LGBT people is seen as a cultural import.<sup>68</sup>

In 2013, the Jamaica Coalition for a Healthy Society and the Lawyers' Christian Fellowship organized a conference that included outside speakers such as Peter LaBarbera of Americans for the Truth about Homosexuality. LaBarbera, well known in the United States for his strident anti-LGBT activism and support for conversion therapy, stated that “homosexuals are made, they're not born,” and that “people are coming out of homosexuality every day. This is the work of God, this is the work of Jesus.”<sup>69</sup> LaBarbera is also dismissive about concerns around violence against LGBT people in Jamaica, claiming most violence against LGBT people is committed by other members of the LGBT community.<sup>70</sup>

These statements by such an influential leader delegitimize concerns about the human rights of the LGBT community. A press statement by the Jamaica Coalition for a Healthy Society in response to the letter to President Obama led by Human Rights First claimed, “there are no reports

of abuse by the Jamaican State against homosexuals,” and “that MSMs<sup>71</sup> have no impediments to access to healthcare.”<sup>72</sup> These statements directly conflict with the reality LGBT people face in Jamaica.

During Javed Jaghai's constitutional court challenge, the Jamaica Coalition for a Healthy Society tapped American anti-LGBT conspiracy theorist Judith Reisman as an expert witness in the case. The group touted Reisman's expertise in the “fields of Science Fraud, Human Sexuality, Child Sexual Abuse, and Mass Media Effects.” Yet her professional credentials only support the claim of expertise in mass media. Reisman is notorious for her conspiracy theories, including the false claim that homosexuality is linked to pedophilia.<sup>73</sup>

Dr. Carolyn Gomes of the CVC points to the connections between many elected officials and the Christian right, saying that their placement “in seats of high power” is essential to “maintain[ing] the status quo.” The Jamaican Solicitor General as well as the Parliamentary Counsel in the Ministry of Justice are just two of many prominent political figures who are also members of the conservative Lawyers' Christian Fellowship.<sup>74</sup> In July 2014, in the midst of the review of the Sexual Offenses Act, an estimated 25,000 Jamaicans came together in support of the sodomy law in a protest organized by CAUSE (Churches Action Uniting Society for Emancipation).

While the anti-LGBT rhetoric of some religious groups and their links to American evangelical leaders raise significant concerns for the rights of LGBT people in Jamaica, some religious figures are engaging constructively on LGBT issues, both through advocacy and through providing services to the LGBT community.

Reverend Margaret Fowler of United Church advocates on behalf of the LGBT youth forced to live in the gullies of Kingston. She ministers to

these young men, providing them with food and other necessities, and encouraging others in her congregation to engage as well. As part of an observance in honor of human rights, Anglican priest Father Sean Major-Campbell of Christ Church washed the feet of two lesbians and allowed a transgender man to give his testimonial during a church service. Nonetheless, many members of his congregation met the cleric's actions with discomfort and dismay, indicating the internal resistance within many religious denominations to the full recognition of the human rights of LGBT people.<sup>75</sup>

## Media Influence

The media also strongly influences the debate around the rights of LGBT people. Most activists Human Rights First spoke to said that *The Jamaica Observer*, one of the country's two most prominent newspapers, is reflective of homophobic attitudes in Jamaica. In turn, many described the *Jamaica Gleaner* as a news outlet that provides more balanced reporting on issues related to the LGBT population.

In its recent report on the rights of LGBT people in Jamaica, Human Rights Watch analyzed political cartoons, concluding that *The Jamaica Observer* and other newspapers produce “cartoons that stereotype, ridicule, foment hate against, and demonize LGBT people.”<sup>76</sup> The University of the West Indies report on Jamaican attitudes toward homosexuality found that the media was one of respondents' first sources of information concerning homosexuality.<sup>77</sup>

President Obama's firm message regarding the rights of LGBT people, communicated through the example of Angeline Jackson, attracted significant national media attention. The *Jamaica Gleaner* published an editorial titled “Confront Anti-Gay Bigots,” which expressed “hope that Prime Minister Portia Simpson-Miller heard and was inspired to lead her administration in a frontal

legislative defen[s]e of this country's gay and lesbian community to love who they wish, without fear of discrimination, official, or otherwise.”<sup>78</sup>

*The Jamaica Observer* also covered President Obama's visit and his strong support of LGBT issues. The paper's editor-at-large authored an article titled “Obama's Gay Play,” which noted the president's unscheduled placement of LGBT issues on the agenda for his meetings with Portia Simpson-Miller.<sup>79</sup> In response to President Obama's speech, both newspapers published articles, opinion pieces, and letters to the editor representing a spectrum of views on the rights of LGBT people. The public dialogue that President Obama's stance spurred indicates the influence and importance of bold U.S. leadership on this issue.

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## Changing the Tide: Civil Society Activism in Jamaica

Despite the serious human rights challenges for LGBT people in Jamaica, Human Rights First returned inspired by the tireless and vital efforts of local civil society groups countering homophobia and combatting violence and discrimination against the LGBT community. From activists providing direct services to LGBT people, to groups working to challenge the legal structure that foments institutionalized homophobia, to organizations developing public campaigns to challenge general societal homophobia, civil society efforts address the multiplicity of challenges facing the members of the LGBT community in Jamaica.

## Direct Services for the LGBT Population

Drawing from his own experience as a homeless gay man in Jamaica, Jermaine Burton founded

The Colour Pink Group, an organization that works to empower homeless gay, MSM, and transgender people by providing skills training, internship opportunities, and employment assistance.<sup>80</sup> By integrating members of the LGBT community in the labor force, Burton's organization creates opportunities for meaningful interaction between LGBT people and larger society, allowing Jamaicans to confront negative stereotypes about LGBT people. The Colour Pink Group addresses the direct discrimination that LGBT people face and confronts the societal homophobia at the root of discrimination.

Angeline Jackson's organization, Quality of Citizenship Jamaica (QCJ), was the first registered NGO in Jamaica catering to the particular needs of lesbians, bisexual women, and transgender people (LBT). QCJ balances its national and international advocacy with the empowerment of women and youth, educating them on healthcare and their human rights.

Aphrodite's Pride similarly caters to members of the LBT community, providing psychosocial support and other services. To date, Aphrodite's Pride has conducted 13 workshops on enterprise skills training and psychosocial support for LBT people. Sean-Claude, a transgender Jamaican man, cites the support of Aphrodite's Pride and their workshops as crucial to his own self-acceptance as a transgender man in a society where he otherwise feels invisible because of his gender identity.<sup>81</sup>

Founded in 2006, PRIDE In Action provides psychosocial support and training to young LGBT people in Jamaica, focusing primarily on post-secondary students and young professionals. The organization leads ongoing support meetings for LGBT students at the Mona campus of the University of the West Indies. PRIDE In Action

also develops workshops and seminars to empower members of the LGBT community and provide skills and leadership training. According to Mark Clifford, one of the organization's founders, PRIDE In Action is working to expand its range of services to provide further support, health, and wellbeing opportunities for young LGBT people.<sup>82</sup> Beyond providing direct services, PRIDE In Action also engages in advocacy efforts around diversity, particularly in the context of tertiary educational institutions.

The Caribbean Vulnerable Communities Coalition (CVC) works with populations that are vulnerable to HIV, serving MSM, sex workers, and youth, among others. According to Executive Director Dr. Carolyn Gomes, they work to “engage individuals in changing the conditions that make them vulnerable.” The CVC combats the lack of access to healthcare the LGBT community faces.

J-FLAG, in conjunction with CVC, partnered with the National HIV Programme and the National Family Planning Board within the Ministry of Health to sensitize healthcare workers to proper treatment of the LGBT community and to “establish LGBT friendly public health facilities.”<sup>83</sup>

In March 2015, J-FLAG and CVC in partnership with the Planning Board and the National HIV Programme organized a forum on the importance of using a human rights framework to address the HIV epidemic in Jamaica. More than 300 people attended, with participation and collaboration between local, national, and international state and non-state partners. The successful collaboration of local state and civil society organizations, as well as the international community, underscores the strength and importance of partnerships to combat the challenges facing the Jamaican LGBT community.

## Legal Advocacy

In addition to direct service provision, Jamaican civil society groups engage in broader advocacy efforts on behalf of the LGBT community. The 2014 collective submission to the Joint Select Committee tasked with the review of the 2009 Sexual Offenses Act is an example of strong collaboration among various sectors of civil society. From women's groups to LGBT-specific organizations, to regional coalitions, to academic institutions and professionals, the document illustrates the high level of coordination between groups working in various capacities on behalf of the LGBT population. The effort is an example of what activists described as the strong linkages among civil society organizations in Jamaica.

## Transforming Societal Attitudes

On November 1, 2012, an allegedly gay student was attacked and beaten by students on the main campus of the University of Technology, Jamaica (UTech) in the capital, Kingston. The student was allegedly found in a “compromising” position with another male student by other students, who formed an angry mob and descended upon him. The other student managed to escape. The student attacked by the mob sought refuge in the security post at the entrance to the campus, but security officers kicked and slapped him as well.

The university responded with a broad campaign promoting tolerance and diversity on campus. The project, titled *UTech Cares*, sought to counter discrimination and promote tolerance and respect for diversity through essay competitions, debates, and other projects. Dr. Rohan Lewis, one of the

### A Voice for Humanity: Yvonne McCalla Sobers

Yvonne McCalla Sobers exemplifies the energy and passion of Jamaican activists working on behalf of the LGBT community. Sobers has advocated for the rights of LGBT people for two decades. For the last two years, she's worked to meet the basic needs of Kingston's homeless LGBT youth, many of whom are kicked out of their homes and rejected by society due to their sexual orientation and/or gender identity.

In Kingston, many LGBT youth were forced to live in gullies, the city's storm drains and sewers. Sobers denounced their appalling living conditions, saying that “any human being having to live there” is an outrage.\* She informed Human Rights First that police recently forced the youth to leave the gullies and squat in abandoned homes, only to be inevitably kicked out once they were settled.

Many in Jamaican society are reluctant to aid these youth, some of whom engage in survival behavior such as robbery and sex work. Despite serious challenges, Sobers is unrelenting. She provides medical care, food, and emotional support. But her vision for these youth's wellbeing extends beyond meeting their daily needs. As Chair of Dwayne's House, named after sixteen-year-old Dwayne Jones who was murdered because of his perceived gender identity, Sobers dreams of a long-term facility to help these vulnerable youth through safe housing, psychosocial support, and skills training programs.

In conjunction with J-FLAG, Sobers is working to garner support and resources for the project. She is optimistic and credits President Obama's recent visit to the island with increasing the urgency around the rights of LGBT people in Jamaica. The United States should capitalize on this historic moment in Jamaica by helping bolster and support the work of Sobers and other tireless activists.

\* Human Rights First Phone Interview with Yvonne McCalla Sobers. May 13, 2015.



project’s leaders, explained that the program was criticized for including respect based on sexual orientation as one of its pillars. However, organizers were able to open a dialogue on LGBT issues in the broader context of human rights. According to Vice President of Community Service and Development Dr. Rosalea Hamilton, whose office developed *UTech Cares*, surveys conducted at the campaign’s conclusion reflected largely positive attitudes towards the project.<sup>84</sup>

The ongoing “We are Jamaicans” media campaign, launched in 2013, works specifically to combat negative attitudes and stereotypes about homosexuality. The campaign includes short videos posted to YouTube featuring LGBT people and their allies. As J-FLAG describes it, the campaign consists primarily of “LGBT Jamaicans openly sharing their personal experiences living in Jamaica,” and “humanising what it means to be lesbian, gay, bisexual or transgender.”<sup>85</sup>

Dr. Carolyn Gomes praised the success of the “We are Jamaicans” campaign, describing the importance of humanizing “what in the abstract is easier to hate.” Both of these projects—and their relative success—underscore the importance of addressing the generalized societal homophobia in Jamaica.

While activists cited the nefarious effects of certain dancehall music artists in reinforcing and fomenting homophobia, they also noted the ways some dancehall artists are actively engaging in constructive dialogue on the rights of LGBT people. Jamaican dancehall and reggae artist Diana King came out as lesbian in 2012, saying that her “country still has a far way to go,” but expressing optimism that “more and more people are rising up.”<sup>86</sup> Reggae artist Tanya Stephens has also expressed support for the human rights of LGBT people, and publicly expresses interest in creating dialogue around the issue. Her song “Do You Still Care?” humanizes the situation for many

LGBT people in Jamaica and has successfully created productive dialogue on the issue.<sup>87</sup>

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## United States Engagement in Jamaica

The bilateral relationship between the United States and Jamaica consists of engagement through multiple sectors, including trade, tourism, foreign investment, and U.S. foreign aid. The United States is Jamaica’s most important trade partner, and Jamaica is an important destination for U.S. investment in the Caribbean.<sup>88</sup> In 2014, Jamaica received approximately 20 million dollars in foreign assistance from the United States, with significant portions disbursed for HIV/AIDS programming, environmental sustainability, and education and social services.<sup>89</sup> Approximately one million American tourists visit Jamaica per year and Jamaican-Americans send billions annually in remittances back to the island.<sup>90</sup> Because Jamaica is a transshipment point for cocaine, the United States also provides significant assistance to combat transnational crime.<sup>91</sup>

## Support for the LGBT Community

The United States, through the work of several agencies, directly and indirectly supports the LGBT community in Jamaica. The United States disbursed approximately 4.5 million dollars for HIV/AIDS programming in Jamaica in 2014.<sup>92</sup> The President’s Emergency Plan for AIDS Relief (PEPFAR), supports Jamaica through its Caribbean HIV prevention and care program.<sup>93</sup> USAID provides technical and financial support to the Jamaican Ministry of Health and local civil society organizations that implement HIV prevention programs.<sup>94</sup>



USAID also supports programming addressing “stigma, gender norms, and sexual and gender-based violence in relation to HIV prevention,” which many LGBT people face while seeking care for HIV.<sup>95</sup> USAID also supports projects aimed more broadly at combatting discrimination and promoting tolerance of traditionally marginalized groups, including LGBT people. USAID underscores the importance of local leadership in implementing such programs. In June 2015, USAID partnered with the Jamaican government and civil society, hosting a training for members of the Jamaica Constabulary Force (JCF). The training focused on the particular needs of vulnerable groups, including LGBT people.<sup>96</sup> USAID also provides funding for local civil society organizations. However, as a Jamaican activist managing a small organization notes, USAID funding is designed in such a way that makes it challenging for smaller organizations to receive funding.

The Bureau of International Narcotics and Law Enforcement Affairs (INL), housed within the U.S. Department of State, collaborates with Jamaican law enforcement officials to address issues of corruption and excessive use of force within the JCF. INL provides non-lethal instruments to police as well as an annual training on non-lethal force, working to reduce the violence and extrajudicial killings committed by police. INL also helps combat corruption in Jamaica in conjunction with the JCF Anti-Corruption Branch.<sup>97</sup>

Additionally, the U.S. Embassy is charged with Leahy Law vetting of police units. Under the law, U.S. aid and training to police and military units cannot be granted to units when there is credible evidence of human rights violations. In 2014, INL, through the International Law Enforcement Academy (ILEA) in San Salvador, hosted a hate crime training program for law enforcement and judicial officials in Latin America and the Caribbean. The program incorporated training on

the rights of LGBT people in the framework of populations that are the target of hate crimes.<sup>98</sup>

The Global Equality Fund within the U.S. Department of State also provides critical support to civil society in Jamaica through small grants, technical support, and emergency protection for civil society organizations and human rights defenders.<sup>99</sup>

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## Recommendations for U.S. Government Action

On December 6, 2011, President Obama released a Presidential Memorandum titled “International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons.” The memorandum directs U.S. agencies and executive departments to protect the human rights of LGBT people around the world.<sup>100</sup> In 2014, President Obama released a Presidential Memorandum on Civil Society, which directs agencies to deepen “U.S. Government efforts to collaborate with and strengthen civil society.”<sup>101</sup>

A Jamaican activist described the importance of U.S. leadership in combatting homophobia in Jamaica, stressing that “governments present and future must be made to feel grossly uncomfortable at the international level.” At the same time, activists underscore the importance of Jamaican-led change and avoiding perpetuating the false perception that homosexuality and the concept of human rights for LGBT people are North American cultural imports.

The United States should build on the momentum created by local civil society in Jamaica, working to advance the human rights of LGBT people by engaging with and supporting local civil society efforts. The following recommendations to lawmakers, policymakers, and multiple agencies

of the U.S. government reflect this overarching goal.

## Department of State

### Secretary of State John F. Kerry

- Convene, along with other high-level State Department staff, a human rights dialogue with Caribbean heads of state to address human rights concerns in the region and particularly the situation of LGBT people in Jamaica and other Caribbean countries.** During Jamaica’s Universal Periodic Review at the United Nations in May 2015, the United States and other governments called on Jamaica to repeal its sodomy law.<sup>102</sup> Secretary Kerry should utilize the opportunity of the United Nations General Assembly in September 2015 to bring together Caribbean leaders for a human rights dialogue to discuss criminalization of homosexuality and violence and discrimination against LGBT people, among other concerns.

### Special Envoy for the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons

In February 2015, Secretary Kerry announced the position of Special Envoy for the Human Rights of LGBT Persons. The Obama Administration created the position in response to calls from Congress and civil society, including Human Rights First, and with the purpose of “advanc[ing] efforts underway to move towards a world free from violence and discrimination against LGBT persons.”<sup>103</sup> In April 2015, Kerry appointed diplomat Randy Berry to the historic post. Berry traveled to Jamaica in May 2015 with USAID’s Senior LGBT Coordinator, Todd Larson, to dialogue with Jamaican officials and civil society on the human rights of LGBT people.

- Lead an inter-agency dialogue to develop a strategic plan for future U.S. engagement in advancing the human rights of LGBT people in Jamaica.** The Special Envoy should share findings and insights from his recent trip with relevant agencies and promote a whole-of-government approach for U.S. engagement on LGBT issues in the country.

### Bureau of Western Hemisphere Affairs

As part of its core mission, the State Department’s Bureau of Western Hemisphere Affairs works to “invest in the well-being of people from all walks of life; and to make democracy serve every citizen more effectively and justly.”<sup>104</sup>

- Prioritize the advancement of the rights of LGBT people, including the abolishment of criminalization laws, within the broader Jamaica country strategy.**
- Highlight LGBT issues in Jamaica and the Caribbean as part of training foreign affairs officers working in the country and region.**
- Convene a multilateral dialogue with diplomatic partners in Jamaica, particularly Latin American and Caribbean governments who are currently working to advance the rights of LGBT people.** Through partnership with the diplomatic missions of other Latin American and Caribbean countries, the United States can foster exchange and dialogue on best practices and strategy while countering the false notion that the rights of LGBT people are a North American cultural import.

### Caribbean Basin Security Initiative

The Caribbean Basin Security Initiative (CBSI) is a regional security program led by the U.S. Department of State. The three primary goals of the initiative are substantially reducing illicit

trafficking, increasing public safety and security, and promoting social justice.<sup>105</sup> INL, through the Department of State, received approximately 2.8 million dollars for the Caribbean Basin Security Initiative in fiscal year 2012, while USAID and Department of State received approximately 3.1 million dollars for CBSI programming in Jamaica.<sup>106</sup>

- **Increase CBSI funding for programs within INL and USAID that aim to support civil society and promote accountability within the Jamaican justice system.** Particularly with regards to INL's current work with police, which focuses on providing non-lethal instruments and non-lethal force trainings for the Jamaica Constabulary Force, CBSI should also focus funding on supporting efforts and trainings related to diversity, hate crimes, and accountability.

## Global Equality Fund

The Global Equality Fund, launched as part of President Obama's commitment to advancing the rights of LGBT people in all U.S. foreign policy efforts, provides funds for Jamaican civil society in numerous programmatic areas, including capacity building, documentation of rights abuses, legal reform, and access to justice.

- **Continue to support Jamaican civil society organizations working on behalf of the LGBT population, including smaller organizations and groups that cater to the needs of members of the LBT community.**

## Bureau of Educational and Cultural Affairs

At a roundtable with LGBT activists in Jamaica hosted by Human Rights First, one advocate stressed local activists' interest in traveling to the United States to engage with U.S. leaders, advocates, and the American people on issues

related to the rights of the LGBT community. This can serve as a way for activists to have important exchanges on challenges, experiences, and best practices for advancing the human rights of LGBT people. The International Visitors Leadership Program engages nearly 5,000 leaders annually from around the globe who travel to the United States to engage with American counterparts around various themes and projects.<sup>107</sup>

- **Continue to work with the U.S. Embassy in Kingston and local civil society organizations to identify and engage Jamaican LGBT activists in the International Visitors Leadership Program (IVLP).** The Department of State should engage Jamaican LGBT leaders in this program, including leaders working in diverse sectors of civil society to advance the human rights of LGBT people. The U.S. Embassy and State Department should work with local organizations to identify potential participants, taking care to consider smaller organizations and groups working with members of the LBT community.

## Bureau of International Narcotics and Law Enforcement Affairs

International Narcotics and Law Enforcement (INL) programs with police in Jamaica focus on reducing the use of lethal force and providing less-lethal instruments, such as batons and pepper spray,<sup>108</sup> in response to the extrajudicial executions committed by police in Jamaica.

- **Incorporate diversity and include sensitization to the rights of LGBT people in all bilateral trainings of the Jamaican police force and members of the judicial system.**
- **Conduct follow-up with Jamaican participants in hate crime trainings and other initiatives, focusing on connecting**

**participants with relevant civil society organizations and outlining steps that participants can take to ensure the rights of LGBT people in their capacity as law enforcement officials or personnel.** INL staff should work with the U.S. Embassy in Kingston, The Global Equality Fund, and the Bureau of Democracy, Human Rights, and Labor to connect International Law Enforcement Academy (ILEA) training participants with LGBT organizations in Jamaica. This will foster collaboration between law enforcement and LGBT activists. INL should also conduct rigorous follow-up with participants in hate crime and all other trainings, outlining steps for participants to incorporate those skills into their daily work and setting expectations for the fulfillment of any commitments made by participants in the training.

### International Law Enforcement Academy

Jamaica participates in ILEA's programs in San Salvador, which include trainings on gender violence, human rights, instructor training sessions, and the previously cited hate crime training, launched in 2014.

- **Further incorporate diversity curriculum inclusive of LGBT rights in all current relevant training programs at ILEA.** In particular, courses on human rights, gender violence, and instructor training should incorporate the rights of LGBT people and diversity into the standard curriculum.

### United States Permanent Mission to the Organization of American States

According to activists, the Organization of American States plays an important role in supporting civil society. The Inter-American

Commission on Human Rights (IACHR)—housed within the OAS—often reinforces and highlights the concerns of local Jamaican voices at the international level. The OAS and the IACHR have taken significant steps to advance the dialogue on the rights of LGBT people. In 2008, the OAS adopted an historic resolution on human rights and sexual orientation and gender identity, following years of advocacy by civil society groups in the Americas.<sup>109</sup> In 2014, the IACHR announced the creation of a rapporteurship on the rights of LGBTI persons, indicating the commission’s prioritization of this issue.

- **Support the efforts of the IACHR Rapporteur on the Rights of LGBTI Persons, particularly regarding efforts and dialogue around the rights of LGBT people in Jamaica and the Caribbean.**

## Congress

### Senate Foreign Relations Committee and House Foreign Affairs Committee

- **Prioritize the human rights of LGBT people through sponsoring congressional letters and legislator-to-legislator outreach.**
- **Convene hearings in relevant subcommittees on human rights in the Caribbean, inclusive of issues of violence and discrimination against LGBT people in Jamaica and in other Caribbean countries.** The committees should include local Jamaican and Caribbean LGBT activists as witnesses in hearings.

### Congressional LGBT Equality Caucus

The Congressional LGBT Equality Caucus is a bipartisan caucus committed to “achieving the full enjoyment of human rights for LGBT people in the U.S. and around the world.”

- **Highlight Jamaica in ongoing work on international LGBT issues including through legislator-to-legislator outreach and sponsoring congressional letters and briefings.**
- **Meet with Jamaican LGBT activists travelling to Washington, D.C. to discuss the challenges on the island, learn about the current work of civil society, and discuss ways that the Equality Caucus can further engage on these issues.**

### Congressional Caribbean Caucus

The Congressional Caribbean Caucus brings together a bipartisan group in the House of Representatives to strengthen and foster social and economic ties to the Caribbean.

- **Prioritize challenges regarding the rights of LGBT people in Jamaica through legislator-to-legislator outreach and through sponsoring congressional letters and briefings.**
- **Meet with Jamaican LGBT activists travelling to Washington, D.C. to discuss the challenges on the island, learn about the current work of civil society, and discuss ways that the Caribbean Caucus can further engage on these issues.**
- **Any congressional members travelling to Jamaica should raise the concerns of the LGBT community in any and all interactions with Jamaican government officials.**

### Department of Commerce

In fulfillment of its mission to “create the conditions for economic growth and opportunity” and given the important economic relationship between the United States and Jamaica, the Department of Commerce should engage on

issues related to the human rights of LGBT people in Jamaica.

- **Engage with U.S. businesses operating in Jamaica to encourage them to use their influence to positively impact Jamaican law and policy on LGBT human rights and take steps to ensure the safety of their own LGBT employees and customers in Jamaica.**
- **Connect with the “Respect Jamaica” campaign, supported by Jamaican corporations, to explore opportunities for partnership and help garner further support for the campaign.** The Respect Jamaica campaign is a coalition of Jamaican businesses that “have joined together to promote the value of showing respect as an essential component of making Jamaica a place of choice to live, work, raise families and do business.” The campaign calls on Jamaicans to “stand in support of the marginalised and vulnerable in our communities” and denounces discrimination based on sexual orientation, among other categories.<sup>110</sup>

### Department of Justice

#### International Criminal Investigative Training Assistance Program

The Department of Justice (DOJ) through the International Criminal Investigative Training Assistance Program (ICITAP) collaborates “with foreign governments to develop professional and transparent law enforcement institutions that protect human rights, combat corruption, and reduce the threat of transnational crime and terrorism.”<sup>111</sup> Programs in Latin America and the Caribbean “focus on criminal justice reform, anticorruption, forensic science, human rights, transnational crime, and advanced investigative



skills.”<sup>112</sup> ICITAP claims subject matter expertise in information systems, community policing, and academy instructor training, among other areas.

- **Work with Jamaican law enforcement to develop capacity for documentation of human rights violations and hate crimes, in partnership with civil society.** ICITAP should provide technical assistance and training to Jamaican law enforcement for creating and managing a database to track hate crimes and human rights violations. Such work should include civil society organizations, many of whom are already working to collect such data.
- **Develop and execute training programs in Jamaica on equal treatment of the LGBT community as well as gender-based violence programming that is sensitive to LBT people.** ICITAP should apply its subject matter expertise in community policing to programs with the Jamaica Constabulary Force that focus on the rights of the LGBT community.
- **Assist the Jamaica Constabulary Force with curriculum development and instructor training, and include diversity training as part of police curriculum.** ICITAP should assist the JCF with instructor training, making diversity training on marginalized groups—such as LGBT people—an integral part of police training in Jamaica.

### Office of Overseas Prosecutorial Development Assistance and Training

The Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) within the Department of Justice was created in 1991 with the purpose of “assist[ing] prosecutors and judicial personnel in other countries develop and sustain effective criminal justice institutions.”

OPDAT promotes “the rule of law and regard for human rights” through technical and legal assistance as part of its overall strategy.<sup>113</sup> Much of OPDAT’s work is accomplished through resident legal advisers placed in embassies throughout the world. Recently, OPDAT staff traveled to Jamaica to assess ways the DOJ could assist in capacity building. Jamaican officials identified asset forfeiture as one of a few security issues with which the United States can assist the country. The U.S. Ambassador expressed openness to placing a resident legal advisor in Jamaica to address issues of asset forfeiture and security.<sup>114</sup>

- **Consider establishing a resident legal advisor position within the U.S. Embassy in Kingston.** Currently there is only one resident legal advisor charged with covering the entire Caribbean region. Given U.S. interests and investment in the Caribbean on transnational crime, as well as the severity of challenges to the rights of LGBT people and the concerns of inefficiency in the Jamaican judicial system, OPDAT should consider placing a resident legal advisor in Jamaica.
- **In partnership with staff at the U.S. Embassy in Kingston, develop joint strategies to engage with Jamaican lawmakers and politicians regarding the protection of vulnerable groups in Jamaica.** Dialogue should include the discussion of possible anti-discrimination legislation, inclusive of protections based on sexual orientation and gender identity. OPDAT should also include discussion on possible repeal of the sodomy law.
- **Identify leaders within the Jamaican judicial system for participation in the DOJ/OPDAT International Visitors Program.** OPDAT should raise concerns regarding the rights of the LGBT community in Jamaica during exchanges with Jamaican



participants and discuss possible efforts in criminal justice reform and judicial protections to ensure the legal protection of the human rights of LGBT people and other vulnerable groups.

## PEPFAR

Funding for HIV/AIDS prevention and care through PEPFAR is an important part of U.S. assistance to Jamaica.

- **Continue funding HIV outreach efforts while proactively ensuring that funds do not go to individuals or organizations that are actively supporting anti-LGBT initiatives or discriminating in the provision of services.**

## USAID

USAID’s current efforts to combat stigma against the LGBT community and to support civil society efforts are crucial to securing the human rights of the LGBT community.

- **Continue to partner with the Jamaican Ministry of Health and civil society organizations on efforts to reduce HIV transmission and to reduce prejudice against vulnerable populations.**
- **Seek new partnership opportunities with Jamaican civil society organizations, including smaller groups and those that cater to the needs of members of the LBT community.**

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## Conclusion

Nine years after *Time* called Jamaica the most homophobic place on earth, Jamaica is a very different place. Today, Jamaica’s leader isn’t facing criticism for standing up on behalf of the

LGBT community, but instead because she hasn’t lived up to her promises to do more.

In today’s Jamaica, new voices of support for LGBT people are surfacing in unexpected places—in churches, the music industry, and mainstream media. There is still a long way to go; violence and discrimination are still a part of daily life for many members of the LGBT community. Those who face discrimination based on multiple facets of their identity—because they are women, because they are poor, because they are young—struggle profoundly.

The United States is also quite different today than it was in 2006. Steady progress on LGBT issues at home has made the U.S. government more willing to broadcast those beliefs throughout the world. President Obama took this to a new level by incorporating LGBT issues into all aspects of U.S. foreign policy. When then Secretary of State Hillary Clinton famously said, “Gay rights are human rights,” we still couldn’t have imagined how far we would come in such a short span of time.

The United States and Jamaica have a long, rich history of cooperation and partnership. This history offers a foundation for helping make Jamaica a safer place for all of its citizens, including those who face violence and discrimination based on their sexual orientation or gender identity.

“Every mickle mek a muckle,” said a prominent human rights advocate on how she foresaw life getting better for LGBT people on the island. This Jamaican proverb is a way of saying “every little bit adds up.” There is unlikely to be a wave of pro-LGBT sentiment sweeping the legislature. The churches vocal in their antipathy to LGBT people are not going to change their views overnight. But change is happening every day in Jamaica.

When Dr. Knight insists that Jamaica’s health care system exists to “serve every single Jamaican,” when Father Sean Campbell asks a transgender person to share his personal story, when the *Jamaica Gleaner* calls for an end to anti-gay bigotry, we see change underway. And when President Obama uses his very brief time in Jamaica to stand in support of an activist like Angeline Jackson, it is clear there is a role for the United States to play as well. ■

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