



Homophobia and Violence in Jamaica

December 2013

Crime and violence is a major problem in Jamaica and is one of the main concerns of many Jamaicans.ⁱ Women and girls, children, and the urban poor are most affected by the high levels of violence in Jamaica (UNDP, 2012).ⁱⁱ Included in these groups are lesbian, gay, bisexual and transgender (LGBT) people who are at risk of, and have experienced victimization and violence as a result of their sexual orientation, gender identity, and/or gender expression.

The socio-cultural and legal environment has contributed to the prevalence of discrimination and acts of violence against LGBT Jamaicans over the years. These incidents include, inter alia, murder, forced evictions, temporary and permanent displacement, beatings, and mob attacks. The looming threat of violence causes many LGBT Jamaicans to live in constant fear of being identified as non-heterosexual.

Although murders, shootings and other major crimes have been trending downward since 2010ⁱⁱⁱ news reports would suggest crimes against LGBT people are increasing and continue unabated. Since July 2013, subsequent to the murder of 16-year-old Dwayne Jones - a transgender teen in St James - there have been several news reports of brutal attacks perpetrated against LGBT people across the island. In August 2013, a group of five LGBT persons were marooned by an angry mob in a community in Manchester^{iv}; a transgender female was attacked and had to be rescued by the police in Portmore, St Catherine^v, and one gay man was evicted from his home in Central Village, St Catherine^{vi}. There have also been allegations of murders including the killing of a popular transgender performer in Spanish Town, St. Catherine.

These news reports have reinforced the argument that LGBT people live in very difficult circumstances and are at great risk of discrimination and violence. However, many Jamaicans argue LGBT people are no more at risk of violence and abuse than anyone. Some, including persons aligned to the Jamaica Constabulary Force (JCF), have also said that incidents of violence against LGBT people are perpetrated by LGBT people themselves.

There is however, little evidence to substantiate any of these claims. The police has very little documented reports of violence against LGBT people and those recorded by J-FLAG have not all been investigated.

This briefing paper aims to provide information on the total number of reports documented by J-FLAG since 2009 and the similarities with national data provided by the JCF. It is intended to guide a more informed discussion about LGBT discrimination and violence. Finally, it is hoped that this paper will provide the impetus for the Ministry of National Security and Jamaica Constabulary Force to take further steps to empower persons to report all incidents of violence and conduct thorough investigations.

Contextualizing Anti-Gay Attitudes in Jamaica

Same sex intimacy among males is illegal in Jamaica and is punishable by up to ten years in prison, with hard labour.^{vii} However, the fine legal distinction that the law criminalizes the act of anal intercourse *and not* homosexuality is not a view generally held by the public. The popular position conflates the sexual act of anal intercourse (among men) with sexual orientation—in this case homosexuality. According to this cultural view, if anal sex is illegal then homosexual identities (whether male or female) are unlawful.

Many LGBT Jamaicans are therefore invisibilized because of their sexual identity and/or expression, gender identity and/or gender expression and feel powerless as a result. Consequently, it is difficult for many LGBT persons to live in Jamaica given the inferior status so ascribed when compared with their heterosexual counterparts.

The socio-economic class of LGBT Jamaicans is an important consideration for any discussion around anti-gay attitudes in Jamaica. LGBT people who fall outside the upper and middle class income brackets have neither the wealth nor the social capital to escape their circumstances. Life in Jamaica is therefore more difficult and dangerous for those made vulnerable by their socioeconomic status and whose vulnerability is further compounded by sexual orientations and/or gender identities which differ from the hegemonic norm. Notwithstanding, wealth, social class and social capital are of critical importance for all LGBT people as they negotiate safety in their respective communities.

The 2011 National Survey on Attitudes and Perceptions of Jamaicans towards Same-Sex Relationships found that Jamaicans are generally homophobic and some LGBT persons are more at risk than others. It found that anti-gay attitudes and views were *most common* among, inter alia, people in low income communities and people who had no university education (Boxill, 2011). This finding is corroborated by the reports of homophobic violence and discrimination received by J-FLAG. In 2011, for example, an analysis of the reports received show that a significant number of affected persons were from families in the low socio-economic strata.

Discrimination, hostility, violence and other types of abuse perpetrated against Jamaicans who are either lesbian, gay, bisexual or transgender follow similar patterns when compared to national statistics^{viii}. This is demonstrated by the significant number of young males (18 to 29 years) who experienced homophobic violence.

Similarly, according to Smith and Green (2007) in *Violence Among Youth in Jamaica*, “young males from 15–29 years of age are disproportionately represented, both as victims and perpetrators of violence.”^{ix} For example, in 2002, young people in Jamaica accounted for “80% of the violent crimes, 75% of the murders, and 98% of all major crimes” (Smith & Green, 2007). 55% of

people arrested were males below 25 years. They also accounted for 32% of new admissions to correctional institutions and 83% of them were males (Smith & Green, 2007).

Incidents of Anti-Gay Discrimination and Violence

Between 2009 and 2012, a total of 231 reports were made to J-FLAG. Most incidents were related to assaults, physical attacks, and displacement from homes and communities. Other incidents included extortion and threats as well as sexual violence, particularly against lesbians and bisexual women. The reports show that those who are most affected are usually young males and (as advanced) from the lower socio-economic strata.

One must be mindful that although over two hundred reports were made to J-FLAG, they do not represent every incident of violence or discrimination against members of Jamaica’s LGBT community. In addition, though more LGBT people are reporting acts of violence and discrimination to J-FLAG and the police, many incidents still go unreported. This is due to the hostile social and cultural environment, which results in LGBT Jamaicans fearing further discrimination or persecution and their sexual orientation or (non-conforming) gender identity becoming public.

The question of whether incidents perpetrated against LGBT people because of their sexual orientation or gender identity/expression have been increasing in recent times. This forms a critical part of discussions around violence and homophobia in Jamaica. The graph below shows the pattern of reports made to J-FLAG in 2012 and up to August 2013.

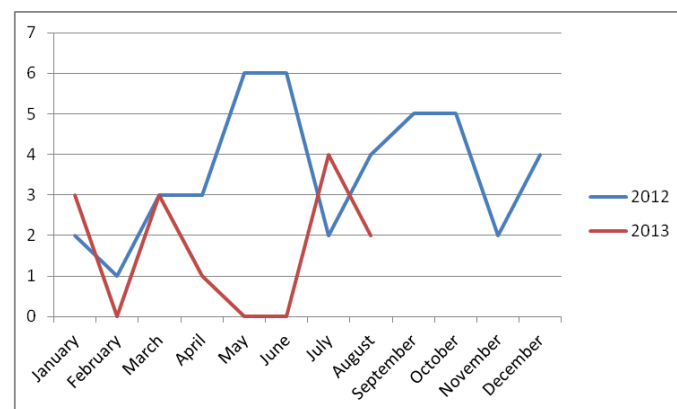


Figure 1 – Number of Incidents Reported to J-FLAG

As shown, the reports followed very different trajectories for the two years in the period April to August. However, it must be noted that the low number of reports received between April 2013 and June 2013 may have been as a result of the temporary closure of J-FLAG’s office and does not necessarily reflect a decrease in the number of incidents being perpetrated. This could explain the unusually low number and not represent an actual decrease in incidents. Likewise, it does not represent an increase in incidents in July 2013 and August 2013.

There seems to have been little or no thorough investigation and/or prosecutions in the majority of incidents except in cases deemed ‘high profile’.

Underreporting and Late Reports

Many incidents are not always reported to J-FLAG immediately. The analysis of the reports shows that a significant number of incidents are reported several months after they were perpetrated. Between January 2012 and August 2013, for example, a total of 87 incidents were reported to J-FLAG, however, only 64.37% of them were perpetrated in that period. There were also instances of incidents which were perpetrated in previous years and reported in the period.

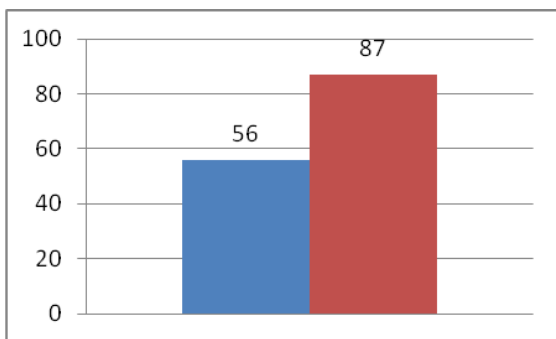


Figure 2 – Timing of Reports

Some of the reasons LGBT people do not report incidents perpetrated against them (to J-FLAG) is fear of people knowing they are LGBT, challenges accessing J-FLAG such as distance or knowledge about the organisation, and low confidence about the value of reporting. For some, when they do report the incidents, it may be a positive or negative occurrence in the community that gives them the courage to come forward weeks or months, even years after the incident.

Location of Incidents

The majority of incidents reported to J-FLAG occur in Kingston, St Andrew, St Catherine and St James. The graphs below show that there might be a correlation between the geographical pattern of incidents of violence perpetrated against LGBT people and the pattern of crime and violence across Jamaica. National statistics indicate that a majority of the incidents occur in the aforementioned parishes.^x

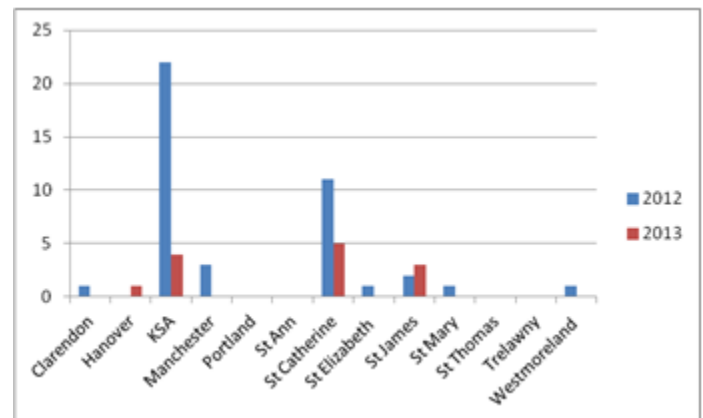


Figure 3 – Anti-Gay Incidents Reported to J-FLAG by Parish

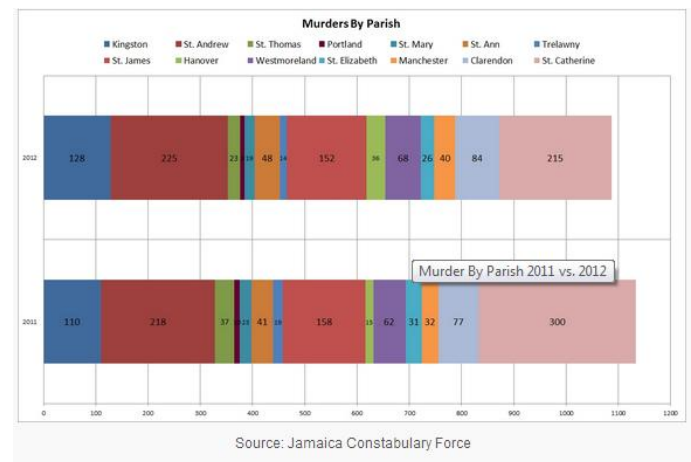


Figure 4 - Murders by Parish

Conclusion

The discriminatory laws and the lack of specific protections continue to contribute to the incidence of discrimination, violence and other forms of abuse against LGBT people.

J-FLAG acknowledges that efforts have been made by the police to encourage reporting and investigation of all crimes, including those perpetrated against LGBT

Jamaicans. The introduction of the Diversity Policy and their participation in a number of human rights-related capacity building and sensitization workshops are steps in the right direction. Understandably, the police face severe limitations in conducting investigation and apprehending perpetrators of crime. Additionally, their function is dependent on a more effective and efficient legal and justice systems that is at the moment overburdened. Nonetheless, much more work needs to be done to ensure that all Jamaicans are protected and where their rights are infringed, they are treated equally before the law.

J-FLAG recommends that:

1. The Ministries of National Security and Justice and the Jamaica Constabulary Force take leadership action and expand training programmes to ensure that relevant persons, including police officers and judges are knowledgeable about human rights, sexual orientation and gender identity.
2. The police thoroughly investigate all crimes reported, whether committed by or against LGBT people so the perpetrators can be brought to justice.
3. The parliament publicly condemns violence against all people regardless of their sexual orientation and invests in initiatives that promote the rights and dignity of all Jamaicans.

BEING *Different* IS NOT A PROBLEM



BEING TREATED DIFFERENTLY IS
STOP DISCRIMINATION

ⁱ Gleaner/Bill Johnson Poll: 2006, 2007, 2008, 2009, 2010, 2011; Don Anderson Poll: 2004, 2005, 2008, 2010, 2011

ⁱⁱ <http://www.undp.org/content/undp/en/home/librarypage/hdr/caribbean-human-development-report-2012-1/>

ⁱⁱⁱ Jamaica Constabulary Force Monthly Serious And Violent Crimes Statistics Review January 1, 2013 to January 31, 2013 and Comparison for 2012, 2011, 2010 and 2009: http://www.jcf.gov.jm/sites/default/files/crime_stats_and_analysis_for_2012.pdf

^{iv} http://www.cymtv.com/videos_1.php?id=1747§ion=watch (start at 13:30)

^v <http://jamaica-star.com/thestar/20130814/news/news1.html>

^{vi} http://www.cymtv.com/videos_1.php?id=1628§ion=watch (start at 26:00)

^{vii} Sections 76, 77 & 79 of the Offences Against the Person Act

^{viii} According to data provided by the Statistical Institute of Jamaica (STATIN) and the Jamaica Constabulary Force (JCF), the majority of . . . murdered men [are] between the ages of 20 and 39 years old, a period when they are deemed to be at the most productive stage of their adult lives [Gleaner: 2010]. <http://jamaica-gleaner.com/gleaner/20100620/news/news5.html>

^{ix} <http://www.scielosp.org/pdf/rpsp/v22n6/a10v22n6>

^x Jamaica Constabulary Force Monthly Serious And Violent Crimes Statistics Review January 1, 2013 to January 31, 2013 and Comparison for 2012, 2011, 2010 and 2009: http://www.jcf.gov.jm/sites/default/files/crime_stats_and_analysis_for_2012.pdf



ON A MISSION: Towards Equality *The Fifteenth Anniversary of a Movement*

J-FLAG is an human rights organisation advocating towards a Jamaican society where the human rights of lesbian, gay, bisexual and transgender (LGBT) persons are respected. Our advocacy seeks to promote the values of all-inclusivity, diversity, equality, fairness, and love.

The organisation's vision is a Jamaican society that respects and protects the human rights and inherent dignity of all persons, irrespective of their sexual orientation and gender identity or expression.

J-FLAG is celebrating 15 years of advocacy, lobbying, community building and human rights work (on December 10, 2013). We have much to celebrate as an organisation and community despite the extremely difficult circumstances that many of us face. The year has brought tremendous challenges and tragedies including the continued marginalisation of LGBT people, homelessness, continued forced evictions of LGBT Jamaicans, mob violence and the murder of LGBT Jamaicans.

However, despite the ever-present hostility, gay Jamaicans have maintained a vibrant and visible community and have no intention of living in the shadows ever again.

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