

THE

gay

agenda



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WELCOME TO THE GAY AGENDA

For many years now, the term “Gay Agenda” has been a slur used to describe some secretive and sinister plot by the local gay community to up-end society and destroy its very fabric. Everyone from pastors and doctors to media practitioners and shopkeepers decided for themselves that they know what the Gay Agenda was and that it was certainly not something good for Jamaica, often times without ever speaking to or even knowing a lesbian, gay, bisexual or transgender (LGBT) Jamaican.

It has been a sad reality for the Jamaican LGBT community that we were always being told about ourselves; whether it’s uninformed pedagogues telling us that we are paedophiles or mentally ill to everyday verandah conversation about how predatory we are. We are always called to respond to stereotypes, newspaper caricatures and the singular images

of displaced and/or homeless persons in our community. This awful practice stops today!

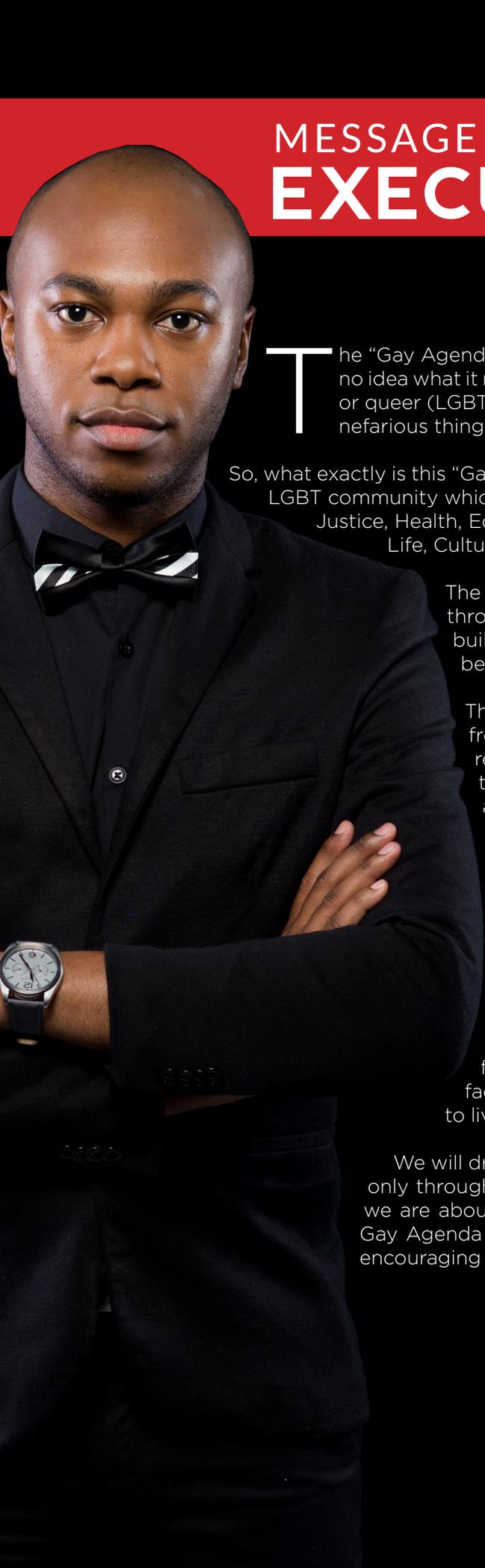
Rather than concocting the Gay Agenda to continue to misrepresent who we are and what we want, here it is in full view for you to read. Rather than googling tabloid articles, flip through the pages of this manifesto and learn about who LGBT Jamaicans are and what their vision for Jamaica looks like.

The manifesto presents boldly and unapologetically our vision of an LGBT-inclusive Jamaica and looks specifically at security & justice, health, education & training, housing & social security, employment, family life, culture, entertainment & sports, persons of trans experience and youth. It is the product of several research papers, a series of consultations, a survey within the community and a round of focus group

sessions which sought to identify the major challenges faced by LGBT Jamaicans both as a result of homophobia and transphobia as well as the general socio-economic conditions which prevail in Jamaica. Thanks to all of those who participated in the processes which made the Gay Agenda possible.

It does not seek to be the final representation of all the desires, interests and hopes of the local LGBT community nor does it claim to be the views of all LGBT Jamaicans. Rather, it is the starting point of community-driven narratives around issues affecting them. It will be the first of many reference points and we invite all members of the Jamaican LGBT community and our allies to familiarize themselves with the document, disagree with parts of it and develop your vision for Jamaica’s future.





MESSAGE FROM THE EXECUTIVE DIRECTOR

The “Gay Agenda” is that thing you hear repeated ever so often but have absolutely no idea what it really is and entails. You never hear lesbian, gay, bisexual, transgender or queer (LGBTQ) persons talk about it but you believe it is this mysterious, illusive, nefarious thing that one must be wary of.

So, what exactly is this “Gay Agenda” everyone has been talking about? It is a manifesto of the LGBT community which seeks to address their visions for matters surrounding: Security & Justice, Health, Education & Training, Housing & Social Security, Employment, Family Life, Culture, Entertainment & Sport, People of Trans Experience and Youth.

The agenda is about creating possibilities and hope for everyone through our boldness, our stellar contributions to community and nation building, our resolve to help others live their truth, to defy the odds and be their best selves, unapologetically.

The Gay Agenda is people-centred and will allow us to learn more from LGBT people about their journeys to acceptance and self-reliance, how they motivate themselves and peers each day to smile, to defy the odds stacked against them, to stand up to homophobia and transphobia in spite of all they have been through.

We have created this manifesto to guide how we work to address homophobia, biphobia and transphobia and their impact on LGBT people’s ability to access services such as those for counseling, social assistance and conflict resolution, how people found and experience relationships, how they worship, and socialize and find contentment.

Our intention is to reduce the despair LGBT people who live, work, learn, worship, do business, raise/support their families, and have fun in places where they are not welcomed and told they are pariahs face. We work to give them hope, encourage them to be themselves, to live their truth and inspire them to fight for their rights and freedoms.

We will dream of a better Jamaica for all of us. Better must and will come but only through our courageousness and being bold about who we are and what we are about, if we can. That is how we engender tolerance and respect. The Gay Agenda is a reminder that our fortitude is admirable, that our resilience is encouraging and give us hope which is contagious.

- *Jaerion Nelson*

AFFILIATES'

MESSAGES



We-Change commits unbridled support to the development of a Gay Agenda for Jamaica and pledges to contribute to its advancement, in respect to the constituents whom the organisation serves. The creation of a Gay Agenda will allow for the different sub-groups of the LGBT community to for themselves, collectively articulate a vision that

will satisfy their desired quality of life.

The future for women's advocacy requires and is dependent on ALL women having a voice in any area of development that may affect them and WE will act as a conduit through which these voices are channeled.



TransWave Jamaica commends the development and release of the Gay Agenda. In particular, the emergence of this manifesto assures us that the needs of the trans community with regards to health, social, economic and legal issues are represented. The manifesto has the potential to significantly and positively impact trans advocacy.

The vision of the Gay Agenda promises that the needs of the trans community are considered and that steps will be taken to assure the inherent dignity of our community is recognized and our diversity celebrated. We look forward to working with Team Equality to ensure that trans voices are heard and our issues addressed.



The development of an agenda for the LGBT movement in Jamaica is a bold and necessary step towards the realization of equality for all Jamaicans. Equality youth Ja believes that young people who identify as LGBT are deserving of inclusion in all national development plans and policies. The gay agenda provides a platform for youth voices who are often ignored within broader discourse on the rights and needs of Jamaica's youth population.

EYJ recognizes the importance of issues such as environmental justice, economic justice, gender equality, cultural expression, housing and social security and the rights of persons with disability and how the gay agenda can will act as a platform for these issues that impacts directly the outcomes for youth and ultimately national development for decades to come.

SECURITY & JUSTICE

The ability of LGBT Jamaicans to feel secure in their homes, community and in society is compromised by the reality of widespread and multi-layered homophobia and transphobia. This problem is compounded by a legal system which, on the one hand, criminalizes the expressions of love of some members of the community and on the other hand, fails to adequately protect them when they face stigma, discrimination, physical violence or other human rights violation.

Goal two of Jamaica's National Development Plan: Vision 2030 envisions that by 2030, the Jamaican society is secure, cohesive and just. Specifically, national outcome six within Vision 2030 which looks at Effective Governance recognizes that fundamental to the development of our society are strong and accountable institutions, transparency in government, justice system that is accessible and fair, equity and tolerance and respect for human rights and freedoms.

The achievability of Vision 2030 is negatively impacted by the challenges faced by the local LGBT community. Between 2011 and January 2017, J-FLAG received 261 unconfirmed reports of rights violations. Among these were one-hundred and fifteen (115) reports of targeted attacks, two (2) reports of violent robbery, four (4) reports of sexual abuse, eight (8) reports referring to targeted murders, twenty (20) reports of displacement involving violence, sixty-nine (69) reports of threats of violence, including death threats, one report of an unlawful arrest, five (5) reports of police inaction when a victim reported a crime and three (3) reports of police extortion on the basis of a threat to charge the victims with buggery. As a result of this and other factors, the Developmental Cost of Homophobia: The Case of Jamaica (2016) found that while 12% of 316 LGBT Jamaicans reported being attacked and 19% reported being sexually assaulted in the last five years, the majority of the respondents (51.3%) did not report their last incidence of physical or sexual assault to the police. 41% did not report

incidents because they did not think the police would do anything and 30% thought the matter was too minor. 1 in 4 feared homophobic reaction from police and 1 in 5 felt too embarrassed and did not want anyone to know.

Consequently, there is a need to restore confidence in the justice system so that LGBT Jamaicans can feel comfortable reporting crimes committed against them. This will require the Government to strengthen redress systems for rights violations at the hands of police officers and other state actors. Additionally, the legal framework in which LGBT persons exist need to be more protective of their rights.

In their most recent review of Jamaica's human rights record, the Human Rights Committee recommended, among other things, that Jamaica should:

- 1** Amend its laws and enact comprehensive anti-discrimination legislation to prohibit all forms of discrimination.
- 2** Decriminalize same-sex sexual relations between consenting adults
- 3** Remove savings law clauses from the Charter of Rights which obstruct the amendment of legislation where they obstruct the rights of women and other groups

These three actions if undertaken would go a far way in removing several of the legal and policy barriers and gaps outlined in the legal review: Diversifying LGBT Rights Advocacy. These include laws justifying homophobic & transphobic violence, weak protections against sexual violence, weak protections against domestic violence, the lack of legal recognition for transgender persons and the non-recognition of same-sex unions.

A secure and just society which governs on the premise of tolerance and respect for human rights MUST address the human rights violations faced by any sub-group within that society. Based on their own commitment, the Government of Jamaica has a responsibility to build a society in which the security concerns of LGBT Jamaicans are dealt with effectively by the security forces and there is a legal framework adequate to address the violation of their rights.

In light of the foregoing, the Gay Agenda calls for a society in which:

- ✓ Laws against sexual violence, including the buggery law, are amended to better protect all Jamaicans
- ✓ LGBT people can freely move about without being harassed or attacked
- ✓ LGBT people are able to report instances of violence to the police without fear of discrimination by police.
- ✓ Laws which justify homophobic and transphobic violence are repealed
- ✓ The JCF Policy on Diversity is fully enforced
- ✓ The justice system provides speedy relief to all victims of domestic violence, including LGBT people

A SNAPSHOT OF LGBT JAMAICANS AND THE LAW

CHARTER OF RIGHTS	There are 19 rights enumerated in the Charter for Jamaican citizens. S. 13(12) saves certain laws from challenge and section 18 recognizes only heterosexual relationships.
TRANS RECOGNITION	Trans persons are not recognized in law by virtue of the rulings in Corbett and R v Tan. Trans recognition legislation is needed.
CITIZENSHIP	Citizenship cannot be passed to the same-sex partners of Jamaicans married abroad.
EQUALITY & NON-DISCRIMINATION	The Equality clauses in ss. 13(3)(g) & (h) may give some protection to LGBT persons but the non-discrimination clause excludes them.
SEXUAL OFFENCES	The offences of buggery, rape and grievous sexual assault give less protection to sexual assault in same-sex instances. Buggery criminalizes consensual anal sex between adults.
JUSTIFIABLE HOMICIDE & PROVOCATION	These laws justify homophobic and transphobic violence and should be challenged constitutionally because of the rights they breach.
FAMILY LAW	Same sex couples are excluded from the benefits these laws guarantee, which are protected by section 18 of the Charter.
SUCCESSION	Same sex couples are excluded from laws dealing with inheritance, which are protected by section 18 of the Charter.
TRUST LAW	Same sex couples can have property shared between them dealt with under trust law, in limited circumstances.
LAWS CONSEQUENTIAL ON MARRIAGE	Same sex couples are excluded from laws related to evidence & defamation which privilege married couples. The law related to undue influence recognize these couple, nonetheless.
LGBT MINORS	Issues that particularly affect LGBT Minors are not addressed in law/policy. HFLE is not evenly implemented and “uncontrollable child” cases may put them at risk.
EDUCATION	Discriminatory rules are adopted by schools and there is an absence of or failure to implement anti-bullying policies which acknowledge homophobic attitudes.
EMPLOYMENT	There are no broad anti-discrimination provisions in employment laws, and workman’s legislation exclude same-sex couples. Anti-discrimination legislation is needed.
HOUSING	The vagueness in the Rent Restriction Act creates a space in which discrimination in housing can occur.
INCIDENTAL AREAS	Pension Schemes, the Insurance and the Fatal Accidents Act exclude persons in same sex unions. Sections 76-79 of the OAPA create legal grounds for disqualification in several professions.



The legal framework in which LGBT Jamaicans exist need to be more protective of their rights.



FAMILY LIFE



The joys of family life for the LGBT community living in Jamaica is affected from youth to adulthood. Within the home, youth are confronted with the issue of self-discovery, coming out and cultural responses to gender and sexual identity. The current legal and policy framework in Jamaica is minimal in its recognition of same sex relationships and the protections afforded to LGBT couples that heterosexual ties receive. The lack of recognition of same sex relationships is also compounded by the notion that expressions of love and one's sexuality is criminalized.

Although national outcome three of Vision 2030, speaks to promoting family responsibility and community participation for the protection of vulnerable groups, provisions for LGBT youth are not explicitly stated. Moreover, it speaks to the enforcement of legislation that ensures that families take greater responsibility for their vulnerable members. However, the reality exists

that quite often this legislation isn't enforced by members of state who are to protect the rights of youth who have been displaced by family due to their sexual orientation. According to the legal review, Diversifying LGBT Rights Advocacy, the Child Development Agency and the Office of the Children's Advocate lack a clear policy which explicitly recognizes or deals with how homophobia and transphobia affects a child's development. Additionally, "uncontrollable child" provisions within the Child Care & Protection Act (CCPA) justifies the displacement of LGBT minors, given that parents can claim that they cannot control the expressions of the children's sexual orientation or gender identity.

LGBT youth deserve the necessary support within their family life and this begins with the articulation of clear policies that protect these youth from temporary displacement by their families when their sexual orientation is



disclosed. This requires the amendment of the CCPA which allows for the aforementioned situation to occur as it may affect LGBT minors negatively. Parents should also be advised with information that can help them to support their LGBT children in the period of self-discovery and coming out. Moreover, support systems can be implemented by the government in partnership with civil society groups advocating for the rights of youth. State forces such as the police should support the families of these children as well, especially in cases where the community forces the hand of parents to displace their LGBT children.

National outcome four of the national development plan also outlines that the promotion of a stable and supportive family environment as a basic foundation for the development of society. However, our legal framework only recognizes heterosexual relationships, inclusive of legally registered marriages and common law unions around which persons build families and establish society. The Charter of Rights seemingly prevents the current legal situation from being changed and prevents unmarried same-sex relationships from receiving the protections accorded to unmarried heterosexual relationships. It is also crucial to note that this affects the ability of LGBT persons to adopt as only married couples can adopt as a pair.

In view of the issues raised above, the Gay Agenda envisions a society where:

- ✓ Parents are equipped with information to support and guide their LGBT children.
- ✓ The police, as an agent of the state, support families with LGBT children who are threatened by their communities negatively.
- ✓ LGBT youth are able to come out to their families if they see it fit to do so and are supported and loved in response.
- ✓ The constitution and other legislation are amended to recognize and protect same-sex relationships.
- ✓ The National Parenting Support Commission has a broad mandate to support diverse families.



HEALTH

Jamaica's Vision 2030 outlines in Goal One that 'Jamaicans are empowered to achieve their fullest potential'; under this goal is National Outcome No.1 which envisions 'A healthy and stable population.' However, LGBT Jamaicans often face barriers and challenges to accessing health services. According to the 2015 Awareness, Attitude & Perception Survey about Issues Related to Same Sex Relationships, seventy-five percent (75%) of one thousand and three (1003) Jamaicans who participated in the survey agreed that "LGBT behaviour" should be illegal. This ideology has LGBT persons fearful of entering those public healthcare facilities and spaces which are in violent areas and communities. Consequently, many persons within the LGBT population are not seeking adequate health care.

Additionally, research has suggested that subgroups within the LGBT community are disproportionately affected by chronic conditions and experience higher prevalence rates for HIV and AIDS, substance abuse, mental illness and physical and sexual abuse than the heterosexual population.

Notwithstanding this, some LGBT individuals face barriers when seeking healthcare as very few healthcare professionals (including medical, administrative and frontline workers) in public health facilities are aware of the needs of the LGBT community and some of them refuse the provision of service. In some instances, LGBT persons face stigma and discrimination from health care professionals and their (LGBT persons') rights to confidentiality are breached, particularly in relation to their HIV status and general sexual and reproductive health.

Outside of these experiences of stigma and discrimination, there are several gaps in the provision of health services which is of particular relevance to the LGBT community. These are:

- 1** The lack of publicly accessible laws and policies around artificial insemination and surrogacy - which is critical for the protection of same-sex couples who wish to start families.
- 2** The lack of integration of anal healthcare as a part of the sexual and reproductive health information that is provided by the Government.
- 3** The lack of provision of hormone replacement therapy and gender-affirming surgeries within the public health system which are critical for persons of trans experience who wish to affirm their gender identity publicly.

In addition, as a community we are concerned about the criminalization of abortion within sections 72 and 73 of the Offences Against the Person Act. A 2014 study found that 43 per cent of expectant mothers who were admitted with complications at the Victoria Jubilee Hospital had attempted abortion. The consequence of the criminalization of abortion is that these and other women are forced to have clandestine abortions which are often times dangerous and have no regulatory framework.

We are also concerned with the general treatment of persons with mental health challenges. Of note, just under 108,000 visits were made to public health facilities in 2015 by Jamaicans seeking treatment for mental illness. Of this number, the vast majority (83,438) were diagnosed with schizophrenia or psychosis. The stigma associated with mental health has only served to turn many persons from accessing the needed healthcare.

In light of the foregoing, the Gay Agenda envisions a Jamaica in which:

- ✓ Stigma and discrimination faced by the LGBT population when accessing healthcare is eradicated
- ✓ Persons with mental health challenges are less stigmatized.
- ✓ All women have access to safe abortions and after-care
- ✓ Trans healthcare is integrated into medical education.
- ✓ Trans persons are able to access hormone replacement therapy & gender affirming surgery locally
- ✓ Artificial insemination and surrogacy is regulated and accessible to same-sex couples
- ✓ Anal health care is a part of sexual and reproductive health information



EDUCATION & TRAINING

The Youth Mainstreaming Strategy 2010, the Situation Assessment of Jamaican Youth 2012 and the National Youth Policy 2017 cumulatively reveals that relatively high levels of crime and violence plaguing the society, poor family structures, intergenerational inequities, poverty, injustice, unequal educational opportunities and limited job opportunities are some of the many challenges that have placed a growing number of Jamaican youth (15-24) at risk. Underpinning these issues is the present economic performance and the decline of opportunities for the population, but more specifically young people.

It is important to highlight that within the Jamaican cultural context, stigma and discrimination manifests in different ways both on a micro and macro level. From the different legal and policy barriers to the contextualization of gender and sexuality and the impact it has on the expectations of students. In the Diversifying LGBT Rights Advocacy- A Legal Review document, it states “under regulation 29 of the Education Regulations, 1980, “a student shall obey the rules of the school he is attending.” And where a “student considers that he has been victimized or otherwise unfairly treated he may appeal to the principal and, if necessary, the Board”. This creates a problem for LGBT students, especially those who as a result of their gender expression do not conform to specific institutional dress codes and regulations. Additionally, where these barriers are enforced in educational institutions it fosters an enabling environment for bullying which over the years has gotten increasingly worse. Discriminatory policies adopted by schools as well as the absence of or failure to implement anti-bullying policies which acknowledge homophobic attitudes ensures LGBT youth are not afforded the privilege of existing in safe spaces in educational institutions.

In the Education and Training Needs Assessment report published by J-FLAG in 2017, of the 218 respondents who participated, the majority of persons who responded to the question about their specific needs indicated that they needed employment either to support themselves or to enable them to go forward with their education. Several persons stated they needed tuition, while others indicated they needed CXC certification, undergraduate degrees or other forms of certification.

A society which promotes an educational sector built on the foundation of tolerance and respect for the diversity of our youth must therefore reflect an adequate combination of psychological, social and educational needs of the individual. Based on their own commitment, the Government of Jamaica has a responsibility to build a society in which the education and training concerns of LGBT Jamaicans are addressed. A greater focus should be placed on the provision of inclusive education which addresses harmful gender stereotyping and negative cultural attitudes to gender, which celebrates LGBT contributors to national development and which mainstreams the needs of LGBT persons in Health & Family Life Education.

The Gay Agenda envisions that the Education & Training sector in Jamaica will be one where:

- ✓ Homophobic and transphobic bullying will be explicitly banned and punished.
- ✓ Health & Family Life Education will be LGBT inclusive.
- ✓ Gender norms and harmful gender stereotypes are addressed at the secondary level.
- ✓ Cultural attitudes which dictate that some subjects are for boys and others for girls are reduced.
- ✓ A national apprenticeship and mentorship programme is offered by the Ministry of Education to prepare youth for the working world.
- ✓ There is greater Government support for financing tertiary education.
- ✓ The contribution of LGBT Jamaicans to nation-building is highlighted at the secondary and tertiary level.



HEALTHY YOUTH

The Youth Mainstreaming Strategy 2010, the Situation Assessment of Jamaican Youth 2012 and the National Youth Policy 2017 cumulatively reveals that relatively high levels of crime and violence plaguing the society, poor family structures, intergenerational inequities, poverty, injustice, unequal educational opportunities and limited job opportunities are some of the many challenges that have placed a growing number of Jamaican youth (15-24) at risk. Underpinning these issues is the present economic performance and the decline of opportunities for the population, but more specifically young people.

Jamaica has seen the emergence of an incredible and vibrant LGBT movement; however LGBT youth are largely excluded from decision-making processes that define their socio-cultural and political environments which puts them at increased risk of becoming marginalized. LGBT youth are especially vulnerable to the Jamaican socio-economic matrix, including but not limited to homophobic and transphobic violence, discriminatory laws and lack of legal

protection, high risk of family rejection, bullying (offline and online) at school or other social spaces, homelessness, economic hardship, lack of access to Comprehensive Sex Education and culturally-competent health care and self-stigmatization, the pressure to maintain heterosexual relationships.

The Jamaican government has made an overt and explicit commitment to address the needs of youth through the National Youth Policy approved by Cabinet (October 2017). The eleven guiding principles act as sufficient starting point for Government action. With the National Youth Policy, the government has pledged to incorporate Gender Equality, Non-Discrimination and Equity throughout its youth development apparatus, our central role then in this regard to hold the government accountable because youth development is not youth development lest it be inclusive.

Supported by the National Youth Policy 2017-2030 framework (White Paper), the Gay Agenda for Youth envisions an inclusive society in which:

- ✓ Youth Unemployment is reduced to 10% by 2025



- ✓ LGBT Youth are explicitly represented on all national youth development entities.
- ✓ Young people are better involved in government decision making processes.
- ✓ There is greater access to credit for young entrepreneurs through the development of targeted loan schemes with low interest rates
- ✓ Youth are allowed to access sexual and reproductive health services even if below the age of consent.
- ✓ Government provides a full range of youth-friendly sexual and reproductive health services with guarantees that such services are confidential, affordable, and respectful of young people's rights to privacy and informed consent.
- ✓ The Government bridges the opportunities gap between rural and urban and poor and rich LGBT youth
- ✓ "Conversion therapy" is explicitly banned.



“ Youth development is not youth development lest it be inclusive ”



HOUSING & SOCIAL SECURITY

“Housing is not only an important component of the economy but has great social significance as shelter is a basic human need.”

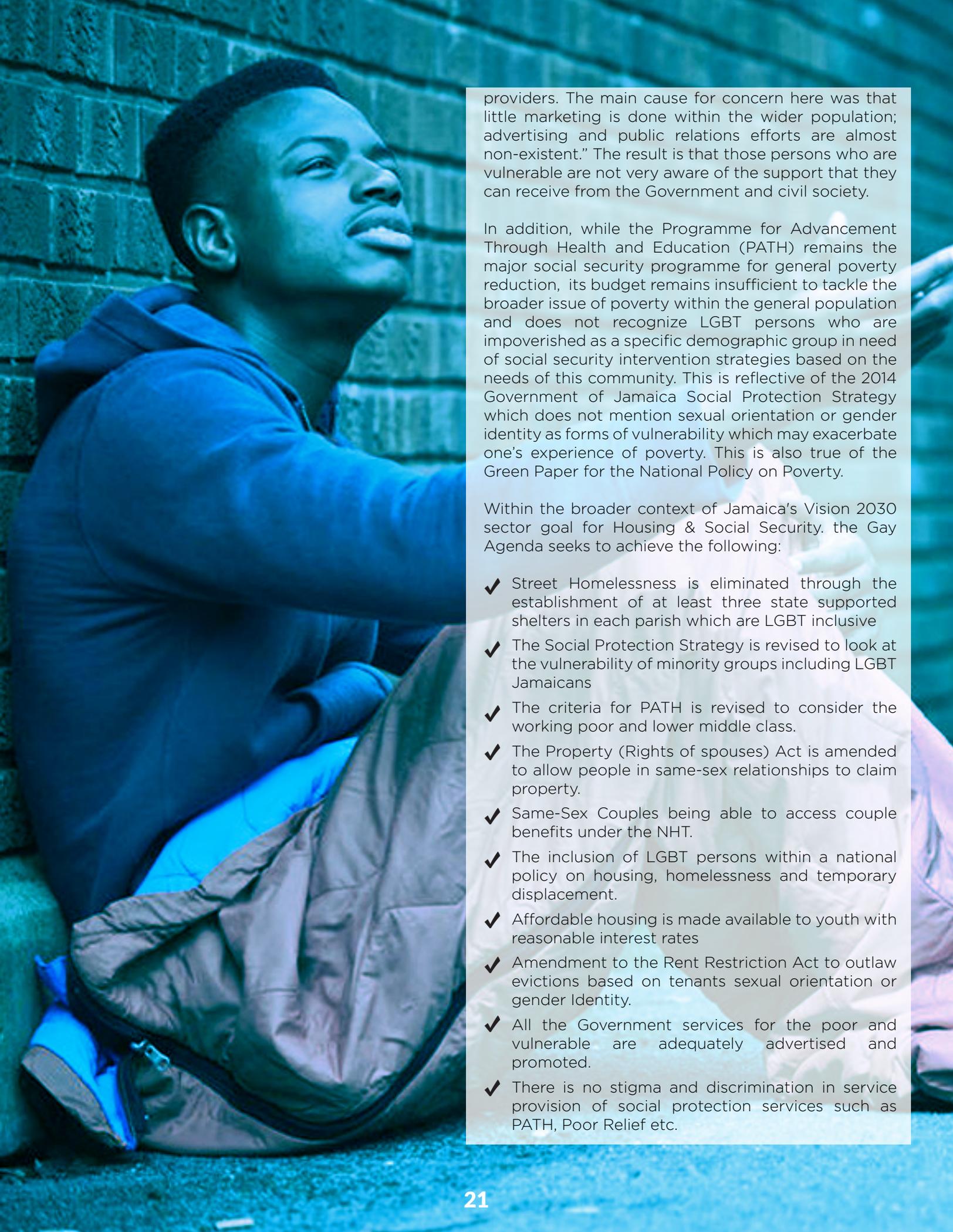
- VISION 2030

While LGBT Jamaicans are often described as one community, Jamaicans who identify as LGBT exist in diverse communities throughout the country. The socio-economic background of LGBT Jamaicans are just as varied as the general population. The need for adequate housing in safe communities and social protection also extends to LGBT persons. Access to affordable housing in safe communities remains an important marker of achievement for many Jamaicans.

LGBT Jamaicans have faced several challenges when seeking to access housing. Between January 2011 and January 2017, J-FLAG received thirty-five (35) reports of displacement from home, twenty (20) of which involved violence and five (5) cases

of arson. According to *The Developmental Cost of Homophobia: The Case of Jamaica (2016)*, 1 in 10 of the LGBT respondents reported being unable to rent a house or apartment because they were perceived as being LGBT. The lack of adequate housing solutions for the general population, systemic poverty and the prevailing negative attitudes towards LGBT Jamaicans in many communities has made the choices of places to live limited especially for persons within the transgender community and gender non-conforming individuals.

In documenting the barriers and challenges which exist in the delivery of social protection services by the Government, A J-FLAG commissioned research paper noted that “there was little or no information being disseminated by social protection service



providers. The main cause for concern here was that little marketing is done within the wider population; advertising and public relations efforts are almost non-existent.” The result is that those persons who are vulnerable are not very aware of the support that they can receive from the Government and civil society.

In addition, while the Programme for Advancement Through Health and Education (PATH) remains the major social security programme for general poverty reduction, its budget remains insufficient to tackle the broader issue of poverty within the general population and does not recognize LGBT persons who are impoverished as a specific demographic group in need of social security intervention strategies based on the needs of this community. This is reflective of the 2014 Government of Jamaica Social Protection Strategy which does not mention sexual orientation or gender identity as forms of vulnerability which may exacerbate one’s experience of poverty. This is also true of the Green Paper for the National Policy on Poverty.

Within the broader context of Jamaica’s Vision 2030 sector goal for Housing & Social Security, the Gay Agenda seeks to achieve the following:

- ✓ Street Homelessness is eliminated through the establishment of at least three state supported shelters in each parish which are LGBT inclusive
- ✓ The Social Protection Strategy is revised to look at the vulnerability of minority groups including LGBT Jamaicans
- ✓ The criteria for PATH is revised to consider the working poor and lower middle class.
- ✓ The Property (Rights of spouses) Act is amended to allow people in same-sex relationships to claim property.
- ✓ Same-Sex Couples being able to access couple benefits under the NHT.
- ✓ The inclusion of LGBT persons within a national policy on housing, homelessness and temporary displacement.
- ✓ Affordable housing is made available to youth with reasonable interest rates
- ✓ Amendment to the Rent Restriction Act to outlaw evictions based on tenants sexual orientation or gender Identity.
- ✓ All the Government services for the poor and vulnerable are adequately advertised and promoted.
- ✓ There is no stigma and discrimination in service provision of social protection services such as PATH, Poor Relief etc.



LGBT VISION FOR EMPLOYMENT

The prevailing attitudes within the society which foster transphobia and homophobia remains entrenched within our social, economic, legal and cultural structures. LGBT persons are at risk of experiencing discrimination and stigmatization based on their sexual orientation and gender identity within the workplace. Such discrimination and stigmatization can have a tremendous impact on the nation's socioeconomic development.

The framework for Vision 2030 makes minimal mention of the promotion of tolerance and respect of human rights and freedom even though it is an objective under goal two. It does not have provisions that are specific to LGBT persons especially as it relates to the workforce. Badgett et al, in her paper the Relationship between LGBT Inclusion and Economic Development posits that workplace discrimination and stigmatization results in LGBT people experiencing several challenges, some of which include health challenges, underemployment, unemployment, displacement traumatization and physical violence.

Owing to the victimization they are subject to in the workplace, because of their sexual orientation and gender identity, LGBT persons often have to cope with mental health issues such as depression and anxiety which in turn impacts their productivity and on a larger scale, the overall economic output of the nation.

Cultural perceptions also play a critical role in the treatment of LGBT persons in the workplace. Patriarchal attitudes regarding which jobs are suitable for men and which are suitable for women can often times act as barrier for LGBT person who seek to enter these professions but fear being outed. These cultural barriers equally keep members of the wider population away from areas they are interested in.

In the National Survey of Attitudes and Perceptions of Jamaicans Towards Same Sex Relationships, employers stated that they would not employ persons who are open members of the LGBT community taking into consideration the preconceived feelings of other employees. This inevitably contributes to a brain drain as several LGBT Jamaican seek job opportunities outside of the island as a result of their levels of unemployment.



Noteworthy is 2017 Education & Training Needs Assessment conducted by J-FLAG which showed that of the 218 respondents, 37.6% were unemployed and 14.7% were both unemployed and not enrolled in an educational institution.

Currently, there are no anti-discrimination laws in Jamaica albeit the nation has ratified several treaties which require them to enact same. Consequently, there are no laws that protect the rights of LGBT persons based on their sexual orientation and gender identity. The only policy implemented by the Jamaican government that speaks to discrimination and stigmatization is the National HIV/AIDS Workplace Policy which does not address anti-discrimination broadly.

In addition to being affected by stigma and discrimination and the corollary harassment in the work place, LGBT persons are faced with other issues which plague the employment sector. An unlivable minimum wage (\$6,200 per week) is of little value to poor LGBT persons who are vulnerable to being displaced by their families and for those who work in and around the home, the lack of legal protection for domestic workers means they are equally vulnerable to abuse, exploitation and job loss. Additionally, LBT women are affected by the gender pay gap - women on average earning 60% of what men earn.

In order to achieve sustainable development, greater focus should be placed on making the employment sector an enabling environment for all Jamaicans to contribute their fullest to the nation's economy.

Addressing stigma and discrimination in practice and employment policies should be placed at the forefront. Equally important is addressing harmful cultural norms and values which limit the contribution of all Jamaicans and enacting protective legislation such as those required under International Labour Organization Convention 189.

The Gay Agenda envisions the following for the employment sector:

- ✓ Men and women receive equal pay for equal work
- ✓ There are laws which prevent all forms of discriminatory treatment in hiring, firing and promoting
- ✓ Harassment in the workplace is banned and punished, especially sexual harassment.
- ✓ There should be mandatory sensitization of staff on the harmful impact of discrimination and harassment
- ✓ Minimum wage is raised to \$12,000 per week.
- ✓ Employment insurance and health policies should be supportive of all unions, not just heterosexual ones
- ✓ There are stronger laws to protect domestic workers from abuse and exploitation

PERSONS OF TRANS EXPERIENCE



“ Too many
Jamaicans of
trans experience
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In Jamaica, persons of trans experience have lived in the margins, their characters vilified and their identities made invisible. Our environment is a result of high levels of ignorance and misinformation about the transgender community, as well as the powerful influence of the Christian religion. The adherence to traditional gender roles which is expected by society effectively isolates and targets the transgender and gender non-confirming community.

It is within this context that the needs of the transgender community are not met, despite the need for services and support. Limited protection is afforded to persons of trans experience in order that they too can think of Jamaica as “the place of choice to live, work, raise families and do business”. Goal one of Jamaica’s National Development Plan: Vision 2030 envisions that by 2030 Jamaicans are empowered to achieve their fullest potential. There is no doubt that Jamaicans of trans experience are talented, however what remains to be seen is the commitment of the Jamaican government to nurture, support and provide an enabling environment and policy framework that will make goal one more than a dream for Jamaicans of trans experience. In the interim, too many Jamaicans of trans experience have a low quality of life and standard of living.

The fact that the Charter of Rights does not protect against discrimination based on gender identity is one way in which the government has not stepped up through policy to ensure that the trans community is no longer stigmatized and marginalized. There is a need for a policy framework that seeks to value the inherent dignity of persons of trans experience and therefore take a holistic approach to transgender health and well-being.

For Vision 2030 to be impactful and relevant to persons of trans experience, it will mean that the community is safely able to affirm their gender identity and navigate both private and public spaces without fear of discrimination and violence.

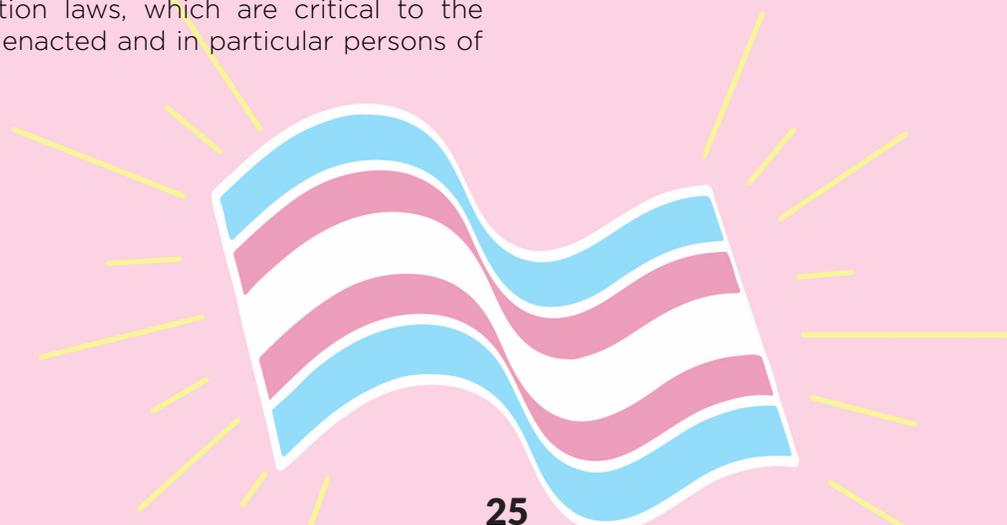
Affirmation of trans identities therefore means that gender recognition laws, which are critical to the community, are enacted and in particular persons of

trans experience are able to register a change of sex on their legal documents. Additionally, the government should take a progressive approach to the issue of bathroom and public facilities being gender neutral to support safe public spaces for the trans community. A vision for persons of trans experience mean that there is trans-inclusive and trans-sensitive access to healthcare. The need for medical transition and related services is often highlighted as a priority area. Inaccessible and unaffordable access to hormone replacement therapy and gender-affirming surgeries often leaves persons of trans experience feeling hopeless and many times unable to connect with their bodies.

As Jamaica strives to celebrate diversity we hope to see an affirmation of all people regardless of gender identity with full participation in sports, culture, education, and all other spheres. Catering to the health and wellness needs of the transgender and gender non-confirming community is a sign that Jamaica is committed to goal one of Vision 2030.

The Gay Agenda seeks to achieve a society which supports the needs of trans and gender non-confirming people. This is one which:

- ✓ Makes accessible endocrinologists and gender dysphoria specialists within the public health system
- ✓ Allows for persons of trans experience to register a change of sex legally
- ✓ Allows for persons of trans experience to participate on sporting teams according to their gender identity.
- ✓ Provides access to gender neutral bathrooms in all government facilities
- ✓ Includes hormone replacement therapy and gender affirming surgeries under various health insurance packages
- ✓ The wider society understands the harmful effect of intentionally misgendering persons of trans experience





LGBT VISION FOR CULTURE

“**O**ut of many, one people” seeks to highlight the diversity within the Jamaican society. It celebrates differences in person’s values, beliefs, practices, race, amongst other qualities. Unfortunately, discussions about the meaning of our motto often fail to acknowledge the challenges faced by LGBT Jamaicans and the ways in which they have contributed to development of Jamaican art, music, dance, theatre and the advancement of our culture.

Outcome four of Vision 2030 plan envisions that the Jamaican culture will be authentic and transformational within the set timeframe. It

highlights the importance of tolerance for differences to maintain a cohesive and productive environment.

Culture is a space where persons can freely express themselves. LGBT persons are often times part and parcel of the creative development of various forms of cultural expression through dance, comedy, music and theatre. There are well known examples of LGBT Jamaicans being at the forefront of artistic creation and promotion however many times these persons are faced with harassment and the contribution of the community is not widely acknowledged. Sadly, there are times when the same forms of expression that are celebrated on stage or on the TV (men being effeminate

violence. This partial acceptance of LGBT persons when they perform for our amusement but dismissal of same in the public space is a classic example of the often times duplicitous approach to LGBT Jamaicans and queerness generally within our culture. This and other cultural challenges should be interrogated and challenged to promote the greater inclusion of all Jamaicans who wish to participate in social and cultural life.

The ability to achieve outcome four of this plan is hindered by these challenges. Dancehall music is widely celebrated as an important feature of the Jamaican culture. As a socio-cultural phenomenon, it has been successful in challenging hegemonic ideas of what women should be and how men should look. However, even with this revolutionary space, dancehall music has regurgitated and promoted several negative cultural values including sexism, homophobia and transphobia.

Within that vein of questioning negative cultural values is the importance challenging ideals of beauty and images of propriety. As a society, we continue to struggle with accepting unmitigated blackness in the form of rules and customs which seek to limit the growth of black hair in formal spaces. These realities highlight the unfortunate hierarchy of European values and the permeation of eurocentrism in our culture. The recycled conversations about the general light-skinned characteristic of our beauty queens and the proliferation of skin-bleaching reinforces a need to have a national conversation about race and the valuing of blackness.

In order to fully achieve the plan for culture under Vision 2030, our society needs more spaces which facilitate and celebrate cultural expression and more opportunities to support those entering into the creative industries.. Our society is problematic in that there is not enough support or our upcoming artists, musicians, deejays and dancers, among others. As we review and develop a new culture policy, there must be greater focus on supporting financially the creative industries through the generation of foreign investments in our cultural development. If we want Jamaicans to choose to work here, the choice to work within the creative industries should be a viable one.

Taking into consideration the aforementioned points, the Gay Agenda envisions a Jamaican Culture in which:

- ✓ Homophobia and Transphobia are acknowledged as a cultural problem
- ✓ Jamaican LGBT sub-culture is acknowledged as being a part of Jamaican culture
- ✓ Jamaican LGBT cultural icons are celebrated regardless of their identity
- ✓ Schools and places of business no longer sanction black persons for growing their hair.
- ✓ Cultural hotspots such as theatres, parks and museums are restored and/or maintained.
- ✓ More funds are allocated by the Government to support persons in the creative industries

LGBT VISION FOR SPORTS & ENTERTAINMENT

LGBT Jamaicans have always faced challenges in entering and surviving within the entertainment industry. Moreover, these challenges are replicated in the field of sports, where there is a constant argument for gender equality within sports and the patronization of career athletes. For the entertainment sector, this has been perpetuated by negative cultural influences which perpetuate a cycle of homophobia and transphobia. This is evident in popular variations of music such as dancehall. LGBT persons also faced with the issue of limited safe spaces for entertainment and this affects LGBT party promoters who develop events specifically designed for the community. On the other hand, the sports sector is impacted by prevailing gender ideologies within the Jamaican society.

The Vision 2030 strategic plan fails to highlight targets for gender equality in sports at the national and educational level and how to actively fund persons who wish to pursue a career in sports. The plan also fails in the entertainment sector where most provisions for the creative sectors relate to intellectual property and the development of the labour force. Nevertheless, the 2011 National Gender Policy for Equality (NPGE), addresses the increase in access to funding for female and male athletes competing in sports and athletics events, which are traditionally dominated by the opposite sex.

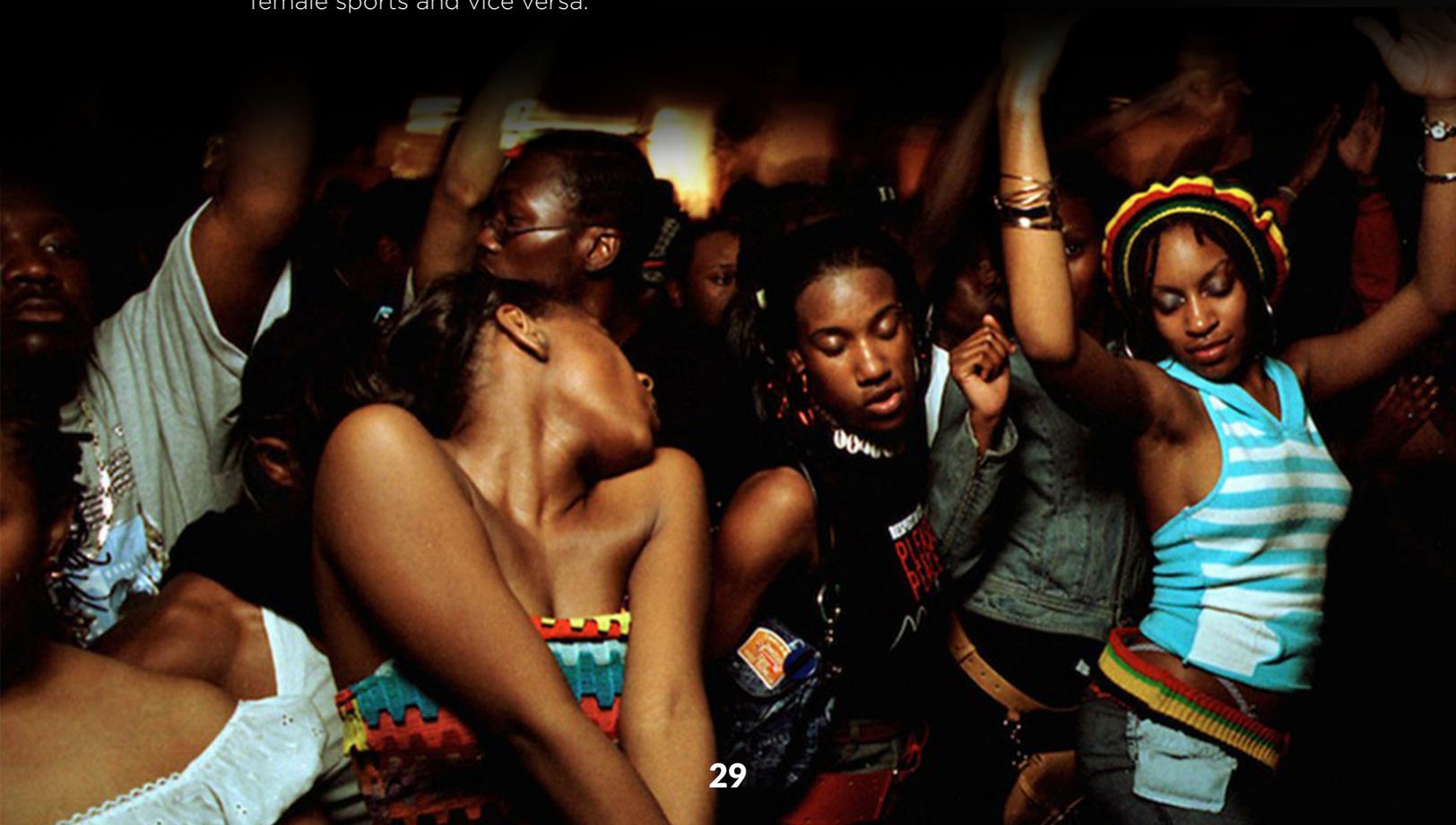


According to the 2012 National Survey of Attitudes and Perceptions of Jamaicans Towards Same Sex Relationships, commissioned by J-FLAG, it would appear that more persons who listen largely to reggae and dancehall possessed more negative attitudes towards same sex relationships. While acknowledging that there has been a significant decrease in the homophobic and transphobic content within Dancehall and Reggae, there is a need for further discussion on the trajectory of the musical forms around reducing lyrical content which promote violence, condemnation, mistreatment and exclusion towards women and other social minorities such as the Jamaican LGBT community. The development of physical safe spaces, inclusive of at least three bars and clubs and the ease of finding venues outside of these spaces by LGBT party promoters need to be a reality.

Equally, the government of Jamaica also should allocate funding to career athletes, who quite often have to seek sponsorship from private entities.

Conclusively, the Gay Agenda envisions an entertainment and sports sector in which:

- ✓ LGBT party promoters have an easier time finding event spaces and face less discrimination when seeking venues
- ✓ There is greater support from the private sector in the form of sponsorships for LGBT-specific events
- ✓ Dancehall continues to challenge gender norms and becomes less homophobic and transphobic
- ✓ LGBT contributors to Dancehall are acknowledged.
- ✓ There are at least 3 clubs/bars which are specifically for the LGBT community.
- ✓ Financial support is provided by both public and private sectors to allow sportsmen and sportswomen to better support themselves and their families while dedicating their lives to a career in Sport.
- ✓ There is an expansion in sports education in secondary schools beyond the traditional athletics, football and cricket.
- ✓ There is greater financial and community-based support for female sporting teams.
- ✓ There is greater community-based support for male teams who play traditionally female sports and vice versa.





Our society needs more spaces which facilitate and celebrate cultural expression and more opportunities to support those entering into the creative industries



GLOSSARY

ALLY	(Noun) Refers to a cisgender, heterosexual person who is supportive of the LGBT community in their push for better treatment in society.
BISEXUAL	(Adj) Describes someone who is sexually attracted to both men & women
BUGGERY LAW	(Noun) Section 76 of the Offences Against the Person Act which criminalizes penis-to-anus penetration, regardless of consent, and bestiality.
CISGENDER	(Adj) Opposite of transgender. Describes persons who identify with the sex assigned at birth. Ex. Doctor said it's a girl and you agree.
CONVERSION THERAPY	(Noun) Any medical, psychiatric and/or spiritual interventions to try to alter an individual's sexual orientation or gender identity.
ENDOCRINOLOGISTS	(Noun) This is a medical professional who specializes in hormone treatment
GAY	(Adj) Describes a person, usually a man, who is exclusively or predominantly sexually attracted to someone of the same gender
GENDER	(Noun) Refers to the social roles, norms and expectations associated with being male or female. (Sometimes used as short form for gender identity)
GENDER AFFIRMING SURGERIES	(Noun) Refers to surgical operations undertaken so that a trans person may have their bodies reflect their gender identity ex. vaginoplasty
GENDER DYSPHORIA	(Noun) Refers to the condition of emotional and psychological discomfort, disassociation and sometimes distress with one's sex assigned at birth. Can lead to depression, anxiety and other issues.
GENDER EXPRESSION	(Noun) Refers to how a person expresses their gender identity, through appearance or behavior, often on a scale of masculine or feminine.
GENDER IDENTITY	(Noun) Refers to how person sees themselves, whether as a man, woman, neither, both or another gender. This may or may not align with the sex assigned at birth.

GENDER NEUTRAL	(Adj) Not being specific to any particular gender. Applies to all regardless of gender expression.
GENDER NON-CONFORMING	(Adj) Broad term describing persons who do not identify or express their gender identity in ways that conform to social norms.
GENDER RECOGNITION LAWS	(Noun) Refers to laws which allow - to varying degrees - persons to legally register a change of sex on national identity documents.
HOMOPHOBIA	(Noun) An irrational fear or dislike of persons who are homosexual. This often includes perpetuating negative stereotypes.
HORMONE REPLACEMENT THERAPY	(Noun) Refers to the process of introducing and (in some cases, reducing) specific hormones within the body so that an individual's body may reflect their gender identity
LBT WOMEN	(Noun) Acronym describing lesbian, bisexual and transgender women
LESBIAN	(Adj) Describes a woman who is exclusively or predominantly sexually attracted to women.
LGBT	(Adj) Describing the collective community of lesbian, gay, bisexual and transgender persons
LGBT INCLUSIVE	(Adj) Describing laws, policies and modes of practice which, explicitly or implicitly, take into account the existence, experiences and challenges faced by LGBT persons.
MISGENDER	(Verb) Intentionally or inadvertently referring to a trans person using the incorrect pronouns or their given name on the basis of one's assumption about their gender.
PERSON OF TRANS EXPERIENCE	(Noun) A broad term to describe persons in the transgender and gender non-conforming community regardless of the state of transition
QUEER	(Adj) (Formerly pejorative) A broad term used to describe persons, whether or not they are LGBT, actions and expressions which do not conform to dominant ideas about gender and sexuality.
SEXUAL ORIENTATION	(Noun) Refers to an enduring emotional, romantic or sexual attraction to a category of persons.

TRANSGENDER	(Adj) Opposite of cisgender. Describes persons who identify a gender that does not align with the sex assigned at birth. ex. Doctor said it's a girl and you don't agree.
TRANS-INCLUSIVE	(Adj) Describing laws, policies and modes of practice which, explicitly or implicitly, take into account the existence, experiences and challenges faced by persons of trans experience.
TRANSPHOBIA	(Noun) An irrational fear or dislike of persons of trans experience. This often includes perpetuating negative stereotypes.
TRANS-SENSITIVE	(Adj) Describing laws, policies and modes of practice which are responsive to the specific needs and realities of persons of trans experience, paying keen attention to their health, safety and security.

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