

Jamaica: Combat Homophobia
By: Human Rights Watch
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(New York) – The Jamaican government should repeal the anti-buggery law and protect people from discrimination based on their sexual orientation or gender identity, Human Rights Watch said today in a letter to Prime Minister Portia Simpson-Miller of Jamaica.

The Jamaican media reported two homophobic incidents in June 2012 in which violence was threatened or used to injure innocent civilians, simply because they were suspected of being homosexual. On June 21, in Jones Town, Kingston, the police had to intervene as an angry crowd gathered in front of a house where five homosexuals were staying as reported on CVMTV News (3:15-5:35 of the footage).

“Homophobia is so bad that human rights defenders advocating the rights of LGBT people are not safe in Jamaica,” said Boris Dittrich, advocacy director in the Lesbian, Gay, Bisexual, and Transgender (LGBT) Rights Program at Human Rights Watch. “Jamaica needs to act now on its international obligations to prevent discrimination on the basis of sexual orientation and gender identity.”

Jamaican nongovernmental organizations have pressed the Jamaican government for years to repeal the anti-buggery law and to pass anti-discrimination legislation to protect LGBT people. According to Section 76 of the Jamaican Offences Against the Person Act of 1864, a maximum sentence of 10 years can be issued for the committing the crime of buggery.

Simpson-Miller made a courageous stand before she took office in January, speaking out against discrimination on the basis of sexual orientation and gender identity and suggesting a review of Jamaica’s anti-buggery law, Human Rights Watch said. During the leadership debate she also indicated a willingness to review the country’s buggery laws.

Homophobic threats, including death threats, caused one of the most outspoken campaigners for the rights of LGBT people, Maurice Tomlinson, to flee Jamaica in January. He told Human Rights Watch and the Inter American Commission that he had asked police in Montego Bay to protect him, but that the police officer in charge responded by saying, “I hate gays, they make me sick.”

He fled to Canada, where he received two more death threats by email, in February and March. Upon the request of the former assistant police commissioner, he returned briefly to Kingston for the investigation, but the police have not followed up with him.

“It is a shame that such a prominent LGBT human rights defender has been compelled to seek safety elsewhere,” Dittrich said. “The government’s failure to comply with international human rights standards while public officials like the police officer in Montego Bay look the other way when hate crimes are committed leaves LGBT people vulnerable and unprotected in their daily lives.”

In 2004 Human Rights Watch published a report about the treatment of people living with HIV/AIDS and the situation for LGBT people in Jamaica, “Hated to Death: Homophobia, Violence, and Jamaica’s HIV/AIDS Epidemic.” The report, which documented a grim landscape of human rights abuses against LGBT people, was undertaken at the behest of local Jamaican advocacy organizations.

Since the Human Rights Watch report, attacks on homosexual people or people perceived as being homosexual or transgender appear to have remained commonplace, Human Rights Watch said.

Jamaica is a party to a number of international human rights treaties, but does not live up to those standards, Human Rights Watch said. The Organization of American States (OAS), of which Jamaica is a member, adopted five resolutions between 2008 and 2012 condemning “acts of violence and human rights violations perpetrated against individuals because of their sexual orientation and gender identity,” and urging states “to adopt the necessary measures to prevent, punish, and eradicate” discrimination.

The protection of lesbian, gay, bisexual, and transgender people is part of Jamaica's binding obligations under international law and standards, which prohibit discrimination on the basis of sexual orientation. The International Covenant on Civil and Political Rights (ICCPR), which Jamaica ratified without reservations in 1975, affirms the equality of all people in articles 2 and 26. Likewise, the United Nations Committee on the Rights of the Child, the international body of experts that monitors compliance with the Convention on the Rights of the Child (CRC), to which Jamaica acceded without reservation in 1991, has affirmed that all children are entitled to protection against discrimination on grounds of sexual orientation.

"We call upon Prime Minister Simpson-Miller to act swiftly and to bring Jamaica's laws and policies in line with international human rights standards, in particular as they relate to the rights of LGBT people," Dittrich said. "We encourage the prime minister to publicly and unequivocally affirm that all Jamaicans, including LGBT people, will be equally protected by the law, the state, and all its institutions and that no discrimination will be tolerated."

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