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Fifty Years without the Liberty to Love

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By J-FLAG and Amnesty International

Jamaicans have an enviable record worldwide as being very loving people. However, this lovingness comes with some distinctions. In years gone by, one group of people were treated differently on the basis of the colour of their skin, their nationality and their origin. Today, some persons are treated differently because of whom they love.

Intolerance is replete across Jamaica and regrettably is seemingly a way of being. For far too long Jamaicans have ignored, encouraged and institutionalised discrimination against people without realising that the country could be enriched if they reach out to all citizens, enshrine the dignity of them all and respect/celebrate the diversity among them. This year, Jamaica's fiftieth anniversary of independence is the perfect opportunity to be on the right side of history in addressing the issue of the human rights for all, for a stronger Jamaica, nationally and internationally.

The laws of Jamaica, have for too long now, singled out for punishment one group of people on the basis of their sexual orientation alone. These laws have been used to justify the arbitrary arrest, detention and even torture of individuals who are suspected of being gay, lesbian, bisexual or transgender person. They also send a message to the entire population that discrimination, harassment and violence against people who are, or who are perceived to be, 'different', is okay. As a result, lesbian, gay, bisexual and transgender persons face disproportionately high levels of discrimination when accessing healthcare, housing, employment and other services. The perpetrators of the vast majority of these crimes are allowed to walk free with little or no investigation occurring when these incidents are reported to the police.

The root of the justification for continued discrimination is that human rights do not apply to sexual orientation, and that the rights of LGBT individuals are fringe, special interest, or 'Western' rights, not compatible with Jamaican religious and cultural values. Understandably, people are not entitled to their own religious, cultural and moral beliefs. However, these beliefs cannot be used as a justification for differential treatment, for

intolerance, violence or the criminalisation of intimacy between adults based on whom they love. LGBT persons have the right not to be discriminated against on the basis of sexual orientation; the right to equality before the law; the right to privacy; the right to health; the right to life, liberty and security of the person; and the right to be free from torture and inhuman treatment.

Today, as the world celebrates the International Day against Homophobia, J-FLAG and Amnesty International encourage Jamaicans to help in protecting and respecting human rights of all its fellow Jamaicans, regardless of sexual orientation and gender identity. The Prime Minister's condemnation of discrimination based on sexual orientation in December 2011 has heartened many Jamaicans. Additionally, people around the world who are outraged by the situation of discrimination, violence and disdain faced by lesbian, gay, bisexual and transgender people in Jamaica have welcomed her stance on the issue.

Now is the time to ensure all Jamaican citizens are effectively protected from violence, harassment and persecution. Everyone should ensure that their political representatives understand the critical need for Jamaicans to live in a safe, cohesive and just society. However, for this to translate into concrete legislative and policy measures, Jamaicans have to support human rights organisations in ensuring that distinctions in the constitution are amended and removed.

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