

# THE QUEER AGENDA



A comprehensive framework for LGBTQ+ rights and advocacy in Jamaica

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# TABLE OF CONTENTS

4

**WELCOME TO THE QUEER AGENDA**

5

**MESSAGE FROM THE EXECUTIVE DIRECTOR**

6

**SECURITY & JUSTICE**

8

**FAMILY LIFE**

10

**HEALTH**

13

**EDUCATION & TRAINING**

17

**HOUSING & SOCIAL SECURITY**

21

**EMPLOYMENT**

23

**TRANS AND GENDER  
NON-CONFORMING PERSONS**

26

**CULTURE AND ENTERTAINMENT**

29

**GLOSSARY**

# WELCOME TO THE **QUEER AGENDA**

Over five years ago, we presented the Gay Agenda. Historically, the term 'gay agenda' was used as a slur to misrepresent the community by suggesting we had sinister intentions. Our choice to use Gay Agenda as the title of this manifesto was deliberate as we sought to dispel the negative narratives and stereotypes associated with the LGBTQ+ community. In this iteration, the manifesto is now the Queer Agenda as a clear indication of its inclusiveness of the different identities that make up the LGBTQ+ community. The Queer Agenda, in no uncertain terms, articulates our vision for what an LGBTQ+ inclusive society would look like and proposed practical steps that could be taken to achieve this.

While some of these negative narratives persist, there has been a steady and progressive shift in the perceptions and attitudes of the general public towards LGBTQ+ people with our 2023 Knowledge, Attitudes and Perception (KAP) Survey seeing tolerance levels moving from 15% to 17%, acceptance from 4% to 8%, while support moved from 1% to 3% since the previous KAP survey was done in 2018.

The same KAP survey found that while the majority (48%) do not support a change to the Buggery law that would allow for consensual sex between adults in private, regardless of whether they are males or females, almost two in every five people (38%) support a change.

Outside of the retention of the buggery law which helps perpetuate the stigma and discrimination against LGBTQ+ Jamaicans, there are still glaring gaps which leave LGBTQ+ Jamaicans unprotected on the legislative front, particularly the absence of discrimination prohibiting all forms of legislation. This has a negative impact on the lived realities of LGBTQ+ Jamaicans, specifically security and justice, family life, health, education and training, housing and social security, employment, trans and gender non-conforming persons and culture and entertainment.

These areas of focus have been validated throughout the 2024 Needs Assessment Survey carried out among 320 LGBTQ+ Jamaicans, which gathered information about their quality of life, experiences, goals, relationships, political aspirations and relationships with the environment.

The Agenda does not seek to be the final representation of all the desires, interests and hopes of the local LGBTQ+ community nor does it claim to be the views of all LGBTQ+ Jamaicans. Rather, it is the starting point of community-driven narratives around issues affecting them.



# Message from the **EXECUTIVE DIRECTOR** *Glenroy Murray*

When the Gay Agenda was developed and published in 2018, the rights of LGBTQ+ Jamaicans were seen as new and interesting and stakeholders had an open mind as we sought to repackage ourselves not as a community defined by the sex that we have, but as a section of the Jamaican population that had largely been underserved by this country's laws and institutions because of how different we were. There was a genuine curiosity among people in Government and private sector in understanding what the real interests of the LGBTQ+ community were. Our recommendations were wide and far-reaching. We wanted a country whose laws protected us, whose institutions were equipped to support us and whose population were willing to listen and learn from us.

We used the Gay Agenda as our guiding light for the next six years of our work. We were able to implement major projects aimed at making health, social protection and other government services more responsive to our needs. We pushed for law and policy reform wherever we could. We were represented on national boards and committees. We conducted ground-breaking research which sought to situate the needs and experiences of Jamaican queer people in several facets of life. At the end of this, we were able to get to a place where one in three Jamaicans have a tolerant or positive attitude towards us.

We have an inclusive National Youth Policy, and continued monitoring of public health services have shown that the sector is safer for queer people. Even as we navigated the COVID-19 pandemic and its restrictions, we emerged out of it into a surge of community visibility, with newer organisations and collectives emerging as champions for equality and community safety.

While there is much to be proud of, as the walls at the re-established Rainbow House can attest, the reality is way more sobering. Jamaica continues to criminalise consensual same-sex intimacy between adult men, fails to adequately protect against discrimination in all its forms and has made little effort to rectify the myriad of gaps in our laws and policies that treat the LGBTQ+ community as second class citizens. Even more troubling is the reality that as a community, we have become complacent.

The small wins and the few safe spaces that we huddle in seems to have made us lose sight of the reality that one in three LGBTQ+ faces displacement; or that over eighty per cent of us have faced violence at some point in our lives. And as we have become complacent, the minds and hearts that were once open have been closing whether through fatigue, negative experiences or as part of the overall shift in attitudes globally towards advocacy for LGBTQ+ persons.

Seven years later, we still have much and more to achieve as a community and we cannot do that by resting on our laurels, especially since the support we once enjoyed has been waning for at least three years. The "Queer Agenda" is not merely a document of our hopes and dreams that we can ignore once we take two steps forward. It is a checklist of unaccomplished milestones that are essential for the lives of all of us, not just a few, to improve. As borders close around us, with rising anti-immigration sentiment, our community has no promise land to escape to. We must make Jamaica the country we want it to be for us to thrive and the Queer Agenda is both your reminder and your roadmap for making that happen. It will take all of us, so it's time to lock in!





# SECURITY AND JUSTICE



Since the publication of the Gay Agenda, LGBTQ+ Jamaicans still struggle with feeling secure in their homes, communities and the wider Jamaican society, due to the reality of widespread and multi-layered homophobia and transphobia. Over the last five years, there have been no legislative changes to address the stigma and discrimination faced by the LGBTQ+ community, despite efforts by Parliament to review provisions in law such as those contained in the Offences Against the Person Act and Sexual Offences Act and a 2022 call by a Government Senator for comprehensive anti-discrimination legislation. The legal system continues to, on one hand, criminalise 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.

Data coming out of the EFAF-commissioned 2024 Needs Assessment Survey is evidence of this reality. Among the 320 LGBTQ+ Jamaicans surveyed, some 83% of them had experienced some form of violence in their lifetime with verbal assault accounting for 62% of responses and physical attacks being experienced by nearly 40% of respondents.

Between 2011 and 2024, EFAF collected at least 700 unconfirmed human rights violation reports, ranging from violations to the right to life to the right to freedom from discrimination. Of the reports received, there were 226 instances of physical assault, while there were 158 reports of verbal assault.

Only 21% of LGBTQ+ Jamaicans in the Needs Assessment who experienced violence indicated that they made a report whether to the police or otherwise. Of the 79% of participants that did not report the incidents of violence, it was noted that they believed there would be no positive outcome or solution brought for the incident.

Many participants also indicated that did not report due to fear of being outed, victimized again or harmed for reporting also; shame associated with reporting the attack.

These reporting figures are significantly lower than those gleaned from the 2019 Crime Victimization Survey, where one-third of incidents (33.3%) of household crimes were unreported because the victim did not think it was serious enough to report, while 25.6 per cent thought the police would not have done anything and 19.8 per cent believed they could handle the incident on their own. For personal crimes, 34.0 per cent of incidents were unreported because the victim did not think it was serious enough while 23.5 per cent thought they could deal with the incident on their own.



In a 2024 study, 'Securing Justice' commissioned by EFAF, it was revealed that over 90% of police responding were knowledgeable of their JCF Policy on Diversity. However, persistent stereotypes about the LGBTQ+ community and inconsistent implementation among members of the force, meant that over half of the LGBTQ+ respondents experienced discrimination when making reports to the police.

These statistics highlight the need to restore confidence in the justice system so that LGBTQ+ 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 LGBTQ+ persons exist need to be more protective of their rights.

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 LGBTQ+ community.

In light of the continued challenges outlined above and the lack of legislative progress in addressing them, we again recommend to the Jamaican government to:

- Enact a comprehensive anti-discrimination law to prohibit all forms of discrimination, namely on grounds of sexual orientation, gender (including gender identity), marital status, disability and health status
- Ensure that cases of violence against lesbian, gay, bisexual and transgender persons are thoroughly investigated, that the convicted perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that the victims have access to effective remedies
- Decriminalize consensual sexual relations between adult men.
- Introduce and implement monitoring mechanisms to ensure favourable policies, such as the JCF Policy on Diversity, are implemented consistently and make GOJ services accessible and responsive to the needs of vulnerable groups.



# FAMILY LIFE



A number of factors continue to impede LGBTQ+ Jamaicans from fully participating in the joys of family life. While some progress has been made in advancing the rights of children, lack of amendments to our various family laws over the years means the current legal and policy framework in Jamaica continues to be minimal in its recognition of same-sex relationships and the protections afforded to LGBTQ+ couples.

National outcome four of the national development plan 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.

Laws such as section 2(1) of the Property (Rights of Spouses) Act (PROSA) and section 2 of the Maintenance Act both define spouse as include “a single woman who has cohabited with a single man as if she were in law his wife for a period of not less than five years” and “a single man who has cohabited with a single woman as if he were in law her husband for a period of not less than five years”. The Domestic Violence Act (DVA) defines spouse slightly differently not requiring either party to be single or require cohabitation.

These laws are protected by section 18(1) of the Constitution, which makes it impossible to challenge these laws constitutionally even though they breach the right to equality before the law. PROSA, the DVA and the Maintenance Act treat LGBTQ+ persons differently and disadvantageously because their unions are not recognized, resulting in their exclusion.

Section 18(2) of the Constitution states that “no form of marriage or other relationship referred to in subsection (1), other than the voluntary union of one man and one woman may be contracted or legally recognized in Jamaica”. This has not yet been examined by the Court, however, careful analysis of the provision suggests that Parliament is not barred from amending laws conferring rights on unmarried same-sex couples if they so wish.

Outside of these acts, it is also crucial to note that this affects the ability of LGBTQ+ persons to adopt as only married couples can adopt as a pair. It is no question that the current state of the laws give rise to complications regarding their family arrangements. As a result of this exclusion, they are left to work out these legal issues outside of court because the laws which are applied in the courts would not provide justice for them. Although national outcome three of Vision 2030, speaks to promoting family responsibility and community participation for the protection of vulnerable groups, provisions for LGBTQ+ youth are not explicitly stated.

According to the legal review, Diversifying LGBT Rights Advocacy, the Child Protection and Family Services Agency (CPFSA) 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. This is still true today.

Previously, “uncontrollable child” provisions within the Child Care and Protection Act (CCPA) justified the displacement of LGBTQ+ minors by bringing them before the court and remanding them in custody. Parents could claim not being able to control their children’s expression of their sexual orientation and gender identity.

This was changed in 2023 when the Parliament of Jamaica amended the “uncontrollable child” provisions of CCPA, now providing for a parent or guardian who believes that the child is exhibiting behavioural challenges to first access support through the CPFSA, rather than bringing the child before the court.

This is a step in the right direction in ensuring that LGBTQ+ youth get the support they need from their family by preventing temporary displacement when their sexual orientation is disclosed.

In the meantime, parents should also be advised with information that can help them to support their LGBTQ+ 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 LGBTQ+ children.

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

- 📍 Parents are equipped with information to support and guide their LGBTQ+ children.
- 📍 The police, as an agent of the state, support families with LGBTQ+ children who are threatened by their communities negatively.
- 📍 LGBTQ+ 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



Health of LGBTQ+ people have over last four decades focused heavily on the HIV/AIDS epidemic. However, in recent times other aspects of health such as mental health and non-communicable diseases (NCDs) have gained more attention as a more holistic to approach to LGBTQ+ healthcare is undertaken. NCDs, for example, have become a major health concern in Jamaica, surpassing infectious diseases as the leading cause of morbidity and mortality.

An EFAF-commissioned study examining the prevalence of NCDs in Jamaica's LGBTQ+ population found that stigma and discrimination have a negative impact on the health-seeking behaviour of LGBTQ+ Jamaicans with risk factors such as a lack of exercise and unhealthy eating were associated with experiences of homophobia and transphobia. The lack of physical activity, for example, is associated with the need to avoid public spaces or gyms and thereby reduce public scrutiny and to avoid discrimination.

The study also found that LGBTQ+ individuals face an elevated risk of various NCDs, including diabetes, hypertension, stroke, heart attack, obesity, high cholesterol, arthritis, asthma, and depression due to the higher prevalence of tobacco, marijuana, and alcohol use among LGBTQ+ individuals, with specific patterns observed among lesbian, bisexual or queer women.



With most public health interventions targeting the LGBTQ+ community focused on HIV and other STIs, very little attention has been paid to the other health issues faced by lesbian, bisexual, or queer women, and transgender men, thereby contributing to inadequate health-seeking behaviour by LGBTQ+ persons.

Data about the LGBTQ+ community is also absent from the Jamaica Healthy Lifestyle Surveys, which aim to provide up-to-date estimates of Jamaica's health status across the leading public health issues. The surveys look at NCDs such as diabetes and other public health issues such as mental health and substance abuse. The survey currently does not capture sexual orientation and gender identity and expression (SOGIE) information, leading to a gap in data about the burden of NCDs on the Jamaican LGBTQ+ community.

In mental health care, the situation is similar. In an Audit of Mental Health and Psychosocial Support Services and Needs for LGBTQ+ Persons in Jamaica conducted by EFAF in 2021, 63% of LGBT persons accessed mental health services, however, only 36% of those persons feel that their healthcare providers are sensitive to their needs as a member of the community. The community also noted several barriers that prevent them from accessing mental health services, chief among them concerns that services may not be LGBTQ-friendly (expressed by 60% of LGBTQ+ who access mental health services). Affordability of services also remains a barrier for 51% of the community, followed by fear of discrimination and negative attitudes at 48%.

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, LGBTQ+ Jamaicans often face barriers and challenges to accessing health services.

For trans people, their access to healthcare is even more so a concern. A Health Needs Assessment of the 'lived experiences' of trans Jamaicans found that 25% of trans people reported barriers to accessing health care in public and private facilities. This lack of access is compounded by the very limited data that exist in Jamaica on the health of the trans community with most of the focus of the health needs of the trans community generally being on transgender women as a key population for HIV prevention, treatment, care and support, supported by international and donor agencies.

Apart from the HIV prevention, treatment, care and support focused efforts to reach the trans community, there are no services with trans-specific health programmes or medical interventions in the public health sector.

The Ministry of Health and Wellness 876 Study in 2017, which provides data on the prevalence of HIV among men who have sex with men (MSM) and transgender women, also found that indicators of unmet psychosocial and mental health needs were high among transgender women. Almost 75 percent had suggested mild to severe anxiety and depression and almost 50 percent of transgender women stated that they had thoughts about harming themselves in the 12 months prior to the study.

Almost one-third of Transgender Women were considered hazardous drinkers. The study found that over one-fifth of transgender women had tried to harm themselves in the six months prior to the study, indicative of levels of unresolved mental stress in this population.

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

- Data related to NCDs is improved by incorporating questions on sexual orientation and gender identity.
- NCD-specific care is integrated into health services delivered to LGBTQ+ communities. Stigma and discrimination faced by the LGBTQ+ 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 are regulated and accessible to same-sex couples
- Anal health care is a part of sexual and reproductive health information



# Education & Training

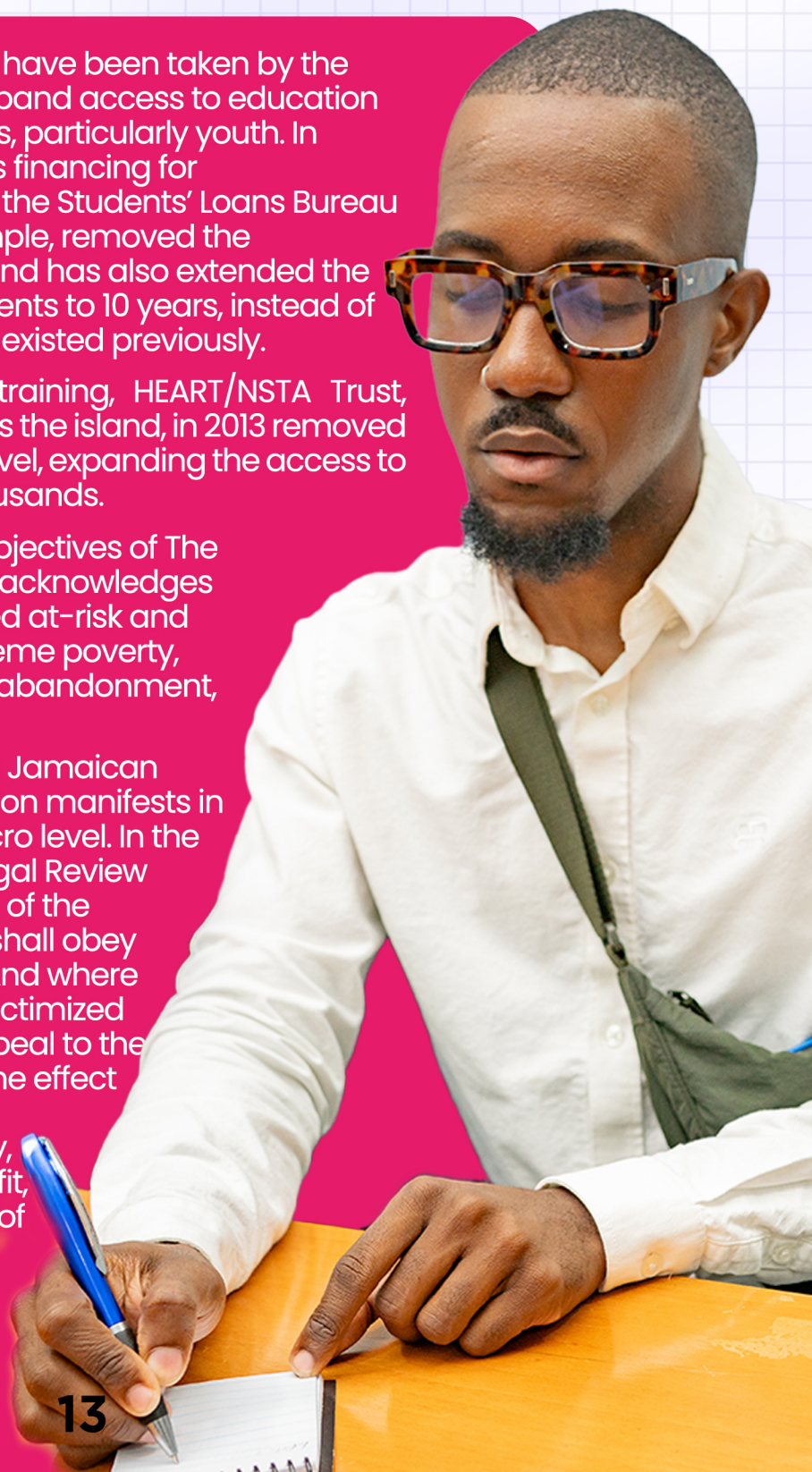


Over the last few years, steps have been taken by the Jamaican Government to expand access to education and training for all Jamaicans, particularly youth. In terms of being able to access financing for college/university education, the Students' Loans Bureau in the last two years, for example, removed the requirement for guarantors and has also extended the loan repayment period for clients to 10 years, instead of the seven and five years that existed previously.

For persons interested in vocational training, HEART/NSTA Trust, which provides this kind of training across the island, in 2013 removed tuition fees up to the associate degree level, expanding the access to vocational training opportunities for thousands.

These are positive steps in fulfilling the objectives of The National Youth Policy 2017 – 2030, which acknowledges that many young persons are considered at-risk and vulnerable with their experiences of extreme poverty, crime and violence, neglect, abuse and abandonment, limiting their growth.

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. 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". The effect of this is that school administrations exercise an inordinate level of autonomy, making and enforcing rules as they see fit, with little ramifications from the Ministry of Education.



One case of this occurred in April 2024, where the principal of St. James High School allegedly expelled two female students over a video of them kissing. This was done without due process and in violation of their right to education. Schools being able to take adverse actions against students like this without consequences, creates a problem for LGBTQ+ 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.

In the 2024 LGBTQ+ Jamaicans Needs Assessment Survey by EFAF, nearly 40% of the 320 respondents experienced bullying in school based on their sexual orientation and gender identity. This is not helped by inaction by teachers, who in 27% of cases did not help when they were made aware of cases of bullying.

High school was noted as the major institution where bullying occurred for most respondents (52%). From the sample, 25% indicated that they experienced bullying at primary school. For respondents who selected 'other' the bullying mostly occurred at vocational institutions. These findings align with the 2019 survey where 88% of people were bullied at high school and 14% were bullied at university (undergraduate) level. However, the number of people reporting bullying at primary and junior secondary school increased notably from 30% to 40% and from 7% to 16% respectively.


A significant majority of respondents felt that the school curriculum did not adequately address the needs of LGBTQ+ students. In 2019, 79% of respondents expressed this sentiment, while in 2024, the percentage increased to 84%. Conversely, only a small fraction of respondents felt that the curriculum adequately met the needs of LGBTQ+ students, with 3% in 2019 and 7% in 2022. Interestingly, in 2022, it was noted that respondents who believed the curriculum fell short were primarily educated in both urban and rural areas, indicating a widespread perception of inadequacy across different educational settings.

Discriminatory policies adopted by schools as well as the absence of or failure to implement anti-bullying policies which acknowledge homophobic attitudes ensures LGBTQ+ youths are not afforded the privilege of existing in safe spaces in educational institutions.

It is therefore imperative that the following steps be taken to address these issues:

- 🔍 Homophobic and transphobic bullying will be explicitly banned and punished.
- 🔍 Health & Family Life Education will be LGBTQ+ 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 LGBTQ+ Jamaicans to nation-building is highlighted at the secondary and tertiary level.





“It would mean that I would finally be living on an island that has contended with the longstanding legacies of colonialism and its effects on all of us. It would mean that every lane, every town, every parish from coast to coast would be a place where any of us can live and contribute to the welfare and the beautiful future of this island, without fear, without hesitation.

- *Jovanté Anderson*

# Housing & SOCIAL SECURITY

Access to adequate housing and provision of social security are very important for LGBTQ+ individuals who face high levels of homelessness and are often subjected to discrimination. While Jamaica has, through pieces of legislation and increased allocation of funds to social programmes, attempted to improve the situation for Jamaicans, the piecemeal approach leaves glaring gaps, ultimately limiting people's ability to enjoy their right to adequate standard of living.

For instance, individuals who are homeless are not necessarily able to enjoy an adequate standard of living, which includes adequate food, clothing and housing, and to the continuous improvement of living conditions. The right to adequate standard of living is guaranteed by the International Covenant on Economic, Social and Cultural Rights (ESCRs) and Jamaica who is a party state to the covenant is expected to take appropriate steps to ensure the realization of this right.

The 2024 Needs Assessment found that one in three (34%) LGBTQ+ persons experienced homelessness at some point in their lives, up from 21% in 2019. The same survey found that while 62% of respondents indicated that they were regularly able to meet their basic needs, without support from someone else, 22% of respondents were only occasionally able to meet their basic needs without someone else's help while 16% were rarely or never able to meet their basic needs without external support.





The Jamaican government has been taking steps to increase the number of facilities that serve the homeless population. Currently, there are 11 drop-in facilities, 7 transition facilities and four (4) night shelters currently being operated by the relevant Ministry or municipal corporations. However, this still not enough to serve the homeless population.

This situation is exacerbated by the legal situation where Jamaica's legislative framework fails to offer protection of ESCRs for all its citizens. It does not provide any protection for people suffering from underemployment; low remuneration; poor working conditions; exploitation, discrimination, and violation of associated rights; lack of representation and dialogue; lack of work security and professional mobility; lack of access (physical, technological, and informational); and lack of social security provisions.

A Legal Analysis of the Economic, Social and Cultural Rights Landscape in Jamaica commissioned by EFAF identified several gaps in social protections. It pointed out that there are a number of legislation specific to social protection schemes such as the Pensions Act and the National Insurance Act. Despite LGBTQ+ persons in same-sex relationships do not fall within the rubric of these schemes.

This lack of recognition suggests that Jamaica doesn't have social benefits targeting the specific challenges faced by vulnerable and marginalised communities.

The National Policy on Poverty and National Poverty Reduction Programme aims to provide a "framework for addressing poverty, inclusive of principles, vision, goals, objectives, strategies, institutional and monitoring and evaluation frameworks."

In a policy brief analysing the policy and associated programme, Dr. Maziki Thame pointed several challenges, highlighting that it emphasizes institution building, rather than the protection of people. While the policy points to the right of every citizen to have access to basic social services in order to have his/her basic needs met, it delegates that responsibility to government and its partners. The effect of this, she says, is the state has placed limitations on itself in providing social safety nets and basic needs are not therefore generally seen as the "right" of all Jamaicans."

With the above-mentioned being barriers to LGBTQ+ Jamaicans being able to enjoy their right to housing and have social protection, the Queer Agenda imagines a Jamaica where:

➤ An increase in the number of facilities that serves the homeless, particularly in the Corporate Area which has the highest incidence of homelessness

➤ The Social Protection Strategy is revised to look at the vulnerability of minority groups including LGBTQ+ 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 LGBTQ+ 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 discriminatory evictions based on tenant's characteristics such as sexual orientation or gender identity.

➤ All the Government services for the poor and vulnerable are adequately advertised and promoted.





“ This country that I live in means a lot to me. I'd even say that I possess a healthy amount of patriotism enough to have zero dreams or wishes to migrate and goals of dedicating my life's work to its development. As someone who is both very lesbian and very patriotic, it is my dream that within my lifetime I will experience a Jamaica that respects the rights and well-being of people within my community. That one day, the country we love will love us back.

- *Passenaë Saunders*

# Employment

The prevailing attitudes within the society which foster transphobia and homophobia remains entrenched within our social, economic, legal and cultural structures. LGBTQ+ 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 LGBTQ+ persons especially as it relates to the workforce.

In the last iteration of this agenda, we called for harassment in the workplace to be banned and punished, especially sexual harassment. Since then, the government has sought to address workplace based sexual harassment through the Sexual Harassment (Protection and Prevention), 2021. However, this specifically addresses sexual harassment and not other forms of harassment experienced by LGBTQ+ people.



This failure to address sexuality-based discrimination in Jamaica has been costly. In 2019, the Caribbean Policy Research Institute published a study on The Economic and Societal Costs of Sexuality-based Discrimination in Jamaica. It found that discrimination against LGBTQ+ persons, only in terms of lost economic output and excess government expenditure due to exclusion in employment and health disparities, could be costing Jamaica US\$79 million annually.

The EFAF-commissioned ESCR Legal Analysis points out that there is no legislation which speaks to the protection of all workers from discrimination in terms of access to employment, retaining jobs, promotions, or protection from harassment at work. While steps have been taken to have policies, which address the protection of vulnerable groups such as persons living with HIV, sexual orientation and gender identity discrimination in the workplace is not consistently prohibited.

This translates into over one-third of LGBTQ+ persons saying they have had a negative experience in the workplace due their sexual orientation and gender identity. In the case of verbal abuse or harassment and discrimination, co-workers were the most likely perpetrators at 13% and 17% respectively, they were also the most likely perpetrators of violence (4%). Verbal abuse or harassment and discrimination were the most prevalent negative experiences across perpetrator categories.

The LGBTQ+ community imagines a Jamaica where:

- 📍 Men and women receive equal pay for equal work
- 📍 There are laws which prevent all forms of discriminatory treatment in hiring, firing and promoting
- 📍 There should be mandatory sensitization of staff on the harmful impact of discrimination and harassment
- 📍 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

# Trans and Gender Non-Conforming Persons



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 bathrooms in public facilities by installing single-stall gender neutral restrooms to support safe public spaces for the trans community. A vision for persons of trans experience means 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 the workplace, culture, education, and all other spheres. Catering to the health and wellness needs of the transgender and gender non-conforming community is a sign that Jamaica is committed to goal one of Vision 2030.

The Queer Agenda seeks to achieve a society which supports the needs of trans and gender non-conforming 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
- Provides access to single-stall 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



QUEEN

2001

SPORT

25

# Culture and Entertainment

“Out 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 LGBTQ+ Jamaicans and the ways in which they have contributed to development of Jamaican art, music, dance, theatre and the advancement of our culture. Additionally, LGBTQ+ Jamaicans have always faced challenges in entering and surviving within the entertainment industry.

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. LGBTQ+ 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 LGBTQ+ 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) are vilified in public life.

This partial acceptance of LGBTQ+ 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 LGBTQ+ 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. While some of its more violent rhetoric towards the LGBTQ+ has noticeably declined, more support is needed for those artistes both inside and outside of the LGBTQ+ community, who are interested in using dancehall and other music forms to tell our stories and the complexities of life in Jamaica for its queer community.

Within that vein of questioning negative cultural values is the importance challenging ideals of beauty and images of propriety. In the infamous case involving ZV (a minor) and her parents who wear their hair in a locked style, ZV's was effectively denied access to education by virtue of the school's policy of "no braids, no beads, no locking of hair." This is a clear example that 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.

LGBTQ+ persons are also faced with the issue of limited safe spaces for entertainment, and this affects LGBTQ+ party promoters who develop events specifically designed for the community.

The Queer Agenda imagines a Jamaica society where:

#### **Culture:**

- 📍 Homophobia and Transphobia are acknowledged as a cultural problem
- 📍 Jamaican LGBTQ+ sub-culture is acknowledged as being a part of Jamaican culture
- 📍 More Jamaican LGBTQ+ 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

#### **Entertainment:**

- 📍 There is greater support from the private sector in the form of sponsorships for LGBTQ+ specific events
- 📍 Dancehall continues to challenge gender norms and becomes increasingly less homophobic and transphobic
- 📍 LGBTQ+ contributors to Dancehall are acknowledged.
- 📍 There are at least 3 clubs/bars which are specifically for the LGBTQ+ community.



# 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

**LBT WOMEN**

(Noun) Acronym describing lesbian, bisexual and transgender women

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**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.

# JOIN

# THE QUEER AGENDA



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