

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.



JAMAICA



Population: 2.8 million



Stonewall Global Diversity Champions: 13



THE LEGAL LANDSCAPE

Stonewall uses broad legal zoning to group the differing challenges faced by organisations across their global operations.

Jamaica is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

To help put this into context, it is important to note that two further zones exist:

In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation.

In Zone 2 countries, sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The rights to **freedom of expression, association and assembly** are protected under Sections 13 (3) (c) and (e) of the Constitution.

There are **no LGBT-specific restrictions or additions** to these rights.

FAMILY AND RELATIONSHIPS

Anal sex is **illegal** under Sections 76 of the Offences Against the Person Act. This is punishable with up to seven years imprisonment.

'Acts of gross indecency' between males are **criminalised** under Section 79 of the Offences against the Person Act. This is punishable with up to two years imprisonment. 'Acts of gross indecency' is generally interpreted as **sexual acts between men**.

Sexual acts between women are **not criminalised**.

The **age of consent** for vaginal sex is **16 years** under Section 10 of the Sexual Offences Act. The Act **makes no provisions** as to the **age of consent** for **consensual same-sex sexual acts**.

Same-sex marriage is **not legal** because Section 18(2) of the Constitution defines marriage as a union between a man and a woman.

Under Section 18(2) of the Constitution, **a person's sex they were assigned at birth** is used to **determine their gender** for the purposes of marriage.

Same-sex couples **have no legal right to adopt children** under Sections 9 and 10 of the Children (Adoption of) Act.

Trans parenthood is not recognised. **Parenthood on birth certificates** is recorded based on the **parent's sex they were assigned at birth**.

EQUALITY AND EMPLOYMENT

Discrimination in employment on the grounds of sexual orientation and gender identity is **not prohibited**.

Section 13 (3) of the Constitution provides for **equality before the law**. There is **no explicit reference to sexual orientation or gender identity**.

Hate crimes based on sexual orientation and gender identity are **not considered aggravating circumstances** in sentencing.

Discrimination on the grounds of sexual orientation in public service is prohibited under the non-binding 2004 Staff Orders. These guidelines have been referred to by courts on several occasions.

GENDER IDENTITY

Trans people **cannot change their legal gender**.

Trans people can **change their legal name on all identity documents** by deed poll.

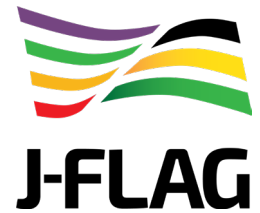
IMMIGRATION

Same-sex relationships are **not recognised for immigration purposes**.



A VIEW FROM JAMAICA

Stonewall spoke to **Suelle Anglin**, Associate Director of Marketing, Communications and Engagement at the **Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG)** about the context for LGBT people in Jamaica. J-FLAG is an LGBT organisation working for the equal treatment of the LGBT community in Jamaica through advocacy for legal reform and other community engagement and visibility programmes.



Everyday life

Suelle: “LGBT Jamaicans’ experiences are hugely diverse, with class, race, gender, and religion all shaping this. Middle and upper-class LGBT people might have a completely different experience from marginalised or low-income communities. Gender also impacts visibility. While all LGBT people face discrimination, the fetishization (which is still harmful), of lesbians means they appear less likely to face harmful behaviour than gay and bisexual men and trans people, who are more apprehensive about being visible because of this, especially at work or in mainstream spaces.

Digital environments act as safe spaces for many queer Jamaicans, enabling them to have conversations, partake in activism and practise self-liberation. Differences in people’s experiences can also be seen in online visibility. On social media, you are more likely to see visible, out lesbians than gay men. LGBT people are also visible in the media, but again certain identities are more visible than others. There are openly gay men and women on TV and there are very visible trans people across sectors such as advocacy, activism, art and fashion. Since early 2019, a few popular women in the entertainment industry have publicly identified as bisexual.”

LGBT groups

Suelle: “Few organisations focus solely on LGBT rights in Jamaica, but many groups’ work intersects with LGBT issues. J-FLAG’s priorities, as the foremost LGBT rights organisation in Jamaica, are varied. There is a big focus on political mobilisation and human rights and legal education for the LGBT community. There is also a lot of work on assessing the current legal framework and understanding where advocacy efforts and public tolerance can be increased. J-FLAG is also continuing its efforts around community development and engagement especially in rural spaces, and capacity building regarding workplace inclusion.

Overall, Jamaica is a complex place to live as an LGBT person. However, the community continues to stand resilient even when there are challenges. While there is still a large amount of work to be done for LGBT equality in Jamaica, a lot of progress has happened in the last 20 years. While a vast amount of challenges still exist, LGBT people throughout Jamaica are deciding to wake up every day and live fulfilling lives, and each year the LGBT community continues working to improve the human rights situation here.”

Travel

Suelle: “The best thing to do if you want to come to Jamaica is research the context here. Many LGBT tourists have visited the island and made great memories. If intending to travel to Jamaica, people can reach out to J-FLAG to get an understanding of the culture and get recommendations on safe spaces. Jamaica can seem a very classist society, so foreigners will generally be treated better than locals. Tourism industry figures have made several statements welcoming LGBT tourists, but J-FLAG still encourages everyone

to practice personal safety when travelling here, as you would in any country. There are also tour guides from the LGBT community who can help ensure you experience the island and culture safely such as DudeJa Vacation Club and Kingston Experience Tours.”

Workplaces

Suelle: “The biggest issues in workplaces in Jamaica are discrimination and a lack of policies and procedures protecting LGBT people. Often, colleagues are the source of harassment and discrimination so having policies to combat this is essential. There are high rates of unemployment amongst trans people due to the lack of public education regarding their identities and strictly gendered dress codes.

To support LGBT employees, employers need to enforce policies that explicitly address equal treatment at work. Inclusive practices, language, and respect should be a part of initial training processes, so that people are sensitised to those with different identities from the outset. Employers have a responsibility to make it clear that every member of staff deserves to feel that their workplace is a safe space. Sometimes really small changes, like putting up a rainbow sticker or a poster highlighting the importance of correct pronouns can go a long way toward showing LGBT people are in a supportive environment.

Businesses can do a lot externally too. Visibility is very powerful and is a key way for businesses to support LGBT organisations and promote equal treatment of LGBT people. Businesses can offer support through big actions, like taking part in or supporting Pride, or smaller actions, like displaying rainbow flags during Pride week. Employers including respect and tolerance in their marketing campaigns or running training sessions with staff are also great ways to support LGBT equality.

For example, telecommunications company Digicel released a campaign called ‘Respect Jamaica’ about respecting people regardless of their sexual orientation, amongst other things. It had a massive impact on discussions around LGBT people in Jamaica. If a global brand that is known for being inclusive internationally consulted with civil society groups and implemented a similar campaign in Jamaica it would do wonders for the people and the movement here.”

Healthcare

Suelle: “Despite TransWave Jamaica’s efforts, trans-specific healthcare is unavailable. Many healthcare staff are ignorant about trans identities and stigma persists. Hormone replacement therapy can’t be accessed through the healthcare system and gender affirming surgeries are not covered by health insurance. Some aspects of healthcare are more widely available to LGBT people, but discrimination is still a challenge. LGBT people who can access private healthcare are generally less likely to face discrimination.”

LGBT INCLUSION IN THE WORKPLACE

Despite the challenging context for LGBT people in Jamaica, there is great scope for employers to contribute to a Jamaican society that supports equality for LGBT people. There are a number of ways that an employer can do this through their programmes and policies – however, to ensure that they develop their practices it is important for them to monitor and evaluate their performance.

Stonewall's [Global Workplace Equality Index](#) has been developed as a key resource for monitoring performance and it is the definitive benchmarking tool for global LGBT workplace equality. It's a great way to assess your organisation's progress and navigate the challenges of upholding inclusive values locally. The Global Index provides your organisation with a clear and rigorous action plan for your LGBT inclusion work across the globe.

The Index evaluates an organisation's performance across eight areas of employment policy and practice. In line with these areas, there are several steps employers can take to create a more inclusive and supportive workplace environment for their LGBT employees that suits the context of Jamaica, while being mindful that LGBT-inclusive activity that is appropriate elsewhere may put LGBT staff in danger in Jamaica. The safety and security of LGBT staff, both from Jamaica and elsewhere, should be paramount at all times and will require careful consideration. Employers should:

1. Implement globally LGBT-inclusive **policies and benefits**, such as anti-discrimination and bullying and harassment policies, transitioning at work policies and equal partner and family benefits.
2. Carry out comprehensive diversity **training**.
3. **Engage staff** by ensuring they can access global ally programmes without exposing themselves to risk.
4. Empower **senior leaders** to advance LGBT inclusion within your organisation and advocate for equality.
5. Evaluate your global **procurement** practices to ensure LGBT inclusion is a key part of the tendering process and your relationship with potential and existing suppliers.
6. Work to **understand the local context and support local communities** by partnering with local LGBT groups.
7. Ensure your **mobility** policies account for employee's sexual orientation and gender identity and provide staff travelling to or from Jamaica with adequate, LGBT-specific information. Be prepared to evacuate staff in emergency situations that affect your LGBT employees.



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

In our experience, sharing case studies from employers operating in-country can be highly informative. However, we were unable to secure a case study that an employer could share publicly. Bearing this in mind, we are keen to work with employers and discuss individually any challenges they face because of the restrictive context in Jamaica. To learn about the steps employers are taking to support their LGBT staff in other zone three countries, please refer to Stonewall's [Global Workplace Briefings](#) on Uganda, Nigeria, Kenya and Singapore.

If you operate in Jamaica and are taking steps, big or small, to advance LGBT inclusion and would like to be profiled as a best practice case study, please contact global.programmes@stonewall.org.uk



GET INVOLVED



THE ANNUAL LGBT CALENDAR

August – Pride Week, organised by J-FLAG www.jflag.org

October – Montego Bay Pride www.facebook.com/MoBayPride/

Check the event websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

TransWave Jamaica – a trans-led organisation seeking to make society safe and inclusive for trans people. www.transwaveja.org

Women's Empowerment for Change (WE-Change) – a community-based organisation working to advocate for lesbian, bisexual and trans women. www.wechangeja.org

J-FLAG – a non-governmental organisation working to advance the human rights, livelihoods and well-being of LGBT people in Jamaica. www.jflag.org



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 13 ORGANISATIONS OPERATING IN JAMAICA.

The *Global Diversity Champions* programme gives you the tools you need to take a strategic and structured approach to LGBT equality initiatives globally and provides a network to keep you informed of legal changes and implications for your staff wherever they are in the world. Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally and members gain exclusive access to our full library of resources offering step-by-step guidance on different areas of LGBT inclusion. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact memberships@stonewall.org.uk

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