

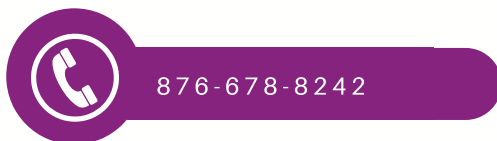


2021

**HUMAN RIGHTS
VIOLATION REPORT**



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INTRODUCTION

This report outlines the human rights violations experienced by the trans community between the period of June 2021- November 2021. These violations were recorded using the Caribbean Vulnerable Community Coalition Shared Incident Database (SID) . This report sheds light on the extent of discrimination faced by trans people in different areas of life including employment, education, healthcare, housing, and other services.

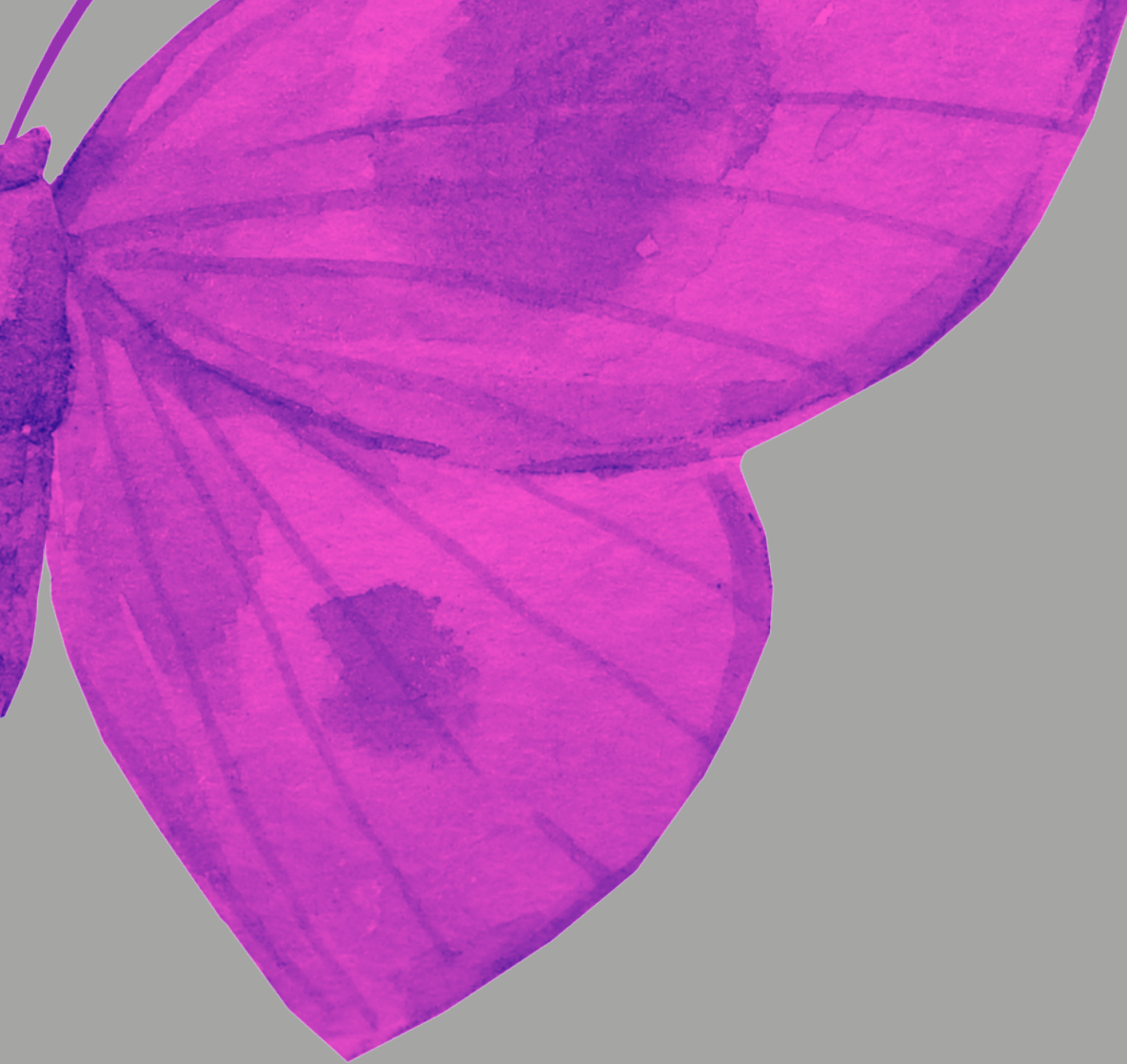
In addition to the data collected from the SID platform, Transwave Jamaica conducted two focus group sessions with 20 participants across rural and urban Jamaica. It was revealed in these focus group sessions that though the trans community experience high levels of discrimination and human rights violations, there is a high rate of police distrust and an aversion to reporting incidents to the police. A recurring reason for not reporting is the belief that nothing would change, and the reports are often “just another story.” The focus group sessions also revealed that trans persons face discrimination from the police when reporting matters.

In this report we attempt to highlight some key issues so that government entities as well as other civil-society organisations can better aid in the protection of the trans community human rights.

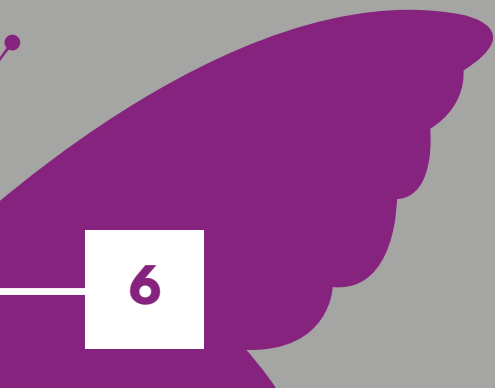
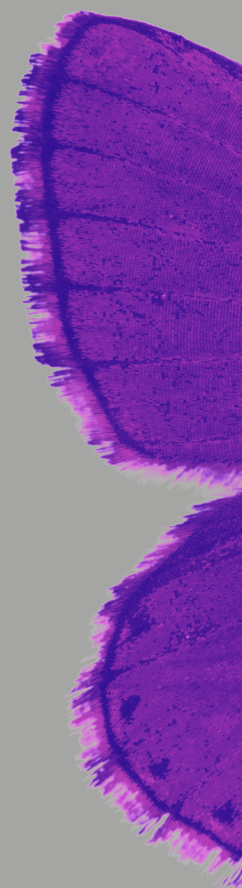
Who are the violators?

From the reports collated, the violations were often committed across a vast group of people, including both persons who are close to the affected as well as those unknown to the affected. These persons may include but are not limited to:

- Family
- Friends
- Community Members
- Coworkers
- Landlords
- Employers
- Business Owners
- Public Sector workers
- Passers-by



RIGHTS VIOLATED



Article 17 of the Universal Declaration of Human Rights affirms people's right to possess property and their right not to be stripped of it unjustly. Section 15 of the Jamaica Charter of Fundamental Rights and Freedoms guarantees Jamaicans' rights to not have their property seized forcibly unless by or under the authority of the law. This right is violated by crimes such as theft, robbery, fraud, blackmail and malicious destruction of property or vandalism.

The Universal Declaration of Human Rights guarantees the right of all persons to a standard of living adequate for their health and wellbeing in Article 25. This includes the right to adequate housing protected in article 11 of the International Covenant on Economic, Social and Cultural Rights. Forced evictions violate the right to adequate housing and so cases of violent evictions and evictions otherwise against the will of the person violate the right to housing.

RIGHTS VIOLATED

THE RIGHT TO WORK

Article 23 of the Universal Declaration of Human Rights protects everyone's freedom to work, free choice of job, reasonable and favourable working conditions, and protection against unemployment. As such, governments are required to preserve these rights under articles 6 and 7 of the International Covenant on Economic, Social, and Cultural Rights. These rights are violated by discrimination in the work place whether through the actions of employers, prospective employers or fellow employees.

RIGHTS VIOLATED

THE RIGHT TO HEALTH

Article 25 of the Universal Declaration of Human Rights provides that all people have the right to a standard of living that is suitable for their health and well-being. This includes everyone's right to the best physical and mental health possible, as protected by article 12 of the International Covenant on Economic, Social, and Cultural Rights. This right is infringed when people are refused healthcare arbitrarily or face prejudice when trying to get it, among other factors.

RIGHTS VIOLATED

THE RIGHT TO EDUCATION

The Universal Declaration of Human Rights guarantees the right of all persons to education. Article 13 of the International Covenant on Economic, Social and Cultural Rights guarantees the right to free education at the primary level, as well as equitable access to higher education. This right is infringed when people are denied education arbitrarily or face prejudice when attempting to get it, among other factors. This infraction might be caused by students, instructors, parents, or school administration.

The Universal Declaration of Human Rights guarantees the right to privacy to all persons in Article 12. Article 17 of the International Covenant on Civil and Political Rights requires that a person's privacy, family, home, reputation and correspondence not be unlawfully interfered with. Section 13(3)(j) of the Jamaica Charter of Fundamental Rights and Freedoms guarantees the right to protection of private and family life, privacy of the home and privacy of communication.

The right to privacy is generally implicated when homophobia and transphobia leads to the violation of other rights. Most breaches of LGBT people's rights include a disregard for their bodily autonomy and private lives. As such, this section is concerned with specific violations related to interferences with the home and outing by any means.

RIGHTS VIOLATED

THE RIGHT TO EQUALITY BEFORE THE LAW AND EQUAL PROTECTION OF THE LAW

Article 7 of the Universal Declaration of Human Rights states that all people are equal before the law and are entitled to equal protection under the law without discrimination. States are obligated to respect this right under Article 26 of the International Covenant on Civil and Political Rights. Section 13(3)(g) of the Jamaica Charter of Fundamental Rights and Freedoms preserves Jamaicans' rights to equality before the law, whereas section 13(3)(h) stipulates that public authorities would treat all people fairly and humanely when performing their duties. When laws are discriminatory in nature or are administered in a discriminatory manner, the rights protected are infringed. This right infringement is exemplified by police inaction and public officials' discrimination.

RIGHTS VIOLATED

THE RIGHT TO LIFE, LIBERTY AND SECURITY OF THE PERSON

The right to life, liberty, and security of the person is guaranteed in Article 3 of the Universal Declaration of Human Rights. Articles 6 and 9 of the International Covenant on Civil and Political Rights provide these rights and require states not to violate them. This freedom is guaranteed to all Jamaicans under Section 13(3)(a) of the Jamaica Charter of Fundamental Rights and Freedoms, with the exception of when a court imposes a sentence on a person for the commission of a criminal offence. This right is violated when a person is subjected to physical, mental, or sexual abuse. It is also violated by unlawful detainment, unlawful killings and wanton neglect that results in harm to a person.

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RIGHTS VIOLATED

THE RIGHT TO FREEDOM FROM DISCRIMINATION

Article 7 of the Universal Declaration of Human Rights states that all people are equal before the law and are entitled to equal protection under the law without discrimination. Article 26 of the International Covenant on Civil and Political Rights requires states to enact laws prohibiting discrimination and ensuring equal and effective protection for all persons against discrimination based on race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth, or other status.

The right is violated not only by the act of discrimination, but also by the inability of the State to provide an adequate remedy. There are no legal provisions in Jamaica that provide remedies for discrimination based on sexual orientation or gender identity. Every instance of unfair treatment fuelled by status-based prejudice, including but not limited to homophobia and transphobia, is a breach of the right to freedom from discrimination, and so all the situations listed above include a violation of the right to freedom from discrimination.

METHODOLOGY

The data collected is primarily qualitative and was collected using two primary methods. The data from the victims were collected and reported on an online platform by the officer in charge of using the SID platform on behalf of TransWave.

Two focus group sessions were conducted across a two day period which included 20 participants; 10 from rural Jamaica and 10 from urban Jamaica. Participants were mobilized by the TransWave's Social Support officer to participate in a face to face session at a designated meeting room. The participants were asked a total of 15 open ended questions around issues Human rights issues, Gender Based Violence (GBV) and Intimate Partner Violence (IPV).



ANALYSIS & KEY FINDINGS

ANALYSIS

The freedom to participate in public life without fear of discrimination, harassment, or violence has been demonstrated to have far-reaching consequences for one's health, economic stability, and other important areas of life. Transgender persons are frequently victimized in public areas, posing impediments to civic and economic involvement. As a result, they are often prone to experience high rates of violence, including physical attacks, sexual assault, intimate partner violence and gender-based violence.

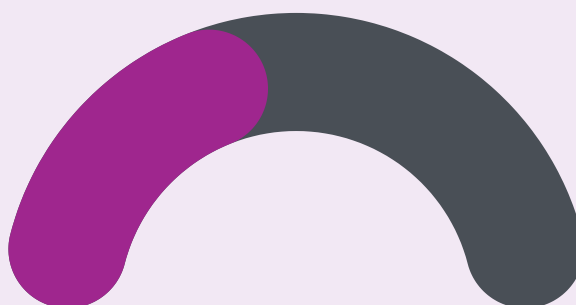
A focus group was conducted consisting of 20 individuals spanning various geographic cross-sections in Jamaica ranging from ages 18 – 35 years. Respondents were asked about their experiences in the past year with unequal treatment in accessing services in businesses, government agencies, and other public places. Similarly, some respondents shared their lived realities of being physically attacked or sexually assaulted in a variety of settings including but not limited to their homes and communities.

KEY FINDINGS

Almost all respondents in the sample reported being denied equal treatment, or being verbally harassed and/or physically attacked in the past year because of being transgender.



- One in seven (14%) respondents reported that they were denied equal treatment or service in a public place in the past year because of being transgender.



- Nearly half (46%) of respondents reported that they were verbally harassed in the past year because of being transgender..

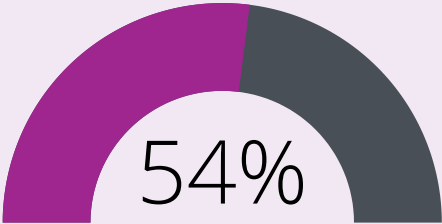


- Nearly one in ten (9%) respondents reported that they were physically attacked in the past year because of being transgendered.

KEY FINDINGS



87% of respondents have been sexually assaulted at some point in their lifetime. Two in ten (20%) respondents in the survey were sexually assaulted in the past year.



More than half (54%) of respondents experienced some form of intimate partner violence.



More than one-third (35%) experienced severe physical violence by a current or former intimate partner.

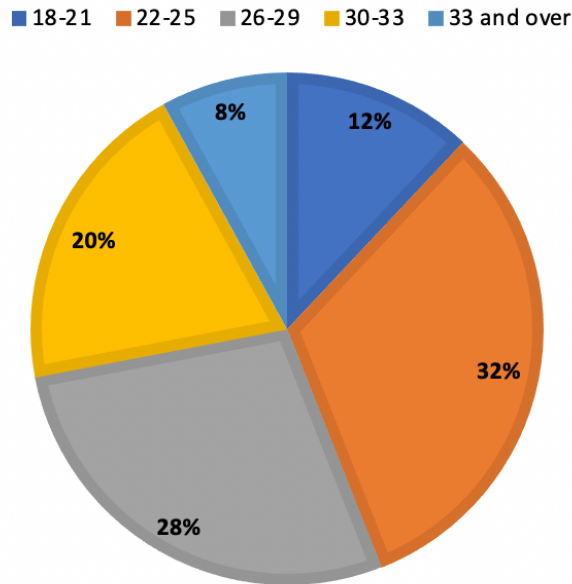
Majority of the sample reported that they had experienced some form of mental health issue (such as depression, anxiety and nervousness) as a result the trauma experienced from being attacked or physically assaulted.

KEY FINDINGS

The Jamaican Trans community live in a society that ignores gender differences and encourages hate and violence against transgender people. As such, rejection, bullying, and violence often begin in the family, which is the first agent of socialization for many people. Hence, the constant danger meted out towards trans people has a severe impact on one's innate capacity to achieve personal growth and fulfilment, therefore resulting in a number of trans individuals being kicked out of their homes from as early as their teenage years. This, in turn, leaves them no choice but to engage in unconventional employment to survive.

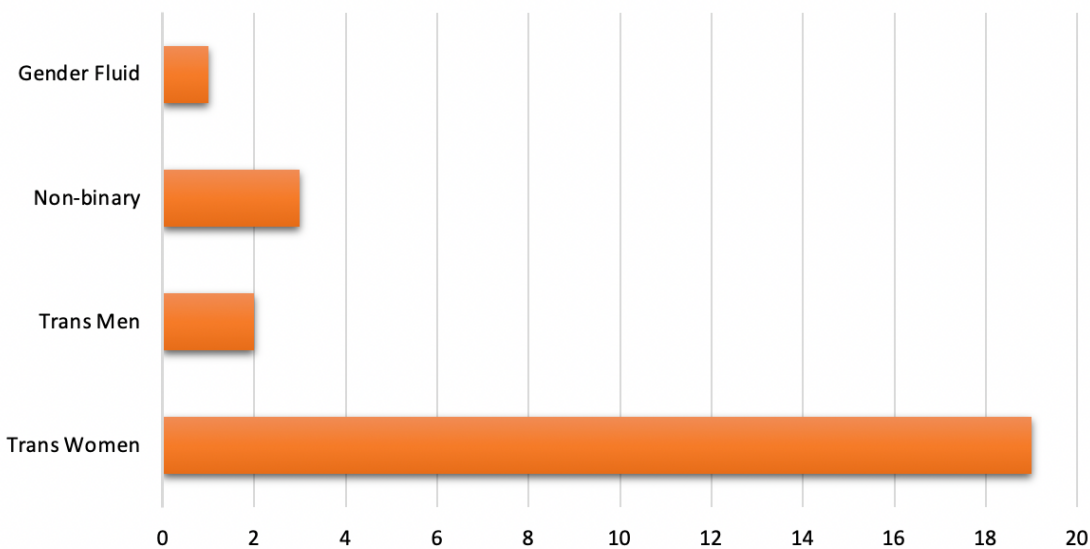
KEY FINDINGS

AGE RANGE OF VICTIMS



A majority of the victims were adolescents, 12% of the victims being 18-21 years old; 32% of the victims being 22-25 years old and between the age of 26-29 at 28%.

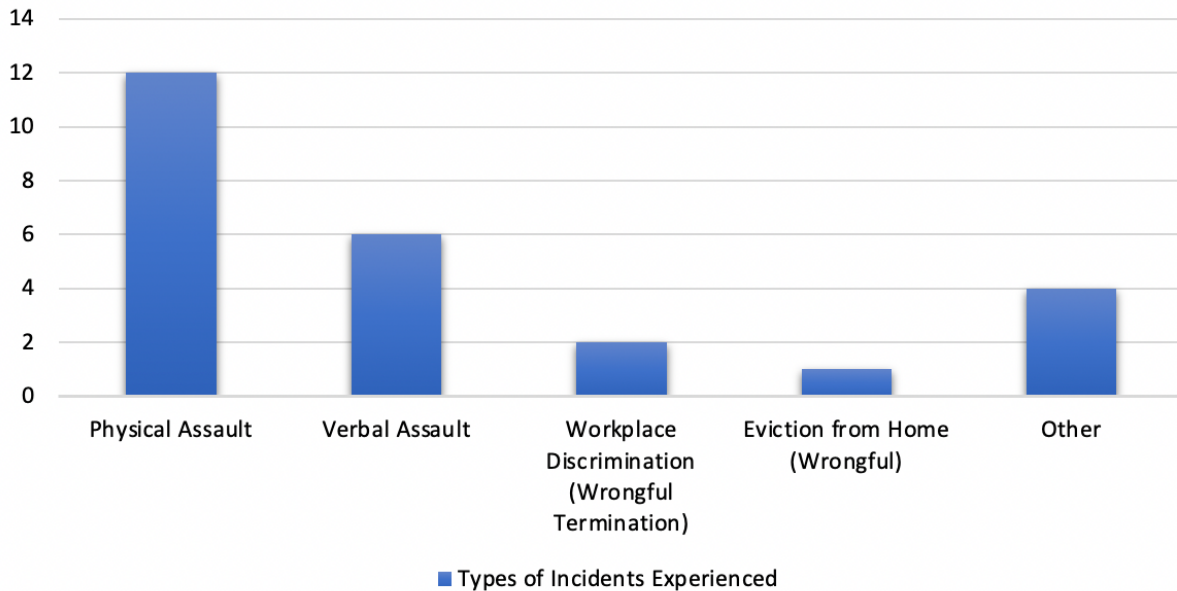
Gender Identity of the Victims



A majority of the victims of violence were trans women.

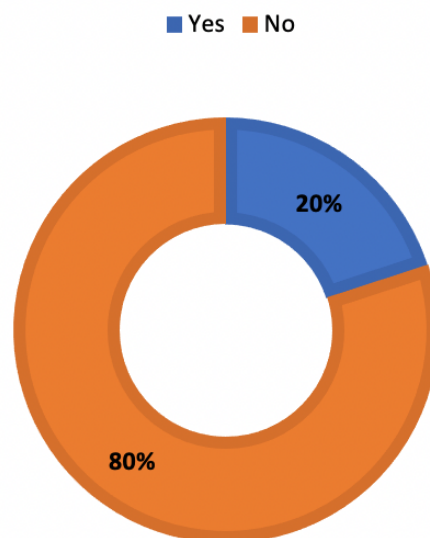
KEY FINDINGS

Types of Incidents Experienced



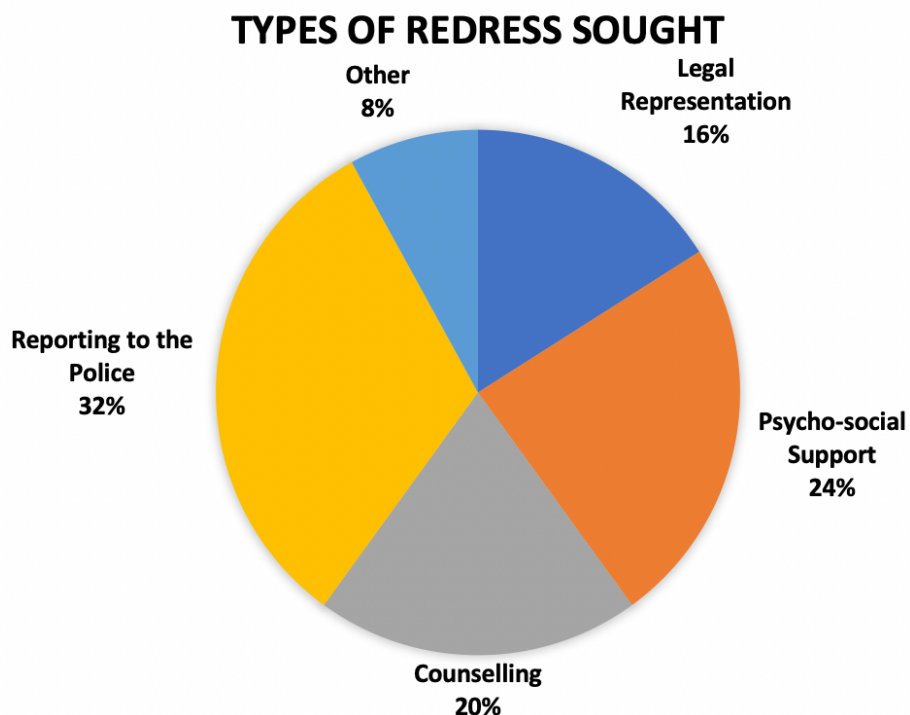
Incidents experienced by trans persons include physical assault (12); verbal assault (6); workplace discrimination (2); Eviction from home (1) and more.

WAS THERE ANY FORM OF REDRESS SOUGHT AFTER THE INCIDENT HAD OCCURRED?



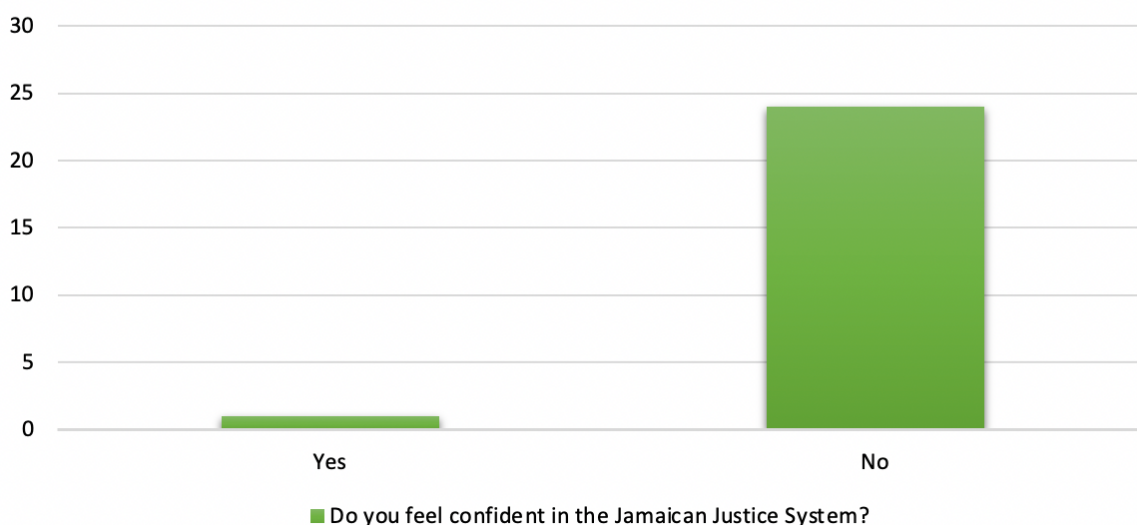
80% of the victims had sought redress after incidents occurred.

KEY FINDINGS



A majority of the victims were able to seek some form of redress through TransWave's Outreach & Community Engagement department.

Do you feel confident in the Jamaican Justice System?



It is worth noting that a majority of the victims do not feel confident in the Jamaican justice system.

