

HOMOPHOBIA & TRANSPHOBIA IN CARIBBEAN MEDIA

**A Baseline Study
From Belize, Grenada,
Guyana, Jamaica
and Saint Lucia**

August 2015

**International Gay and Lesbian Human Rights Commission
(now Outright International) and United and Strong**

In collaboration with
**Groundation Grenada, Guyana Rainbow Foundation, J-FLAG,
PETAL, and United Belize Advocacy Movement**





Outright International works together for better LGBTIQ lives. Outright is dedicated to working with partners around the globe to strengthen the capacity of the LGBTIQ human rights movement, document and amplify human rights violations against LGBTIQ people, and advocate for inclusion and equality. Founded in 1990, with staff in over a dozen countries, Outright works with the United Nations, regional human rights monitoring bodies, and civil society partners. Outright holds consultative status at the United Nations, where it serves as the secretariat of the UN LGBTI Core Group.

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Executive Summary

During the month of July 2014, the International Gay and Lesbian Human Rights Commission (now Outright International) and United and Strong, in collaboration with Groundation Grenada, Guyana Rainbow Foundation, J-FLAG, and United Belize Advocacy Movement, conducted the first-ever, LGBTI-focused media-monitoring project in the English-speaking region.

These groups monitored the media in five countries—Belize, Grenada, Guyana, Jamaica, Saint Lucia. The results of the monitoring show that many media outlets reinforce negative stereotypes that can lead to violence against LGBTI people. Stories of importance about this community—policy issues and concerns about exclusion—or those that should depict them engaged in positive activities, were largely ignored by the media. Overall, the media coverage created an unbalanced, inaccurate and largely unflattering picture of the community.



Recommendations

To the Governments of the Caribbean

- Protect freedom of expression without restrictions, other than those necessary to prevent incitement to violence or discrimination.
- Engage actively to counter misinformation about LGBTI issues in the public space, including by issuing public statements with scientifically accurate, evidence-based, information about issues related to sexual orientation and gender identity.
- Mandate comprehensive sexuality education, including scientifically accurate, evidence-based, information about the diversity of human sexuality and gender identity.
- Actively engage LGBTI organizations and activists in the design, implementation, evaluation and monitoring of policies that affect them.
- Repeal all criminal laws that penalize consensual adult same-sex relationships, or that are used to penalize such relationships.

To the Associations of Caribbean Journalists Across the Region

- Promote self-regulation among media groups to advance ethical and fair-minded media coverage.
- Ensure accountability for unethical and unbiased media coverage.
- Issue a joint public statement condemning reporting that is biased against gay, lesbian, bisexual and transgender individuals or presents them in a way that reflects prejudicial attitudes based on sexual orientation or gender identity.
- Provide training for journalists on how to ethically cover LGBTI-related events, with meaningful participation and leadership by LGBTI activists and organizations.
- Promote the voices of LGBTI activists and organizations in media coverage that affect the community.

Rationale

“Free expression is both a vital pillar and by-product of a liberal democracy. It serves as a self-propagating instrument of social change and its protection can contribute to the building of platforms for good governance, democracy and the consequential benefits of human and social development. The media, as one formal manifestation of this freedom, can serve as interlocutors between the powerful and the powerless, with a role as independent watchdogs on the exercise of both state and private power.”

WESLEY GIBBINGS – General Secretary and Immediate Past President of the Association of Caribbean Media Workers (ACM).¹

The English-speaking Caribbean has a vibrant and diverse media; its journalists are crucial to shaping public opinion on lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues. As such, monitoring and engaging media are key to advocacy around LGBTI issues; news coverage especially informs and influences public opinion.

This report is intended to help guide journalists toward more fair, informed and sensitive coverage of LGBTI and related subjects in the Caribbean. It draws on the results of a media-monitoring project conducted in 2014 in Belize, Grenada, Guyana, Jamaica and Saint Lucia. The study identified key problems with media coverage of LGBTI issues and people and seeks to broaden understanding while encouraging coverage of high journalistic standards in a socially and politically charged atmosphere.

Fair coverage is essential to the safety and security of LGBTI people especially when public opinion and understanding of this community may be polarized. Uninformed reporting can reinforce negative stereotypes and compromise the lives and livelihoods of LGBTI people and advocates. Informed media can shed light on issues, create open and progressive public debate, and help to ensure the safety and security of LGBTI individuals.

Established mainstream media face great challenges as a result of the rapid rise of Internet news outlets and social media. While these Internet news outlets are entitled to freedom of expression some are operated in a manner that seems to indicate they are not compelled to honor high standards of professional journalism.

In a 2014 report on world trends on freedom of expression and media development, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) noted that while women’s perspectives are increasingly more widely included—in particular due to the growth of online media—there is insufficient data about the state of discrimination against LGBTI people in the media.² This environment demands greater self-regulation and high journalistic standards that protect the rights of all citizens.

Activists around the region are committed to working with journalists to develop more informed coverage in the belief that doing so will prevent biased and prejudiced portrayals of LGBTI people, which can lead directly to violence against the community. One example of successful advocacy in this regard followed an arson fire that ruined the newly acquired safe space of United and Strong, in Rodney Bay Saint Lucia, in October 2011.³

¹Wesley Gibbings, “Building a Framework for Media Self-Regulation in the Caribbean A Discussion” Oct. 10, 2014, <http://goo.gl/fe50xp>, paragraph 3.

²“World Trends in Freedom of Expression and Media Development,” UNESCO, 2014, p. 40, at <http://unesdoc.unesco.org/images/0022/002270/227025e.pdf> (accessed on February 13, 2015).

³United States Department of State, Bureau of Democracy, Country Reports on Human Rights Practices for 2012, “Human Rights and Labor: Saint Lucia 2012 Human Rights Report,” p.12, <http://goo.gl/tcPuJm>, (accessed December 7, 2014).

United and Strong proactively engaged journalists about their dissatisfaction with the media coverage and the police investigation of the fire. Although it was a major fire in an upscale neighborhood, it went unreported except by one media house⁴ and under-investigated by police and fire officials.⁵ The proactive activist engagement with the media kept the issue alive in the media, drew attention to the threats LGBTI face in organizing generally, and to the group's lack of access to justice and security.⁶ As a result, some media outlets on the island reported in depth on the risks faced by human rights defenders. This report represents an aspect of a commitment to creating this type of change.

⁴"Choice News Now" Choice Television Saint Lucia. Oct 29, 2011.

⁵"Gays Say 'We Are Here To Stay!'", Saint Lucia Star Newspaper, March 8, 2012, <http://stluciarstar.com/gays-say-we-are-here-to-stay/>; "How gay group United and Strong is changing the island of Saint Lucia," GayStarNews, July 4, 2012, <http://goo.gl/EocFmw>, paragraph 15.

⁶Sammie Altius, "The Price Tag of Homosexuality," Saint Lucia Star Newspaper, <http://goo.gl/g40hib>, (accessed December 2014); "United Strong puzzled by US report," May 3, 2013, HTS Saint Lucia at <https://youtu.be/z9pIWH5DCII> (accessed December 2014).

Methodology

In July 2014, United and Strong monitored media reports in collaboration with Groundation Grenada, Guyana Rainbow Foundation, J-FLAG, and United Belize Advocacy Movement. A first in the English-speaking Caribbean, the project explores local news coverage of issues affecting the lesbian, gay, bisexual, transgender and intersex community and of LGBTI individuals in Belize, Grenada, Guyana, Jamaica and Saint Lucia.

Through the month-long study, the groups documented the frequency of mainstream media reporting on LGBTI-related issues and the representation of LGBTI people in the coverage. Activists noted the use of words, phrases, graphics, images and videos that contribute to public perception of LGBTI people and how these reflected or resembled anti-gay rhetoric. Though the media monitoring took place only in July, news coverage of some stories continued over several months. Therefore, this report references coverage outside the month of July 2014, to make sense of the overall coverage on specific news items.



Key Findings

Key Findings: Sexual Orientation and Gender Identity as Presented in Caribbean Media

The evidence shows that reporting on lesbian, gay, bisexual, transgender and intersex people often is sensationalized and demeaning or LGBTI persons are ignored completely by the media. Reporting was also inaccurate with sexual orientation and gender identity regularly conflated. Developments that might have created a more balanced picture were absent in the coverage.

The Caribbean countries covered in this report maintain criminal law provisions penalizing “offenses” labeled “sodomy,” (or “buggery”) “gross indecency,” “unnatural crimes” and so on.⁷ This fact has raised serious, repeated concerns at the Inter-American Commission on Human Rights, in part because these criminal provisions result in the general perception that “the right of association for purposes of promoting and defending the rights of LGBTI persons are prohibited, the argument being that their organizations and activities are ‘illegal’.”⁸

Furthermore, the generalized ridicule of LGBTI persons, in combination with threats and violence against LGBTI activists and supporters, lead to a limited pool of spokespersons—that is, individuals willing to be publicly associated with promoting non-discrimination and an end to violence. As a result, the public draws a distorted view of lesbian, gay, bisexual, transgender and intersex individuals and the erroneous belief that not many people are willing to publicly stand up for their equality and rights.

This situation has a direct impact on the safety and security of LGBTI people. The fact that prejudice is entrenched against a marginalized group combined

with the perception that no one will protect or uphold their rights contribute directly to an environment that encourages discrimination and violence.

The project revealed different levels of engagement with LGBTI-related issues across the countries surveyed. Jamaica, and to a somewhat lesser extent Guyana and Saint Lucia, showed a more frequent level of engagement with the issue in the media, though often treated in a highly detrimental way. Sensationalist coverage is frequent in these countries, despite the presence of more fair-minded voices in both broadcast and print media. Jamaican media is the most likely to refer to the “gay agenda” (mostly undefined) along with the “threat” of recruitment and spread of sexual orientation, as if it were an unsavoury political ideology or illness.

In Belize, the ongoing Supreme Court challenge to the country’s criminal code provisions on consensual same-sex relationships changed the nature of coverage on LGBTI issues. Where before it had been centered on violent crimes and sensationalism, it became more focused on policy and legal issues. Even so, references to a “gay agenda” and the links between HIV/AIDS and men who have sex with men were recurring themes. Other than news related to the court challenge—and to a controversy surrounding one of the expert witnesses in the case, which reverberated across the region—the Belize media was to a large extent silent on LGBTI-related stories. This is true in Grenada as well.

The absence of stories about LGBTI people in the media is not necessarily positive for them or for society as a whole. As has been documented elsewhere, the continued criminalization of consensual adult same-sex relationship across the region leads to discrimination and violence

⁷Inter-American Commission on Human Rights, “Second Report on the Situation of Human Rights Defenders in the Americas,” OEA/Ser.L/V/II. Doc. 66, 31 December 2011, para. 334.

⁸*Ibid.*

against gender non-conforming persons.⁹ Criminalization results in discrimination, which affects society as a whole. Excluding a sizable part of the population—LGBTI people are estimated at 5 to 10 percent of people everywhere—has negative consequences, economically and socially.

It is in the public interest to explore the cost of discrimination against the LGBTI population. This is a subject that the media could and should pursue. The fact that LGBTI people remain largely invisible in the media can lead to violence against them or those who are perceived to be lesbian, gay, bisexual, or transgender (including intersex persons who often are perceived to be lesbian or gay); and the invisibility and bias against them heightens the risk of facing retribution if they complain.

At times, where coverage of LGBTI-related issues is more frequent, it also becomes more nuanced, with both positive and negative references. As an example, even though Jamaica's media coverage can be biased and sensationalized, the monitoring found fair-minded and balanced reporting, too, along with letters to the editor, commentary and other support for LGBTI safety and equality, in direct response to the biased coverage or opposing views. This was true, to some extent, in Saint Lucia. Positive media coverage anywhere in the region was found to be more directly linked to a concerted effort from civil society groups, than to organic reactions from society overall.

In a positive and beneficial development for democratic societies, news outlets across the region print opinion pieces on their debate pages both in support of and in opposition to the right to non-discrimination on the basis of sexual orientation and gender identity.¹⁰

UNNUANCED REPORTING

Many Caribbean media outlets conflate sexual orientation with gender identity, reducing all issues related to any aspect of these two categories to one

thing: gay men, and more specifically, gay men engaging in anal sex. Transgender women are often wrongly referred to as gay men, and lesbians, bisexuals, and intersex persons hardly mentioned. Calls for non-discrimination and equality based on sexual orientation and gender identity are regarded as the “gay agenda” rather than an “LGBT agenda” or “LGBTI agenda,” and men dressed in traditional female clothing are referred to as gay, without reference to the fact that they might self-identify as transgender, transvestite, heterosexual, cross-dressers, or any combination thereof. The project identified a big gap to fill with correct information about the various aspects of LGBTI identities and lived experiences.

GRATUITOUS FOCUS ON SEXUAL ORIENTATION AND GENDER IDENTITY

In much of the reporting involving gender non-conforming persons, journalists pay more attention to perceived sexual orientation or gender identity, and to bodily diversity, rather than the story itself. In reporting about an intersex person who was murdered in Saint Lucia, media clips highlighted whether the victim was “really” a woman or a man, than to any investigation of the crime.¹¹ In the case of the stabbing deaths of two people in Guyana, media coverage included sensationalist references to the “secret” sexual identity of the alleged perpetrator.¹²

INJURIOUS SPEECH

Caribbean media often include demeaning references to gender non-conforming persons. This occurs in several ways. First, media outlets often enthusiastically and somewhat uncritically quote outrageously homophobic statements made by public officials, often without debunking stated misinformation. Second, media outlets themselves at times use degrading language when referring to LGBTI persons; in particular conflating gay men and trans women, which are treated as one and

⁹ See Human Rights Watch, “Hated to Death: Homophobia, Violence, and the HIV/AIDS Crisis in Jamaica,” November 3, 2003; Human Rights Watch, “Not Safe at Home: Violence and Discrimination against Gay People in Jamaica,” October 21, 2014; United Belize Advocacy Movement and Heartland Alliance, “Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Belize: A Shadow Report,” March 2013; C-FLAG, Outright International and others, “Sexuality, Gender, HIV Vulnerability & Human Rights in Grenada,” July 2007.

¹⁰ See, for example, Tiffany Barry, “Our cultural norms reinforce Gender-Based Violence,” December 2, 2013 at <http://www.stabroeknews.com/2013/features/12/02/cultural-norms-reinforce-gender-based-violence/> (accessed on April 24, 2015).

¹¹ “Murder She Wrote,” July 2, 2014, DBS Television at https://youtu.be/dPt6Ch0Z7_c (accessed on April 24, 2015).

¹² “Two gay sex workers stabbed to death in Georgetown,” July 20, 2014, NewsSource Guyana (online) at <http://newssourcegy.com/news/two-gay-sex-workers-stabbed-death-georgetown/> (accessed on April 23, 2015).

the same. Lastly, public figures may be accused of being gay or lesbian—as an insult that potentially can lead to injurious or slanderous actions.¹³

HOMOSEXUALITY PRESENTED AS A DISEASE OR UNNATURAL PRACTICE

Caribbean media will often cite opinions from individuals who refer to homosexuality as a disease or an unnatural practice, without any scientific basis. When this happens, the opinions are rarely, if ever, debunked in the media. Instead, they are allowed to stand as “expert” testimony, regardless of the expertise of the speaker. Gender identity or intersex status are hardly dealt with at all in the media, but instead subsumed under the general category of (predominantly male) “homosexuality.”

CONSPIRACY THEORIES

In many countries in the region, politicians and faith-leaders refer to calls to overcome entrenched inequality and violence against LGBTI people as the “gay agenda.” This phrase is construed to mean a global gay conspiracy, with a strategy to overtake the world. Even more dominant in the media is the notion that LGBTI people are destroying the nation and, in particular, the family. LGBTI people are seen as purveyors of moral decay. These unfounded conspiracy theories are reflected and reinforced uncritically by journalists, quoting homophobic officials or by editors who write value-based headlines that refer to the so-called “gay agenda.”

HOMOSEXUALITY VS. PRIVACY AND PUBLICITY

News coverage can have specific and legitimate relevance to LGBTI individuals; for example, coverage of policy debates that might have an important impact on lesbians, gay, bisexual, transgender, or intersex individuals. But such coverage is quite rare in the region. The lack of coverage may be related to the conflation of anything involving sexual orientation, gender identity, or bodily diversity to sex overall, which, when not sensationalized, is viewed as a private matter in conservative societies.

HOMOSEXUALITY PRESENTED AS EXOTIC, STRANGE, SCANDALOUS

Many media reports focus on stereotypical aspects of the public’s perception of homosexuality; for example, frequently using images from gay pride parades, cross-dressers, or transgender women wearing make-up. This happens even where the news item has nothing to do with gay pride parades, cross-dressing, or transgender identity; for example, images such as these are used when reporting on a crime or a political development. Likewise, media reports will often contain veiled allegations that homosexuality is imposed from elsewhere—that it is exotic and foreign. In these cases, media reports trivialize and “sexualize” serious incidents, like a political event or a crime, and reinforce negative views.

HOMOSEXUALITY LINKED TO CRIMINALITY

Stories about people perceived to be gay often refer to criminal environments and threats of crimes, such as robbery or more violent crimes. In reporting on gender non-conforming homeless youth in Jamaica they were linked to crime and danger, as were two individuals killed in Guyana. By making this link, news coverage reinforces prejudices that LGBTI people present a danger to society. This false view can negatively impact the safety and security of LGBTI individuals. News articles also conflated homosexuality with pedophilia, a thoroughly false accusation that has been debunked repeatedly by research.¹⁴

¹³“Sooba faces legal action over gay slurs to Deputy Mayor,” July 26, 2014, Kaieteur News at <http://www.kaieteurnews.com/2014/07/26/sooba-faces-legal-action-over-gay-slurs-to-deputy-mayor/>, <http://goo.gl/deisvo>, (accessed on May 27, 2015); “Sooba denies saying Chase-Green is gay,” July 29, 2014, Guyana Chronicle at <http://guyanachronicle.com/sooba-denies-saying-chase-green-is-gay/>

¹⁴See, for example, Prof. Gregory Herek, “Facts About Homosexuality and Child Molestation,” at http://psychology.ucdavis.edu/faculty_sites/rainbow/HTML/facts_molestation.html (accessed on May 19, 2015).

Media Environment and Consumption in the Caribbean

The media environment in the Caribbean to some extent mirrors the government structures and their relationships—or not—to former colonizers. For the most part, the British- and Dutch-dependent territories and semi-autonomous states depend heavily on overseas content, with a relatively small independent media market. The 13 independent states in the Caribbean operate with their own media laws and markets, producing—or at least adapting—much content at home.

News consumption varies across the region. A survey conducted in 2010 found that while almost 80 percent of the surveyed population in Jamaica and Suriname said they consumed news media daily, the percentage is closer to 65 percent in Trinidad and Tobago and Guyana, and down to 50 percent for Haiti.¹⁵ Media is also increasingly consumed on the Internet, though to varying degrees. In the countries surveyed, Internet penetration rates were by far the highest in Saint Lucia, at 87 percent, followed by Jamaica at 54 percent, with rates ranging from 32 to 35 percent for Belize, Guyana, and Grenada.¹⁶

Internet consumption rates and penetration are relevant to this project, as Internet content, in general, is subject to less control and self-regulation than broadcast and print media. News consumers are encouraged to comment on news stories online, which can leave some readers unable to distinguish between accurate and legitimate commentary and bigoted comments, which derive legitimacy from being published online.

The International Press Institute (IPI), a global network of journalists based in Vienna, Austria, has noted several recurring problems affecting free press in the Caribbean.¹⁷ Among the most important is state interference with independent media; criminal defamation laws inherited from former colonizers; commercial interests affecting content; and prevailing self-censorship.

DEFAMATION LAWS AND HATE SPEECH

The active use and implementation of ancient defamation¹⁸ provisions in criminal laws have often

¹⁵ Arturo Maldonado, "Who consumes news media in Latin America and the Caribbean," Americas Barometer Insight 2011, p. 1, at https://www.academia.edu/4161928/Who_Consumes_News_Media_in_Latin_America_and_the_Caribbean (accessed on February 13, 2015).

¹⁶ See below under each country.

¹⁷ Wesley Gibbings, "Caribbean Overview: Media Struggles with Defamation Laws, Economic Challenges," undated, at <http://www.freemedia.at/newssview/article/caribbean-overview.html> (accessed on February 13, 2015).

¹⁸ Defamation may be understood as a communication (usually an allegation or accusation), either written or spoken, containing a statement that harms the reputation or honor of the subject of the communication, generally by identifying a negative character trait or course of action that exposes the subject to hatred, contempt, or ridicule. Under common law, statements must also be false and malicious to constitute defamation, though not all defamation laws in the Caribbean include the defense of truth or of innocent distribution. Libel refers to defamation expressed through the written word, while slander indicates oral defamation.

been highlighted as a key threat to free press in the Caribbean.¹⁹ Media associations in the region have—with success in some cases—advocated for the repeal of these provisions. In Grenada, the defamation provisions were repealed in mid-2012,²⁰ in Jamaica in 2013,²¹ and Trinidad and Tobago repealed the offense of malicious defamatory libel in early 2014.²² At the time of this report, there were initiatives underway to partially repeal defamation provisions in the criminal code in the Dominican Republic,²³ Antigua and Barbuda.²⁴ Criminal defamation laws remain on the books in Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Dominica, Dominican Republic, Guyana, Haiti, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Suriname. Some of these laws allow for the defense of truth or innocent distribution, but they most likely have a chilling effect on reporting.

The United Nations Human Rights Committee has been very clear that defamation laws—in particular criminal defamation laws—must be crafted carefully to be compatible with the right to freedom of opinion and expression. In particular, the Committee has noted that laws must include the defense of truth, avoid penalizing untrue statements made in error, cap fines at reasonable amounts, avoid prolonged pre-trial periods, and never apply prison sentences for defamation.²⁵

News consumers are encouraged to comment on news stories online, which can leave some readers unable to distinguish between accurate and legitimate commentary and bigoted comments, which derive legitimacy from being published online.

Most defamation laws in the Caribbean do not adhere to these guidelines. Most, if not all, impose prison sentences for those convicted of malicious defamation. This persistent threat of criminal prosecution for defamation continues to have a chilling effect on media.²⁶ Moreover, in some countries physical threats against journalists exist.²⁷

While states appear reticent to repeal criminal defamation laws, Caribbean countries have conversely not shown much appetite for providing effective protections against hate speech. The discrepancy between state action to block legitimate opinions about politicians and other decision-makers and their reluctance to protect, among others, lesbian, gay, bisexual, and transgender individuals against hate speech—or indeed hate crimes²⁸—is all the more glaring

¹⁹ See Ezra Fieser, “Archaic defamation laws threaten Caribbean media,” *The Christian Science Monitor*, October 22, 2012, at <http://www.csmonitor.com/World/Americas/2012/1022/Archaic-defamation-laws-threaten-Caribbean-media> (accessed on February 13, 2015).

²⁰ *Ibid.*

²¹ Larisa Manescu, “Jamaica fully abolishes criminal defamation, an unprecedented legislative action in the Caribbean,” *Journalism in the Americas*, November 12, 2012, at <https://knightcenter.utexas.edu/blog/00-14750-jamaica-fully-abolishes-criminal-defamation-unprecedented-legislative-action-caribbean> (accessed on February 13, 2015).

²² Universal Human Rights Research Association, “Trinidad and Tobago partially decriminalises defamation,” March 1, 2014, at <http://uhrra.org/trinidad-and-tobago-partially-decriminalises-defamation/> (accessed on February 13, 2015).

²³ Konrad Adenauer Stiftung, “Evalúan despenalizar delitos contra el honor en República Dominicana,” *Medios Latinos*, March 8, 2013, at <http://www.kas.de/wf/en/221.954/> (accessed on February 13, 2015).

²⁴ “Antigua inches closer to decriminalisation of libel and slander,” *Caribbean 360*, November 18, 2014, at <http://www.caribbean360.com/news/antigua-inches-closer-to-decriminalisation-of-libel-and-slander> (accessed on February 13, 2015).

²⁵ Human Rights Committee, “General Comment No 34. Article 19: Freedoms of Opinion and Expression,” 12 September 2011, UN Doc CCPR/C/GC/34, para. 47.

²⁶ See for example Micah George, “Time to Remove Criminal Libel Laws,” *The Voice Saint Lucia*, February 7, 2013, at http://www.thevoiceslu.com/let_and_op/2013/february/07_02_13/Time.htm (accessed on February 13, 2015); Reporteros sin Fronteras, “Dos periodistas acusados por difamación, los delitos de prensa deben ser despenalizados,” November 15 2012, at <http://es.rsf.org/r-dominicana-dos-periodistas-acusados-aea-aeapor-15-11-2012,43682.html> (accessed on February 13, 2015).

²⁷ See International Press Institute, “Recording said to capture Guyanese official’s chilling message for newspaper,” October 31, 2014, at <http://www.freemedia.at/newssview/article/recording-said-to-capture-guyanese-officials-chilling-message-for-newspaper.html> (accessed on February 13, 2015).

²⁸ See, for example, Human Rights Watch, “Not Safe at Home: Violence and Discrimination against Gay People in Jamaica,” October 21, 2014, at <http://www.hrw.org/reports/2014/10/21/not-safe-home> (accessed on February 13, 2015); and Chiara Liguori, “Gay People’s Rights in the Caribbean Have to Be Respected,” *Amnesty International*, August 8, 2013 at <http://livewire.amnesty.org/2013/08/08/gay-peoples-rights-have-to-be-respected/> (accessed on February 13, 2015).

because due to widespread prejudice an accusation of homosexuality can ruin reputations—and thus, are potentially libelous. The Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights repeatedly has noted that “hate speech directed against individuals on the basis of their sexual orientation or gender identity that constitutes the incitement of violence is not protected by freedom of expression.”²⁹

²⁹Inter-American Commission on Human Rights (IACHR), “Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression,” OEA/Ser.L/V/II.149 Doc. 50, December 31, 2013, para. 562 (citing IACHR, “Annual Report 2009. Annual Report of the Office of the Special Rapporteur for Freedom of Expression. Chapter III (Inter-American Legal Framework of the Right to Freedom of Expression),” OEA/Ser.L/V/II. Doc. 51. December 30, 2009, paras. 58-59).

Country Information and Findings

Belize

POPULATION



60,838³⁰

GDP PER CAPITA



\$4,180³¹

INTERNET PENETRATION



31.7%³²



The main LGBTI-related topic in Belize’s media over the summer of 2014 was the Supreme Court challenge to the country’s criminal code provisions prohibiting consensual adult same-sex sexual conduct. Belize’s Criminal Code, in its section 53, criminalizes “carnal intercourse against the order of nature” as an “unnatural crime” with a potential prison sentence of 10 years.³³ This provision has been interpreted to criminalize sexual relationships between consenting adults of the same sex, generally, though more specifically it is thought to criminalize anal sex between men. The constitutionality of this section has been challenged in Belize’s Supreme Court by Caleb Orozco, executive director of the United Belize Advocacy Movement (UNIBAM); at the time of writing this report, a notice to the decision is still pending.

In April 2013, the U.N. Human Rights Committee asked Belize to review its laws, generally, to ensure that they do not contain provisions that discriminate on the basis of sexual orientation or gender identity.³⁴ In October 2013,

during the U.N. Human Rights Council’s review of Belize’s human rights record, several states, including the United States and the United Kingdom, asked Belize to reform all laws that are used to discriminate on the basis of sexual orientation or gender identity.³⁵ In November 2014, the United States Embassy issued a statement on the occasion of the International Day of Tolerance, calling upon Belize to “repeal the anti-sodomy laws, provisions of which are inconsistent with Belize’s obligations with respect to privacy rights protected by Article 17 of the ICCPR.”³⁶

³⁰Statistical Institute of Belize at <http://www.sib.org.bz> (accessed on May 19, 2015).

³¹World Bank, “Risk and Development: Managing Risk for Development. World Development Report 2014,” World Bank, Washington DC 2013.

³²Internet World Statistics, “Central America internet usage and population statistics,” at <http://www.internetworldstats.com/stats12.htm> (accessed on April 21, 2015).

³³Belize Criminal Code, as amended in 2000, Section 53.

³⁴Human Rights Committee, “Concluding observations on Belize in absence of a report,” CCPR/C/BLZ/CO/1, April 26, 2014, para. 13.

³⁵Adele Ramos, “UK, US tell Belize to abolish sodomy law,” November 1, 2014, Amandala (online) at <http://amandala.com.bz/news/uk-belize-abolish-sodomy-law/> (accessed on April 21, 2015).

³⁶“Past and Present U.S. Ambassador’s Statement on LGBT Policy in Belize,” November 16, 2014 at http://belize.usembassy.gov/pr2_11_13_2014_page.html (accessed on April 21, 2015).

Media in Belize did not cover the Human Rights Committee's recommendations but did give modest attention to both the Human Rights Council review as well as the Ambassadors' statement. The coverage prompted the Belize Association of Evangelical Churches to issue a counter statement defending Section 53, and calling for other countries to bow out of Belize's sovereign affairs.³⁷ Some media outlets also commented on financial support from the United States to the organization involved in the case.³⁸ Ironically, Section 53 is a hold over from colonial British law, and the most vocal supporter of Section 53 in Belize is a U.S. citizen, pastor Scott Stirm, who is the vice president of the Belize Association of Evangelical Churches.³⁹

Media attention to Section 53 challenge flared up earlier in 2014, when Brandon Bain, a professor from the University of the West Indies and director of the UWI's Caribbean HIV/AIDS Regional Training Programme (CHART), issued an expert report before the Belize Supreme Court. The report said countries that have repealed buggery laws have seen an increase in HIV/AIDS rates among the population of men who have sex with men (MSM),⁴⁰ and that the high rate of HIV/AIDS and other sexually transmitted diseases among gay men is an economic scourge, creating "significant and avoidable financial costs" to citizens and governments.⁴¹ Professor Bain was subsequently fired from CHART, as the University noted he had lost the confidence and support of a

significant sector of the community that the CHART programme is expected to reach."⁴² This news reverberated throughout the region, and received particular attention in Jamaica, where it spurred a demonstration and sustained media attention throughout the summer and into the fall.⁴³

July 2014 also saw some media comment on whether or not a transgender woman, Vanessa Champagne, should be placed in a male or female prison after assault charges. Journalists routinely used male gender pronoun to refer to her.⁴⁴

In mid-July, there was limited media coverage of a small protest against Belize's foreign minister, after he declared Belize would support the principles of the Organization of American States, including the principle of non-discrimination (including on the basis of sexual orientation and gender identity).⁴⁵

MEDIA ENVIRONMENT AND LEGAL PROTECTIONS OF FREE SPEECH

Freedom of expression is protected by Belize's Constitution,⁴⁶ although this document provides several broad exceptions to protect national security, public health, safety, order and "morality,"⁴⁷ along with the "reputation of others."⁴⁸ Belize also criminalizes defamation as well as offending public morality, both with a potential

³⁷ Adele Ramos, "Churches call for referendum on sodomy law," November 28, 2014, Amandala (online) at <http://amandala.com.bz/news/churches-call-referendum-sodomy-law/> (accessed on April 21, 2015).

³⁸ "And Says US Has Supported UNIBAM," August 15, 2015, News5 at <http://edition.channel5belize.com/archives/102784> (accessed on May 19, 2015).

³⁹ Owen Bowcott and Maya Wolfe-Robinson, "Belize gay rights activists in court battle to end colonial era law," May 2, 2013, The Guardian (London) at <http://www.theguardian.com/world/2013/may/02/belize-gay-rights-supreme-court> (accessed on April 21, 2015).

⁴⁰ "MAJ supports UWI professor, Dr Bain, who gay groups want fired," May 20, 2014, ChattyChatty (online) at <http://chatychaty.com/2014/05/maj-supports-uwi-professor-dr-bain-who-gay-groups-want-fired/> (accessed on April 21, 2015).

⁴¹ Ben Wolford, "AIDS Expert, Brendan Bain, Fired by University for Saying Homosexuality is Threat to Public Health; Supporters Protest," May 27, 2014, Medical Daily at <http://www.medicaldaily.com/aids-expert-brendan-bain-fired-university-saying-homosexuality-threat-public-health-supporters> (accessed on April 21, 2015).

⁴² Ben Wolford, "AIDS Expert, Brendan Bain, Fired By University For Saying Homosexuality Is Threat To Public Health; Supporters Protest," May 27, 2014, Medical Daily at <http://www.medicaldaily.com/aids-expert-brendan-bain-fired-university-saying-homosexuality-threat-public-health-supporters> (accessed on April 21, 2015).

⁴³ See below.

⁴⁴ "Transgender women, Vanessa Champagne, is charged and behind bars," July 1, 2014, News5 at <http://edition.channel5belize.com/archives/100900> (accessed on May 19, 2015).

⁴⁵ "Occupy Belmopan takes Belize City condemning Foreign Minister," July 14, 2014, News5 at <http://edition.channel5belize.com/archives/101393> (accessed on May 19, 2015).

⁴⁶ Belize Constitution of 1981, Article 12(1).

⁴⁷ *Ibid.*, Article 12(2)(a).

⁴⁸ *Ibid.*, Article 12(2)(b).

prison sentence of up to two years. In April 2013, the U.N. Human Rights Committee asked the government to Belize to provide information on the impact of the libel law on freedom of expression in the country.⁴⁹

Despite the restrictions, both Freedom House⁵⁰ and the BBC⁵¹ have given Belize a relatively high score for press freedom. News is consumed through broadcast media, or one of several weekly papers. Internet penetration is relatively low for the Caribbean, at 32 percent, although neighbors Guatemala and El Salvador have even lower rates.⁵²

⁴⁹Human Rights Committee, "Concluding observations on Belize in absence of a report," CCPR/C/BLZ/CO/1, April 26, 2014, para. 21.

⁵⁰ See Freedom House, "Belize, Freedom of the Press 2013," at <https://freedomhouse.org/report/freedom-press/2013/belize#.VTZT5jqIcio> (accessed on April 21, 2015).

⁵¹ See BBC News, "Belize Country Profile," at http://news.bbc.co.uk/2/hi/americas/country_profiles/1211472.stm (accessed on April 21, 2015).

⁵² Internet World Statistics, "Central America Internet usage and population statistics," at <http://www.internetworldstats.com/stats12.htm> (accessed on April 21, 2015).

Grenada

POPULATION



105,000⁵³

GDP PER CAPITA



\$7,110⁵⁴

INTERNET PENETRATION



43.5%⁵⁵



The media monitoring showed that issues related to sexual orientation, gender identity, and bodily diversity seldom are highlighted in Grenada’s media. Commentary at times flares up in response to specific events. For example, in May 2013, the then-leader of the 13-seat Senate, Senator Dr. Lawrence Joseph, argued for decriminalization of consensual adult same-sex relationships to avoid international condemnation (and potential sanction) and to follow the “modern trend” of acceptance.⁵⁶ His article generated much debate, including accusations that Senator Joseph probably is gay, that he is in the pocket of the World Bank or the International Monetary Fund, that institutions that endorse non-discrimination are really pushing immorality, and that the African ancestors of the island’s population would not approve of homosexuality.⁵⁷ The published comments exposed a high level of acceptance of homophobic language in media commentary. Dr. Joseph responded in a second article making it clear that while

he supported decriminalization for politically expedient reasons, he personally “abhorred” homosexuality.⁵⁸

In public discourse, there is considerable gender-based bias against both women and anyone who does not adhere to gender norms, which the government has failed to combat. The Committee on the Elimination of Discrimination against Women, in its 2012 review of Grenada, expressed deep concern with the persistence of gender stereotypes and attitudes concerning the

⁵³ Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, “World Population Prospects: The 2012 Revision,” 2012 at <http://esa.un.org/unpd/wpp/index.htm> (accessed on April 19, 2015).

⁵⁴ World Bank, “Risk and Development: Managing Risk for Development. World Development Report 2014,” World Bank, Washington DC 2013.

⁵⁵ Internet World Statistics, “Caribbean Internet usage and population statistics,” at <http://www.internetworldstats.com/stats11.htm> (accessed on April 20, 2015).

⁵⁶ See Associated Press, “Leader of Grenada’s Senate calls for island to reconsider its laws banning sex between men,” May 29, 2013 at <http://igbtnewsclips.blogspot.com/2013/05/news-clips-wed-may-29-2013.html> (accessed on April 20, 2015); and Grenadian Connection (online), “Grenada Senator Urges Review of Anti-Sodomy Law,” at <http://bit.ly/1JnsHfa> (accessed on April 20, 2015).

⁵⁷ See comment stream after Grenadian Connection (online), “Grenada Senator Urges Review of Anti-Sodomy Law,” at <http://bit.ly/1JnsHfa> (accessed on April 20, 2015).

⁵⁸ Dr. Lawrence A. Joseph, “Liberty, Immorality, and The Law,” NOW Grenada, June 18, 2013 at <http://nowgrenada.com/2013/06/liberty-immorality-and-the-law/> (accessed on May 19, 2015).

“roles and identities of women and men in the family and society ...”.⁵⁹ Such stereotypes are at the root of discrimination against lesbians, gay, bisexual, transgender and intersex persons, and others who are not seen to be following traditional roles for what men and women are supposed to do and be. The Committee noted that the government should adopt a comprehensive strategy to overcome these stereotypes, including a broad awareness-raising component that includes the media.⁶⁰

A media uproar occurred in October 2014 over a public presentation by Groundation Grenada and GrenCHAP as part of a national constitutional reform debate. Groundation Grenada wrote a detailed paper to the Constitutional Reform Advisory Committee, calling for the addition of sexual orientation and gender identity as prohibited categories of discrimination in the Bill of Rights; the public presentation made a similar point.⁶¹ The event was live broadcast across Grenada and the diaspora, and the Grenada Broadcasting Network (GBN) featured a newsclip with the audio of a reporter discussing the presentation while video images showed a man dressed in a drag costume, patterned after the Grenada flag. Also, in a Facebook clip, later removed, the caption referred to Groundation as a ‘small but highly unpopular group.’ The following week a pastor wrote a letter to the editor in one of the major weeklies calling for Grenada to reject Groundation Grenada’s proposals and referring to them as agents of Satan.⁶²

Grenada criminalizes consensual same-sex relationships with a prison term of up to 10 years. The Criminal Code Section 431 (under “Public Nuisances”) establishes criminality for “unnatural connexion” between two persons, along with bestiality.⁶³ Section 290 of the Criminal Code notes that “unnatural connexions” are on a par with felonies that carry prison sentences of 7 years or more (that is, somewhat serious felonies), and defines this group of crimes as “infamous offences.”⁶⁴ It should be noted that while the Criminal Code provision is gender-neutral, the provision is commonly understood to apply to men only. In 2009, the U.N. Human Rights Committee expressed concern over the continued criminalization of consensual adult same-sex conduct in Grenada, and recommended to the State that the relevant legal provisions be repealed.⁶⁵ Similar recommendations were made at Grenada’s Universal Periodic Review (UPR) at the United Nations in 2010 and again in January 2015.⁶⁶

MEDIA ENVIRONMENT AND LEGAL PROTECTIONS OF FREE SPEECH

Though several commentators consider the U.S. invasion of Grenada in 1983 the origin of restrictions on media access to battlefields,⁶⁷ Grenada’s own press has been declared generally free by both Freedom House⁶⁸ and the BBC.⁶⁹ There are no domestic daily papers but there is a substantial number of weeklies. Daily news is consumed through foreign papers or, more commonly, radio or television news. The Grenada Broadcasting Network—

⁵⁹ Committee on the Elimination of Discrimination Against Women, “Concluding observations of the Committee on the Elimination of Discrimination against Women,” CEDAW/C/GRD/CO/1-5, 23 March 2012, para. 19.

⁶⁰ *Ibid.*, para. 20.

⁶¹ Groundation Grenada Action Collective, “Grenada Constitutional Reform – LGBT Proposal,” posted on October 17, 2013 at https://youtu.be/_7yEn_hMe8M (accessed on May 19, 2015).

⁶² On file with Groundation Grenada.

⁶³ Grenada Criminal Code, as amended in 1987, Section 431: “If any two persons are guilty of unnatural connexion, or if any person is guilty of unnatural connexion with any animal, every such person shall be liable to imprisonment for 10 years.”

⁶⁴ Grenada Criminal Code, as amended in 1987, Section 290.

⁶⁵ Human Rights Committee, “Concluding Observations of the Human Rights Committee: Grenada,” CCPR/C/GRD/CO/1, 14 August 2009, para. 21.

⁶⁶ Human Rights Council, “Report of the Working Group of the Universal Periodic Review: Grenada,” June 16, 2010, UN Doc A/HRC/15/12, para. 71.85; Report for January 2015 session not released at time of writing May 19, 2015.

⁶⁷ See, for example, Pascale Combelles-Siegel, “The Troubled Path of the Pentagon’s Rules on Media Access to the Battlefield: Grenada to Today,” May 15, 1996, at <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB325.pdf> (accessed on April 20, 2015).

⁶⁸ Freedom House, “Grenada: Freedom in the World 2012,” at <https://freedomhouse.org/report/freedom-world/2012/grenada#.VT1QDqIcio> (accessed on April 20, 2015).

⁶⁹ BBC, “Grenada Country Profile,” at http://news.bbc.co.uk/2/hi/americas/country_profiles/1209605.stm (accessed on April 20, 2015).

a public-private partnership with the minority stake owned by the government—operates the main radio and television stations.⁷⁰ Increasingly, people are also accessing news and information through the Internet (access to which is largely uncensored). The Internet penetration rate is at 43.5 percent, compared to 87 percent in Saint Lucia and 54 percent in Jamaica.⁷¹

Grenada's 1973 Constitution protects the right to freedom of expression broadly, including the right to share information and ideas publicly.⁷² The Constitution also allows for broad restrictions to this right, as long as these are provided for by law and are "reasonably required" to protect public morality, the reputations of others, and other stated purposes that are viewed as reasonably justifiable in a democratic society.⁷³

International human rights law allows for some restrictions to the right to freedom of expression, including for the purposes of the protection of public morals and the rights of others. However, it requires such restrictions to be "necessary" to protect these purposes.⁷⁴ The Human Rights Committee has insisted on a strict test of necessity in this regard, noting that a particular restriction is not necessary "if the protection could be achieved in other ways that do not restrict freedom of expression."⁷⁵

In 2012, Grenada became the first country in the Caribbean to decriminalize criminal libel, which until then had carried a potential prison sentence of 6 months to 2 years.⁷⁶ Grenada still criminalizes seditious libel (insulting the government) or insulting the monarch, subject to 2 years of prison, or as a misdemeanor, respectively.⁷⁷

⁷⁰BBC, "Grenada Country Profile," at http://news.bbc.co.uk/2/hi/americas/country_profiles/1209605.stm (accessed on April 20, 2015).

⁷¹Internet World Statistics, "Caribbean Internet usage and population statistics," at <http://www.internetworldstats.com/stats11.htm> (accessed on April 20, 2015).

⁷²Grenada Constitution of 1973, Section 10(1).

⁷³*Ibid.*, Section 10(2).

⁷⁴International Covenant on Civil and Political Rights, Article 19.

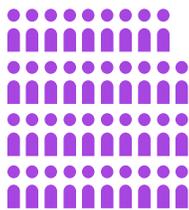
⁷⁵Human Rights Committee, "General Comment No. 34: Article 19, Freedom of Expression," CCPR/C/GC/34, 12 September 2011, para. 33.

⁷⁶Scott Griffen, "Grenada abolishes criminal defamation," International Press Institute at <http://www.freemedia.at/newssview/article/grenada-abolishes-criminal-defamation.html> (accessed on April 20, 2015).

⁷⁷Grenada Criminal Code, as amended in 1987, Sections 327 and 328.

Guyana

POPULATION



786,000⁷⁸

GDP PER CAPITA



\$3,410⁷⁹

INTERNET PENETRATION



33%⁸⁰



News related to sexual orientation and gender identity in Guyana is generally focused on either violence against persons perceived to be gay—and for being gay—and accusations that some one or another is gay or lesbian. July of 2014 was no exception.

One story that captured the media—making the news around the region⁸¹ and farther afield, including the United Kingdom⁸²—was the stabbing murder of two sex workers, described as “gay.”⁸³ The victims were described in the press as men wearing women’s clothing and engaging in sex work,⁸⁴ and the potential murder motive and

personal details of the victims were spelled out in great detail, seemingly to titillate readers.⁸⁵ Some news reports recounted the reluctance of police and bystanders to get involved, due to fear of being robbed,⁸⁶ while others emphasized the distress of the family of the perpetrator

⁷⁸ Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, “World Population Prospects: The 2012 Revision,” 2012 at <http://esa.un.org/unpd/wpp/index.htm>.

⁷⁹ World Bank, “Risk and Development: Managing Risk for Development. World Development Report 2014,” World Bank, Washington DC 2013.

⁸⁰ Internet World Statistics, “Internet usage and population statistics in South America,” at <http://www.internetworldstats.com/stats15.htm> (accessed on April 21, 2015).

⁸¹ “Two gay men stabbed to death in Guyana by spurned lover,” July 20, 2014, Jamaica Observer at <http://www.jamaicaobserver.com/latestnews/Two-gay-men-stabbed-to-death-in-Guyana-by-spurned-lover> (accessed on April 23, 2015); “Two gay sex workers murdered in Guyana,” July 20, 2014, caribbean360.com at <https://goo.gl/UATR0l>

⁸² “Guyana: Two Stabbed to Death by ‘Jilted Lover,’” July 21, 2014, PinkNews (online) at <http://www.pinknews.co.uk/2014/07/21/guyana-two-stabbed-to-death-by-jilted-lover/> (accessed on April 23, 2015).

⁸³ “Two gay sex workers stabbed to death in Georgetown,” July 20, 2014, NewsSource Guyana (online) at <http://newssourcegy.com/news/two-gay-sex-workers-stabbed-death-georgetown/> (accessed on April 23, 2015).

⁸⁴ *Ibid.*

⁸⁵ “Double murder and suicide rock ‘gay’ community – Suspect’s mother unaware son ‘was into boys,’” July 20, 2014, Guyana Chronicle Online (online) at <http://guyanachronicle.com/double-murder-and-suicide-rock-gay-community-suspects-mother-unaware-son-was-into-boys/> (accessed on April 23, 2015).

⁸⁶ “Two gay sex workers stabbed to death in Georgetown,” July 20, 2014, NewsSource Guyana (online) at <http://newssourcegy.com/news/two-gay-sex-workers-stabbed-death-georgetown/> (accessed on April 23, 2015).

over his perceived sexual orientation.⁸⁷ The elaboration on the victims' and perpetrator's presumed sexual orientation appeared gratuitous, in particular since very little was reported on investigations and other elements more directly related to the crime.

There was wide coverage in the news media of a \$15 million law suit by the female deputy mayor regarding "defamatory" statements on the subject of her sexuality by another female government official.⁸⁸

News coverage repeatedly used disparaging words such as "unnatural", among others. While there were queries as to "what constitutes libel and what constitutes defamation" there was no suggestion that being LGBT in and of itself should not be grounds for insult or considered an "attack" on an individual's character. The subject of the action was reported as saying in her defense, "I never said that she was gay."⁸⁹ Further, the media made light of comments by the government official "that in light of recent events involving LGBT persons she would have to seek protection on the issue."

There was wide but not extensive coverage of a call by Guyana's non-governmental organization Society Against Sexual Orientation Discrimination (SASOD) for the recall of Junior Finance Minister as a member of Parliament and his removal as a Government Minister for hate speech against the LGBT community. The media failed to use the opportunity to expand on SASOD's submission to the Universal Periodic Review process, which claims breaches to the local constitution and international law. The occasion was however used to repeat the minister's incendiary and unfounded

comments about LGBT persons. The minister's comments were later alluded to in reports of the murder of two "gay sex workers."⁹⁰

In one positive note, media covered a human rights award given to Guyana's non-governmental organization Society Against Sexual Orientation Discrimination (SASOD) for advocacy at the International AIDS Conference in Melbourne in July 2014.⁹¹ This item received very little press, however.

Guyana criminalizes same-sex sexual relationships between men, with a potential prison sentence of 2 years for "gross indecency,"⁹² and of 10 years for "indecent assault" between men.⁹³ Guyana's criminal law also imposes potentially life imprisonment for "buggery" with another human being "or any other living creature."⁹⁴ Though this latter provision on the face of it is gender neutral and in principle could be applied to heterosexual couples (or to those committing bestiality), it is generally understood to criminalize only sexual relations between men. Guyana's Foreign Minister, Carolyn Rodrigues-Birkett, is cited in the press for having told the Human Rights Council in January 2015, during the country's UPR that while discussion on sexual orientation has increased over the years, society remains very divided.⁹⁵

MEDIA ENVIRONMENT AND LEGAL PROTECTIONS OF FREE SPEECH

The Guyana Constitution guarantees freedom of expression, though hate speech is excluded along with "other expressions, in whatever form, capable of exciting hostility or ill-will against any person or class of persons."⁹⁶

⁸⁷ "Double murder and suicide rock 'gay' community – Suspect's mother unaware son 'was into boys'," July 20, 2014, Guyana Chronicle Online (online) at <http://guyanachronicle.com/double-murder-and-suicide-rock-gay-community-suspects-mother-unaware-son-was-into-boys/> (accessed on April 23, 2015).

⁸⁸ "Sooba faces legal action over gay slurs to deputy mayor." Kaietur News [Georgetown, Guyana]. July 7, 2014.

⁸⁹ "Sooba denies saying Chase Green is gay." Guyana Chronicle. July 29, 2014. Print

⁹⁰ "Gays stabbed to death: Juan Edghill's utterances blamed." July 20, 2014, Carib News Desk at <http://www.caribnewsdesk.com/news/8315-gays-stabbed-to-death-juan-edghill-s-utterance-blamed>

⁹¹ "SASOD Honoured with 2014 Red Ribbon Award," July 22, 2014, CARICOM Community Secretariat at http://www.caricom.org/jsp/pressreleases/press_releases_2014/pres185_14.jsp (accessed on April 24, 2015); "SASOD honoured with Red Ribbon at international AIDS conference." Stabroek News, [Georgetown, Guyana]. July 23, 2014. Local news. Print

⁹² Criminal Law (Offences) Act of 1893, Section 352.

⁹³ *Ibid.*, Section 353.

⁹⁴ *Ibid.*, Section 354.

⁹⁵ "Guyana called upon to decriminalize same-sex relations," January 29, 2015, StarbroekNews.com (online) at <http://www.starbroeknews.com/2015/news/stories/01/29/guyana-called-upon-decriminalize-sex-relations/> (accessed on April 23, 2015).

⁹⁶ Constitution of the Cooperative Republic of Guyana, Article 146, and Article 146 (3).

In 2011, Guyana passed the Freedom of Information Act, creating a clearer path for accountability and access to information about government actions for citizens and the press.⁹⁷

In reality, defamation is the only form of expression “exciting ill will against persons” that is effectively protected in Guyanese law.⁹⁸ Guyana’s defamation act requires no special damage done to a person’s reputation for accusations of adultery or “unchastity” to be actionable. In other words, innuendo about private legal sexual acts are assumed, *prima facie*, to be damaging to that person’s reputation.⁹⁹

Guyana’s Internet penetration rate is at 33 percent, which is similar to other South American countries on the Caribbean coast, but lower than both Jamaica and Saint Lucia.¹⁰⁰ Even so, Guyana has a proliferation of Internet news sources.¹⁰¹ Broadcast media is both publicly and privately owned. Both Freedom House¹⁰² and the BBC¹⁰³ rank Guyana’s media as relatively free, with problems related to regulation.

There is very uneven regulation of the media in Guyana, generally, and it is often politically motivated. The government has repeatedly postponed introduction of broadcasting regulations, and a new law that took effect in 2012 has been criticized for consolidating government power over new broadcasting licenses with the result that few licenses are issued to opposition channels.¹⁰⁴

A Media Monitoring Unit (MMU) was initially established in 2006 to monitor news coverage of elections according to the Media Code of Conduct and norms associated with international best practices in journalism. The MMU continued monitoring general media content with funding from the U.N. Development Program until mid 2010 when it was shut down by the government. Some commentators have related the shutdown to the lead-up to Guyana’s 2011 elections. In February 2015, the MMU was set to be resurrected in the lead-up to the May 2015 elections.¹⁰⁵

The courts have also been used in the tug-of-war between state and opposition media. In 2013, a High Court Judge issued a gag order against the Guyana Times in a case regarding the privatization of a state-owned entity. The Attorney General criticized this gag order.¹⁰⁶ Freedom House noted that this case led three journalists to resign to avoid reprisals.¹⁰⁷

⁹⁷ “Freedom of information legislation passed in Guyana,” September 11, 2011, Caribbean News Now! (online) at <http://www.caribbeannewsnow.com/topstory-Freedom-of-information-legislation-passed-in-Guyana-7883.html> (accessed on April 23, 2015).

⁹⁸ Defamation Act of 1959 at <http://www.guyaneselawyer.com/lawsofguyana/Laws/cap603.pdf> (accessed on February 13, 2015).

⁹⁹ *Ibid.*, Article 6.

¹⁰⁰ Internet World Statistics, “Internet usage and population statistics in South America,” at <http://www.internetworldstats.com/stats15.htm> (accessed on April 21, 2015).

¹⁰¹ See ABYZ News Links, “Guyana News Sources” at <http://www.abyznewslinks.com/guyan.htm> (accessed on April 21, 2015).

¹⁰² Freedom House, “Guyana: Freedom of the Press 2014,” at <https://freedomhouse.org/report/freedom-press/2014/guyana#.VN5xJTp6wio> (accessed on February 13, 2015).

¹⁰³ BBC News, “Guyana Country Profile” at http://news.bbc.co.uk/2/hi/americas/country_profiles/1211325.stm (accessed on April 21, 2015).

¹⁰⁴ See Freedom House, “Guyana: Freedom of the Press 2014,” at <https://freedomhouse.org/report/freedom-press/2014/guyana#.VN5xJTp6wio> (accessed on February 13, 2015).

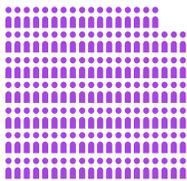
¹⁰⁵ Cabinet approves revival of Media Monitoring Unit,” Guyana Times, February 12, 2015, at <http://www.guyanatimesgy.com/2015/02/12/cabinet-approves-revival-of-media-monitoring-unit/> (accessed on February 13, 2015).

¹⁰⁶ “AG criticizes High Court Judge for issuing gag order against Guyana Times,” iNews Guyana, undated, at <http://www.inewsguyana.com/ag-criticizes-high-court-judge-for-issuing-gag-order-against-guyana-times/> (accessed on February 13, 2015).

¹⁰⁷ See “Guyana: Freedom of the Press 2014,” Freedom House at <https://freedomhouse.org/report/freedom-press/2014/guyana#.VN5xJTp6wio> (accessed on February 13, 2015).

Jamaica

POPULATION



2,741,000¹⁰⁸

GDP PER CAPITA



\$5,140¹⁰⁹

INTERNET PENETRATION



54%¹¹⁰

When it comes to issues related to sexual orientation and gender identity, Jamaica is the most notorious for extremely high levels of violence against persons perceived to be lesbian, gay, bisexual, and transgender, all frequently conflated as “gay.”¹¹¹ Policy makers are highly unwilling to take steps to stop the discrimination and violence.¹¹² The general anti-gay bias permeates the media, which at times becomes a tool to “out” people, with potentially dire consequences.

Jamaica’s media is often complicit in intimidation and harassment of gays by publishing the names of men charged with consensual buggery and gross indecency, putting them at risk of violence.¹¹³ In 2014, the Special Rapporteur for Freedom of Expression from the Inter-American Commission on Human Rights expressed concern over homophobic and discriminatory language in the media, noting that “some media systematically



published articles that could incite violence against LGBTI individuals, by disseminating messages that encourage hatred against the members of that community.”¹¹⁴

In addition, politicians and other public figures such as faith leaders use the press to promote a message of intolerance against lesbians and gays. In August 2013, for example, Education Minister Ronald Thwaites stated at a press conference that while new teaching manuals

¹⁰⁸ Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, “World Population Prospects: The 2012 Revision,” 2012 at <http://esa.un.org/unpd/wpp/index.htm> (accessed on April 20, 2015).

¹⁰⁹ World Bank, “Risk and Development: Managing Risk for Development. World Development Report 2014,” World Bank, Washington DC 2013.

¹¹⁰ Internet World Statistics, “Caribbean Internet usage and population statistics,” at <http://www.internetworldstats.com/stats11.htm> (accessed on April 20, 2015).

¹¹¹ See, Human Rights Watch, “Not Safe at Home: Violence and Discrimination against LGBT People in Jamaica,” October 22, 2014.

¹¹² See Inter-American Commission on Human Rights, “Report on the situation of human rights in Jamaica,” OEA/Ser.L/V/II.144 Doc. 12, 10 August 2012 para 286 [citing Jamaica’s refusal to accept recommendations from the UN Human Rights Council to decriminalise consensual same-sex relations, or to even acknowledge that violence against LGBT persons occurs on the island.]

¹¹³ Human Rights Watch, “Hated to Death: Homophobia, Violence, and the HIV/AIDS Crisis in Jamaica,” November 3, 2003, p. 23, citing exposés in both the *Jamaica Observer* and *The Star*.

¹¹⁴ Inter-American Commission on Human Rights (IACHR), “Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression,” OEA/Ser.L/V/II.149 Doc. 50, December 31, 2013, para. 560; see also para. 561, citing various examples from the *Jamaica Observer*.

on family life promotes tolerance on all grounds, “We will not be grooming Jamaican children for homosexual behavior.”¹¹⁵

During the month of July 2014, the Jamaica Observer and Jamaica Gleaner newspapers, Nationwide 90 FM and Radio Jamaica RJR 94 FM radio stations, as well as Television Jamaica (TVJ) and CVM TV were all closely monitored daily. These six media outlets were chosen because of their wide reach. They influence how Jamaicans perceive the country and minority groups, and their perspective is reflected in Jamaican society. A number of news items related to the rights and concerns of lesbian, gay, bisexual, transgender, and to a lesser extent intersex people resulted in extensive media coverage throughout 2014, peaking over the summer months.

The firing of Professor Brendan Bain as chairman of the Caribbean HIV/AIDS Regional Training Programme at the University of the West Indies (UWI) was widely reported by media. His dismissal—after he testified in favor of the criminalization of sodomy at the Supreme Court of Belize¹¹⁶—was seen by pundits as linked to a “gay agenda.”¹¹⁷ The Caribbean Vulnerable Communities Coalition sent a letter to UWI asking for Bain’s dismissal; the letter then became public.¹¹⁸ This issue combined in June 2014 with articles written in the nation’s most popular newspapers brandishing gays as ‘thugs’ and ‘rapists’

ensured that the “gay agenda” was at the forefront of everyone’s minds and widely covered in the print and electronic media.¹¹⁹ Viewpoints debunking the myth of a supposed “gay agenda” were also presented, though to a lesser extent.¹²⁰

Secondly, the media reported on a sexual and reproductive rights pilot program for older adolescents in private children’s homes to be implemented by the non-governmental organization, Jamaicans For Justice (JFJ) from November 2013 to May 2014. The program was criticized in the media for including a reference to anal sex, which again was linked to the “gay agenda.”¹²¹ Many radio talk shows and letters to the editor focused on this controversy. Consequently, much of the media attention focused more on whether or not Jamaicans for Justice had been infiltrated by gays¹²² instead of the appropriate sexuality education programs in the context of high incidents of HIV/AIDS¹²³ and teenage pregnancy.¹²⁴

During the summer of 2014, a coalition of faith-based groups called Jamaica Churches Action Uniting Society for Emancipation (CAUSE) was established as a response to the dismissal of Professor Bain, and organized an “anti ‘gay agenda’” march on June 29, which, according to media reports drew some 25,000 persons.¹²⁵ The organizer defined the “gay agenda” as seeking to “reorganise the society to make all sexual expressions free, and punish those in opposition.”¹²⁶ After June 29, the media was rife

¹¹⁵ See “Tolerance added to new school curriculum,” video report, Jamaica Observer, August 26, 2013, <https://youtu.be/yTWRoIWQD-U> (accessed on April 22, 2015).

¹¹⁶ See above under Belize.

¹¹⁷ See e.g. Alfred Sangster, “Headhunters, Professor Bain, and the Gay Agenda,” June 9, 2014, Jamaica Observer at http://www.jamaicaobserver.com/columns/Head-hunters--Professor-Bain-and-the-gay-agenda_16808755 (accessed on April 22, 2015).

¹¹⁸ “Majority Of Jamaicans Resolute On Keeping Buggery Law Intact,” The Gleaner (Jamaica) at <http://jamaica-gleaner.com/article/lead-stories/20141006/majority-jamaicans-resolute-keeping-buggery-law-intact> (accessed on April 22, 2015).

¹¹⁹ “Gun toting gays drive fear into citizens of Garrison communities: Homo Thugs,” Jamaica Observer, June 8, 2014, at http://www.jamaicaobserver.com/news/Gun-toting-gays-drive-fear-in-citizens-of-garrison-communities_16826316

¹²⁰ See e.g. Keiran King, “‘The gay agenda’ is a cheap scare tactic,” July 16, 2014, The Gleaner (Jamaica) at <http://jamaica-gleaner.com/gleaner/20140716/cleisure/cleisure3.html> (accessed on April 22, 2015).

¹²¹ *Ibid.*

¹²² See Arthur Hall, “‘No Gay Agenda’ – JFJ Dismisses Claims That It Has Been Captured by Homosexual Lobby,” September 7, 2014, The Gleaner (Jamaica) at <http://jamaica-gleaner.com/article/lead-stories/20140907/no-gay-agenda-jfj-dismisses-claims-it-has-been-captured-homosexual> (accessed on April 22, 2015).

¹²³ UNAIDS, “Jamaica HIV and AIDS estimates 2013,” at <http://www.unaids.org/en/regionscountries/countries/jamaica> (accessed on April 22, 2015).

¹²⁴ Arlene Martins-Wilkins, “Jamaica’s teen birth rate among region’s highest,” October 31, 2013, Jamaica Observer at http://www.jamaicaobserver.com/news/-Motherhood-in-Childhood-_15357838 (accessed on April 22, 2015).

¹²⁵ “Thousands gather to rally against homosexual agenda,” June 29, 2014, RJR News (online) at <http://www.rjrnews.com/local/thousands-gather-for-rally-against-homosexual-agenda> (accessed on April 22, 2015).

¹²⁶ “Estimated 25,000 people gather at CAUSE rally against homosexual agenda,” June 29, 2014, JA Blogz at <http://jablogz.com/2014/06/estimated-100000-people-gather-at-cause-rally-against-homosexual-agenda/> (accessed on April 22, 2015).

with news stories, columns, talk shows, letters to the editor and other commentary about the LGBTI community and its allies in Jamaica and the region. The LGBTI community and allies ensured that their voices were heard as they defended and claimed their right to equality and attempted rebut the notion of a deceptive “gay agenda.” Political and religious leaders used the opportunity to do the opposite. As an example, in July 2014, the Gleaner newspaper published an editorial on Jamaica CAUSE, the organizers of the anti-LGBTI protest, noting that only a broad inclusive agenda is worthy of a modern, functional state.¹²⁷ The editorial was immediately countered by Dr. Alfred Sangster, a relative of former Jamaica Prime Minister Donald Sangster, who argued that homosexuality is unnatural and unhealthy.¹²⁸

Throughout the late summer, the media focused on robberies allegedly carried out by homeless youth in New Kingston. The youth were generally and gratuitously referred to as “cross-dressers,” and articles on this issue were published throughout the fall.¹²⁹ This was not the first time “cross-dressers” from New Kingston were highlighted in the Jamaican media as a menace to society, specifically to straight men, for no other apparent reason than their living on the street.¹³⁰

Jamaica criminalizes “buggery” with a potential prison sentence of up to ten years.¹³¹ The law also penalizes attempted “buggery” with a potential prison sentence of up to seven years, and transfers broad powers to the police to detain, without a warrant, anyone found “lying or loitering in any highway, yard, or other place ... between 7 o’clock in the evening and 6 o’clock in the morning ... and whom he shall have good cause to suspect of

having committed, or being about to commit any felony [including “buggery”].¹³² In addition, “gross indecency” between two men is considered a misdemeanor, with a prison sentence of up to 2 years, potentially including hard labor.¹³³ Human Rights Watch has noted that it is unclear how often these provisions are effectively enforced, but that they are frequently used to intimidate and harass persons.¹³⁴

In late 2011, then opposition leader (now Prime Minister) Portia Simpson-Miller said in an election debate that her administration would promote human rights and that, as part of this, she would promote putting the “buggery” provisions of the penal code to a conscience vote in Parliament.¹³⁵ This election promise has yet to be fulfilled and is frequently highlighted in Jamaican media, usually with reference to the overwhelming support for the “buggery” provisions among the general public.¹³⁶

On a positive note, in late July 2014, Television Jamaica looked at transgender people living in Jamaica in a special feature on its popular ‘All Angles’ program.¹³⁷ It focused on the murder of Dwayne Jones, a transgender teenager who was murdered by a mob in July 2013. The feature was generally fair and balanced and included comments from Dwayne’s friends, who were there on the night of the incident, law enforcement officers, and Jamaican citizens.

Not all statements made by political leaders in the media are homophobic or negative. Some choose not to answer questions concerning LGBTI issues directly, or said that the issue would be discussed further internally and addressed publicly later. For instance, at a divisional

¹²⁷ “In Whose CAUSE?” July 3, 2014, Gleaner (Jamaica) at <http://jamaica-gleaner.com/gleaner/20140703/cleisure/cleisure1.html> (accessed on April 22, 2015).

¹²⁸ Alfred Sangster, “CAUSE Editorials and the Culture Wars,” July 10, 2014, Gleaner (Jamaica) at <http://jamaica-gleaner.com/gleaner/20140710/cleisure/cleisure3.html> (accessed on April 22, 2015).

¹²⁹ See e.g. Chad Bryan, “PHOTOS: New Kingston Cross-Dressers, On-Lookers Clash, Cop Injured,” August 22, 2014, The Gleaner (Jamaica) at <http://jamaica-gleaner.com/article/news/20140822/photos-new-kingston-cross-dressers-onlookers-clash-cops-injured> (accessed on April 22, 2015).

¹³⁰ “Gays Taking Over New Kingston, Harassing Straight Men,” October 30, 2013, Urban Islandz at <http://urbanislandz.com/2013/10/30/gays-taking-over-new-kingston-harrasing-straight-men/> (accessed on April 22, 2015).

¹³¹ Offences Against the Person Act, Section 76.

¹³² *Ibid.*, Sections 77 and 80.

¹³³ *Ibid.*, Section 79.

¹³⁴ Human Rights Watch, “Hated to Death: Homophobia, Violence, and the HIV/AIDS Crisis in Jamaica,” November 3, 2003, p. 23.

¹³⁵ “Buggery Law Debate for Parliament This Year,” June 9, 2014, The Gleaner (Jamaica) at <http://jamaica-gleaner.com/gleaner/20130609/news/news2.html> (accessed on April 22, 2015).

¹³⁶ “Majority Of Jamaicans Resolute On Keeping Buggery Law Intact,” The Gleaner (Jamaica) at <http://jamaica-gleaner.com/article/lead-stories/20141006/majority-jamaicans-resolute-keeping-buggery-law-intact> (accessed on April 22, 2015).

¹³⁷ “All Angles,” July 23, 2014, Television Jamaica at <http://www.televisionjamaica.com/Programmes/AllAngles.aspx/Videos/36561>

conference held by the People's National Party (PNP—the ruling political party—in Saint Andrew) many in attendance were concerned about LGBTI people living in their community, the buggery law and the PNP's stance on the issue. The PNP counselor who spoke on the issue shared fair-minded views about homosexuality, but spoke negatively about cross-dressers, who she suggested knowingly broke the law.¹³⁸

During the monitoring period, a notable amount was reported on gender identity and same-sex marriage, most of it negative. Coverage of intersex issues, sexual violence and violence against LGBTI people was scant or mentioned only as a smaller part of a report.

MEDIA ENVIRONMENT AND LEGAL PROTECTIONS OF FREE SPEECH

Jamaica's Constitution protects the right to freedom of expression.¹³⁹ This general provision is backed up by a 2004 Access to Information law, which provides broader access to government information upon demand, except for documents related to Cabinet proceedings or materials that could jeopardize national security or legal proceedings.¹⁴⁰ Freedom House has noted that both the print and broadcast media are largely free, though the former has low circulation, and the latter are mostly state owned.¹⁴¹ Internet penetration is at 54 percent: higher than in Belize, Guyana, and Grenada, but much lower than in Saint Lucia.¹⁴² In late 2013, Jamaica reformed its defamation laws in what the International Press Institute called "a milestone achievement for press freedom in the Caribbean."¹⁴³ The Defamation Act of 2013 eliminates

criminal libel and introduces the defense of the truth and innocent dissemination,¹⁴⁴ provisions that are vital to a free press.

In August 2011, the Annual General Meeting of the Press Association of Jamaica adopted a voluntary code of conduct, which states that the media should avoid prejudicial or pejorative mention of an individual's sexual orientation, and sexual orientation should be mentioned only when it is directly relevant to specific news story.¹⁴⁵

¹³⁸ "PNP Party to have internal debate about homosexuality," July 22, 2014, Television Jamaica at <http://www.televisionjamaica.com/Programmes/PrimeTimeNews.aspx/Videos/36511> (accessed on April 24, 2015).

¹³⁹ Constitution of Jamaica of 1962, Section 13(b).

¹⁴⁰ Jamaica Access to Information Act of 2004 at <http://moj.gov.jm/sites/default/files/laws/The%20Access%20to%20Information%20Act.pdf> (accessed on April 21, 2015).

¹⁴¹ Freedom House, "Jamaica: Freedom in the World 2014," at https://freedomhouse.org/report/freedom-world/2014/jamaica#.VTa_wDqIcio (accessed on April 21, 2015).

¹⁴² Internet World Statistics, "Caribbean Internet usage and population statistics," at <http://www.internetworldstats.com/stats11.htm> (accessed on April 20, 2015).

¹⁴³ Scott Griffen, "Jamaica decriminalises defamation," November 6, 2013, at <http://www.freemedia.at/newssview/article/jamaica-decriminalises-defamation.html> (accessed on April 21, 2015).

¹⁴⁴ Athaliah Reynolds-Baker, "Defamation Act Passed in the House of Representatives," November 5, 2013, Jamaica Information Service (online) at <http://jis.gov.jm/defamation-act-passed-house-representatives/> (accessed on April 21, 2015).

¹⁴⁵ The Press Association of Jamaica, "Code of Practice for Jamaican Journalists and Media Organizations," ratified August 8, 2011, http://pressassociationjamaica.org/wp-content/uploads/2010/09/Code_for_Media_Practitioners-Ratified-8.8.11.pdf (accessed April 22, 2015).

Saint Lucia

POPULATION



177,000¹⁴⁶

GDP PER CAPITA



\$6,530¹⁴⁷

INTERNET PENETRATION



87.5%¹⁴⁸

In Saint Lucia, news related to LGBTI issues is often about a crime, originating from media work done by local LGBTI representative organization United and Strong, or making news in other parts of the region or world.

Media, particularly broadcast television in Saint Lucia, is guilty of visual conflict when presenting stories of LGBTI Saint Lucians. In a country with the majority of predominantly African-descent, many of the stories feature images of caucasians or individuals in foreign settings. While there is a lack of spokespersons for LGBTI issues due to prevailing fears of discrimination, news outlets have access to a variety of stock footage. This therefore suggests a lack of awareness or deliberate manipulation of, the impact of images to which the average Saint Lucians cannot identify, further alienating the general public from LGBTI Saint Lucians. The repeated use of images from pride parades in news items on a range of LGBTI issues has also been noted.



Reports also indicate a tendency to treat with issues considered sensational and to approach topics from a “moral” angle.¹⁴⁹ In the week just before the start of the media monitoring exercise, Saint Lucia’s media included terms such as “flamboyant,” “people of uncertain gender” and “male prostitute,” when referring to persons perceived to be gay.¹⁵⁰

In early July 2014, Saint Lucia’s broadcast media, in particular, focused on the murder of Ulanda “Jordan”

¹⁴⁶ Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, “World Population Prospects: The 2012 Revision,” 2012 at <http://esa.un.org/unpd/wpp/index.htm> (accessed on April 20, 2015).

¹⁴⁷ World Bank, “Risk and Development: Managing Risk for Development. World Development Report 2014,” World Bank, Washington D.C. 2013.

¹⁴⁸ Internet World Statistics, “Caribbean Internet usage and population statistics,” at <http://www.internetworldstats.com/stats11.htm> (accessed on April 20, 2015).

¹⁴⁹ “LGBT Cruise sparks debate,” March 11, 2014 HTS Television at <http://youtu.be/s-WAK6nLuVg>; “LGBT intolerance,” May 28, 2014, HTS Television at <http://youtu.be/OKHuBRWEn30>; “On Leave,” July 9, 2014, DBS Television at <http://youtu.be/RJNvCz3yP5w>

¹⁵⁰ Nicholas, Toni, “A Nation Of Holier-Than-Thou Chameleons,” *Saint Lucia Star newspaper*, July 5, 2014, Local. Print [Castries, Saint Lucia]

Frederick, described as a person born with both male and female physical characteristics.¹⁵¹ The coverage focused a great deal on whether the victim had “really” been a man or a woman, although this was never presented as relevant to the motive for the murder or to the investigation.¹⁵²

Broadcast media also widely covered the case of a Catholic priest who was removed from his duties on July 5, 2014, because he was rumored to have had an “inappropriate” relationship with a man.¹⁵³ For several days, opinion articles and reports speculated on where the alleged physical relationship took place and whether it was inappropriate.¹⁵⁴ Throughout the coverage there was no solid evidence presented or credible source giving truth to the allegations. However the media made mileage of the item, with mainly injurious statements regarding LGBTI persons generally, particularly in unedited reported speech via the broadcast media.¹⁵⁵ There was no exploration of the deeper issues around the reports, including the implication of the media and public’s interpretation of the innocuous statements by the archbishop who heads the local Catholic Church.

Other items that could have meaningfully expanded the conversation around the issue of criminalization, LGBTI equality in the news, include a statement by the president of the influential Hotel and Tourism Association urging the tourism industry to actively cater to same-sex couples to grow tourism;¹⁵⁶ efforts by the Ministry of Gender Affairs to reduce sexual violence during carnival,¹⁵⁷ including sexual

harassment, and rape; and United and Strong’s distribution of safer sex commodities to mitigate unsafe sexual practices prevalent¹⁵⁸ during this same time.¹⁵⁹

Another story of potentially great import that however received very little coverage was a statement by Saint Lucia’s Prime Minister to Saint Lucians in the diaspora, seeking advice on same-sex marriage. Reported as the first occasion on which Saint Lucia’s current prime minister had ever spoken publicly about the issue, the statement has direct implications for the country’s foreign policy, and cast a negative light on donor countries and agencies as well as established international processes. The prime minister’s statement also begged analysis, as it highlighted same-sex marriage while ignoring existing barriers that preclude any discussion on same-sex marriage in Saint Lucia, namely laws that criminalise same-sex intimacy between consenting adults. The statement was carried by one news outlet, with no analysis.¹⁶⁰

Saint Lucia criminalizes “gross indecency,” with a potential prison sentence of up to ten years,¹⁶¹ as well as “buggery” (defined in law as anal sex between two men), with a potential prison sentence of up to ten years (life sentence, if non-consensual).¹⁶² The law specifies that penalties be waived for “gross indecency committed in private between an adult male person and an adult female person, both of whom consent.”¹⁶³ The law, as written, criminalizes consensual same-sex sexual relations for both men and women, with specific penalties applied for anal sex between men.

¹⁵¹ “Murder She Wrote,” July 2, 2014, DBS Television at https://youtu.be/dPt6Ch0Z7_c (accessed on April 24, 2015).

¹⁵² “Ulanda Frederick’s family on sexgender issue July 7 2014,” STS Saint Lucia at <https://youtu.be/AbUWNchKs68> (accessed on April 24, 2015).

¹⁵³ “July 9th 2014 SDA of Church desiciplinary [sic] LSJ,” July 9, 2014, STS Saint Lucia at https://youtu.be/_CJ90-U8LdE?list=UUpQIfzNs_nzcExVnodK5XQ (accessed on April 24, 2015).

¹⁵⁴ Rick Wayne, “Is Archbishop Guilty of Inappropriate Behaviour?,” July 12, 2014, Saint Lucia Star at <http://stluciastar.com/is-archbishop-guilty-of-inappropriate-behavior/> (accessed on April 24, 2015).

¹⁵⁵ “Man to Man,” July 8, 2014’ DBS Television at <http://youtu.be/Hu62QFkBV9>

¹⁵⁶ “All’s Fair,” July 31, 2014, DBS Television at <https://youtu.be/dUQHao9vYmA> (accessed on April 24, 2015).

¹⁵⁷ “Division of Gender Relations issues a Carnival Advisory,” The Scoop, Radio Saint Lucia, RSL97, [Castries] Radio

¹⁵⁸ *Ibid.*

¹⁵⁹ “Human Rights Group United and Strong Distributes Condoms for Carnival,” July 18, 2014, RSL Online at <http://rslonline.com/index.php/news/193-human-rights-group-united-and-strong-distributes-condoms-for-carnival> (accessed on April 24, 2015).

¹⁶⁰ “Same sex marriage: PM asks overseas...advice”, July 25, 2014, stluciatimes.com at <http://stluciatimes.com/article/same-sex-marriage-pm-asks-overseas-based-locals-advice>

¹⁶¹ Criminal Code of Saint Lucia of 2014, Section 132. Gross indecency is defined here as “an act other than sexual intercourse (whether natural or unnatural) by a person involving the use of the genital organs for the purpose of arousing or gratifying sexual desire.”

¹⁶² Criminal Code of Saint Lucia of 2014, Section 133.

¹⁶³ *Ibid.*, Section 132 (2).

MEDIA ENVIRONMENT AND LEGAL PROTECTIONS OF FREE SPEECH

Saint Lucia's Constitution protects the right to freedom of expression, subject to limitations to protect the rights and freedoms of others and the "public interest."¹⁶⁴

There have been several calls for a Freedom of Information Act, most recently in April 2015, when a member of the government told a gathering of non-governmental organizations that a bill will be drafted this summer.¹⁶⁵

Evaluations by Freedom House and the BBC found the right to freedom of expression was largely upheld in practice.¹⁶⁶ But the Media Association of Saint Lucia (MASL) in May 2014 said media freedom has been compromised and to some extent weakened by the combination of political use of the media and by greater demands on journalists for commercial success of the industry.¹⁶⁷ MASL also raised concerns about intimidation as a result of lawsuits against media that criticize government figures and the criticism of traditional media generally found on social media and the Internet.¹⁶⁸

Saint Lucia operates with some of the most stringent and detailed criminal provisions on libel in the region. The Criminal Code continues to penalize seditious libel,¹⁶⁹ intentional and negligent libel,¹⁷⁰ and defamation of the Crown,¹⁷¹ with potential penalties of between two and five

years. Though the law provides for the defense of truth or of good faith, the International Press Institute characterizes these provisions as "particularly troubling."¹⁷² In September 2013, a cabinet minister announced a defamation suit against a journalist for specific statements that were never mentioned further in the press.¹⁷³ Another two government officials sued the same journalist in October 2013, reportedly for reading an online article that had been published by a media outlet based in the United States. The journalist read an apology on the air in November 2013 to avoid charges.¹⁷⁴

The print media in Saint Lucia consists of a number of privately owned weeklies and two papers published three times a week.¹⁷⁵ Broadcast media are both private and publicly owned. Internet penetration is one of the highest in the region, at 87.5 percent.¹⁷⁶

¹⁶⁴ Constitution of Saint Lucia of 1979, Article 1.

¹⁶⁵ "Strengthening our advocacy rights," April 9, 2015, Saint Lucia Times at <http://stluciatimes.com/article/strengthening-our-advocacy-access-rights> (accessed on April 23, 2015).

¹⁶⁶ Freedom House, "Freedom of the World 2014: Saint Lucia," at <https://freedomhouse.org/report/freedom-world/2014/st-lucia#.VTjwxjq1cio> (accessed on April 23, 2015); and BBC News, "Saint Lucia country profile," at http://news.bbc.co.uk/2/hi/americas/country_profiles/1210491.stm (accessed on April 23, 2015).

¹⁶⁷ Media Association of Saint Lucia, "Country Report on the State of the Media in Saint Lucia for the period 2012 to 2014," May 19, 2014, at <http://www.masl.lc/content/country-report-state-media-saint-lucia-period-2012-2014> (accessed on April 23, 2015).

¹⁶⁸ *Ibid.*

¹⁶⁹ Criminal Code of Saint Lucia of 2014, Sections 304 and 305.

¹⁷⁰ *Ibid.*, Sections 313-328.

¹⁷¹ *Ibid.*, Section 329.

¹⁷² "Criminal defamation laws remain widespread in the Caribbean," February 12, 2013, The New York Carib News (online) at <http://www.nycaribnews.com/news.php?viewStory=3503> (accessed on April 23, 2015).

¹⁷³ "Minister LaCorbiniere takes legal action against Timothy Poleon and RCI," September 27, 2013, Saint Lucia News Online (online) at <http://www.stlucianewsonline.com/breaking-news-minister-lacorbiniere-takes-legal-action-against-timothy-poleon-and-rci/> (accessed on April 23, 2015).

¹⁷⁴ Freedom House, "Freedom of the World 2014: Saint Lucia," at <https://freedomhouse.org/report/freedom-world/2014/st-lucia#.VTjwxjq1cio> (accessed on April 23, 2015).

¹⁷⁵ BBC News, "Saint Lucia country profile," at http://news.bbc.co.uk/2/hi/americas/country_profiles/1210491.stm (accessed on April 23, 2015).

¹⁷⁶ Internet World Statistics, "Caribbean Internet usage and population statistics," at <http://www.internetworldstats.com/stats11.htm> (accessed on April 20, 2015).

