



Fears for family's safety force claimant to close lawsuit against anti-gay laws

Javed Jaghai, a gay man who brought a legal challenge to Jamaica's anti-buggery laws in the country's Supreme Court, has discontinued his case following threats of violence. Mr Jaghai argued that these laws violated his and others' constitutional rights.

In a signed affidavit, a copy of which is attached to this statement, Mr Jaghai attributes his decision to personal threats, the burden that the litigation was putting on his family, and continuing incidents of violence against Jamaica's lesbian, gay, bisexual and transgender (LGBT) community. In his affidavit, Mr Jaghai told the court:

"Though the cause and the case are noble, I am no longer willing to gamble with my life or the lives of my parents and siblings."

Janet Burak of AIDS-Free World, which supported Jaghai in his case from the beginning, said:

"The fear that drove Javed to withdraw from the case is the same fear that keeps gay men in Jamaica underground, away from effective HIV testing, prevention, treatment, care, and support interventions. Jamaica's own Minister of Health has publicly stated that stigma and discrimination are driving the HIV epidemic among men who have sex with men. The country's HIV prevalence rate for this at-risk population is the highest in the western hemisphere (33%), and Jamaica's anti-gay law is among the most severe in the Caribbean region, with sentences of up to 10 years in prison for consensual sexual relations between men."

J-FLAG, which had brought the claim alongside Mr Jaghai, said it understood his situation and that it fully supported his decision. J-FLAG has therefore consented to a Notice of Discontinuance.

Dane Lewis, Executive Director of J-FLAG, said:

"A law criminalising what two consenting adults do in the privacy of their own home has no place in a free society that values and protects all its citizens."

The existence of this law and the closely related cultural hostility experienced by LGBT Jamaicans should be carefully considered in light of the reasons for Javed requesting that the case be discontinued. This is a live example of the ways in which the continued existence and enforcement of the anti-buggery law contributes to the lack of access to justice for sexual and gender minorities in Jamaica."

All parties involved hope that in the aftermath of this there will be an opportunity to engage in a series of consultations with multiple stakeholders, including government, geared at sensitising Jamaicans about the LGBT community.

AIDS-Free World has been working, and will continue to work, in the Caribbean and elsewhere, to eliminate laws and policies that inhibit a more effective HIV response, including Jamaica's anti-sodomy laws.

J-FLAG remains committed to advocating for the rights of Jamaica's LGBT community and will continue to support any legitimate means to effect meaningful change to improve their lives and to ensure that the community enjoys the rights afforded to all.

-Ends-

Notes to editors

1. Contacts:
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2. Mr Jaghai filed a constitutional challenge to the buggery laws against the Attorney General on 6 February 2013. On 3 September 2013, J-FLAG was added to the action as a claimant.
3. AIDS-Free World is an international advocacy organization working for more urgent and effective global responses to HIV and AIDS. To learn more, visit www.aidsfreeworld.org.
4. J-FLAG is the foremost organisation in Jamaica advocating for the rights of LGBT people, and is committed to promoting social change, empowering the LGBT community, and building tolerance for, and acceptance of LGBT people. Through our programmes we seek to foster the acceptance and enrichment of the lives of same-gender-loving persons who have been, and continue to be an integral part of society. To find out more, please visit <http://jflag.org/>.