

JAMAICA 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion, including the freedom to worship and to change one's religion. It prohibits discrimination based on belief. A colonial-era law criminalizing the practices of Obeah and Myalism remains in effect, but it is not enforced. Minister of Justice Delroy Chuck stated the government would not repeal the 1898 Obeah Act but instead address fraudulent activities associated with Obeah and protect vulnerable persons from exploitation. In September the Supreme Court heard constitutional arguments in the continuing case of a child blocked from attending Kensington Primary School in 2018 because of her dreadlocks. The child returned to school in late 2018 following a Supreme Court ruling authorizing her return while the case continued. The government continued to mandate a nondenominational religious curriculum in schools and sponsored public events to promote interfaith engagement and respect for religious diversity. It also took steps towards compensating individuals from a trust fund it established in 2017 for victims of the 1963 Coral Gardens incident, in which eight persons were killed and hundreds injured in clashes between a Rastafarian farming community and security forces.

Rastafarians continued to report that while prejudice against their religion was still a problem, there was increasing societal acceptance of and respect for their practices. Seventh-day Adventists continued to report a limited ability to gain employment because of their observance of a Saturday Sabbath. Local media outlets continued to provide a forum for religious dialogue open to participants from all religious groups. The nongovernmental organization (NGO) Jamaica Council for Interfaith Fellowship, which includes representatives from Christian, Rastafarian, Hindu, Family Federation for World Peace and Unification (Unification Church), Baha'i, Jewish, Muslim, and Buddhist organizations, continued to hold events to promote religious tolerance and diversity.

U.S. embassy officials regularly engaged with senior officials in the Ministry of Foreign Affairs and Foreign Trade, along with the Jamaican Defense Force, to discuss the state of religious freedom in the country. Embassy officials also met regularly with leaders of religious groups, including Christians, Muslims, Jews, and Rastafarians. The embassy published a press release on July 11 from the Charge d'Affaires on U.S. efforts to promote religious freedom around the globe. Other embassy representatives included similar references to the value of religious

freedom and tolerance in speeches and other public engagements, press releases, and social media.

Section I. Religious Demography

The U.S. government estimates the total population at 2.8 million (midyear 2019 estimate). According to the 2011 census, 26 percent of the population belongs to various branches of the Church of God; 12 percent is Seventh-day Adventist; 11 percent Pentecostal; 7 percent Baptist; 3 percent Anglican; 2 percent Roman Catholic; 2 percent United Church of Christ; 2 percent Methodist; 2 percent Jehovah's Witnesses; 1 percent Moravian; and 1 percent Brethren. Two percent maintain some other form of spiritual practice. Other religious groups constitute 8 percent of the population, including approximately 29,000 Rastafarians, 5,000 members of The Church of Jesus Christ of Latter-day Saints, 1,500 Muslims (Muslim groups estimate their numbers at 6,500), 1,800 Hindus, 500 Jews, and 270 Baha'is. The census reports 21 percent have no religious affiliation. There is no census data on adherents of Obeah and Myalism, religious practices with West African influences.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of thought and religion, including the freedom to change one's religion or belief either alone or in community with others, both in public and in private, and to manifest and propagate one's religion or belief in worship. It prohibits discrimination based on belief. The constitution provides that rights and freedoms are protected to the extent they do not "prejudice the rights and freedoms of others."

A colonial-era law criminalizing Obeah and Myalism remains in effect. Potential punishment for practicing Obeah and Myalism includes imprisonment of up to 12 months. Authorities have rarely enforced the law since the country became independent in 1962, and the government reported no enforcement cases during the year.

Registration with the government is not mandatory for religious groups, but groups, including churches or congregations, may incorporate to gain benefits, including the ability to hold land, enter into legal disputes as an organization, and allow their clergy to visit prisoners. Groups seeking incorporated status apply to

the Companies Office of Jamaica, an executive agency. The application comprises a standard form and a fee of 24,500 Jamaican dollars (\$180). NGOs register through the same form and fee structure. Groups incorporated through this process must subsequently submit annual reports and financial statements to the Companies Office.

Alternatively, groups may petition parliament to be incorporated by parliamentary act. Such groups receive similar benefits to those incorporating through the Companies Office, but parliament does not require annual reports or regulate the organizations it incorporates.

Regardless of incorporation status, religious groups seeking tax-exempt status must register as charities. To be considered a charity, an organization must apply either to the Department of Co-operatives and Friendly Societies, located in the Ministry of Industry, Commerce, Agriculture, and Fisheries, or to the Companies Office. Once registered, groups also submit their registration to the Jamaica Customs Agency in the Ministry of Finance and the Public Service and apply to Tax Administration Jamaica to be considered for tax-free status.

The constitution states religious groups have the right to provide religious instruction to members of their communities. By law, immunizations are mandatory for all children attending both public and private schools; however, exceptions for medical reasons may be granted. The law requires school administrators to adhere to several practices regarding the teaching of religion. No individual may be required to receive religious instruction or participate in religious observances contrary to his or her beliefs. The public school curriculum includes nondenominational religious education, which focuses on the historical role of religion in society and philosophical thought and includes group visits to Christian, Jewish, Muslim, and Hindu houses of worship. Students may not opt out of religious education, but religious devotion or practice during school hours is optional. The Jamaican Education Act of 1980 states that, “It shall be the duty of the parent of every child of compulsory school age residing in a compulsory education area to cause him to receive full-time education suitable to his age and ability, and satisfactory to the Educational Board for the area, either by regular attendance at school or otherwise.” Under the “or otherwise” phrase in the law, families may homeschool their children.

Churches operate several private schools. Churches also run a number of public schools, for which they receive funding from the government and must abide by Ministry of Education, Youth, and Information rules. Regulations mandate that

religious schools receiving public funding must admit students of all faiths and adhere to ministry standards. Religious schools are not subject to any special restrictions; they do not receive special treatment from the government based on their religious or denominational affiliation. Most religious schools are affiliated with Catholic or Protestant churches. The Islamic Council of Jamaica runs two schools.

Foreign religious workers, regardless of affiliation, who visit the country to work with a religious organization must obtain a visa and a work permit from the Ministry of Labor and Social Security.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In September the Supreme Court heard a case brought by the parents of a then-five-year-old child blocked in 2018 from attending Kensington Primary School, a public school, until her dreadlocks were cut. Although the child's parents did not identify as Rastafarian, nor did they claim they were raising the child as Rastafarian, the case continued to garner attention from advocacy and religious groups who noted the case's symbolic representation and potential impact on cultural identity and religious expression. This case was reportedly the first to be heard before the Supreme Court that involved a minor with dreadlocks not being allowed to attend school. On September 3, the attorney general filed an affidavit in support of the public school, stating the school's policy was "targeted at hairstyles that were found to be the source of bad hygiene and disorder in classes." The Supreme Court was still in deliberation on the case and made no ruling by year's end. The family involved expressed dismay at the notion that their child was "nasty," "unsanitary," or "dirty" due to her hairstyle. In subsequent commentary related to the case, Minister of Culture Olivia Grange stated her ministry would work with the Ministries of Education and Health and the Attorney General's Office to ensure guidance issued on grooming and appropriate appearance did not target specific hair textures and hairstyles, race, or religion.

Rastafarians said discrimination against their children at schools occurred, mostly in rural areas. This included purported discrimination based on hairstyles and the Rastafarian community's continued religious opposition to immunization. The government stated immunizations were part of its campaign to reduce the resurgence of many communicable diseases in the country. Although the law

allowed immunization exceptions for only medical reasons, Rastafarian students continued to be able to obtain a doctor's note excusing them from the requirement.

The Jamaican Defense Force (JDF) generally did not accept Rastafarians into its ranks. The JDF noted it did not discriminate based on religion or denomination, but, according to JDF officials, the force's very strict codes of conduct regarding hair length and the prohibition of marijuana among its members were the "real obstacles" to Rastafarian participation in the force. Reportedly there was no person self-identified as Rastafarian in the JDF.

In June Minister of Justice Chuck responded to significant media and social media pressure when editorials in the nation's leading newspapers and the public condemned his suggestion in parliament to repeal the 1898 Obeah Act. According to media reports, the minister later stated that his remarks had been "misinterpreted" and that the government considered repealing the Obeah Act only to replace it with a broader law that banned Obeah and addressed "fraudulent activities" related to people's belief systems. The minister said the Obeah law would remain on the books while the government worked on other legislation to address "fraudulent activities" associated with Obeah and to protect vulnerable persons from exploitation. While no one from the Obeah community publicly commented on the law, observers stated they believed their reluctance to speak out was due to the potential for punishment. According to press, no one had been convicted of an Obeah-related offense in more than two decades, and the religion maintained only a shadow of its former popularity.

In connection with the observance of National Heritage Week on October 13-21, Minister of Education, Youth, and Information Alando Terrelonge stated the theme "Our Heritage... A Great Legacy" summons all Jamaicans to unite "whatever their race, color, religion, or creed."

According to media, the government took further steps to disburse funds from a trust it established in 2017 to compensate victims of the 1963 Coral Gardens incident. During the incident, for which Prime Minister Andrew Holness apologized in 2017, eight persons were killed and more than 150 were injured in clashes between security forces and a Rastafarian farming community outside Montego Bay. Jamaicans for Justice, a local NGO providing legal representation for the victims and survivors of the violence, said in 2018 that it had finally received all information necessary, including the total number of beneficiaries, to finalize compensation with the Administrator General Department. In June, however, Lewis Brown, treasurer of the Rastafari Coral Gardens Benevolent

Society, told media that no disbursements had occurred, and no further information from the government was forthcoming.

Section III. Status of Societal Respect for Religious Freedom

Rastafarians continued to report wider societal acceptance despite what they said was their continuing to be typecast as marijuana dealers, as well as certain limitations associated with their wearing dreadlocks and smoking marijuana. Following the 2019 edition of the “Rebel Salute,” a reggae-based music festival, local and international media hailed the “Rasta intelligentsia” for taking a stand against injustice, including religious discrimination, through a thorough study of history

According to media, citizens had mixed reactions to the prospect of repealing the law criminalizing Obeah, many objecting on the grounds that the religious practice was evil. According to a book by professors from the University of the West Indies (Jamaica) and the University of Edinburgh, Obeah was initially criminalized to protect slave owners against uprisings and the law symbolized the country’s hostility to its African connections. Letters published by prominent social commentators stated those choosing to practice Obeah, not the government or followers of other religions, should determine whether Obeah should remain illegal.

Seventh-day Adventists continued to report their observance of a Saturday Sabbath caused difficulties finding private sector employment, particularly by business process outsourcing (BPO) firms, which include international call centers, data entry, and insurance coding work, many of which are open 24 hours and on weekends. According to media reports, although parliament had passed a flexible work arrangement law in 2014 granting employees the right to negotiate working hours, some sectors, including BPOs and agriculture, had yet to fully implement these kinds of arrangements. Gloria Henry, president of the Business Processing Industry Association of Jamaica, said in August she was unaware of discrimination in the BPO sector but would “assist where possible.”

Christian, Jewish, and Muslim groups continued to state that society was tolerant of religious diversity, pointing to their continued involvement, along with other faiths, in the Jamaica Council for Interfaith Fellowship. The interfaith council included representatives from the Rastafari Innity Council, Sanatan Dharma Mandir United Church, Unification Church, National Spiritual Assembly of the Baha’is, United Congregation of Israelites, Islamic Council, and Soka Gakkai

International. Other organizations sometimes participated in council events. The council continued to coordinate public educational events and publicize the World Interfaith Harmony Week celebrated on February 1-7. The Islamic Council of Jamaica said large groups of secondary school students continued to regularly visit the council's 13 mosques as part of the government's religious education syllabus.

Local media outlets continued to provide a forum for extensive coverage and open dialogue on religious matters through radio and television shows, as well as on opinion pages and letters to the editor in newspapers, such as *The Gleaner* and *The Jamaica Observer*. Topics included the intersection of gay rights with religion, atheism, the criminalization of Obeah, and religions' role in the government. *The Gleaner* also published a series of academic discussions on religion and culture, touching on topics such as the influence of African traditions in the Caribbean and the role of women as spiritual leaders.

Section IV. U.S. Government Policy and Engagement

Embassy officials regularly engaged with senior officials in the Ministry of Foreign Affairs and Foreign Trade, along with the JDF, to discuss the state of religious freedom in the country and the July Ministerial to Advance Religious Freedom in Washington.

Embassy officials also met regularly with and encouraged dialogue among leaders of religious groups, including Christians, Jews, Muslims, and Rastafarians, to discuss the importance of religious tolerance and social inclusion, citizen security concerns of religious groups, and the freedom of expression and assembly in relation to religious freedom.

On July 11, the Charge d'Affaires published a press release on U.S. efforts to promote religious freedom around the globe. Other embassy representatives included similar references to the value of religious freedom and tolerance in speeches and other public engagements, press releases, and on social media.