



WHEN YOUR LOVE IS AGAINST THE LAW

THE ABOMINABLE CRIME

DISCUSSION GUIDE

COMMON GOOD PRODUCTIONS PRESENTS "THE ABOMINABLE CRIME" A FILM BY MICAH FINK

PRODUCED & DIRECTED BY MICAH FINK CO-PRODUCED & EDITED BY KAREN K.H. SIM

CINEMATOGRAPHY BY GABRIELLE WEISS ORIGINAL MUSIC BY AMANDA HARBERG ANIMATION & GRAPHICS BY MOLLY SCHWARTZ ASSOCIATE PRODUCER TARA NADOLNY

FUNDING PROVIDED BY PULITZER CENTER ON CRISIS REPORTING EXECUTIVE PRODUCERS JON SAWYER & NATHALIE APPLEWHITE



INTRODUCTION TO THE GUIDE

This is a discussion guide intended for educational and community screenings of the film “The Abominable Crime.” This guide is intended to provide supplementary information and to enhance discussion after a viewing of the film.

Audiences who may be especially interested in “The Abominable Crime” include: Civil rights groups, LGBT organizations, asylum organizations, Caribbean Diaspora groups, parents, high school and college students, law students, religious groups, those living with or researching HIV/AIDS, and international human rights organizations.

SUMMARY

The Abominable Crime is a documentary that gives voice to gay Jamaicans who, in the face of endemic anti-gay violence, are forced to flee their homeland.

The film follows **Simone Edwards**, a mother, and **Maurice Tomlinson**, a human rights activist, as they navigate the conflict of loving their homeland and staying alive.



Simone is seeking asylum after being shot by anti-gay gunmen because she knows her life – and the life of her daughter -- hang in the balance.

Maurice, shortly after filing a case to overturn his country’s anti-sodomy law, finds his life threatened when he is outed by a Jamaican newspaper and decides to flee to Canada. Once there, he must decide if he will risk everything to return to Jamaica and continue his activism.

Told first hand as they unfold, these personal accounts take the audience on an emotionally gripping journey traversing four years and five countries. Their stories expose the roots of homophobia in Jamaican society, reveal the deep psychological and social impacts of discrimination on the lives of gays and lesbians, and offer an intimate first-person perspective on the risks and challenges of seeking asylum abroad.



ABOUT THE FILMMAKERS



Director and producer **Micah Fink**, the founder of Common Good Productions, is an award-winning filmmaker specializing in international affairs, public health, and environmental issues. He is also on the faculty at the Graduate Program in Social Documentary at the School For Visual Arts in New York City.

Micah's work has been recognized with several Emmy nominations, two Cine Golden Eagle Awards, a Silver Screen award, and an International Film and Video Award. He was a Japan Society Fellow in 2008 and a Kaiser Media Health Fellow in 2005. Micah has a MS in Journalism from Columbia University and a BA in Comparative Literature from Cornell University. Over the last fifteen years, he has worked on more than three dozen films for PBS Wide Angle, National Geographic Explorer, National Geographic Wild, Frontline, WNET, The Teaching Channel, and ABC News.

You can learn more about Common Good Productions and see examples of Micah's work at www.commongoodprod.com.

Co-Producer and editor **Karen K.H. Sim** began her documentary filmmaking career as an editor on Maro Chermayeff's *Juilliard*, a 2-hour special for the PBS series *American Masters*. She then honed her skills in storytelling further by working with Frontline producer/director Ofra Bikel, editing a number of her films, including the Emmy award-winning *An Ordinary Crime* and *The Burden of Innocence*.

Since then, Karen edited *Saint Misbehavin': The Wavy Gravy Movie* and worked with Liz Garbus as her producer and editor on a number of projects, including *COMA*, *Shouting Fire: Stories from the Edge of Free Speech*, which premiered at the Sundance Film Festival, and most recently *ROBOT* for Focus Forward Films, which premiered at the Los Angeles Film Festival.



ABOUT THE PULITZER CENTER



Pulitzer Center

The *Abominable Crime* was supported in part by funding from The Pulitzer Center on Crisis Reporting.

The Pulitzer Center on Crisis Reporting promotes in-depth engagement with global affairs through its sponsorship of quality international journalism across all media platforms and an innovative program of outreach and education. The Center's reporting on HIV/AIDS in the Caribbean is supported by the MAC AIDS Fund.

For more information visit: www.pulitzercenter.org

Funding for this project generously provided by

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THE SODOMY LAW IN JAMAICA

Jamaica's sodomy law is a relic of British imperialism. Three sections of "The Offences Against The Person Act" of the Jamaican Criminal Code (sections 76, 77 and 79) criminalize "buggery" (anal intercourse) and "gross indecency" (male homosexual intimacy).

Section 76: "Whosoever shall be convicted of the abominable crime of buggery committed either with mankind or with any animal, shall be liable to be imprisoned and kept to hard labour for a term not exceeding ten years."

Section 77: "Whosoever shall attempt to commit the said abominable crime, or shall be guilty of my assault with intent to commit the same, or of any indecent assault upon any male person, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour."

Section 79: "Any male person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the court to be imprisoned for a term not exceeding two years, with or without hard labour."

WHAT DOES THE SODOMY LAW HAVE TO DO WITH HOMOPHOBIA?*

The law criminalizes three specific acts: "buggery," "attempted buggery," and "acts of gross indecency." However, AIDS-Free World and many other organizations have documented the fact that politicians, elected officials, police officers, church leaders, and the average person on the street universally understand the law to make homosexuality itself illegal. This means that the law effectively turns people into criminals if they are homosexual or are believed to be homosexual, or if they diverge in any way from commonly accepted notions of heterosexuality.

Under the law, anyone who performs or tries to perform a sexual act with a person of the same sex is a criminal; thus, Jamaica's law allows citizens at large to view homosexuals (actual or perceived) as criminals. Jamaica is a country in which vigilante justice against criminals is quite common, and the anti-sodomy law encourages violence against homosexuals by essentially proclaiming, "these people are 'unapprehended criminals,' and therefore should be treated as such."

IMPACT OF JAMAICA'S SODOMY LAW*

While very few cases have been documented in which the police or prosecutors in Jamaica have tried to charge individuals with these crimes, so long as the law exists, so, too, does the possibility of prosecution. This means that homosexuals live in fear that anything two men do, no matter how unremarkable—such as sitting in a car talking, or going to the beach together—might be perceived as a violation of the law and, possibly, subject them to criminal prosecution.

*Source: AIDS-Free World, Q&A: AIDS-Free World's Challenge to Jamaica's Anti-Gay Law, 2012

THE SODOMY LAW & THE FIGHT AGAINST HIV AND AIDS*

Laws that directly or indirectly criminalize homosexual acts, homosexual identity, and men who have sex with men (MSM) form barriers to effective responses to HIV in the countries that retain those laws.

[Jamaica's sodomy] laws create apprehension amongst homosexuals and MSM, who fear that even the mundane activities of daily life will lead to accusations that they are involved in criminal acts. For example, if a gay male goes to the doctor for an annual health check-up, that doctor may ask him if he is sexually active. If he answers truthfully, he has just confessed to a crime. If he lies and says he is not sexually active, or says he has sex with women, he will be depriving the doctor of accurate information about risks to his health.

[These laws] drive those who are in need of services related to HIV and AIDS underground. Because the sodomy law is perceived to criminalize homosexuality as a whole, men who have sex with men are deeply unpopular in Jamaica, and the government is not anxious to be seen as providing "special" services to them. Consequently, the Jamaican government uses the sodomy law as an excuse for not creating adequate HIV-related health programs (outreach, testing, support, treatment, care) that target MSM. This combination of governmental inaction and legitimate fear amongst MSM creates enormous barriers to effective HIV and AIDS health programs.

*Source: AIDS-Free World, Q&A: AIDS-Free World's Challenge to Jamaica's Anti-Gay Law, 2012

SODOMY LAWS & THE BIBLE

Many Jamaicans view homosexuality through a Biblical lens.

Three passages from the Bible addressing homosexuality are frequently quoted in Jamaica:

*"You shall not lie with a male as with a woman; it is an abomination."
(Leviticus 18:22)*

*"If a man lies with a male as with a woman, both of them have committed an abomination; they shall be put to death; their blood is upon them."
(Leviticus 20:13)*

*"So do you not know that wrongdoers will not inherit the kingdom of God? Do not be deceived! Fornicators, idolaters, adulterers, male prostitutes, sodomites, thieves, the greedy, drunkards, revilers, robbers—none of these will inherit the kingdom of God."
(1 Corinthians 6:9-10).*



HISTORY OF THE BRITISH SODOMY LAW*

Human Rights Watch wrote a report about the origins of the British sodomy law in 2008.

“This report describes the strange afterlife of a colonial legacy. It will tell how one British law —the version of Section 377 the colonizers introduced into the Indian Penal Code in 1860—spread across immense tracts of the British Empire.

Colonial legislators and jurists introduced such laws, with no debates or “cultural consultations,” to support colonial control. They believed laws could inculcate European morality into resistant masses. They brought in the legislation, in fact, because they thought “native” cultures did not punish “perverse” sex enough. The colonized needed compulsory re-education in sexual mores. Imperial rulers held that, as long as they sweltered through the promiscuous proximities of settler societies, “native” viciousness and “white” virtue had to be segregated: the latter praised and protected, the former policed and kept subjected.

Section 377 was, and is, a model law in more ways than one. It was a colonial attempt to set standards of behavior, both to reform the colonized and to protect the colonizers against moral lapses.

It was also the first colonial “sodomy law” integrated into a penal code—and it became a model anti-sodomy law for countries far beyond India, Malaysia, and Uganda.

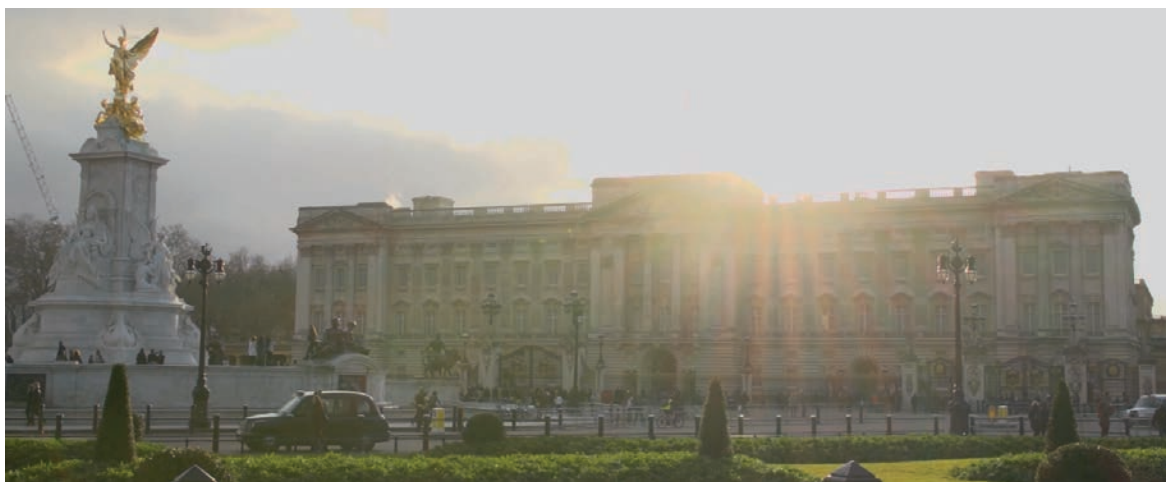
Its influence stretched across Asia, the Pacific islands, and Africa, almost everywhere the British imperial flag flew.

In Asia and the Pacific, colonies and countries that inherited versions of that British law were: Australia, Bangladesh, Bhutan, Brunei, Fiji, Hong Kong, India, Kiribati, Malaysia, Maldives, Marshall Islands, Myanmar (Burma), Nauru, New Zealand, Pakistan, Papua New Guinea, Singapore, Solomon Islands, Sri Lanka, Tonga, Tuvalu, and Western Samoa.

In Africa, countries that inherited versions were: Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Nigeria, Seychelles, Sierra Leone, Somalia, Swaziland, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe.

Among these, only New Zealand (in 1986), Australia (state by state and territory by territory), Hong Kong (in 1990, before the colony was returned to China), and Fiji (by a 2005 high court decision) have put the legacy, and the sodomy law, behind them.”

*Source: Human Rights Watch. This Alien Legacy: The Origins of “Sodomy” Laws in British Colonialism. 2008



FACTS ABOUT JAMAICA TO CONSIDER

- * A survey published in 2012 by the Department of Sociology, Psychology, and Social Work of the University of the West Indies found that **88%** of Jamaicans consider male homosexuality to be immoral and **83.7%** consider female homosexuality to be immoral.
- * This 2012 survey also found that **76.7%** of Jamaicans oppose changing the buggery law and the Charter of Fundamental Rights and Freedoms to protect those in the LGBT community.
- * The HIV infection rate among the MSM (men who have sex with men) community in Jamaica is nearly **32%**, one of the highest infection rates in the world.



VALUES CHECK IN: BEFORE THE FILM

- * If your audience is unfamiliar with Jamaica and its attitudes toward homosexuality, ask the audience to write down any associations that they have with the country prior to watching the film.
- * Ask what they know about the origins of homosexuality. Born or learned behavior?
- * Many people in Jamaica believe that the Bible verses about killing homosexuals should be taken literally. Do the members of your group agree or disagree?

WORDS & DEFINITIONS

Battiman or battiboy – Jamaican slang for gay man

Buggery – British slang or legal term for sodomy.

Asylum – Based on the United Nations 1951 Convention Relating to the Status of Refugees, asylum is defined as political protection for a person who is being persecuted in his or her own country based on race, nationality, religion, political opinions and membership and/or participation in any particular social group or social activities.

Refugee – A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

(Article 1 of the UN Convention amended 1967)

POST VIEWING DISCUSSION QUESTIONS

QUESTIONS ABOUT THE BEHAVIOR OF THE CHARACTERS IN THE FILM:

1. Why did Simone leave Khayla behind in Jamaica? What other choices did she have?
2. What impact did the two and half year separation have on Simone and Khayla as a family?
3. How is Maurice's situation different from Simone's?
4. How does social status and class affect the choices that Simone and Maurice make?
5. Maurice and Tom debate the need for activism versus the risk to personal safety. Which one of them makes the more persuasive argument?
6. How do you think you would react if you found yourself in a situation similar to those faced by Maurice or Simone?
7. Why do you think Simone has a hard time feeling safe in Holland?

QUESTIONS ABOUT CULTURAL AND LEGAL ISSUES RAISED IN THE FILM:

1. What is the connection between the anti-sodomy laws, homophobia, and the spread of HIV?
2. Maurice believes that legislative change will lead to social change. Do you agree?
3. What do you think comes first, a change in the laws of a country or a change in the values and attitudes of its citizens?
4. What do you think of Lord Gifford's role in this story? What do you think of the fact that Jamaica holds on to a British colonial law that was later repealed in the UK?
5. Do you think that recent advances for LGBT equality around the world, including the overturning of DOMA in the US and the passage of marriage equality in the UK and France, will make things better or worse for the LGBT community in Jamaica, or will things stay the same?
6. Do you agree with Lord Gifford that the language of the sodomy law affects how Jamaicans view homosexuality?
7. Do you think that holding on to the sodomy law is benefiting or harming Jamaica's international reputation today?

POST VIEWING DISCUSSION QUESTIONS

QUESTIONS ON JAMAICAN ATTITUDES ABOUT HOMOSEXUALITY

1. According to Maurice, what role do church leaders play in shaping Jamaican attitudes toward homosexuality?
2. When Representative Ernest Smith denies that violence against homosexuals is taking place, he is at odds with the news reports from Jamaica. What do you think of this contradiction?
3. Many Jamaicans argue that the sodomy law is a core part of their cultural values. They say they shouldn't be forced to change to meet foreign standards. Do you agree or disagree?
4. Do you think that homosexuality is a native pattern of behavior or one that is foreign to Jamaica?

QUESTIONS FOR THE JAMAICAN DIASPORA COMMUNITY

1. How do the attitudes in your community reflect the attitudes on homosexuality in Jamaica?
2. Has living outside of Jamaica affected your own views on homosexuality? If so, how?
3. Do you think that Jamaicans can become more tolerant of homosexuality? If so, how?

QUESTIONS FOR THE LGBT COMMUNITY

1. Several characters in the film say that gays should just “keep yourself to yourself” if they want to succeed in Jamaican society. Is this really an option for our characters?
2. What has Simone lost in deciding to seek asylum abroad? What has she gained?
3. Charlene expresses frustration that Simone doesn't feel comfortable showing affection in public even though she is “safe” in the Netherlands. How has your cultural background shaped the way you express your identity in public?
4. How do you think Simone's experiences in Jamaica are affecting her behavior and relationships in Holland?
5. Maurice says the only way change will come to Jamaica is if LGBT Jamaicans make themselves more visible. What do you think?
6. Some members of Jamaica's LGBT community have criticized Maurice for pushing LGBT rights forward into the public spotlight – and fear it will cause a violent backlash. What do you think?

QUOTATIONS FROM THE FILM TO EXPLORE

“The world changes, and it’s impossible when you are in the middle of a period of change to say that the change will happen next year. But every move we make helps to break it down. Helps to ridicule it. Helps to show what damage it caused.”

– Lord Gifford

“I’m now so outted, it’s impossible for me to think about retreating into the closet anymore.”

– Maurice Tomlinson



“Even in murder, you don’t find the hideous crime of murder, the fiendish crime of rape. The very language of the law incites people to hatred. It generates hate.”

– Lord Gifford



“It’s so painful, sometimes and I’m like, I’m sorry I’m Jamaican. You know sometimes I hear about other countries who are making progressive moves, and then I’m like so why can’t Jamaica?”

– Karlene Williams-Clarke

“It’s better to be here than it is to be in Jamaica, because the torture you’ve been through. However, it’s hard. It’s hard. I’ve lost more than I’ve gained.”

– Carl Edwards

“God’s concept is an Adam and an Eve. A man and a woman. For continuity of the human race. And I hate the act of homosexuality because it has the possibility within it to cause the human race to become extinct.”

–Rev. Herro Blair

“I have a future now. I never had a future in Jamaica. Now I have a future.”

– Simone Edwards

ONLINE RESOURCES AND REPORTS

Read online: Human Rights Watch Letter to Prime Minister Simpson Miller
<http://www.hrw.org/news/2012/07/16/jamaica-letter-prime-minister-simpson-miller>

Read online: Hated To Death, Human Right Watch Report, 2004
<http://www.hrw.org/reports/2004/11/15/hated-death-0>

Read online: This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism, by Human Rights Watch
<http://www.hrw.org/reports/2008/12/17/alien-legacy-0>

Read online: Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) people in Jamaica: A Shadow Report submitted to the United Nations Human Rights Committee by JFLAG, et al.
http://www2.ohchr.org/english/bodies/hrc/docs/ngos/LGBT_Jamaica103.pdf

Explore online: Q&A: AIDS-Free World's Challenge of Jamaica's Anti-Gay Law
http://www.aidsfreeworld.org/Our-Issues/Homophobia/~/_/link.aspx?id=92298DB5679F4BDF9146149FE5F2A2CA&z=z#2

Read online: A Challenge to Jamaica's Anti-Sodomy Law by Micah Fink
<http://pulitzercenter.org/reporting/jamaica-gay-criminalization-anti-sodomy-law-homophobia-aids-free-world>

Explore online: The Glass Closet: Sex, Stigma and HIV/AIDS in Jamaica
<http://pulitzercenter.org/projects/caribbean/glass-closet-sex-stigma-and-hiv-aids-jamaica>

Read online: Baby Steps Towards Tolerance by Micah Fink
<http://pulitzercenter.org/reporting/jamaica-gay-rights-discrimination-violence>

Read online: How AIDS became a Caribbean Crisis by Micah Fink
<http://www.theatlantic.com/magazine/archive/2009/09/how-aids-became-a-caribbean-crisis/307699/>

Watch online: World Focus: Jamaica's Battle Against AIDS fought in the Shadows
<http://www.youtube.com/watch?v=xAdmpjWCvsU>

Watch online: Robert Carr on Stigma and the Spread of HIV
<http://www.youtube.com/watch?v=EUFjpP5RH1U>

Watch online: Robert Carr, founder of the Caribbean Vulnerable Communities Coalition, "bullshit" speech at MSMGF meeting in Vienna in 2010.
<http://www.youtube.com/watch?v=Zkw7fP4XO7I>

Explore online: Immigration Equality's resource for LGBTI asylum seekers in the US
<http://immigrationequality.org/issues/asylum/seeking-asylum/>

PRAISE FOR THE ABOMINABLE CRIME:

"This film will no doubt make an important contribution to raising awareness of the abuses LGBT Jamaicans face, and hopefully, help to create the change which is needed to make Jamaica a better place for all Jamaicans to live."

– **Ian McKnight**, Executive Director, Caribbean Vulnerable Communities Coalition (CVC)

"The most important LGBTQI documentary film ever to be produced in the English speaking Caribbean."

– **Jason Jones**, Executive Director, "I Am One," the leading LGBT group in Trinidad & Tobago.

"A riveting, urgent, compelling account of what pressures and hatred LGBT Jamaicans face. But for the names and faces, it could easily have been made about Belize."

– **Lisa Shoman**, Senator, National Assembly, Belize.

"A very moving documentary, and very sensitively handled. Carry tissue or a Hanky (seriously ...you will be moved to tears in parts)! Worth seeing again!!

– **Noelle Ingledew**, former Chair of Jamaica AIDS Support for Life.

"As they say in JA, 'Dis film a go hit dem fe six! ' Jamaicans will be forced to stop and listen."

– **Carolyn Carr Ragland**

For more information about the film, to arrange community and academic screenings, or for DVD sales, please visit:

WWW.ABOMINABLECRIMEFILM.COM

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