



RESPONSES TO INFORMATION REQUESTS (RIRs)

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GUY101803.FE

Guyana: Treatment of homosexuals and state protection available to them (2004 - September 2006).

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

General situation

In correspondence sent to the Research Directorate, a co-chair of the Society Against Sexual Orientation Discrimination (SASOD) stated that homophobia is widespread in Guyana (4 Sept. 2006). In October 2006, a representative of the Guyana Human Rights Association (GHRA) sent correspondence stating that it was "both rare and dangerous for gay/lesbian individuals to publicise their sexual status."

Amnesty International USA notes that it is difficult for members of the LGBT [lesbian, gay, bisexual and transgender] community to reveal their sexuality, even to friends and family, and that discrimination against homosexuals is common practice (10 Feb. 2006).

In an interview with the *Guyana Chronicle*, the SASOD co-chair indicated that two homosexuals cannot cohabit and that those who show public displays of affection are verbally or physically abused (31 May 2006).

Although gay marriages are illegal in Guyana, a wedding between two men took place in Georgetown in March 2004 (Advocate.com 31 Mar. 2004). However, shortly after the ceremony, someone opened fire and shot one of the men in the chest (ibid.; *Guyana Chronicle* 21 Sept. 2004). No additional information on this crime or on the arrest of a suspect could be found among the sources consulted by the Research Directorate.

The SASOD co-chair noted that, in Guyanese society homosexuals are treated differently depending on their social class (4 Sept. 2006). Working class homosexuals "are forced to conceal their sexual orientation in fear of social persecution, discrimination and stigma" (SASOD 4 Sept. 2006).

Legal framework

According to the criminal code of Guyana, sexual activity between people of the same sex is punishable by imprisonment for a term of two to ten years (Guyana 1998, Art. 352; ibid. Art. 353). Article 354 of the criminal code states

that any person who commits buggery is liable to imprisonment for life (Guyana 1998a; see also Freedom House 2006).

The GHRA representative indicated that all attempts to amend the criminal code have been thwarted by the strong opposition of Christian and Muslim religious leaders (Oct. 2006; see also SASOD 4 Sept. 2006). As a result of pressure from certain members of these religious communities, a constitutional amendment intended to guarantee protection from discrimination based on sexual orientation was rejected by the Guyanese parliament (ibid.).

Under Article 153 of the criminal code of Guyana, the Guyanese are prohibited from dressing in the attire of the opposite sex in public (Guyana 1998b). In May 2006, a male prostitute was sentenced by the Georgetown Magistrate's Court to a fine of \$5,000 on charges of "vagrancy and wearing female attire" (Stabroek News 16 May 2006).

Some sources indicate that homosexuality between men and between women is illegal in Guyana (GHRA Oct. 2006; Reding Dec. 2003). However, according to the International Gay and Lesbian Human Rights Commission (IGLHRC), it is impossible to say with any certainty whether the law does indeed apply to women (n.d.). According to *Sodomy Laws of the World*, however, homosexuality between women is legal (2 June 2006).

Protection available and government measures

SASOD states that crimes against homosexuals are under-reported and that there are no statistics on homophobic crimes or on the legal procedures undertaken as a result of those crimes (4 Sept. 2006). SASOD has received complaints of police brutality and of sexual violence against homosexuals, who do not file complaints mainly out of fear (ibid.). The GHRA has also investigated police brutality against homosexuals (ibid.). No information on such investigations could be found among the sources consulted by the Research Directorate.

Some sources indicate that the fact that male homosexuality is illegal and that homophobia is widespread makes it more difficult to offer AIDS prevention and treatment services in Guyana (*Guyana Chronicle* 31 May 2006; Amnesty International USA 10 Feb. 2006).

In late 2004, Guyana's health minister indicated that he intended to legalize homosexuality and prostitution in order to help the fight against HIV/AIDS (Caribbean Media Corporation 19 Nov. 2004; *The Nation* 23 Nov. 2004). That proposal was rejected by the Guyanese government, whose spokesperson announced in December 2004 that the government never intended to decriminalize prostitution or to propose any constitutional amendment addressing sexual orientation (*Guyana Chronicle* 9 Dec. 2004).

The Ethnic Relations Commission of Guyana has not yet responded to a request made by SASOD in December 2005 to ban homophobic lyrics in popular music (SASOD 4 Sept. 2006).

Non-governmental organizations

Information on assistance from non-governmental organizations was scarce

among the sources consulted by the Research Directorate.

According to the GHRA representative, "the stigma attached to gay lifestyles requires extra-ordinary care for any social activism on the issue" (Oct. 2006).

The representative from SASOD indicated that the group has been able to organize many activities, but always in an "atmosphere of apprehension" (4 Sept. 2006). The main purpose of this human rights organization is to fight discrimination based on sexual orientation by organizing activities that promote diversity (SASOD 4 Sept. 2006; see also *ibid.* n.d.).

According to SASOD, the Guyana Rainbow Association (GUYBOW), another non-governmental organization, works with groups of vulnerable persons (4 Sept. 2006). This association obtains support mainly from vulnerable populations, such as men who have sex with other men and transgender sex workers (SASOD 4 Sept. 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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