



Human Rights Violations of Lesbian, Bisexual, and Transgender (LBT) People in Guyana: A Shadow Report

Submitted for Consideration at the 52nd Session of the Committee on the Elimination of Discrimination Against Women



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Submitted to the United Nations CEDAW Committee by:

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The International Gay and Lesbian Human Rights Commission (IGLHRC)

Society Against Sexual Orientation Discrimination (SASOD)

Executive Summary

The arrests, harassment, and discrimination faced by lesbian, bisexual, and transgender (LBT) people in Guyana demonstrate the urgent need for the Government of Guyana to act.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognizes a right to protection from discriminatory laws, stereotypes, and cultural attitudes for all women. Yet despite these guarantees, the Government of Guyana has taken no steps to repeal laws that impact LBT persons or to modify cultural attitudes that lead to climates of fear, harassment, and discrimination. There is an urgent need for the Committee on the Elimination of All forms of Discrimination against Women (“the Committee”) to act so that all people in Guyana, regardless of sexual orientation or gender identity, can enjoy their most basic human rights.

Many LBT people experience discrimination by the police and law enforcement officials. Discriminatory laws against cross-dressing have led to detentions and fines for transgender women. Because of cultural attitudes against LBT people, there have been documented incidences of police intimidation, detention, and the failure to investigate homophobic assaults.

LBT people in Guyana experience harassment on the street and in their homes. Women are often targeted for harassment because they dress against gender norms. Verbal harassment is common for LBT persons, and many have also reported threats of violence and sexual harassment. LBT persons are subject to pressure from their families because of their sexual orientation or gender identity. They may be forced to conceal their sexual orientation or enter into sham relationships. Such discrimination is a product of stereotyped roles, which the Government has failed to combat.

Because of pressure to conform to rigid gender roles, many LBT women experience discrimination in education and employment. LBT women are forced to conceal their sexual orientation at school. In the workplace, many women are expected to wear feminine, sexualized attire. Transgender women have found it difficult to seek employment, other than sex work.

LBT persons are entitled to their full rights under the CEDAW Convention. In order to protect the right to a life free from discrimination or harassment and the rights to education and employment, the Government of Guyana must take positive steps to repeal discriminatory laws and combat discrimination. There is urgent need for the Committee to take appropriate action to ensure LBT people can enjoy the full Convention rights to which they are entitled.

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Introduction

This report is a joint submission by the Society Against Sexual Orientation Discrimination (SASOD), Guyana Rainbow Foundation (GuyBow) and the International Gay and Lesbian Human Rights Commission (IGLHRC) to the United Nations (UN) Committee on the Elimination of Discrimination Against Women (“the CEDAW Committee” or “the Committee”) on the occasion of its consideration of the State of Guyana’s implementation of the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) at the 52nd session taking place in New York City, the United States, on Tuesday 10th July, 2012.

The purpose of this report is to highlight the widespread and systematic human rights violations experienced by lesbian, bisexual and transgender (LBT) individuals in Guyana. In particular, the report documents instances of harassment, violence, sex stereotyping, discrimination within education and restrictions on access to employment. The authors of the report call upon the CEDAW Committee to recommend immediate and decisive action on the part of the Government of Guyana so that all individuals, regardless of sexual orientation¹ or gender identity, may enjoy their basic human rights.

¹ Sexual orientation refers to “each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.” This term includes lesbian, gay, bisexual, or heterosexual (straight) orientations.

Gender identity refers to “[E]ach person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.”

The Yogyakarta Principles: The Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity at 6 FN 1 (March 2007) available at http://www.yogyakartaprinciples.org/principles_en.htm

Substantive Violations

Article 2: Discriminatory Laws and Practices

The Convention on the Elimination of All Forms of Discrimination against Women covers not only sex-based but also gender-based discrimination against women.² In this regard, the Committee defines gender as:

‘socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women.’³

Guyana has a number of laws and policies that discriminate against LBT women on the basis of their sexual orientation and gender identity.

Cross-Dressing Laws

In Guyana, cross-dressing is criminalized under Section 153 (1) (xlvii) of the Summary Jurisdiction (Offences) Act, Chapter 8:02. This provision makes it an offence when a ‘man in any public way or public place, for any improper purpose, appears in female attire, or being a woman, in any public way or public place, for any improper purpose, appears in male attire...’ This provision discriminates against women who transgress gender norms, and by necessary implication, transgender people.

This colonial-era legislation is still being selectively enforced today for the prosecution of male-to-female transgender individuals. In 2006, Ronell Trotman, better known as ‘Pertonella,’ a cross-dressing sex worker, was fined for vagrancy and wearing female attire. Trotman was forced to pay GY\$5000 (US\$25) for each offence.⁴

Between February 6 and 10, 2009, police detained at least eight people, some of them twice, charging seven of them for cross-dressing. The first arrests took place on February 6, when plainclothes policemen detained three persons in downtown Georgetown, near Stabroek Market.

² General Recommendations, CEDAW, CEDAW /C/GC/28, ¶5

³ Ibid.

⁴ *British diplomat admits UK’s historical responsibility for anti-gay laws*, Straboek News, May 18 2011 (accessed June 20 2012) at: <http://www.kaiteurnewsonline.com/2011/05/18/british-diplomat-admits-uk%E2%80%99s-historical-responsibility-for-anti-gay-laws/>; Straboek News, May 16, 2006 (newspaper article on file with SASOD)

On February 7, the police detained five more individuals. On both occasions, the acting Chief Magistrate, Melissa Robertson, fined the detainees GY\$7,500 (US\$37.50) each. On February 10, the police detained four people; three of whom had been among those arrested on February 6 and 7. In court, when handing down the sentence, Acting Chief Magistrate Robertson told the detainees they were not women but men and exhorted them to “go to church and give [their] lives to Christ.”⁵

On February 19, 2010, SASOD and four of the transgender persons arrested filed a landmark constitutional suit – the first of its kind in the Caribbean region – arguing that Guyana’s cross-dressing laws violate the prohibition of discrimination on the grounds of sex and gender contained in Article 149(1) of the Guyana constitution.⁶ Article 154A of the Constitution also directly incorporates seven international human rights conventions, and the rights enshrined therein, to which Guyana has acceded. These seven include the International Covenant on Civil and Political Rights, The International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women. The parties filed written briefs with the Court in mid-2011, and it is hoped that the case will come on for oral hearing before the end of 2012.

Police Abuse

LBT women in Guyana experience negative treatment at the hands of the police. The authors of this shadow report have documented five separate cases where women have either been refused assistance or positively discriminated against by the police on the basis of their sexual orientation and/or gender identity. In three cases, the interviewees stated that the police had positively failed to investigate a homophobic crime when reported. In one instance, the individual described how members of the police force actually attempted to intimidate her and to solicit bribes and sexual favors. One participant explained, “I was attacked once for being gay and reported it to them [the police] - they told me to change my lifestyle.”⁷ Others described discriminatory treatment at the hands of police specifically because of their sexual orientation. Acts include unjust detention and being disallowed access to a partner who was in police custody.⁸

⁵ Kaieteur News, February 16, 2009 (newspaper article on file with SASOD)

⁶ Marking World Day of Social Justice, Transgender citizens, supported by SASOD, move to the courts to challenge Guyana’s law against ‘cross-dressing’, SASOD – GUYANA Blog Post, February 22, 2010, (accessed June 20 2012) at: <http://sasod.blogspot.com/2010/02/marketing-world-day-of-social-justice.html>

⁷ Nageer, Sherlina, “Experiences of Discrimination Among Lesbian and Bisexual Women in Guyana,” Society Against Sexual Orientation Discrimination (SASOD), (Georgetown, October 5, 2011), page 3. Unpublished survey, on file with SASOD and IGLHRC. All names kept anonymous for purpose of report, but are available on file with SASOD and IGLHRC.

⁸ Ibid.

Violence and Harassment

CEDAW General Recommendation No. 19 recognizes that gender-based violence, including harassment, is a form of discrimination.⁹

LBT people in Guyana face harassment due to gender stereotypes. Harassment constitutes discrimination when unwanted conduct related to any prohibited ground takes place with the purpose or effect of violating the dignity of a person or of creating an intimidating, hostile, degrading, humiliating or offensive environment.¹⁰ In an October 2011 survey, “Experiences of Discrimination among Lesbian and Bisexual Women in Guyana,” conducted by Sherlina Nageer for SASOD, 23 women from six of the ten administrative regions in Guyana reported experiencing verbal harassment.¹¹

Lesbian and bisexual (LB) women report experiencing street harassment on a regular basis because they deviate from established gender norms in terms of dress, mannerisms and having mostly female companions. The gender presentation and the type of clothing that LB women choose to wear impacts the level and intensity of verbal harassment they face on the streets.¹² One woman reported being threatened by a strange man with a scissors to cut her dreadlocks because she was ‘a disgrace to Rasta’ and had a ‘dirty lifestyle.’¹³ Another woman said, “I get harassed all the time. Because I don’t dress or act like a woman.”¹⁴ Yet another said, ‘sometimes people will make comments about the fact that I’m always wearing pants.’¹⁵

Many lesbian women report harassment as a result of spurning advances from men. In some instances this leads to the threat of sexual violence: “They didn’t like that response and started to get aggressive, saying stuff like ‘you need a good cock in you.’¹⁶ In other instances, abuse can take the form of derogatory remarks: “I’ve been called dyke, freak, child-molester - mostly by random guys who I reject when they try to hustle me.”¹⁷ Some LB women were threatened with implements such as glass bottles.¹⁸

⁹ General Recommendations, CEDAW, CEDAW/C/GC/19, ¶ 10, 11, 18 and 24.

¹⁰ The Equal Rights Trust, “The Declaration of Principles on Equality” (London, 2008), page 7.

¹¹ Nageer, 7

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Nageer, 8

¹⁸ Ibid.

Regular and repeated harassment or even less regular but still traumatic verbal abuse causes stress and has an impact on quality of life that cannot be underestimated.¹⁹ Some LB women reported that harassment by people they know from their community also extends to their families, including their parents, siblings and children.²⁰

Proposed Recommendations for the State Party:

- Repeal laws, which criminalize cross-dressing and which are discriminatory on the basis of gender stereotypes, gender identity and expression as defined by CEDAW.
- Sensitize and train police to be respectful to sexual and gender minorities, especially when dealing with reports of homophobic violence, and treat these reports equally and fairly to similar crimes.
- Establish and equip highly trained and specialized personnel within the Guyana Police Force with the processes and facilities to deal with violence, harassment and other sensitive crimes which involve sexuality, gender, sexual orientation and gender identity.
- Conduct public education campaigns against violence and sexual harassment of women, including lesbian and bisexual women and transgender people.
- Include sexual orientation and gender identity as prohibited grounds for discrimination in the Guyana constitution.

¹⁹ Ibid.

²⁰ Ibid.

Article 5: Modifying Social and Cultural Patterns

CEDAW Article 5 recognizes that gender stereotypes and cultural attitudes can negatively affect the lives of women.

Stereotypes in Homes

Many young Guyanese LB women live with their families. This often forces them to conceal their sexual orientation (as well as friendships and relationships with other LGBT people) from disapproving family members. Many LB women experience verbal harassment from family members and pressure to conform to a more heteronormative lifestyle.²¹ One lesbian reports that she had to practice bisexuality for a time, because of family pressure:

‘My mom really wants me to change. She’s always talking about how she wants to see me married before she dies and wants grandchildren. My sister is always praying for god to take away “the curse” from me.’²²

Another lesbian said:

‘I feel stifled. When they found out about me, they threatened to put me out. They don’t want me to bring home females, even if they’re straight, or just friends. Any new female friend they see me with, I get a million questions. There is constant nagging. My mother forced me to get a boyfriend. The nagging from my family is actually worse than the street harassment.’²³

LB women report significant harassment from neighbours. One lesbian who owned property indicated that neighbours would discourage potential tenants from renting from her because of her sexual orientation.²⁴ Another woman said:

‘Where I’m staying now is known as the “coxun”²⁵ house by people in the neighbourhood. If you try to give them directions, they won’t know where to go, but if you tell them that, right away, they know is where.’²⁶

²¹ Nageer, 6.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ The word “coxun” is a pejorative local term for lesbian.

²⁶ Nageer, 6

Stereotyping in Receiving Goods and Services

LB women experience instances of discrimination in the provision of goods and services. In some instances, the discrimination may be overt, taking the form of an outright refusal to sell goods to a certain ‘type of people’ or providing services in a clearly discrimination manner. One LB woman recalls that when she rented a room in a hotel with another woman, ‘people kept passing, listening, and knocking on the [hotel room] door.’²⁷

Proposed Recommendations for the State Party:

- Provide access to quality counseling and psychosocial support for LGBT people and their families who are struggling to deal with sexual orientation and gender identity issues in their homes.
- Conduct public education campaigns against homophobia and transphobia and promote the human rights of LGBT people through mass media and other public means.

²⁷ Nageer, 5

Article 10: The Right to Education

LB women report discriminatory treatment in terms of their educational pursuits. This is more pronounced if the fields of study which these women choose do not conform to traditional, ‘feminine’ gender roles. Some LB women have experienced discrimination in school at the hands of both teachers and fellow students. One participant reported that she was reprimanded by a teacher in front of the entire class simply for talking to a known lesbian who was her friend. Another woman was chastised in front of the school assembly and removed from her position as a school prefect.²⁸ Many women report having to conceal their sexual orientation in order to maintain family support for educational pursuits, especially in terms of paying tuition fees.

Proposed Recommendations for the State Party:

- Provide training for teachers and school administrators on comprehensive sexuality education in schools.
- Provide access to counselors in schools who are well trained and sensitized to deal with sexuality issues in a manner respectful of the human rights of LGBT students.
- Include information on human rights, sexual orientation and gender identity in the Health and Family Life Education curriculum and implement it in all schools nationwide. Also, mandate this as a requirement for certification of private schools in the country.

²⁸ Nageer, 4

Article 11: The Right to Employment

Discrimination in employment is a major issue facing sexual and gender minorities in Guyana. A recent report by the University of the West Indies Rights Advocacy Project (U-RAP), *Collateral Damage: The Social Impact of Laws Affecting LGBT Persons in Guyana*, indicates that individuals are often affected in their access to jobs and hindered in their career advancement because of their sexual orientation.²⁹ It states:

“For the lesbian and bisexual women who were interviewed, the question of the ‘presentation of self’ at work in a gender appropriate way often centred on the subjects’ willingness or unwillingness to dress in a way considered to be ‘feminine’ or ‘sexy.’ N is a 24-year old Afro-Guyanese lesbian who works as a waitress. Her statements are typical: ‘My boss told me to wear tighter pants’ and ‘I was trying to get a job for a friend of mine who dresses like a guy, but my boss said no.’”³⁰

Four out of the five transgender persons interviewed for the U-RAP study were sex workers. One interviewee indicated that they had faced negative sanctions because of their sexual orientation and gender identity in the past.³¹ Another interviewee, who works as a volunteer, has sufficient qualifications to apply for a variety of jobs but has been reluctant to do so because of transphobic discrimination in the formal employment sector.³²

LB women report experiencing discrimination at work based on their actual or perceived sexual orientation. LB women may be discriminated against in the job seeking process, because of their masculine attire or their failure to conform to traditional gender norms. In some instances, LB women also cite the context in which they work as preventing them from more openly displaying their sexual orientation. One interviewee stated: “I work at a school, so can’t go public. I have to be very careful because of my job...have to always look around and see who’s watching.”³³

Employment discrimination makes access to the rental and housing market moot for many sexual and gender minorities. One woman said, “because of my sexuality, I cannot get a job, and with no job, I cannot get a (bank) loan (to buy a house) or an apartment.”³⁴

²⁹ Carrico, C. “Collateral Damage: The Social Impact of Laws Affecting LGBT Persons in Guyana.” Bridgetown, 2012, page 19.

³⁰ Carrico, 20.

³¹ Ibid.

³² Carrico, 21

³³ Nageer, 5.

³⁴ Carrico, 20.

Proposed Recommendations for the State Party:

- Amplify the Prevention of Discrimination Act, Chapter 99:09 to include sexual orientation and gender identity as grounds for discrimination in employment, training and recruitment.
- Conduct comprehensive training in both the public and private sectors on non-discrimination in the workplace, especially based on sexual orientation and gender identity.
- Update the Labour and Employment Policy³⁵, as part of Guyana's National Development Strategy³⁶, to include non-discrimination based on sexual orientation and gender identity in the labour sector as a primary objective and take active steps to achieve this.

³⁵ http://www.guyana.org/NDS/chap35.htm#Contents_IV (accessed on June 20, 2011)

³⁶ <http://www.guyana.org/NDS/NDS.htm> (accessed on June 20, 2011)

Proposed Recommendations for the State Party

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2. Sensitize and train police to be respectful to sexual and gender minorities, especially when dealing with reports of homophobic violence, and treat these reports equally and fairly to similar crimes.
3. Establish and equip highly trained and specialized personnel within the Guyana Police Force with the processes and facilities to deal with violence, harassment and other sensitive crimes which involve sexuality, gender, sexual orientation and gender identity.
4. Conduct public education campaigns against violence and sexual harassment of women, including lesbian and bisexual women and transgender people.
5. Include sexual orientation and gender identity as prohibited grounds for discrimination in the Guyana constitution.
6. Provide access to quality counseling and psychosocial support for LGBT people and their families who are struggling to deal with sexual orientation and gender identity issues in their homes.
7. Conduct public education campaigns against homophobia and transphobia and promote the human rights of LGBT people through mass media and other public means.
8. Provide training for teachers and school administrators on comprehensive sexuality education in schools.
9. Provide access to counselors in schools who are well trained and sensitized to deal with sexuality issues in a manner respectful of the human rights of LGBT students.
10. Include information on human rights, sexual orientation and gender identity in the Health and Family Life Education curriculum and implement it in all schools nationwide. Also, mandate this as a requirement for certification of private schools in the country.

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