

**Ending Violence and Criminal Sanctions
on the Basis of
Sexual Orientation and Gender Identity
Statement by Vidyaratha Kissoon**

Good afternoon.

Please allow me to dedicate my presentation to Ashwan Williams. Ashwan William's body was found with chop wounds last Friday morning behind a bank in Half Way Tree, Kingston, Jamaica. The news reports said Ashwan was dressed in feminine clothes. Other reports said that some people stood around Ashwan Williams' corpse laughing and making derogatory remarks. Jamaica and Guyana are part of a Caribbean region grappling with a culture that seemingly accepts violence and discrimination on the basis of sexual orientation and gender identity. Ashwan is the most recent casualty of this culture.

I wish that we did not have to be here.

I would like to thank the Permanent Missions to the United Nations of Argentina, Belgium, Brazil, Croatia, France, Gabon, the Netherlands, New Zealand, Norway, the United States, and the Delegation of the European Union for sponsoring this panel discussion. I would like to recognise the efforts of the people in the NGOs who worked hard with the countries to make this event possible.

I want to share with you work being done to end criminal sanctions and to talk about religion and socio-cultural change.

Ending Criminal Sanctions

The Criminal Law Offences Act (8:01) in Section 351 criminalises consensual sexual activity between males. Section 153 of the Summary Jurisdiction (Offences) Act criminalises cross-dressing.

In a series of crackdowns in February 2009, the Guyana police arrested a number of male-to-female transgender persons and charged them with so-called 'cross-dressing'. In February 2010, private individuals and the Society Against Sexual Orientation Discrimination (SASOD), a Guyanese organization, brought a constitutional challenge against these colonial laws. Since then, the case has been postponed at the request of the government. This comes as no surprise. History has shown there does not have to be any urgency when LGBT people's rights are being violated.

SASOD is also looking to international mechanisms to address these discriminatory laws

When Guyana's human rights record was reviewed by the Human Rights Council this year, the government report said that,

“no cases involving the harassment of lesbian or gay persons had been received by the Government through any of its complaint mechanisms.”

While there is the constitutional challenge in the court, the dilemma is that many LGBT persons would not seek to report discrimination because of fear of further victimisation.

The Working Group then recommended that Guyana repeal all laws which criminalise consensual same-sex activity. There was also a specific recommendation to promote dialogue around cultural change. In response, Guyana’s Cabinet spokesperson and Head of the Presidential Secretariat, Dr Roger Luncheon, noted that the

“Government is unlikely to tamper with legislation to address what advocacy groups say is discrimination against homosexual lifestyles, aspects of which are in contravention of the law, such as homosexual sexual activity and cross dressing. For these issues to be addressed, Government must be convinced that this is the desire of the people of Guyana and not an agenda being foisted on the society by the developed world.”

SASOD has held an annual film festival as part of its public education campaign. The Inter-Religious Organisation condemned the film festival, the spokesperson arguing that Guyana should not “subscribe to the western culture. We cannot allow the western world to come and foist their lifestyles and thinking on to us.”

All of us in this room, whether we are lesbian, gay, bisexual, transgender or straight, we know our desires and our bodies are intrinsic to us. What is more natural than what you feel in your own body? The notion that homosexuality is a western imposition is utterly false. This misconception is a familiar one, but less widely known are the many examples of homophobia and transphobia being imposed from the West. At this event last year, Ugandan activist Victor Mukasa and Zambian Reverend Kapya Kaoma both spoke of the role of American faith-based organisations in furthering homophobia in Africa. In the Caribbean, we have seen this as well. Most recently, in Trinidad & Tobago, there was a campaign by an American Christian mission that sought to fight Trinidad's tolerance of homosexuality.

Where then is the hope for the social change to drive the legal change?

Hope exists in the courage and the stamina of the mostly young activists in Trinidad who respectfully engaged the American Christian mission, and hope exists in the fact that sections of the media and civil society supported these young people.

Hope is Bishop Benedict Singh’s public letter to the Catholic Diocese in 2001 that said,

“There are homosexual men and lesbian women who lead useful and virtuous lives. Many of them show an active concern for justice and for the plight of the needy, which is an example to all of us. In the face of the discrimination they encounter,

some of them can be described as truly heroic.”

Hope is the retired trade unionist and politician from St Lucia who sat outside the LGBT film festival and told us that we have to keep pushing this vision of a better Caribbean.

Hope is in the newspaper editorials and commentaries condemning homophobia - one from Guyana’s *Kaieteur News* in February 2009 referred to the Yogyakarta Principles. This case is in the *Activist Guide*.

Hope is in the young Hindu leaders are willing to express their view that the *Bhagavad Gita*’s calls for compassion and acceptance extend to LGBT people. Hope is in the young evangelical Christian pastor who is now willing to ask her church to dialogue with SASOD.

Hope for **US** as we call for an end to violence and criminal sanctions based on sexual orientation and gender identity is in the challenge to the Inter Religious Organisation in Guyana by no less than one of the Co-Chairperson’s, Swami Aksharananda, who responded to the IRO’s position saying that Hindus should reject “the vehemence and stridency with which the IRO has expressed its anti-homosexual sentiments.” Swami Aksharananda’s closing paragraph is to all of those people who believe LGBT people are not as human as others...he said that,

“Rationality, therefore, must be the only sound base for our relationship and for understanding one another. No religious scripture, no matter how sacred we hold it to be, which elevates itself beyond the scrutiny of reason, can be accepted as a standard by which to judge human conduct. It can never be a safe ground on which to decide important issues that may have implications in matters of life and death.”

Thank you for listening.