

Report on public discussion “Sexual Orientation as a fundamental right” held on Sunday 27 April, 2003 at Hotel Tower.

Members of the religious fraternity, human rights activists, university students, transgendered persons and other members of the local community were recently told by parliamentarian Ravi Dev that Guyanese must work to prevent discrimination of every form.

“We have to put our will, hearts and minds to the construction of a society where there’s harmony and a lessening of disharmony.... all discrimination must go,” Dev who is leader of Rise Organise and Rebuild (ROAR) told the gathering at a recent symposium at Hotel Tower.

The purpose of the meeting was to raise awareness about fundamental human rights and to give a space for views which would support the inclusion of sexual orientation as a fundamental right in the constitution. The organisers of the forum felt that the development of Guyana relied on all of its citizens enjoying their basic human rights. They felt that enough discussion and consultation was not held with people who would support the inclusion of sexual orientation as a fundamental right in Guyana's constitution.

Dev was among several other speakers who aired views on whether the Guyana constitution should be amended to help prevent discrimination on the grounds of sexual discrimination. While he is against all forms of discrimination, Mr. Dev believes that caution should be exercised when it comes to changing the constitution to enshrine certain rights for homosexuals.

Speaking on Minority Rights in a Secular Democracy, the parliamentarian said “that for us to have a harmonious society we have to have a willingness to look at other views. We need to keep an open mind, be honest and accept that there might be the need for change”.

He noted, however, that in the quest to have fundamental rights enshrined in our constitution we need to be careful that we are not simply adopting a foreign idea that may not be relevant to the Guyanese scenario. He noted the dilemma by noting that it might be easier for a father to say that he is proud of his gay son, rather than he is proud that his son is gay.

“If the issue is one of discrimination, there has to be shown a historical pattern of discrimination. We simply can’t import something that does not apply to us, something that seems to be the going thing. We must have an empirical study to show that rights have been violated...that there has been sustained discrimination against homosexuals in Guyana. I come down on the side of those who feel it ought not to be enshrined in our constitution as a fundamental right at this juncture,” Mr Dev said.

However, Vidyaratha Kisson, Vice-Chairperson of Help and Shelter, who was one of the presenters, noted that it is necessary to have the Constitution prevent discrimination on the grounds of sexual orientation so as to discourage invisibility and the problems that come with it. He said that minorities have to be protected as long as their beliefs and practices do not harm anyone else. He read from a letter written anonymously by a gay teacher who said that he could not attend the forum because of the fear that he would be taunted and discriminated against by his colleagues at school who had no problem in expressing their contempt and hatred of homosexual people.

Kisson reminded the audience that before the enactment of the Domestic Violence Act many Guyanese accepted domestic violence as an inconvenient 'family problem'. However, with the passing of the law the social acceptability of domestic violence started to reduce, with victims of domestic violence being able to seek justice because the legislation is in place and with perpetrators and other silent bystanders forced to acknowledge that legislation had a place in advancing social change. He posited that the legislation outlawing discrimination on the basis of sexual orientation would help to create an environment in which gay and lesbian Guyanese could work and live free from fear.

Kisson opined that homophobia also keeps men, who would otherwise speak out against male violence, especially male violence directed towards women, silent for fear of being stigmatized.

Since religion is often a significant source of intolerant behaviour in society, he urged the gathering to investigate and interrogate religion while bearing in mind that religious texts were not written in the language that we know and use today.

Kisson also said that an environment which did not have the discrimination against homosexuals would be safe for men and boys who were sexually abused to be more willing to seek access to justice.

Another presenter, psychologist Dr. Julie Hando, enlightened the audience about the current position held by medical science on homosexuality as a mental illness. She said that the American Psychiatric Association and the World Health Organisation do not consider homosexuality as a condition or disease to be cured.

The psychologist said that as late as the 1960's the medical field still attempted to eliminate homosexuality by using methods such as electric shock, psychoanalysis, castration, hormone treatment and brain surgery. The American Psychiatric Association has advised medical practitioners not to treat people for homosexuality or attempt to change an individual's sexual orientation.

Hando said since that time research has shown that homosexuality is relatively common and normal in society, regardless of ethnic, social or cultural backgrounds.

“There is a genetic element in its causation and it’s not necessarily just as a result of socialisation or environment. Studies with twins have demonstrated this. No treatments have ever been successful in eliminating homosexuality even though there have been a lot of attempts to do this. Prayer and willpower have not helped either. It (homosexuality) can’t be changed, it can only be suppressed,” the psychologist said.

“The findings are very clear that homosexuality is not something to be cured of and we should take the findings seriously when looking at the legal and humanitarian implications,” Dr. Hando explained.

Sanjay Bavikatte, who taught in the Department of Law at the University of Guyana, examined the historical oppression of sexual minorities across the globe in his presentation. He spoke from his experiences as a human rights activist in India and as a Muslim.

Bavikatte said the oppression of sexual minorities in many parts of the world came about because of 17th Century doctrines on science and morality; doctrines which have since been proven wrong.

He contended that the question of homosexuality being rooted in genetics or socialization is irrelevant in a secular democracy like Guyana, since the important concern is whether the exercise of one individual’s rights infringes on others exercising their rights.

Responding to the view that most societies or cultures condemn homosexuality, Bavikatte noted that culture is never homogeneous. He said there are multiple views within a culture about what is right and what is wrong but the view of those in power or with power inevitably silences those with alternative positions.

Using the case of India, the legal scholar said that before the 19th Century homosexuality was not criminalised. “Post-colonial societies adopted the mores of the mother country when in fact sexuality within certain colonial societies was not as Victorian as some people assumed,” Bavikatte indicated. He noted examples from the extensive Hindu mythology and Indian historical writings of tolerance for gender fluidity and same sex relationships.

He said that because there is often a power structure that makes non-heterosexuals invisible, such sexual minorities become powerless and therefore open to community-sanctioned discrimination, hence the need for the recognition of their rights.

In the moderated question and answer segment which followed the presentations, strong views were raised by persons in the audience who had different positions on whether the Guyana Constitution should recognise the human rights of gays, lesbians and bisexuals.

For many Christians, a particular point of contention was the book of Leviticus in the Bible and whether or not it sanctioned homosexuality.

Ms. Eleanor Jordan, a Christian chemistry teacher said that the Bible was very clear about homosexuality being immoral, and invited homosexuals to speak to her about ways in which they could change. She noted that she has seen homosexuals change with the help of Christians.

However, another Christian woman in the audience rebutted saying that Leviticus was a ritual code written for Israelite priests which was not intended for practising Christians of today. She said that the book of Leviticus also has other prescriptions which many Christians deem outdated. For instance, the prohibition of men cutting their hair and beard and the prohibition on eating shell fish and wearing cloth made from different weaving.

“If you do want to condemn homosexuality you must follow other aspects of the code. There’s no way in the Bible which condemns homosexual love, it does condemn homosexual rape. Sodom and Gomorrah was about being inhospitable. We are being inhospitable with some of the views we are sharing today. I hope that with God’s love and compassion we can all learn to love our neighbour. That’s the word of God,” she offered.

Another Christian woman noted that while she is against homosexuality and she felt it difficult to explain to her child, she felt that the gay and lesbian people deserve their rights.

On the same point of Leviticus, Moulana Muhammed Alli Zenjibari said Leviticus was the written law of Levites of 6000 years ago which cannot be applied in today’s world. He noted that the texts and the history of the texts had be considered so that all human beings could be treated with love and compassion. Another commentator, Vanda Radzik, said Christians should preach love and not hate for that is what Jesus would want and she reminded the audience that the Bible had been used to endorse slavery and oppression of women.

Pastor Loris Heywood of the Full Gospel Fellowship noted that the CARICOM Charter on Civil Society was clear in the rights which were considered morally neutral. He expressed concerns that cultural imperialism was at work in trying to have sexual orientation as a fundamental right in the Constitution.

One contributor from the audience also made a plea that “we recognise discrimination as a bad thing. We all understand what discrimination is. Alienation is something everybody avoids. I don’t think anybody in this room would say that discrimination is a good thing. People are being hurt, killed, isolated, forced to be invisible because of their sexual orientation,”

Commenting on discrimination, a University of Guyana student made the point that people should not assume that non-publicized discrimination amounts to little or no discrimination.

“At UG for instance, students who are perceived as gay or bisexual are teased, taunted and even assaulted sometimes. Along with the fact that anal sex is a crime, there’s enough discrimination to warrant constitutional amendment,” the student said. He also noted that people should know that not everybody who is advocating for the recognition of human rights for all is a homosexual.

Asked about the position of the Roman Catholic Church on homosexuality, moderator of the forum, Rev. Mike James said Roman Catholics do not believe in practising hate because there is no justification in the Bible which says Christians should hate people who are different or with whom they have different views.

“We find no justification in the teaching of Christ for hate-mongering against people. Homosexual acts are not condoned by God or the Church just as how pre-marital sex is not condoned but that doesn’t mean that there should be discrimination against such persons,” James explained. The Roman Catholic Bishop and the Anglican Bishop had supported the inclusion of sexual orientation as a fundamental right in Guyana's constitution .

On April 25, the 59th Session of UN Commission on Human Rights debated a resolution proposed by Brazil which would ask member states to outlaw discrimination against people on the basis of sexual orientation. In 2001, parliament assented to the Bill which would amend the Constitution to include sexual orientation as a fundamental right. President Jagdeo did not assent to the Bill after some sections of the Christian and Muslim communities opposed the Bill. In the Joint Communique issued on 6 May, 2003, the parties noted that they would put forward the Fundamental Rights Bill to the National Assembly within two months after consulting with the religious community.

Some participants after the forum said they felt that the Devil was at work influencing those who organised the forum whilst other participants felt that they learnt from the discussions on human rights in secular democracies. Two young men commented that they felt that the session was therapeutic for some. Many people felt that the discussions were conducted in a civil and cordial manner.

(This report was prepared by a young man who is scared that putting his name to it would make him a target for taunts and slurs)