



RPD File No.: TA5-03024

[Immigration and Refugee Protection Act, ss.107(1)]
[Refugee Protection Division Rules, Rule 61]

DOB: ID: .

IS A CONVENTION REFUGEE AND THEREFORE THE REFUGEE PROTECTION
DIVISION ACCEPTS THE CLAIM.



Registrar

s.19(1)



Immigration and
Refugee Board

Commission de l'immigration
et du statut de réfugié

Refugee Protection
Division

Section de la protection
des réfugiés

IN CHAMBERS DECISION FORM
DÉCISION RENDUE EN CABINET

IRB File No(s) N° dossier CISR	Name of Claimant(s) Nom du(des) revendicateur(s)	Country(ies) of Alleged Persecution Pays de la persécution prétendue
TA5-03024		LITHUANIA
Counsel of Record Conseil inscrit au dossier	RPO/APR	
ROBIN Membership ID: : Counsel Fee(Y/N) ☐ MORCH	CASX	
Date of Hearing Date d'audience	Wednesday, May 17, 2006	
Notes in support of decision/Notes à l'appui de la décision		
The claimant a citizen of Lithuania claims refugee protection pursuant to ss. 96 and 97(1) of the Immigration and Refugee Protection Act. The claimant alleged the following: - o The claimant alleged that he is bisexual. He became aware of his sexual orientation when he was a teenager. Gossip spread and due to ridicule and jokes he dropped out of day high school and continued his education at night school. The claimant married in 1976. He tried to suppress his attraction to men but could not. He had casual sexual relations with other men. His first wife became suspicious. He finally admitted he was bisexual. They divorced in 1982. He missed her and his daughters. He agreed to support them financially in exchange for living together. His first wife agreed on condition that she never had sexual relations with him again. Finally in 1994, she met someone else and moved away. After a period of depression, the claimant became romantically attached to his housekeeper. He told her about his sexual orientation. Although shocked, she was committed to the relationship. In 2003, he had a relationship with a married man. The relationship ended in 2003. was supportive and insisted they stay together. - o In 2003, 's former husband contacted her, as he wanted her to take him back but she refused. This angered him and he became obsessed. The claimant reported this to the police but was told that the former husband was not doing anything wrong. Rumours began to circulate that the claimant was gay. The former husband later told him that he had found out his secret and "he would see I got what I deserved." The rumours spread and attitudes became unpleasant and antagonistic towards the claimant and The situation was getting worse. The claimant was ostracized and physically and verbally abused. When he approached the police, they were also abusive. His apartment door was marked with graffiti and he started to receive threatening phone calls. - o In 2003, a neighbour, the former husband and others assaulted the claimant. He required medical treatment. The police did nothing. - o At the end of 2004, the claimant was again attacked. He required medical treatment. He complained to the police but they appeared to blame him. He obtained a visa and left Lithuania on arriving in Canada on June 18, 2004. He made his claim for refugee protection on February 17, 2005.		

Canada

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B) Notes in support of decision/Notes à l'appui de la décision (Cont'd)

The claimant established his identity by his testimony and the supporting documents filed, in particular, a certified true copy of his passport found in Exhibit R-2.

The panel found the claimant to be a credible witness and therefore believes what he has alleged in support of his claim. He testified in a straightforward manner and there were no material inconsistencies in his testimony or contradictions between his testimony and the other evidence before me, which have not been satisfactorily explained. The claimant also provided a medical document confirming the attack in 2004.

The panel accepts that the claimant fears persecution at the hands of 's former husband and other members of Lithuanian society. The panel finds that this constitutes a fear of persecution and the fear results from the claimant's membership in a particular social group; gay or bisexual men.

The panel finds that claimant's fear is well founded based on what he experienced and the documentary materials before the panel. The panel also finds that there is clear and convincing evidence before it that the state is unwilling or unable to protect the claimant.

This evidence includes what the claimant experienced and the documentary material before panel.

The panel considered all the documentary evidence but notes in particular the DOS report on p. 2.1.11, Exhibit R-1, wherein it states, "Local human rights organizations reported that homosexuals suffered permanent social exclusion. Members of the homosexual community reported discrimination because of their sexual orientation. Homosexuals suffered physical abuse on the street." It also notes in particular, Item 6.7, Exhibit R-1, LTU100800.E, 22 December 2005 concerning the treatment of homosexuals by state authorities and society and the availability of state protection.

The panel finds that there is a serious possibility or reasonable chance that 's former husband or other members of Lithuanian society will persecute the claimant if he returns to Lithuania because of his membership in a particular social group; gay or bisexual men. The panel concludes that the claimant is a Convention refugee.

DECISION/DÉCISION This claim is accepted.

Member's Signature

Signature du commissaire

N.G. Stanwick

Member's Name

Nom du commissaire N.G. Stanwick

Date May 26, 2006

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