

Responses to Information Requests

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19 October 2012

GUY104201.E

Guyana: Domestic violence, including legislation, state protection, and support services (2009-2012)
 Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Situation

Sources indicate that domestic violence in Guyana is "widespread" (US 24 May 2012, 13; Freedom House 2012) and crosses "racial and socioeconomic lines" (US 24 May 2012, 13). Help and Shelter, a Georgetown-based NGO that provides counselling and shelter services to victims of domestic violence, states that between one and two out of every three women in Guyana have been victims of domestic violence (Help and Shelter n.d.a.). Some sources indicate there have not been any recent studies about domestic violence in Guyana, the last one having been conducted in the year 2000 (*Stabroek News* 17 June 2012; Red Thread 28 Sept. 2012). According to a June 2012 article by the Georgetown-based *Stabroek News*, the 2000 study, which was carried out with the support of the University of Guyana and the University of the West Indies, found that Guyana had one of the highest rates of domestic violence among the Commonwealth Caribbean, and that nearly 40 percent of women had experienced domestic abuse (17 June 2012). A 2010 UN Development Programme (UNDP) survey on citizen security, in which over 11,000 male and female adults in 7 Caribbean countries were interviewed, found that approximately 17 percent of respondents in Guyana had been subject to punching, kicking, of other physical violence by an adult household member, in comparison to the region-wide average of 10.9 percent (UN 2012, 11, 29).

Sources indicate that domestic violence incidents in Guyana are becoming more violent (*Stabroek News* 17 June 2012) and the number of deaths as a result of domestic violence was increasing in both 2009 (*ibid.* 17 Feb. 2009) and in 2012 (Help and Shelter 27 Sept. 2012). According to staff members at Help and Shelter, domestic violence is the leading cause of injury in Guyana for women between the ages of 15 and 44 (*Stabroek News* 20 Feb. 2011). In correspondence with the Research Directorate, a representative of Help and Shelter stated that between January and September of 2012, 17 women were killed as a result of domestic violence (27 Sept. 2012). *Stabroek News* has reported on domestic violence-related killings in 2009 (17 Feb. 2009), 2010 (23 May 2010), and 2011 (20 Feb. 2011), including at least five cases in which women were "stabbed" and at least two cases in which women were "hacked to death" (*Stabroek News* 17 Feb. 2009; *ibid.* 23 May 2010).

An article by Associated Press (AP) reports that domestic violence in the region of Berbice, near the eastern border with Suriname, is particularly prevalent (10 June 2010). The article also notes that Berbice's suicide rate is double the national rate, and that one of the causes is "domestic disputes" (AP 10 June 2010).

2. State Protection

2.1 Legislation

Sources indicate that the Domestic Violence Act of 1996 provides the legislative framework for handling cases of domestic violence (UN n.d.a: Guyana n.d.; *Stabroek News* 17 June 2012). As stated in the legislation, it is

[a]n Act to afford protection in cases involving domestic violence by the granting of a protection order, to provide the police with the powers of arrest where a domestic violence offence occurs and for matters connected therewith or incidental thereto. (Guyana 1996)

According to two sources, victims of domestic violence can apply for protection orders, tenancy orders and/or occupation orders (US 24 May 2012, 13; GAWL 2011, 49-52). According to a booklet published by the Guyana Association of Women Lawyers (GAWL), applications for protection orders, tenancy orders and/or occupation orders can be made by any member of a household, including: spouses; former spouses; common law spouses; former common law spouses; people who live together or used to live together in the same household (with the exception of employees, tenants, lodgers or boarders); relatives; people who are in or were formerly in a sexual relationship; or children and people with a disability (GAWL 2011, 49, 50). Applications can also be made on behalf of another person by a parent, guardian, social worker or police officer (*ibid.*, 50). Applications are made at the Magistrate's Court in the district where the conduct allegedly occurred, and hearings are usually held in private (*ibid.*). Protection orders can forbid a person from: going to where the complainant lives, works, goes to school, and/or another place where the complainant frequents; speaking with or sending messages to the

complainant; using others to harass or psychologically abuse the complainant, among others (ibid., 51). The magistrate can also order the offender to provide financial support to the complainant or a child, to return personal property, or to attend counselling or therapy (ibid.). Tenancy orders and occupation orders can grant the applicant the right to live in the household for a specified period of time, and may require the respondent to vacate the premises (ibid., 52). Further details about the laws governing protection orders, occupation orders, and tenancy orders are found in Part II of the Domestic Violence Act (Guyana 1996).

According to the US Department of State's *Country Reports on Human Rights Practices for 2011*, violating a protection order can lead to a punishment of a fine up to \$50 US dollars or a prison term up to 12 months (US 24 May 2012, 13). However, the same source notes that this legislation was often not enforced, in part because many victims did not want to press charges, and in part because they lacked confidence in the judiciary system (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Government Oversight

Guyana's Ministry of Human Services and Social Security has a Domestic Violence Policy Unit that oversees the implementation of the National Policy on Domestic Violence (2008-2013) (UN n.d.d). The Policy, which is based on the Domestic Violence Act of 1996, calls for the government to provide temporary shelter services, counselling, social work services, and legal aid for victims, as well as training about domestic violence for health care workers, police, judges, magistrates, lawyers, and others (Guyana n.d. 3, 5-6). It also calls for the Guyana Police Force to establish Domestic Violence Units in each division (ibid., 5).

In 2009, Guyana established protocols regarding sexual and domestic violence for police officers, police prosecutors, the magistrate's court staff, and for social workers and counsellors (UN n.d.c).

Guyana's Minister of Human Services, reports *Stabroek News*, stated that the government has taken a number of steps to combat domestic violence, including writing and passing laws and policies, establishing shelters and expanding legal aid to victims of domestic violence, but that "much more remains to be done especially in the area of implementing the provisions of the 1996 Domestic Violence Act and making all the services user friendly in every single community" (23 May 2010). The Minister also noted that Guyana faces challenges in changing the attitudes of service providers--such as police, magistrates, social workers, and health care providers--towards domestic violence and gender equality (*Stabroek News* 23 May 2010).

According to Help and Shelter staff, as reported by *Stabroek News*, there are "frequent breeches in DV [Domestic Violence] policy and procedures" which can result in injuries and death to victims (*Stabroek News* 20 Feb. 2011). The representative of Help and Shelter noted that the government was making efforts to address the problem of domestic violence, including raising awareness of the problem, but that more monitoring and evaluation of the system is needed (25 Sept. 2012). Similarly, a social worker interviewed by *Stabroek News* said that Guyana has policies and laws regarding domestic violence, but that "the problem lies with implementation" (17 June 2012).

2.3 Police

Sources indicate that there are protocols in place for police officers for handling cases of sexual and domestic violence (UN n.d.c). The police reportedly receive training in domestic violence (Help and Shelter 25 Sept. 2012; *Stabroek News* 7 Oct. 2010; Red Thread 28 Sept. 2012). According to the representative of Help and Shelter, police training includes a course about domestic violence for new police officers (Help and Shelter 25 Sept. 2012). However, she expressed the opinion that despite the training, the police are still "not very effective" in handling cases of domestic violence (ibid.). Similarly, AI notes that women's rights organizations complain that the police response to domestic violence cases is "unsatisfactory" (2012). *Stabroek News* indicates that in September 2010, in three cases resulting in death related to domestic violence--two murders and one suicide--the victims had reported their problems to the police, but the police failed to take action (7 Oct. 2010). An activist with the Georgetown-based NGO Red Thread, as reported by *Stabroek News*, stated that many officers are unaware of the Domestic Violence Act (2 Apr. 2012). In correspondence with the Research Directorate, a representative of the same organization, which provides outreach services to victims of domestic violence, described police effectiveness in aiding domestic violence victims as "uneven" (28 Sept. 2012).

According to the 2010 UNDP survey, approximately 22 percent of female victims and 25 percent of male victims who reported incidents of domestic violence to the police in Guyana indicated that the police treated them respectfully or very respectfully (UN 2012, 105). Among all survey respondents in Guyana, approximately 18 percent perceived the police in Guyana as having good or very good performance in controlling domestic violence throughout the country (ibid. 107).

Some sources indicate that the police are supposed to have special units for handling cases of domestic violence (Help and Shelter 25 Sept. 2012; Guyana n.d., 5; US 24 May 2012, 13). According to *Country Reports 2011*, basing their information on an unnamed NGO, these units are supposed to allow victims to report incidents privately, but in practice, in most cases the police were recording such incidents openly at the front desk, and the cases were not treated as urgent (ibid.). The Help and Shelter representative said that each station is supposed to have a desk for domestic violence victims, with instructions for the procedures posted on the wall, but that this has not been implemented in all stations and that the police often do not execute the domestic violence legislation (25 Sept. 2012). According to the representative of Red Thread, the police do not have specialized units for assisting victims of domestic violence (28 Sept. 2012).

2.4 Judiciary and Legal Aid

AI indicates that women's rights organizations in Guyana consider the courts' response to victims of domestic violence as "unsatisfactory" (2012). According to a representative of Red Thread, some lawyers were "inhumane" towards victims, and some magistrates do not believe that the Domestic Violence Act is part of Guyanese law (*Stabroek News* 2 Apr. 2012). The Minister of Human Services reportedly included magistrates among those in need of greater sensitivity towards domestic violence and gender equality (*Stabroek News* 23 May 2010).

Ralph Ramkarran, the Speaker of the National Assembly, faulted the courts for allowing many of the perpetrators who killed their partners as a result of domestic violence to plead guilty to the lesser charge of manslaughter instead of being charged with murder

(*Stabroek News* 15 Apr. 2009). *Country Reports 2011* noted that there were instances in which magistrates applied "inadequate sentences after conviction" (US 24 May 2012, 13).

The *Guyana Chronicle* reports on the sentences meted to perpetrators of domestic violence, including: a sentence of six-weeks imprisonment to a man who threatened to stab the mother of his child in the abdomen (1 July 2012); a sentence of seven-days imprisonment to a man who threatened his reputed wife (20 Apr. 2012); and a fine of \$15,000 Guyanese dollars [C\$72.61 (XE 3 Oct. 2012)], with the alternative option of 10 days imprisonment, to a perpetrator who assaulted the mother of his children (26 June 2012).

The Guyana Legal Aid Clinic [formerly known as the Georgetown Legal Aid Clinic (GLAC n.d.)] provides free legal assistance to people who cannot afford a lawyer (GLAC n.d.), including victims of domestic violence (ibid. [Dec. 2011]; US 24 May 2012, 7). The clinic receives government and private funding (ibid.; GLAC n.d.). According to data from their website, between March 1994 and December 2011, they interviewed 2,926 clients regarding incidents of domestic violence, of which they represented 1,524 and provided advice to 1,379; 23 were ineligible for legal aid (GLAC [Dec. 2011]). According to the representative of Red Thread, the government provides funding for legal aid services that assist victims of domestic violence in Georgetown, Essequibo and Berbice (Red Thread 28 Sept. 2012).

3. Support Services

3.1 Shelters

Sources indicate that there is one shelter for victims of domestic violence (Help and Shelter n.d.a; Red Thread 28 Sept. 2012), which is operated by Help and Shelter (US 24 May 2012, 13; Help and Shelter n.d.a; Red Thread 28 Sept. 2012). The Help and Shelter representative explained that the shelter is located in Georgetown, and has a capacity to hold up to 40 people, including both women and children (25 Sept. 2012). The shelter also houses victims of trafficking (Help and Shelter n.d.a) and some children over the age of 14 in coordination with child services (ibid. 25 Sept. 2012). Women can stay for up to six months, with the possibility of a time extension on a case-by-case basis (Help and Shelter 25 Sept. 2012). The shelter opened in 2000, but was closed for a time in 2003, as well as between February 2004 and March 2006, because of a lack of funding (ibid. n.d.a.; ibid. n.d.b). The government began funding the shelter in 2006 (ibid.). Sources indicate that the shelter was receiving government funding in 2011 (US 24 May 2012, 13) and 2012 (Help and Shelter 25 Sept. 2012).

The representative of Help and Shelter said that there is a need for more shelters, particularly outside Georgetown and in the outlying regions (ibid.). She noted that it is particularly difficult and expensive for people from regions 1, 7, 8, and 9 to travel to Georgetown, requiring a combination of boat, land and air travel (ibid.).

3.2 Other Services

Help and Shelter operates a hotline for victims of domestic violence (US 24 May 2012, 13; Help and Shelter n.d.a; Red Thread 28 Sept. 2012), that is available 24 hours a day (US 24 May 2012, 13; Help and Shelter n.d.a). They also provide counselling and psychological support (UN n.d.f; Help and Shelter n.d.a; US 24 May 2012, 13). According to their website, they have a client base of 8,000 people, 80 percent of whom are female, and 85 percent of whom have been victims of spousal abuse (Help and Shelter n.d.a).

Red Thread is another NGO that provides services to victims of domestic violence (US 24 May 2012, 13; UN n.d.f; Red Thread 28 Sept. 2012). According to their representative, Red Thread operates a drop in and outreach centre, runs a self-help group for survivors, and provides court support for victims of domestic violence (28 Sept. 2012).

Sources report that government-employed social workers provide assistance to victims of domestic violence (UN n.d.e; Red Thread 28 Sept. 2012), and that agencies of the Ministry of Human Services provide counselling (ibid.). According to the representative of Red Thread, welfare officers are expected to provide services to victims of domestic violence in regions outside Georgetown (ibid.). Information about the effectiveness of these services could not be found within the time constraints of this Response.

According to the Red Thread representative, a few community-based and faith-based groups outside Georgetown also provide some assistance to domestic violence victims (ibid.).

4. Sexual Violence

Sources indicate that the government passed the Sexual Offences Act in 2010 (UN n.d.b; Freedom House 2012). It reportedly calls for stricter sentences for sexual offences, such as rape and sexual assault (UN n.d.b), and makes rape gender-neutral, expanding it to include spousal rape, coercion and child abuse (Freedom House 2012). However, according to *Country Reports 2011*, neither rape nor spousal rape were frequently reported, and the police and prosecutors did not investigate or prosecute rape cases effectively (US 24 May 2012, 12). The same source reports that of 97 people charged with rape in 2011, only one person was convicted (ibid.).

According to AI, progress on the implementation of the Sexual Offences Act has been slow (2012). AI notes that the Act calls for the creation of a National Task Force for the Prevention of Sexual Violence to meet four times per year, but that the task force had only met once between April 2010 and the end of 2011 (AI 2012).

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 sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact the following people and organizations were unsuccessful: Commissioner of Police; Guyana Legal Aid Clinic; Guyana Association of Women Lawyers.

Internet sites, including: Association for Women's Rights in Development; ecoi.net; Factiva; Guyana – Ministry of Labour, Human Services and Social Security; Human Rights Watch; Organization of American States – Inter-American Commission of Women; PeaceWomen; stopvaw.org; United Nations – Refworld, Women Watch; World Organization Against Torture.

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