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Guyana: Prevalence of domestic violence, availability of state protection, recourse and services available to victims
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Prevalence of domestic violence

According to the United States (US) *Country Reports on Human Rights Practices for 2007*, domestic violence in Guyana is "widespread" (US 11 Mar. 2008, Sec. 5). At least one out of every three women in Guyana has reportedly been a victim of domestic violence (Radio Jamaica 13 June 2008; Help and Shelter n.d.a).

Sources consulted by the Research Directorate indicate that the problem of domestic violence affects women in Guyana of all racial and socio-economic backgrounds (US 11 Mar. 2008, Sec. 5; *Kaieteur News* 12 June 2008a). Help and Shelter, an organization founded in 1995 that specializes in combating all types of violence, especially domestic violence and child abuse (Help and Shelter n.d.b), compiles data on the characteristics of the clients it serves (ibid. 6 Aug. 2008). According to statistics updated on 6 August 2008, Help and Shelter served 324 clients between 1 January 2008 and 30 July 2008, including 128 Afro-Guyanese clients, 112 Indo-Guyanese clients and 84 clients from other ethnic groups (Help and Shelter 6 Aug. 2008). *Country Reports 2007* reports that Help and Shelter handled a total of 739 cases of domestic violence in 2007 (US 11 Mar. 2008, Sec. 5). Of these cases, 538 involved spousal abuse directed against women (ibid.).

Statistics released by the government of Guyana on 12 June 2008 indicate that there were over 3,600 cases of domestic violence reported in 2007 as compared to 1,708 the previous year (*Guyana Chronicle* 12 June 2008; *Stabroek News* 12 June 2008). The largest increase was recorded in Berbice, where the number of reported cases rose from approximately 300 cases in 2006, to approximately 1,890 cases in 2007 (ibid.; *Guyana Chronicle* 12 June 2008).

Legislation

The *Domestic Violence Act* of 31 December 1996 provides for protection under the law to victims of domestic violence offences, which are defined in Paragraph 2(f) as "prescribed offence[s] committed by a person against a person with whom he is associated or a relevant child" (Guyana 31 Dec. 1996). A "prescribed offence" is defined under Paragraph 2(o) of the Act as follows:

(i) murder or attempted murder

(ii) manslaughter

(iii) the use or threatened use of any other violence or physical or emotional injury

(iv) a rape offence within the meaning of the Criminal Law (Offences) Act. (ibid.)

Help and Shelter adds that the Act also affords protection from anyone who has lived in the household in the past (with the exception of former tenants or employees unless there were sexual relations involved), relatives or "any person with whom the victim has had a sexual relationship" (n.d.c). *Country Reports 2007* notes that spousal rape is not illegal (US 11 Mar. 2008, Sec. 5).

The *Domestic Violence Act* sets out the criteria that must be met when applying for a protection order (Guyana 31 Dec. 1996, Sec. 4-5) and lists a number of different provisions that a protection order may contain (ibid., Para. 6 (1)(a)-(n)). Applications for protection orders are filed with the clerk of the magistrate's court (Red Thread n.d.a, 4). A victim may file an application personally or an application may be filed on the victim's behalf by a "person associated with the respondent" [i.e., the alleged abuser (Guyana 31 Dec. 1996, Para. 2(s)), a police officer or a qualified social worker (Guyana 31 Dec. 1996, Subs. 4(1); Help and Shelter n.d.c). The clerk schedules an "in camera" hearing to be held within seven days of receiving the application (Red Thread n.d.a, 4-6; Help and Shelter n.d.c). In cases where the victim is in immediate danger, an order for protection may be passed as soon as the application is filed (ibid.). The person against whom the protection order is filed is liable to a fine of up to ten thousand Guyanese dollars [approximately 54 Canadian dollars (Oanda 10 Sept. 2008)] or up to twelve months' imprisonment for violating the prescribed provisions (Guyana 31 Dec. 1996, Sec. 32; Red Thread n.d.a, 12; US 11 Mar. 2008, Sec. 5). However, *Country Reports 2007* notes that this law "frequently was not enforced" (ibid.).

Subsection 44(1) of the *Domestic Violence Act* designates the responsibilities of the Director of Human Services of the Ministry of Labour, Human Services and Social Security in alleviating the problem of domestic violence (Guyana 31 Dec. 1996; Red Thread n.d.a, 18). These include developing educational programs, publishing reports, raising public awareness, establishing support services and providing police training (ibid., 18-19; Guyana 31 Dec. 1996, Subs. 44(1)).

The government of Guyana is a signatory to the *Convention on the Elimination of All Forms of Discrimination Against Women* (Guyana 10 July 2003).

Police response

The *Domestic Violence Act* gives police the authority to enter any premises without a warrant if there are "reasonable grounds" to believe that a protection order has been breached, or that an individual has suffered or is in "imminent danger" of suffering "physical injury" (Guyana 31 Dec. 1996, Sec. 33; Red Thread n.d.a, 15; *Stabroek News* 14 June 2008). Under Section 42 of the Act, the attending officer is obliged to render assistance to the victim, including taking

measures to ensure that the victim receives medical assistance and is brought to a safe location as warranted by the situation (Guyana 31 Dec. 1996, Para. 42(a)-(b); Red Thread n.d.a, 17). The officer must also inform the victim of his or her rights, make a full report of the incident and maintain the confidentiality of those involved (Guyana 31 Dec. 1996, Sec. 42-43; Red Thread n.d.a, 18).

The *Guyana Chronicle* reports that some victims are still unaware of their rights and may be too afraid to file a complaint, but cites Home Affairs Minister Clement Rohee as indicating that when victims do file a complaint, police sometimes offer little support (12 June 2008).

Despite receiving training from international partners such as Canada (*Ottawa Citizen* 15 July 2006) and the United States (US), and from local organizations such as Help and Shelter, the police reportedly continue to take a "laissez-faire" attitude toward domestic violence (*Stabroek News* 14 June 2008). According to *Kaieteur News*, the Ministry of Human Services and Social Security has received complaints of police inaction and has ensured that officers attend seminars on dealing with cases of domestic abuse (13 June 2008). A source reported to be "close" to a training college for police told *Kaieteur News* that police officers are "routinely exposed to a variety of supplementary training, which includes domestic violence" (12 June 2008b).

New Government Policy

In June 2008, the Ministry of Human Services and Social Security launched the National Policy on Domestic Violence under the theme "Break the Cycle, Take Control," (*Guyana Chronicle* 12 June 2008; *Stabroek News* 12 June 2008). The Policy aims to guide government interventions related to domestic violence (*ibid.*; *Guyana Chronicle* 12 June 2008). A proposed "common service protocol" was announced at the launch and will include the police, health, education and social service sectors (*Kaieteur News* 12 June 2008a). Resources will be allocated to the Guyana Police Force to establish domestic violence units in each division (*ibid.*).

Implementation of the National Policy on Domestic Violence will be overseen by the National Domestic Violence Oversight Committee (*Kaieteur News* 12 June 2008a; Help and Shelter 16 April 2007, 6), which includes members from several government ministries, national commissions, non-governmental organizations (NGOs), the magistracy and the Guyana Police Force (*ibid.*). Following a September 2008 meeting of the Committee, the Minister of Amerindian Affairs announced that services for victims of domestic abuse would be offered at selected health centres (*Stabroek News* 5 Sept. 2008). In addition, the Guyana Association of Women Lawyers (GAWL), which is a member of the Committee, organized a lecture to educate Amerindian women from remote regions of Guyana where access to help is limited and the issue of domestic violence is reportedly "rife" (*ibid.*).

Services available to victims

The Caribbean Association for Feminist Research and Action (CAFRA), a regional umbrella organization encompassing feminist groups, individual researchers, and organizations serving women (CAFRA 30 Aug. 2005), produced a list of organizations that deal with domestic violence issues that includes the following three organizations in Guyana: Help and Shelter, the Red Thread Women's Development Organisation (Red Thread) and the Women's Affairs

Bureau (CAFRA n.d.). Help and Shelter and Red Thread are NGOs (Help and Shelter n.d.a), whereas the Women's Affairs Bureau is a government unit established in 1981, which falls under the auspices of the Ministry of Human Services and Social Security (Guyana n.d.).

Help and Shelter offers support for victims at court, carries out public education campaigns and provides counselling and up to six months' shelter to women victims of domestic violence and their children (Help and Shelter n.d.a). The number of people using the services offered by Help and Shelter has been increasing, apparently as a result of the organization's public information campaigns (Canada 8 Oct. 2008). If Help and Shelter cannot provide a space at its shelter, it will try to find safe accommodation elsewhere for women and children who are escaping abusive situations (ibid. Sept. 2007, 29). Further information on shelters could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Help and Shelter also provides a comprehensive list of resources for women, researched and prepared by Red Thread, which includes a wide range of social, health and educational services (Red Thread n.d.b). Red Thread is a Guyanese self-help organization that assists women "across race divides" and provides information, skill development and other resources to address the "inequalities that oppress grassroots women" (WILPF n.d.).

The Women's Affairs Bureau offers a wide range of services in the ten administrative regions of Guyana (Guyana n.d.). Its mission is to work toward eliminating discrimination against women, help women reach their full potential, and "ensure their integration in the national development of the country" (ibid.). It offers services such as counselling on matters of domestic violence, spousal abuse and sexual harassment (ibid.). In particular, it seeks to educate the population about the new legislation (Canada 8 Oct. 2008).

Free legal aid services for victims of domestic violence are available through the Georgetown Legal Aid Clinic, a registered charitable company which provides free or subsidized legal assistance to those lacking the means to pay for it (Georgetown Legal Aid Clinic n.d.). Its website provides a free downloadable booklet entitled the *Law and You II*, a guide produced by GAWL, which contains information on the *Domestic Violence Act* and other legislation relevant to women (ibid.). Legal advice is offered at three locations of the Georgetown Legal Aid Clinic in Guyana including Georgetown, West Coast Berbice and the Essequibo Coast (ibid.). Another office is scheduled to open in September 2008 in New Amsterdam, Berbice (ibid.).

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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