



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### GUY102528.E

Guyana: Prevalence and forms of child abuse; legislation governing the protection of abused children and its implementation; availability of child protection services (2004 - May 2007)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The United States (US) Department of State reports that physical and sexual child abuse is "common" in Guyana, but that it is also largely under-reported (US 6 Mar. 2007, Sec. 5). Between January and September 2006, Help and Shelter, a Guyanese non-governmental organization (NGO) that assists children who have suffered abuse (Help and Shelter n.d.a), provided help to 75 abused children and 24 rape victims under the age of 17 (US 6 Mar. 2007, Sec. 5). A handout on child abuse produced by the NGO notes that in Guyana, corporal punishment is perceived as a legitimate means of disciplining children and that this "has resulted in many people brutalising and traumatising ... children" (Help and Shelter 15 Nov. 2005). In response to Guyana's state party reports, the United Nations (UN) Committee on the Rights of the Child has expressed concern that children in Guyana live in a "generally violent environment" and that "ill-treatment," child abuse and sexual abuse have been increasingly reported (UN 26 Feb. 2004, Para. 37).

### Legislation

Local non-governmental organizations report that Guyana's law is unclear with respect to the physical and emotional abuse of children as well as neglect (Help and Shelter n.d.b, 2). This is problematic for police who must judge each situation, sometimes against their own preconceptions about how children should be treated or disciplined (ibid.).

Guyana's *Infancy Act*, passed in 1916 and last amended in 1983, codifies contracts, wills, guardianship and the marriage of minors (Guyana 28 Oct. 1916, Art. 9). The act defines an "infant" as anyone younger than the age of majority, though it does not specify what that age is (ibid. Art. 2). The full text of the *Infancy Act* can be found on Guyana's Government Information Agency (GINA) Web site (Guyana 28 Oct. 1916). Guyana's *Employment of Young Persons and Children Act*, passed in 1938 and last amended in 1999, protects children under the age of fifteen from employment (Art. 2) and young persons aged fifteen from certain forms of employment (Guyana 1 Apr. 1938, Art. 3). Parents and guardians who contravene the Act by compelling their child or ward to work are liable to a fine of 10,000 Guyana Dollars (GYD) (or approximately 55 Canadian Dollars (CAD) (Xe.com 14 May 2007a)) for a first offence and GYD 15,000 (or approximately CAD 82 (ibid. 14 May 2007b)) for further offences (Guyana 1 Apr.

1938, Art. 6-7).

The *Domestic Violence Act* was passed in 1996 (Guyana 31 Dec. 1996). Under the Act, domestic violence includes different forms of harassment and intimidation, as well as murder or attempted murder, manslaughter, threats of violence or injury (whether emotional or physical), rape, and psychological abuse (ibid. Art. 2). Under the Act's provisions, persons who have experienced or who are under threat of domestic violence are able to lodge applications with the authorities for a protection order (ibid. Art. 4). Where a child under the age of 16 is concerned, de facto guardians, parents, social workers and police officers are able to apply for protection on the child's behalf (ibid.). Children under sixteen may themselves apply for a protection order with court permission, once the court is satisfied that the child is able to understand the process (ibid). Protection orders may restrict the accused person's movement; prevent the accused from engaging in harassment, abuse or contact with the complainant; mandate certain actions with respect to property ownership; or require the accused to undergo counselling (ibid., Art. 6). A person who violates a protection order commits an offence which is punishable by a fine of not more than 10,000.00 Guyana dollars (GYD) (or approximately 53.75 Canadian dollars (Xe.com 23 May 2007)) and a prison sentence of up to 12 months (Guyana 1 Dec. 1996, Art. 32). Criminal proceedings may also take place concurrently with an application for a protection order (ibid. Art. 38).

Guyana's *Criminal Law (Offences) Act* contains articles that are relevant to child abuse (UN 26 Feb. 2004, Para. 37). The UN Committee on the Rights of the Child expressed concern in 2004 that under the act, a girl 16 years of age or older who has experienced incest can be found guilty of an offence and sentenced to jail for up to seven years (ibid.). The law states:

[a]ny female of or above the age of sixteen years who with consent permits her grandfather, father, brother, or son, to have carnal knowledge of her (knowing him to be her grandfather, father, brother or son, as the case may be) shall be guilty of a misdemeanour and liable to imprisonment for seven years (Guyana 1998, Art. 67).

In February 2007, a member of the National Assembly made a motion to outlaw corporal punishment in Guyana's schools (Guyana 14 Feb. 2007). In March 2007, the government indicated its intention to table the *Children's and Family Bill*, whose aim is to protect children throughout the course of their development (Guyana 7 Mar. 2007). The bills were originally initiated in 1995 as part of a package of proposed legislation that also includes the *Protection of the Children Bill*, the *Status of the Children Bill*, *Adoption of Children Bill*, the *Child Care and Development Services Bill* and the *Custody, Access, Guardianship and Maintenance Bill* (US 8 Mar. 2006, Sec. 5; see also Guyana 18 Aug. 2005).

## **Policing and Enforcement**

Two NGOs in Guyana working on child abuse issues, Help and Shelter and Red Thread, made a joint submission to a government enquiry into the country's policing (Help and Shelter n.d.b). In their submission, which focussed on child abuse and domestic violence, the organizations lauded certain police officers in the Guyana Police Force (GPF) for going "out of their way to help" children in distress (ibid. n.d.b). The organizations note that in some cases, child abuse training is provided to police officers (ibid.). However, junior ranking officers have expressed a wish that senior ranking officers receive training as well, since the

senior officers sometimes issue orders that contravene what the junior officers have learned in training (ibid., 2). The submission also notes that in some cases police officer's "homophobia" may prevent them from properly taking reports from boys who have suffered sexual assault (ibid., 5).

The United States Department of State reports that that in some cases, police officers and magistrates are susceptible to accepting money in return for making a case of child abuse disappear (US 6 Mar. 2007, Sec. 5). Families who have pressed charges on behalf of an abused child often accept out of court monetary settlements (ibid.).

## **Protection available to children**

Representing Children Worldwide (RCW), a project based at Yale University Law School (RCW n.d.), and the US Department of State indicate that the government of Guyana is "committed to children's rights" (US 6 Mar. 2007, Sec. 5; RCW Dec. 2005). In May 2005 the government announced that it was establishing a national Child Protection Monitoring System which is to have a database for tracking cases (Guyana 6 May 2005). The system was initiated with a two-year trial period followed by a five-year operations plan (ibid.).

In October 2005 the government launched a Child Protection Agency (CPA) within the Ministry of Human Services and Social Security (US 6 Mar. 2007, Sec. 5; Guyana 25 Sept. 2006). Although services outside the capital are scarce, the government is attempting to staff each region of the country with social workers (US 6 Mar. 2007, Sec. 5).

A government-run drop-in centre for street children in Georgetown was established in 1999 and focuses on helping children "live in a harmonious family unit" (Guyana 16 Mar. 2006). The centre provides children with food, clothes, shelter and provides medical checks (ibid.). Children visiting the centre receive skills and literacy training (ibid.). Centre staff report that most children using their services come from families that are "persistently in conflict," and that the children range in age from six to sixteen years (ibid.).

Within the scope of Guyana's governmental Children and Violence Project, a report was jointly drafted in 2005 by the government, the UN Children's Fund (UNICEF) and local civil society organizations (*Stabroek News* 25 May 2005). A news article citing the report notes that there are some problems with Guyana's New Opportunity Corps (NOC), which is Guyana's only secure facility for young offenders (*Stabroek News* 25 May 2005), although the facility was originally conceived of as a rehabilitation centre (ibid.). In addition to housing children who have committed crimes, the facility also houses children who have "wandered" from their families, as well as children who have experienced abuse at home and who may have been sent to the facility as a result of their parents indicating to police that they were "delinquent" (ibid.). The report notes that at the NOC, abused or delinquent children were housed with those who were guilty of criminal offences (ibid.). Children at the facility reported physical punishment by staff members, as well as instances of sexual abuse perpetrated by older children (ibid.). Although this sexual abuse was reported in certain cases, children committing the abuse were reportedly not removed from the facility (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 additional sources consulted in researching this Information Request.

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**Internet sites, including:** Amnesty International (AI); British Broadcasting Corporation (BBC); Child Rights Information Network (CRIN); European Country of Origin Information Network (ecoi.net); Family Planning Association of Guyana; Fédération Internationale des ligues des Droits de l'Homme (FIDH); Freedom House; Georgetown Legal Aid Clinic; Guyana Human Rights Association (GHRA); Human Rights Watch (HRW); United Nations (UN) Children's Fund (UNICEF); UN Integrated Regional Information Networks (IRIN); UN Office of the High

Commissioner for Refugees (UNHCR).

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