



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

1 June 2007

GUY102540.E

Guyana: Prevalence of domestic violence; availability of legal protection; services available to victims (2005- 2007)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Prevalence of domestic violence

Government sources and human rights organizations describe domestic violence in Guyana as "widespread" (Freedom House 2006) and "pervasive" (US 6 Mar. 2007) and that it is taking place with "an increased level of brutality" (Guyana Nov. 2006, 16). Help and Shelter, a non-governmental organization (NGO) providing help to victims of domestic violence in Guyana (Help and Shelter N.d.), notes that in 2005, they intervened in 416 cases; 246 of which dealt with domestic violence (The Panos Institute 1 Dec. 2006). Police statistics indicate that there were 2,395 reported cases of domestic violence in Guyana in 2004 (*Stabroek News* 31 Mar. 2005). In a March 2005 article specifically about domestic violence published by Guyana's Government Information Agency (GINA), the Minister of Human Services and Social Security notes that officers from her ministry had interceded in "more than seven thousand cases." The article does not specify a time frame for these cases nor does it explicitly state whether they were all related to domestic violence (Guyana 29 Mar. 2005). In April 2007 *Stabroek News* reported that Help and Shelter is alarmed by an increase in the domestic violence murders in the Linden area of Guyana (28 Apr. 2007).

Legal protection

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). Certain individuals are also able to apply for a protection order on the complainant's behalf (ibid.). When the courts are satisfied that the complainant is in danger, they may issue a protection order against the accused (ibid. Art 5). Protection orders may restrict the accused person's movement with respect to certain premises; 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). Courts are also able to make property occupation (ibid. Art. 8) and tenancy orders (ibid. Art. 11). A person who violates a protection order commits an offence which is punishable by a fine of not more than 10,000 Guyana dollars (GYD) (or approximately 55.26 Canadian dollars (Xe.com 11 May 2006)) 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).

Spousal rape is a criminal offence but is associated with social stigma and so is rarely reported to police (Freedom House 2006; US 6 Mar. 2007, Sec. 5).

Enforcement

An article published by the Panos Institute of the Caribbean, an organization that aims to strengthen civil society by improving media coverage of sustainable development issues (The Panos Institute n.d.) notes, on the occasion of the Domestic Violence Act's tenth anniversary, that despite the existence of domestic violence legislation, the problem "continues unabated" (ibid. 1 Dec. 2006). The article reports that the Minister of Human Services has commented that the law is mostly underutilized, and that government representatives believe that the Act is ineffective and requires strengthening (ibid.; *Stabroek News* 31 Mar. 2005; see also UN 9 Sept. 2005, Para. 12). In particular, the Act has not served to protect Amerindian women (*Stabroek News* 31 Mar. 2005) and victims in remote parts of Guyana (ibid.; US 6 Mar. 2007, Sec. 5).

The United States (US) Department of State notes that the *Domestic Violence Act* is poorly enforced, and that there were incidents of corruption with respect to domestic violence charges (US 6 Mar. 2007, Sec. 5). In response to questions from the United Nations (UN) Committee on the Elimination of Discrimination Against Women, a representative of Guyana's government acknowledged that court cases were protracted and that victims often "lost the will to testify before their case could be heard" (UN 9 Sept. 2005, Para. 34). Under the *Domestic Violence Act*, victims of domestic violence are empowered to apply directly to the courts for protection orders (Guyana Nov. 2006, 19). However, a report published by the Women's Affairs Bureau located in Guyana's Ministry of Labour, Human Services and Social Security, notes that courts are not always helpful to women, and that since 1999, courts have required victims to employ the services of a lawyer in order to file the request (ibid.).

Each police station has an officer responsible for handling domestic violence cases, and police undergo mandatory domestic violence training (UN 9 Sept. 2005, Para. 39). The Coordinator of Help and Shelter notes that training has generally yielded positive results (The Panos Institute 1 Dec. 2006). Some cases are, however, improperly handled and there is a paucity of functioning police domestic violence units (ibid.). *Stabroek News* reports that in April 2007 a woman was murdered in a domestic violence incident when the police failed to respond to her call (28 Apr. 2007; see also *Stabroek News* 31 Mar. 2005). *Starbroek News* reports that gender based violence "soared" in the second half of 2004, and several women were killed by their partners (ibid.). Several of these women had lodged complaints with the police prior to being killed, but their assailants were never charged (ibid.). Women who visited police stations often left without filing a complaint, reportedly because of police attitudes or because they feared police would be unsympathetic (ibid.). Police reportedly accorded less importance to domestic violence than to other forms of assault, in some cases

failed to respond to incidents of domestic violence in progress, or suggested that the individuals involved "work it out" (Guyana Nov. 2006, 21).

A July 2006 article published in *The Ottawa Citizen* reports that a team from Guyana's police force spent a week in Canada so that they could model their own interventions on the Ottawa police force's domestic violence unit (*The Ottawa Citizen* 5 July 2006). The Guyana police force indicates that over the course of the next five years it hopes to link police units throughout Guyana to a database, to improve police relationships with organizations that provide social services (*ibid.*), and to set up domestic violence units throughout the country (*Stabroek News* 31 Mar. 2005). Improvements made at some police stations have reportedly achieved noticeable progress (Guyana Nov. 2006, 23).

According to Freedom House, the Guyana Human Rights Association (GHRA) has suggested that "the legal system's treatment of victims of sexual violence is intentionally and systematically humiliating" (Freedom House 2006). The GHRA further notes that magistracy and the legal bar appear to be "institutionally ambivalent about protecting women," and that maintenance payments often amount to less than monthly mortgage or car expenses (*Stabroek News* 8 Mar. 2005).

Services available to victims

An extensive report on domestic violence published in 2006 by the Women's Affairs Bureau of Guyana explains that the country does not have adequate resources to respond to domestic violence in a comprehensive manner (Guyana Nov. 2006, 26). As a result, the services available to victims are focussed on short term crisis mitigation (*ibid.*). Services provided by the government are "fragmented and difficult to access" (*ibid.*). Access to these services is particularly difficult for mothers of young children who do not have adequate funds, and for women living in rural areas, where health and protection services are "non-existent" (*ibid.*).

The Women's Affairs Bureau report explains that in Guyana, the government Department of Probation and Welfare (DPW) provides counselling services, although not exclusively to victims of domestic violence (Guyana Nov. 2006, 27). In some regions where there is no local DPW counsellor, services are provided by visiting counsellors on a monthly basis (*ibid.*). Organizations referring clients to the DPW have complained that "too many people are allowed to slip through the system" (*ibid.*).

The government-run Georgetown Public Hospital also offers counselling to victims of domestic violence through its Social Work Department (SWD) (Guyana Nov. 2006, 27). SWD clients are referred to the unit from other hospital units when domestic violence is suspected (*ibid.*). Social workers reportedly encourage victims to bring their cases to the police, and they report "dramatically" different responses depending on the police station involved (*ibid.*, 28). The SWD is hopeful that a new police post established on hospital premises will improve the situation (*ibid.*).

Help and Shelter is a national non-governmental organization (NGO) whose mandate centers on supporting victims of domestic violence (Guyana Nov. 2006, 27). Help and Shelter runs a crisis centre as well as a telephone hotline (*ibid.*). The organization also runs a women's shelter whose occupancy rates have recently increased (*ibid.*). The shelter receives government funds, and is one of

two shelters in Guyana (UN 9 Sept. 2005, Para. 33).

The Red Thread Women's Development Programme is an NGO engaged in domestic violence advocacy and training, and also provides services to victims (Guyana Nov. 2006, 29). The organization helps women navigate the legal system as well as other systems, such as the courts and government ministries, and ensures that appropriate action is being taken on their behalf (ibid., 29). When government services are lacking, Red Thread provides women with longer-term support (ibid.). The organization has also established good working relations with the police, whom they describe as generally competent and helpful (ibid., 30). The Women's Affairs Bureau report observes that such assistance relies on personal contact and is inconsistent without Red Thread's support (ibid., 30).

The Georgetown Legal Aid Clinic and the Guyana Association of Women Lawyers provide victims with either free or subsidized legal services (ibid., 30). The Georgetown Legal Aid Clinic represents individuals who are unable to afford legal fees, and reports that in 2004, half of its clients had domestic violence-related cases (ibid.). The Legal Aid Clinic also reports that all applications for protection orders filed through the clinic have been successful (ibid.).

Government agencies whose mandates cover aspects of domestic violence include the Director of Social Services within The Ministry of Labour, Human Services and Social Security, which is mandated with the coordination of victim services (Guyana Nov. 2006, 32). The Women's Affairs Bureau, within the same Ministry (ibid.; UN 9 Sept. 2005), provides guidance and assistance to other state bodies in service delivery (Guyana Nov. 2006, 33). The Women's Affairs Bureau also oversees a Task Force on Domestic Violence which includes civil society and government members, although its function remains "unclear" (ibid.). In 2005, the Minister of Human Services announced that the government was in the process of setting up "community action groups" in Guyana's villages in order to facilitate monitoring and timely intervention in domestic violence situations (Guyana 29 Mar. 2005).

In response to questions from the UN Committee on the Elimination of Discrimination Against Women, a government representative acknowledged that government mechanisms designed to protect women "could seem confusing" (UN 9 Sept. 2005, Para. 31) as no unified coordinated national effort exists to address domestic violence (Guyana Nov. 2006, 16).

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.

References

Freedom House. 2006. "Guyana." *Freedom in the World 2006*.
<<http://www.freedomhouse.org/template.cfm?page=22&year=2006&country=69>> [Accessed 9 May 2007]

Guyana. November 2006. Women's Affairs Bureau, Ministry of Labour, Human Services and Social Security. Sarah Insanally. *Domestic Violence in Guyana*. (Help and Shelter Web site)

<<http://www.sdn.org.gy/hands/files/dvguyana.pdf>> [Accessed 9 May 2007]

_____. 29 March 2005. Government Information Agency (GINA). "Plans are Underway to Reduce Domestic Violence in Guyana."
<<http://www.gina.gov.gy/archive/daily/b050329.html>> [Accessed 9 May 2007]

_____. 31 December 1996. *Domestic Violence Act*.
<http://www.gina.gov.gy/gina_pub/laws/Laws/cap1109.pdf> [Accessed 8 May 2007]

Help and Shelter. N.d. "Welcome." <<http://www.sdn.org.gy/hands>> [8 May 2007]

The Ottawa Citizen. 5 July 2006. Susan Mohammad. "Guyana Looks North for Policing Help: Team Looks to Ottawa to Help Change View of Domestic Violence." [Accessed 8 May 2007]

The Panos Institute of the Caribbean. 1 December 2006. Elan Era-John. "Guyana Battles Domestic Violence."
<<http://www.panosinst.org/productions/panoscope/guyana-domesticviolence.php>> [Accessed 9 May 2007]

_____. N.d. "About Us." <<http://www.panosinst.org/about/>> [Accessed 16 May 2007]

Stabroek News [Georgetown]. 28 April 2007. "Police Need to do More to Ensure Women's Safety."
<http://www.stabroeknews.com/index.pl/article_general_news?id=56519056> [Accessed 9 May 2007]

_____. 31 March 2005. "Domestic Violence Act Not Working - Chief Probation Officer - Police Seek Social Services Support in Tackling Issue." (Stabroek News/Factiva)

_____. 8 March 2005. "Reality Falls Below Legal Intent - Human Rights Body." (Stabroek News/Factiva)

United Nations (UN). 9 September 2005. Committee on the Elimination of Discrimination Against Women. *Consideration of Reports Submitted by States Parties Under Article 18 of the Convention. Combined Third, Fourth, Fifth and Sixth Period Reports of Guyana*. (CEDAW/C/SR/689)
<[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d63e66d7fd287c15c125729700344f74/\\$FILE/N0541288.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d63e66d7fd287c15c125729700344f74/$FILE/N0541288.pdf)> [Accessed 8 May 2007]

United States (US). 6 March 2007. Department of State. "Guyana." *Country Reports on Human Rights Practices for 2006*.
<<http://www.state.gov/g/drl/rls/hrrpt/2006/78894.htm>> [Accessed 8 May 2007]

Xe.com. 11 May 2007. "Currency Conversion Results."
<<http://www.xe.com/ucc/convert.cgi>> [Accessed 11 May 2007]

Additional Sources Consulted

Internet sources, including: Amnesty International (AI); British Broadcasting Corporation (BBC); European Country of Origin Information Network (ecoi.net); Fédération Internationale des ligues des Droits de l'Homme (FIDH); *The Guyana Chronicle*; Guyana Association of Women Lawyers; Guyana Human Rights Association; Human Rights Watch (HRW); Office of the United Nations (UN) High Commissioner for Refugees; Red Thread; Reliefweb; UN Integrated Regional Information Networks (IRIN).

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.