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GUY102928.E

Guyana: Anti-stalking legislation and its effectiveness
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

During a 24 September 2008 telephone interview with the Research Directorate, a counsellor at the Guyana Association of Women Lawyers (GAWL), a non-government organization (NGO) established in April 1987 that focuses on legal issues of concern to women and children (Civil Society in Guyana n.d.), stated that the only legal protection against stalking in Guyana is provided by the *Domestic Violence Act* (GAWL 24 Sept. 2008). However, a representative of the Red Thread Women's Development Organisation (Red Thread), a Guyanese NGO that provides information, skill development and other resources to address the "inequalities that oppress grassroots women" (WILPF n.d.), told the Research Directorate in a 24 September 2008 telephone interview that certain stalking situations could also be dealt with under criminal law.

The Counsellor from GAWL explained that under the *Domestic Violence Act*, a protection order could be granted to a stalking victim against any offender, regardless of whether the offender had any relationship with the victim (GAWL 24 Sept. 2008). According to paragraph 5(1)(d) of Guyana's *Domestic Violence Act*, a court may impose a protection order against a person who subjects a complainant to "harassment or psychological abuse ... which constitutes a threat to [his or her] health, safety and well-being" (Guyana 31 Dec. 1996). A guide to the *Domestic Violence Act* prepared by the NGO Red Thread states that a protection order may stop the offending person from such stalking behaviour as being in a specified location where the complainant lives or frequents (Red Thread n.d., 9). In addition, under Section 6 of the *Domestic Violence Act*, a protection order may also prohibit the offending person from "speaking or sending unwelcome messages" to the complainant (ibid.; Guyana 31 Dec. 1996, Para. 6(1)(d)).

A person who violates a protection order is liable to a fine of up to ten thousand Guyanese dollars [approximately 52 Canadian dollars (Oanda 25 Sept. 2008)] or up to twelve months' imprisonment (Guyana 31 Dec. 1996, Art. 32; Red Thread n.d., 12; US 11 Mar. 2008, Sec. 5). However, during the 24 September 2008 telephone interview, the Representative of Red Thread told the Research Directorate that protection orders are "not 100 percent effective" and that the police are not always responsive to complaints of stalking (Red Thread 24 Sept. 2008). The United States (US) *Country Reports on Human Rights Practices for 2007* similarly notes that penalties for violations of protection orders are frequently not enforced (US 11 Mar. 2008, Sec. 5).

According to the Red Thread Representative, the government of Guyana is collaborating with NGOs in a review of the *Domestic Violence Act* (24 Sept. 2008).

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.

References

Civil Society in Guyana. N.d. "Guyana Association of Women Lawyers (GAWL). <<http://www.sdn.org.gy/csoc/ngos/guyanaassnofwomenlawyers.pdf>> [Accessed 25 Sept. 2008]

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Additional Sources Consulted

Oral sources: Attempts to contact representatives of Help and Shelter and the Women's Affairs Bureau were unsuccessful.

Internet sources, including: Boston University School of Law (Pappas Law Library), Caribbean Association for Feminist Research and Action (CAFRA), FindLaw, Georgetown Legal Aid Clinic (GLAC), Help and Shelter, *Kaieteur News*, *Stabroek News*, United Nations Development Fund for Women (UNIFEM), World Legal Information Institute (World LII).

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