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9 October 2008

GUY102930.E

Guyana: Prevalence and forms of child abuse; legislation governing the protection of abused children and its implementation; availability of child protection services
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Prevalence and forms of child abuse

The United States (US) *Country Reports on Human Rights Practices for 2007* indicates that in Guyana, "[r]eports of physical and sexual abuse of children were common" (US 11 Mar. 2008, Sec. 5). According to a 2005 study on the impact of violence against children in Guyana called *Voices of Children: Experiences with Violence*, which was co-authored by Guyana's Ministry of Labour, Human Services and Social Security (Min. LHSSS), the Red Thread Women's Development Programme (Red Thread) and the United Nations Children's Fund (UNICEF), actual statistics on child abuse are difficult to determine as there is "substantial under-reporting" (Guyana / Red Thread / UNICEF Feb. 2005, Sec. 1.3). *Country Reports 2007* reports that law enforcement officials and representatives of non-governmental organizations (NGOs) believe that the "vast majority" of cases of child rape and abuse are not reported (US 11 Mar. 2008, Sec. 5).

Between the years 1999 and 2006, the Social Services Statistics Bulletin provided data on the number of reported cases of child abuse in Guyana, which ranged from a low of 87 cases in 2000, to a high of 310 cases in 2004 (Everychild / Help and Shelter Apr. 2008, 37). The bulletin did not specify what form the abuse took (ibid.).

Help and Shelter, an NGO that specializes in combating all types of violence, especially domestic violence and child abuse (Help and Shelter n.d.), maintains cumulative data on the clients that it has assisted since 25 November 1995 (ibid. 6 Aug. 2008). Its records indicate that as of 31 July 2008, it had served approximately 1,000 clients who were under the age of eighteen years, of which approximately 500 cases involved various forms of child abuse and over 350 cases involved child rape (ibid.). Data compiled during 2008 indicate that between January and June, Help and Shelter assisted 32 clients who were under eighteen years of age including 18 cases involving some form of child abuse and 9 cases involving child rape (ibid.). Information for individual years prior to 2008 is not provided (ibid.). According to an April 2008 report co-authored by Everychild, an international children's rights organization (Everychild / Help and Shelter Apr. 2008, 15), and Help and Shelter, an estimated 8 to 10 percent of girls and 25 percent of boys in Guyana have been sexually abused (ibid., 13). This information could not be corroborated among the sources consulted by the

Research Directorate within the time constraints of this Response.

Legislation

Guyana is a signatory to the United Nations (UN) *Convention on the Rights of the Child* (Everychild / Help and Shelter Apr. 2008, 14), which defines a child as "every human being below the age of eighteen years" (UN 2 Sept. 1990, Art. 1) and describes abuse as "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" (ibid., Art. 19.1).

Guyana's response to a UN questionnaire (distributed in 2004), which was designed to obtain information from various governments on the issue of violence against children, provides details on how the government has dealt with the issue (Guyana n.d.a). In response to the questionnaire, the Min. LHSSS indicates that the *Domestic Violence Act of 1996* is the legislation most often used to address abuse committed against children within the home and the family unit (Guyana n.d.a, Q. 4). In addition, the *Summary Jurisdiction (Offences) Act* provides for a fine of between 7,500 and 15,000 Guyanese dollars [approximately 39 to 78 Canadian dollars (Oanda 24 Sept. 2008)] or up to eighteen months' imprisonment for perpetrators of child neglect and maltreatment (Guyana 1998a, Sec. 23).

The minimum age of consent for sexual activity for girls is sixteen years (Guyana 13 Feb. 2008; Everychild / Help and Shelter Apr. 2008, 31; US 11 Mar. 2008, Sec. 5). Sources consulted by the Research Directorate indicate that cases of rape or unlawful carnal knowledge of a woman or girl of any age must involve "penetration" (*Stabroek News* 3 Aug. 2008; INTERPOL 7 Jan. 2003, II; Guyana 1998b, Art. 7); otherwise, a lesser charge of indecent assault may be applicable (*Stabroek News* 3 Aug. 2008; INTERPOL 7 Jan. 2003). An article appearing in the Georgetown-based *Stabroek News* states that from 1 January 2007 to 3 August 2008, there were 53 cases of indecent assault and unlawful carnal knowledge involving minors brought before the court, including two cases where the accused were active police officers at the time of the offence (3 Aug. 2008).

In Guyana, there is no legislation that deals specifically with the rape or indecent assault of a male child (Guyana n.d.a, Q. 10; Everychild / Help and Shelter Apr. 2008, 32); however, "buggery" is illegal under Section 353 of the *Criminal Law (Offences) Act* (Guyana 1998b, Art. 353; INTERPOL Spring 2006; Everychild / Help and Shelter Apr. 2008, 33).

Specific legislation pertaining to sexual exploitation of children, including child prostitution and pornography, does not exist in Guyana (INTERPOL Spring 2006; Guyana n.d.a, Q. 16-18). INTERPOL reports that the *Combating of Trafficking in Persons Act* may be used to prosecute cases involving child prostitution and Section 350 of the *Criminal Law Offences Act* may be used to address child pornography (INTERPOL Spring 2006).

Consultations are reportedly underway for the purpose of updating legislation covering sexual offences (Guyana n.d.a; ibid. Sept. 2007; *Stabroek News* 3 Aug. 2008). In response to several questions in the UN questionnaire, the Min. LHSSS indicated that new legislation to address specific concerns was pending (Guyana n.d.a), and that an act to be cited as the "Children Act [2002]" was awaiting review by Parliament (ibid., Q. 11). A December 2006 report on

institutional foster child care in Guyana produced for the Min. LHSSS, the Ministry of Health and UNICEF refers to five related draft bills that are part of a "stalled child law reform process" (Dunn and Parry-Williams Dec. 2006, 20). The titles of these bills are as follows:

The Status of Children Bill

Custody, Access, Guardianship and Maintenance Bill

Adoption Bill

Child Care and Development Services Bill

Protection of Children Bill. (ibid.)

None of these five bills nor legislation including the words "Children Act" passed in 2007 according to a list published on 7 January 2008 by the Government Information Agency of Guyana (GINA). Information on whether any of this legislation has been passed as of September 2008 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Corporal Punishment

According to the Min. LHSSS, corporal punishment is permitted at school and in the home but is not administered within the juvenile justice system (Guyana n.d.a, Q. 5 and 6). However, an organization called the Global Initiative to End All Corporal Punishment of Children (Global Initiative), which lobbies for an end to the practice of corporal punishment around the globe (Global Initiative n.d.), notes that boys may be sentenced to corporal punishment under Guyana's *Whipping and Flogging Act* (ibid. Feb. 2008).

State protection

In response to the UN questionnaire, the Min. LHSSS indicates that no specific procedure is in place allowing people to report instances of child abuse; however, reports may be made by any concerned person to a variety of parties including to the police, to Probation and Family Welfare Services, as well as to NGOs such as Red Thread, Help and Shelter, and Saint Francis Community Developers (St. Francis) and the National Commission on the Rights of the Child (Guyana n.d.a, Q. 20). The April 2008 report by Everychild and Help and Shelter indicates that in general, caregivers do not always intervene in abuse cases, but that schools, health centres and religious bodies "were inclined to intervene" by reporting instances of abuse to the appropriate authority or agency (Everychild / Help and Shelter Apr. 2008, 11), although they are not required to do so by law (ibid., 14).

The government has provided training to law enforcement officers, teachers, parents and caregivers to raise awareness and to prevent violence against children (Guyana n.d.a, Q. 54). Nevertheless, the report from Everychild and Help and Shelter indicates that police response to suspected child abuse is "limited by the legal system," but that police action on reports of sexual abuse is more common (Apr. 2008, 16).

Hope and Future, a United Kingdom (UK)-based charity dedicated to improving the lives of the socially disadvantaged around the world (Hope and Future 4 Feb. 2008a), states that Guyana has no effective child protection system and that victims of "extreme" child abuse in Guyana often wind up in juvenile detention centres (ibid. 4 Feb. 2008b). Help and Shelter adds that the practice of institutionalizing juveniles for the offence of "wandering" exacerbates the problems of children whose "fundamental problems stem from abuse and neglect" (Help and Shelter 9 Aug. 2007). *Country Reports 2007* corroborates this information, indicating that juvenile runaways are sometimes placed with juvenile offenders (US 11 Mar. 2008, Sec. 1c).

The initial assessment of institutional child care in Guyana produced for the Min. LHSSS, the Ministry of Health and UNICEF in April 2006, cites a 2004 study that indicated that 27 percent of children in residential institutions (Children's Homes and the New Opportunities Corps juvenile correctional centre) had experienced physical abuse inflicted by staff (Dunn and Parry-Williams Dec. 2006, 119).

Government services

Probation and Family Welfare Services, which is part of the Ministry of Human Services and Social Security, is tasked with the responsibility for child welfare and tackling juvenile crime and delinquency issues, including investigating cases of child neglect and abuse, and providing assistance to children in "difficult circumstances" (Guyana n.d.b). However, the 2006 assessment of institutional foster care in Guyana indicates that a directive on how to achieve these goals is lacking (Dunn and Parry-Williams Dec. 2006, 132).

Other government bodies exist which are dedicated to specific issues affecting children, including the National Commission on the Rights of the Child, the National Commission for the Family, the National Steering Committee on Child Labour, and a special committee on trafficking in persons for exploitation (Guyana n.d.a, Q. 33). Further information on these government bodies could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Non-governmental services

In Guyana, local NGOs such as Help and Shelter and St. Francis have rehabilitation and treatment programs in place and run "open-door" centres for victims of abuse (Guyana n.d.a, Q. 35). St. Francis Community Developers (St. Francis) is an NGO whose mission includes supporting families in need, minimizing anti-social behaviour of youths and reinforcing family life, among other things (GyDG n.d.). Its main office is in the town of Rose Hall (ibid.), and it provides advice and assistance through sixteen sub-offices (Dunn and Parry-Williams, Dec. 2006, 121). Help and Shelter provides services, including shelter and a 24-hour hotline service to victims of abuse (Help and Shelter n.d.). Funding for civil society projects addressing violence against children is provided by international partner organizations (Guyana n.d.a, Q. 35).

Everychild is an international NGO working in Guyana to address children's rights (Everychild / Help and Shelter Apr. 2008, 15). Its work includes helping people to improve their parenting skills, consulting on national policies for orphans and vulnerable children, advocating for the removal of corporal punishment from the *Education Act*, improving services for abused children, and

supporting the implementation of minimum standards in institutions and orphanages (ibid.).

In September 2007, the Children's Legal Aid Pilot Project was launched under the auspices of the Georgetown Legal Aid Clinic (GLAC), UNICEF and the Ministry of Culture, Youth and Sport (GLAC n.d.; UN 24 Sept. 2007). The project offers children legal advice on criminal and civil matters, and provides free access to a dedicated phone line which allows children to seek counselling or report abuse (ibid.; GLAC n.d.). The GLAC reports that 124 children used their services between September 2007 and June 2008 (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.

References

Dunn, Andrew and John Parry-Williams. December 2006. *Consultancy on the Establishment of Foster Care Regulations and Minimum Operating Standards for Institutional Care of Children in Guyana*.
<http://www.unicef.org/guyana/Minimum_Standards_Guyana_Final_Report_and_Appendices.pdf> [Accessed 18 Sept. 2008]

Everychild / Help and Shelter. April 2008. *Knowledge, Attitude and Practices on the Prevention of Child Abuse and the Support to Children Who Have Been Abused*. <<http://www.sdn.org.gy/hands/files/Sophiastudyfinal.pdf>> [Accessed 18 Sept. 2008]

Georgetown Legal Aid Clinic (GLAC). N.d. "Children's Legal Aid Pilot Project." <<http://www.legalaid.org.gy/?q=node/24>> [Accessed 17 Sept. 2008]

Global Initiative to End All Corporal Punishment of Children (Global Initiative). February 2008. "Guyana." *Lawfulness of Corporal Punishment*. <<http://www.endcorporalpunishment.org/pages/progress/reports/guyana.html>> [Accessed 18 Sept. 2008]

_____. N.d. "Global Initiative to End All Corporal Punishment of Children." <<http://www.endcorporalpunishment.org/>> [Accessed 23 Sept. 2008]

Guyana. 13 February 2008. Government Information Agency (GINA). "Severe Penalties for Statutory Rape." <<http://www.gina.gov.gy/archive/daily/b080213.html>> [Accessed 19 Sept. 2008]

_____. 7 January 2008. Government Information Agency (GINA). "29 Legislation Given National Assembly's Blessing in 2007." <<http://www.gina.gov.gy/archive/daily/b080107.html>> [Accessed 23 Sept. 2008]

_____. September 2007. Ministry of Human Services and Social Security. *Stamp it Out: Strengthening Protection Against Sexual Violence and Reforming the Law on Sexual Offences*. <<http://www.sdn.org.gy/16days/files/STAMPITOUT.pdf>> [Accessed 24 Sept. 2008]

_____. 27 January 2006. Government Information Agency (GINA). "NOC."
<<http://www.gina.gov.gy/archive/daily/b060127.html>> [Accessed 23 Sept. 2008]

_____. 1998a. *Summary Jurisdiction (Offences) Act*.
<http://www.gina.gov.gy/gina_pub/laws/Laws/cap802.pdf> [Accessed 24 Sept. 2008]

_____. 1998b. *Criminal Law (Offences) Act*.
<http://www.oas.org/JURIDICO/MLA/en/guy/en_guy-int-text-cl_act.pdf>
[Accessed 24 Sept. 2008]

_____. N.d.a. Ministry of Labour, Human Services and Social Security (Min. LHSSS). *United Nations Study on Violence Against Children - Response to the Questionnaire Received from the Government of the Republic of Guyana*.
<<http://www2.ohchr.org/english/bodies/CRC/docs/study/responses/Guyana.pdf>> [Accessed 17 Sept. 2008]

_____. N.d.b. Ministry of Human Services and Social Security. "Social Services, Probation and Family Welfare Services."
<<http://www.sdn.org.gy/mohss/probation.html>> [Accessed 18 Sept. 2008]

Guyana / Red Thread Women's Development Programme (Red Thread) / United Nations Children's Fund (UNICEF) Guyana. February 2005. *Voices of Children: Experiences with Violence*. <<http://www.sdn.org.gy/csoc/childviolreport.pdf>>
[Accessed 17 Sept. 2008]

Guyana Development Gateway (GyDG). N.d. "St Francis Community Developers."
<<http://www.guyanagateway.org.gy/?q=node/99>> [Accessed 30 Sept. 2008]

Help and Shelter. 6 August 2008. "Statistics." <<http://www.sdn.org.gy/hands/?q=node/8>> [Accessed 23 Sept. 2008]

_____. 9 August 2007. "Help and Shelter Alarmed Over Committal of Mocha Girls to NOC." <<http://www.sdn.org.gy/hands/?q=node/68>> [Accessed 4 Sept. 2008]

_____. N.d. "Welcome." <<http://www.sdn.org.gy/hands/?q=node/10>>
[Accessed 19 Sept. 2008]

Hope and Future. 4 February 2008a. "About Us."
<<http://www.hopeandafuture.net>> [Accessed 23 Sept. 2008]

_____. 4 February 2008b. "Guyana."
<<http://www.hopeandafuture.net/Guyana.html>> [Accessed 18 Sept. 2008]

INTERPOL. Spring 2006. "Guyana." *National Laws: Legislation of Interpol Member States on Sexual Offences Against Children*.
<<http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/CsaGuyana.pdf>> [Accessed 17 Sept. 2008]

_____. 7 January 2003. *Legislation of Interpol Member States on Sexual Offences Against Children*.
<<http://www.interpol.int/public/Children/SexualAbuse/NationalLawsold/>>

csaGuyana.asp> [Accessed 24 Sept. 2008]

Oanda. 24 September 2008. "FXConverter Results."
<<http://www.oanda.com/convert/classic>> [Accessed 24 Sept. 2008]

Stabroek News [Georgetown]. 3 August 2008. Cheryl Springer. "Underage Girls and Carnal Knowledge." <<http://www.stabroeknews.com/features/through-a-womans-eyes-carnal-knowledge>> [Accessed 19 Sept. 2008]

United Nations (UN). 24 September 2007. UN Children's Fund (UNICEF). "Vulnerable Children to Benefit from Legal Aid." <http://www.unicef.org/guyana/Press_Release_-_Legal_Aid_Launch_.pdf> [Accessed 17 Sept. 2008]

_____. 2 September 1990. *Convention on the Rights of the Child*. (University of Minnesota) <<http://www1.umn.edu/humanrts/instrtree/k2crc.htm>> [Accessed 24 Sept. 2008]

United States (US). 11 March 2008. Department of State. "Guyana." *Country Reports on Human Rights Practices for 2007*. <<http://www.state.gov/g/drl/rls/hrrpt/2007/100642.htm>> [Accessed 26 Sept. 2008]

Additional Sources Consulted

Internet sources, including: Amnesty International (AI), Boston University School of Law, Child Rights Information Network (CRIN), *Guyana Chronicle*, *Guyana Times*, Human Rights Watch (HRW), *Kaiteur News*.

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