

United Nations Study on Violence against Children

Response to the questionnaire received from the
Government of the Republic of GUYANA

**MINISTRY OF LABOUR, HUMAN SERVICES & SOCIAL SECURITY
RESPONSE TO UNITED NATIONS SECRETARY-GENERAL'S STUDY ON
VIOLENCE AGAINST CHILDREN**

QUESTIONNAIRE TO GOVERNMENTS

1. LEGAL FRAMEWORK

International human rights instruments

Answer to Question 1 – In recognition of the conditions and the mandate of the international convention on the Rights of the Child there has been heightened activity in the area of public education to raise the level of awareness of children at risk for child abuse, and the training of frontline workers to be more effective when dealing with reported cases. Efforts were also made by the Local Convention on the Rights of the Child Commission, established by the Guyana Government in March 1992, to sensitize school children of their rights and responsibilities. These combined efforts resulted in increased reporting of child abuse cases. This necessitated a revisiting of the child protection laws and the entire child protection system in Guyana. This system is currently engaging the attention of the Ministry of Labour, Human Services & Social Security

The summary Jurisdiction (Offences) Act, Chapter 83:02 in the Laws of Guyana stipulates conditions and penalties for the ill-treatment and neglect of a child, but the penalties are outdated and does not provide for the removal from an abusive home or for the treatment of the perpetrator. Subsequently, in 1996 the Domestic Violence act was enacted. This Act legislates against all forms of domestic violence and provides civil remedies such as protection, occupation and tenancy orders. This act provides for the removal of an abuser from the home when deemed necessary. The Police could make application for a protection order, or a registered social worker could do so on behalf of a minor. There is also provision for counseling of the victim and the perpetrator. The Domestic Violence Act is a major piece of legislation in the context of abuse of children, but its implementation is still not satisfactory.

Legal provisions on violence against children

Answer to Question 2 - Perpetrators of violence against children are liable for prosecution under the Laws of Guyana as stated above. The Police respond to reports and take matters to courts. Intervention by social workers is primarily focused on stopping the abuse and protecting the child from harm by educating, counselling and promoting behaviour change in the abuser and if possible finding alternative living accommodation for the child. A professional social worker

whose name was gazetted for such a purpose can take a matter to court on behalf of a child under the Domestic Violence Act.

Answer to Question 3 was addressed at 1 & 2.

Answer to Question 4 - The Domestic Violence Act is of major importance in addressing all form of abuse violence to and sexual exploitation of children, which take place in the home and within the family unit. In addition there are a number of Commissions and Committees established to improve the life of a child.

Answer to Question 5 – The Education Act caters for Corporal punishment in schools and is an option of parents also.

Answer to Question 6 – The juvenile justice system is rehabilitative rather than punitive. Corporal punishment and capital punishment are not sentences for persons under 18 year.

Answers to Question 7 – Some aspect of these are addressed in the Domestic Violence Act.

Answer to Question 8 – These are not part of the Guyanese culture

Answer to Question 9 - All children in Guyana are treated the same in respect to child abuse and violence against children.

Answer to Question 10 - There is no charge for rape of a male child in the Laws of Guyana. New Sexual offenses laws are being drafted and will cater for this.

Answer to Question 11 – An Act to be cited as the Children Act 2002 is awaiting review for enactment by Parliament. This is an Act to reform the laws relating to children, to make provision for the regulation of child minding and child care services and the operation of voluntary homes and to repeal certain enactments.

Answer to Question 12 –

a) *Child Labour* – a rapid assessment study in identified areas where children were engaged in employment for the specific purpose of programme planning and legislation for the elimination of child labour in Guyana.

b) *Children & Violence Project* – A research to determine the extent to which children have been affected by violence both in the home an in the wider community and the development of peace education and conflict resolution interventions with children and their families together with the establishment of a National Monitoring & Evaluation system.

- c) *A survey of the number and conditions of Orphans & Vulnerable children for effective treatment, monitoring & evaluation.*

Court tasked with addressing violence against children

Answer to Question 13 – There is no special Court to deal with family matters or violence against children. There are plans to establish a Family Court in the near future.

Minimum age for sexual activity

Answer to Question 14 - The Criminal Law offences Act sets out the age for valid consent to sexual activity for girls (only) as 13 years. Homosexual activity (buggery) is prohibited under the same Act. (Public consultations are at present ongoing about raising the age of consent for both boys and girls.)

Answer to Question 15 - The minimum age of marriage for women & men is sixteen (16) with parental consent and eighteen (18) without.

Sexual exploitation of children

Answer to Question 16 - Legislation is now being implemented.

Pornography and harmful information

Answer to Question 17 - This is currently being addressed

Answer to Question 18 - This is currently being addressed

Reporting obligations relating to violence against children

Answer to Question 19 - There is no legislative compulsory reporting for child abuse or acts of violence against children, but every citizen is expected to speak out when they suspect something is not right with a child. Persons are encouraged report to the Police, The Probation & Family Welfare Service or any welfare agency that provides services for children.

Complaints procedures

Answer to Question 20 –There is no strict complaint procedure for reporting violence against children. When violence is perpetrated against a child, any concerned person – a parent, neighbour, teacher, caregiver or other members of society can make a complaint. Reports can be made to the Police, who investigate with the intent to prosecute or to Probation & Family Welfare Service where intervention is done to stop the abuse or violence. There is extensive

collaboration between the Police and Probation & Family Welfare Service for effective intervention.

Reports are also taken by Non-Governmental Organizations (NGOs) such as the Red Thread, Help & Shelter, St. Francis Community Developers and the National Commission on the Rights of the Child.

Answer to Question 21 - Legal Aid is available, but the legal officers assess cases for merit of involvement. Social Workers can act on behalf of a child under the Domestic Violence Act.

Answer to Question 22 – There has been ongoing public awareness programmes through the print and electronic media as well as educational workshops and seminars on the Convention of the Rights of the Child and on all forms of violence against children. There has also been special training for teachers and caregivers to identify when a child is at risk and what to do about it.

Answer to Question 23 - A medical practitioner must examine the child victim and issue a medical certificate on a prescribed law enforcement form. This form is preserved as court evidence. In the case of sexual abuse, children who are the alleged victims are allowed to testify but it is up to the court to decide whether the child can give sworn testimony or not. The court case must be done “in camera.”

Answer to Question 24 – Complaints of violence against children are promptly investigated. Methods of intervention and outcome are largely based on the findings of the investigating officers. Intervention may take the form of punishment of perpetrator through court proceedings, family therapy and counseling of the perpetrator by the P&FWS and NGOs that offer a service to children.

Answer to Question 25 – Children and juveniles found guilty of perpetrating violence may be placed by a Magistrate under a period of statutory supervision by the Probation & Family Welfare Service or may be committed to the juvenile correctional institution (New Opportunity Corps). There is also provision in the juvenile offenders Act for the parents of the children to be fined.

II INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

Answer to Question 26 –The Ministries of Labour, Human Services & Social Security, Education, Youth Culture & Sport, Health, Legal Affairs, Amerindian Affairs, the Police and the Municipality are all tasked with the responsible of addressing violence against children. Coordination is ensured through the establishment of networking bodies and Task Forces.

Answer to Question 27 - Yes, The Ministry of Labour, Human Services & Social Security (MLHS&SS) has overall responsibility for addressing violence against children. The Ministry is the authoritative body in the implementation of policies, programmes and legislation, the provision of welfare services and rehabilitation of victims, the education and training of parents and caregivers in ensuring the welfare, well being and protection of all children in Guyana.

Answer to Question 28 – Yes, the Probation & Family Welfare Service has assigned officers in almost all the Regions of Guyana to provide social work services, but service to the Hinterland Locations is hampered by a shortage of professional social workers. Steps are now being taken to rectify the situation by training voluntary social workers to fill the gaps created by the shortage of professional workers.

Answer to Question 29 - Yes, Probation & Family Welfare Service conducts programmes for raising the level of awareness of the public to the harm done to victims of child abuse and violence and soliciting their assistance in ridding the society of this evil. Special programmes are also conducted for parents/caregivers, teachers, police officers and other frontline workers for them to be more effective in dealing with reported cases of child abuse.

Answer to Question 30 – Yes, financial resources are available and these are used for the training programmes.

Answer to Question 31 – Yes, To the International Social Service by providing background reports on emigrants who were charged with child abuse and child violence.

Answer to Question 32 – Yes, Guyana Human Rights Association with one of its objectives to secure the economical, social and cultural rights of vulnerable sectors of society, which includes children. This organization receives complaints but often refer these complaints to the Human Services Department of the Ministry of Labour, Human Service & Social Security for investigation and intervention.

Answer to Question 33 – Yes:

- The National Commission on the Rights of The Child,
- The National Commission for The Family,
- The National Steering Committee on Child Labour
- A Special Committee to address the issue of Trafficking in Persons for exploitation.

Answer to Question 34 – The establishment of a Special Committee to address the issue of Trafficking in Persons for exploitation. This Committee was

implemented to combat the emerging social issue of persons particularly women and girls being forced, coerced and deceived into sexual exploitation. The Committee is tasked with the designing of a strategy or strategies that will aggressively fight the problem and protect the victims, who are mostly from the hinterland and border locations of Guyana.

III THE ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

Answer to Question 35 - There is a number of NGOs at the Local Level, particularly those listed at answer to Question 20 and NGOs at the International level such as UNICEF, UNDP, USAID and CIDA as well as the local Women Lawyers Association, faith-based organizations, the University of Guyana and the Human Rights Association who have been actively engaged in the efforts to stamp out violence against children.

The local NGOs, organizations and associations were generally instrumental in the areas of advocacy, awareness raising and prevention, but The Help & Shelter and St. Francis Community Developers went further by implementing programmes of rehabilitation and treatment of children harmed by violence/abuse with their open-door centres. The Women Lawyers Association has published a series of leaflets on Child Abuse and Domestic Violence. The University of Guyana Social Work Unit had introduced conflict resolution workshops for youths in two communities on the East Coast of Demerara.

The International NGOs have provided financial resources for a number of the projects stated above.

Answer to Question 36 – The Government of Guyana has recognized the importance of the work of the NGOs and has given supported their activities. The Guyana Government uses a consultative approach to address the issues of children in difficult circumstances and at risk. Consequently a number of national fora and interagency groups, comprising Government Agencies, NGOs, private businesses, religious bodies and associations were instituted with support from International Agencies & Organizations.

Answer to Question 37 - The mass media proved valuable in the Public Awareness and Education Programmes. The electronic media was helpful in allotting time and space on a regular basis for panel discussions, interviews and viewpoints, and the print media carried feature stories and articles.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

Answer to Question 38 – The Commission on the Rights of Child has undertaken a number of activities involving school children at the Primary & Secondary level, such as essay and art competitions on topical issues. A recent activity was aimed at obtaining feed back from children on corporal punishment. Consultation of children is also done through research activities. The Peace Education Research another recent activity at consulting children with the approval of their parents.

Answer to Question 39 - No such activity

Answer to Question 40 - Financial resources - hundred of thousands of dollars

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

Answer to Question 41 – No, but we are working towards accomplishing that by year 2006

Answer to Question 42 - The Protection of the child in Guyana is a priority of the Government. Consequently, any programme aimed at preventing and responding to violence against children is readily supported. Over the past five (5) years a number of programmes on child abuse were conducted by NGOs and other Organizations and Government Professionals were the lead facilitators. A number of these programmes were held at schools and other Government institutions.

Answer to Question 43 - Efforts are being made to develop an effective monitoring system. Plans are on stream for a National Monitoring & Evaluation mechanism.

Answer to Question 44 - Yes – The World Congress Against Commercial Sexual Exploitation of Children and Adolescents.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

Answer to Question 45 – Yes, The MLHS&SS & UNICEF “Children & Violence Research Project.”

Answer to Question 46 – No

Answer to Question 47 - Yes the one stated at Answer to Question 45.

Answer to Question 48 – No knowledge of any

Answer to Question 49 - The Guyana Police Force is mandated to conduct special investigation into every death of a child where it is suspected that violence was a cause.

Answer to Question 50 – No information available

Answer to Question 51 - Same as above

Answer to Question 52 –

Year	Number of Cases
2000	87
2001	123
2002	193
2003	108

These figures were taken from the records of the P&FWS

Answer to Question 53 – Figure not known.

VI. AWARENESS, ADVOCACY AND TRAINING

Answer to Question 54 - Yes: Child Abuse Workshops for Teachers. Police Officers, caregivers and parents and Child Abuse awareness programmes for general public.

Answer to Question 55 - Yes

Print media	X
Radio	X
Television	X
Theatre	X
Schools	X
Others	X

Answer to Question 56 - Yes – Child Abuse awareness

	Prevention	Protection
Social Workers	X	X
Teachers	X	X
Police	X	X
Institution Personnel	X	X
Parents/guardians/care-givers	X	X

Prepared by Probation & Family Welfare Service on behalf of the Government