

Guyana

Report on Sexual Exploitation

Presented by
The Honourable Bibi Safora Shadick
Minister Within the Ministry of Labour, Human
Services & Social Security

BACKGROUND

The Ministry of Labour, Human Services and Social Security, the entity responsible for children, was until recently designated the Ministry Of Human Services and Social Security. This change in designation signaled an expansion of the Ministry's portfolio to include responsibility for Labour. One of the constant factors to be noted however is the on-going responsibility it has maintained over the years for the welfare of children.

In order to respond to its wide ranging responsibilities the Ministry's operations have been structured into four divisions: -

- Social Security which includes services to senior citizens; Probation and Family Welfare Services which include children's Services and Adoption matters; Women's Affairs Bureau; as well as a number of special programmes such as a Resource and Documentation Centre for Gender and Development and related issues and a Women's Leadership Institute. The increasing concerns for the problems of the poor, the needy and the destitute are reflected in the Ministry's initiatives in the establishment of a night shelter, for the homeless and the destitute, a Drop in Centre for street children, and special programmes, including financial assistance and legal aid, instituted to alleviate the problems of persons in exceptionally difficult circumstances.

THE DEPARTMENT OF PROBATION AND FAMILY WELFARE SERVICES

Services to children are the specific responsibility of the Department of Probation and Family Welfare Services. Its mission statement states as follows:

The Mission of the Probation and Family Welfare Services is to share in the provision of services for the protection of the Guyanese society from crime and delinquency and the promotion of the welfare of members of the society, especially children in especially difficult circumstances, so that national goals can be achieved with the minimal disruption and with maximum contribution of the citizens.

This Department has as one of its primary responsibilities the protection of children, and it does so through the investigation and processing of reports received of all forms of abuse perpetrated against children throughout the country. It is supported in this task through the services provided to victims by a number of Ministries, these include:

- The Ministry of Legal Affairs
- The Ministry of Youth and Sports
- Ministry of Health
- Ministry of Education

Collaborative support is also received from agencies such as:

- Help and Shelter
- Guyana Responsible Parenthood Association.

The Department also works closely with the National Commission on the Rights of the Child and actively promotes the Convention on the Rights of the Child. But, in spite of this inter-agency support and collaboration with NGO's there is an absence of an overall framework within which activities should be structured.

Very often support services provided are adhoc and un-co-ordinated, resulting sometimes in duplication.

SEXUAL ABUSE

The child population of Guyana is estimated to be 350,000, which is just less than 50% of the entire population, the legal definition of a child being a person who is under the age of 18 years. While much is said in recent times about the incidence of sexual abuse of children, which is sometimes said to be pervasive in our society, it is common knowledge that this abuse is not a new phenomenon. What is evident is that over the years there has been a growing awareness or sensitivity to this problem, and this has been attributed to the promotion of the Convention on the Elimination of Violence Against Women (CEDAW) 1979 and the Convention on the Rights of the Child (1989).

But pervasive as this situation has been reported to be, there is very little data or hard evidence available and this has to some extent restricted the response to this situation. The paucity of evidence can be attributed to the cultural and other social factors which inhibit persons to be forthcoming in situations of this nature.

The Department of Probation and Family Welfare Services has reported that an estimated 10% of the reports of domestic violence received have to do with child abuse. Given the demography of this country, the figure reported is relatively high, and therefore signals a need for close monitoring of this situation.

Due to the inability of the Department to adequately service Hinterland locations, there is serious doubt about the accuracy of the incidence of child abuse in those areas. Furthermore, it is not inappropriate to recognize that cultural norms and practices indigenous to the Amerindian/Hinterland inhabitants cannot be realistically incorporated

into an accurate picture of the scope of child abuse and child sexual abuse on a national level.

This Department therefore, whenever it is involved in the organisation of seminars and workshops uses the opportunity to sensitize persons to child abuse. Every opportunity is also used to define sexual abuse and to publicize the signs of such occurrences in order to heighten public awareness of sexual abuse in our society.

SEXUAL EXPLOITATION

In general terms child abuse has been considered to encompass mental, physical and sexual abuse, whereas sexual abuse has been further defined as sexual exploitation of a child through violent and non-violent molestation including incest, rape and inappropriate touching and seduction. This has been expanded to include child prostitution. Several studies which include Danns (1992 and 1996) and Mohamed (2000) The Analysis of the Situation of Children and Women (1993) have all suggested that in Guyana, families who are unable to meet the most basic requirements for sustaining themselves, have caused children to drop out of school, to live on the streets, to engage in paid employment, gambling, begging and in the worst case, to resort to prostitution. While it is widely stated that poverty is a major factor in the occurrence of sexual exploitation of children, it has also been suggested that scheming and ruthless adults have been guilty of sexual exploitation of their own as well as other children. Exploitation in the form of rape and incest are also known to exist in remote and isolated locations and are easily protected by lack of public access and at times by sub-cultures which veil such occurrences.

A recent development in urban Guyana has been the growing practice of teenagers "joy-riding " mini buses and as a consequence are lured into sexual exploitation and prostitution by those who manage this popular local mode

of transportation. This type of behaviour has contributed significantly to the spread of HIV/AIDS cases among this vulnerable group. There is a report of twenty (20) teenage girls from one school testing positive for HIV/AIDS.

The reintroduction of the School Inspectorate System under the aegis of the Ministry of Education, with the fullest measure of co-operation from Parent Teacher Associations and other Community Organizations for example Leo Clubs, Religious Youth Groups, etc., could help to assist in the alleviation of this developing societal unacceptable practice. A National Task Force has been set up to deal with the problem of street children in Guyana and this task force is also mandated to look for solutions to the practice of 'mini-bus riding' by female members of Guyana's Urban Secondary population.

The Guyana Human Rights Association (GHRA) in a report issued a year ago pointed to a situation in which minors, largely teenage girls, are involved in illegal sexual activities in about two of the border towns in Guyana, where they are used as prostitutes. This was in the areas of Regions two and six and also on the Brazil and Suriname Borders. The police in those areas have supported this allegation. In Regions 2 and 6, Amerindian girls are given jobs as waitresses and bar attendants in liquor restaurants as a front for sexual activities with patrons. The GHRA also expressed concern at the fact that there are no formal mechanisms on the part of the Police or the Probation and Welfare Services to monitor this activity and to adequately protect these minors. It is to be noted, however that in all the cases investigated, the persons involved were over the legal age of majority and as such had certain democratic rights to live a life they chose. However, from a cultural perspective it is exploitation of Guyana's indigenous Amerindian people.

FACTORS, WHICH IMPEDE ACTION AGAINST SEXUAL EXPLOITATION

The sexual exploitation of children is exceedingly difficult to pursue for a number of reasons, the chief of which is said to be the secrecy and silence of family members who fear the withdrawal of desperately needed financial support by the perpetrators who, in many cases, are family members. There is also the acceptance of monetary compensation for covering up such incidents when the perpetrators are not immediate family members.

Other factors are: -

- The limited manpower available to the key agencies to monitor and process reports on a country wide basis.
- The difficulties in the implementation of the relevant laws in the face of the reluctance of victims to give evidence against perpetrators.
- Inadequate infrastructure such as homes or institutions to which children in abusive situations could be removed.
- Lack of legislation, which will facilitate the removal of children from abusive situations. At the moment this could only be done in instances of immediate danger. However laws to correct the situation are currently being drafted .
- In spite of training in recent years Police handling of child abuse is still unsatisfactory.
- Significant instances of withdrawal of judicial cases by parents of victims of sexual abuse.
- Reluctance of doctors and teachers to report some of these matters to the Police.

MEASURES IN PLACE OR UNDER

CONSIDERATION FOR ADDRESSING CHILD ABUSE

Foremost among measures to be taken is the acceptance of a recommendation for the review of the four main Laws which directly relate to child abuse, these are

1. The Domestic violence Act (1997)

2. The Criminal Law Offences Act.
3. The Equal Rights Act (1997)
4. The Prevention of Discrimination Act

Although comprehensive in their coverage of the range of issues related to children, there are problems such as outdated penalties, particularly in the Criminal Law Offences Act, in the actual enforcement of these laws. This matter is being actively discussed.

The Act of major importance in dealing with sexual abuse is the Domestic Violence Act (1996), which 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. It also deems rape to be Domestic Violence as well as a criminal offense. The Police could make application for a protection order, or a registered social worker could do so on behalf of a minor. In essence this Act goes a long way in the protection it offers to children. In this regard it is a major piece of legislation in the context of sexual abuse of children. Its implementation, however, is still not satisfactory and awareness programmes are ongoing in order to reach optimum implementation.

The Constitutional amendments promote a number of legislative measures, which aim at

strengthening the protection of the Rights of the child. One practical measure, which is of considerable significance, is the establishment of a Constitutional Commission on the Rights of the Child, which has (18) eighteen clearly defined functions, (11) eleven of which relate specifically to child abuse. Some of the key functions of this commission are as follows: -

- Monitoring compliance with the convention on the Rights of the Child.
- Ensuring children effective means of redress when breaches of their rights occur.
- Evaluating acts, systems, or laws in force likely to affect the rights of the child and to make recommendations thereon to the National Assembly.
- Receiving and investigating complaints on its own accord and initiating independent investigation into the rights of the child related issues including child abuse.

Combating sexual exploitation without doubt requires the combined action of the state through its judicial and legislative arms, the commitment of other government agencies, community support, together with the co-operation of family members and relevant professionals such as teachers, police and medical personnel.