

**NATIONAL ASSEMBLY OF THE SECOND SESSION  
OF THE EIGHTH PARLIAMENT OF GUYANA  
(2002 – 2005)**

**REPORT**

of the

**SPECIAL SELECT COMMITTEE**

On the

**AGE OF CONSENT BILL 2004**

**(Bill No. 22/2004)**

**Presented to the National Assembly  
By the Chairman of the Committee**

on

**4<sup>th</sup> August, 2005.**

**REPORT OF THE SPECIAL SELECT COMMITTEE OF THE  
NATIONAL ASSEMBLY ON THE AGE OF CONSENT BILL 2004**

**BILL NO. 22/2004**

**Publication of Bill**

The Age of Consent Bill 2004 (Bill No. 22/2004) which seeks to amend the Criminal Law (Offences) Act and the Marriage Act was published on 29<sup>th</sup> November, 2004.

**Introduction and First and Second Readings**

2. The Bill was introduced in the National Assembly and read the first time on 29<sup>th</sup> November, 2004.

3. It was debated and read the second time on 9<sup>th</sup> December, 2004.

**Committal to Select Committee**

4. Following its second reading the Bill was committed by the National Assembly for consideration by a Special Select Committee.

**Members of the Special Select Committee**

5. At a meeting on 16<sup>th</sup> December, 2004 the Committee of Selection nominated the following Members to comprise the Special Select Committee to consider the Age of Consent Bill 2004:

**From the People's Progressive Party/Civic (5)**

The Hon. Gail Teixeira, M.P., Minister of Culture, Youth & Sport

The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P., Minister of Labour, Human Services & Social Security

The Hon. Doodnauth Singh, S.C., M.P., Attorney General & Minister of Legal Affairs

The Hon. Bibi S. Shadick, M.P., Minister in the Ministry of Labour, Human Services & Social Services

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P., Parliamentary Secretary

**From the People's National Congress/Reform**

Mrs. Clarissa S. Riehl, M.P.

Mrs. Volda Lawrence, M.P.

**From the Guyana Action Party/Working People's Alliance**

Mrs. Sheila V.A. Holder, M.P., Deputy Speaker

**From the Rise, Organise And Rebuild (ROAR)**

Mr. Ravindra Dev, M.P.

**First Meeting of the Committee – Election of Chairman**

6. The first meeting of the Committee was held on Wednesday, 2<sup>nd</sup> March, 2005, at which the Hon. Rev. Dr. Ramnauth D. A. Bisnauth, M.P. was elected Chairman of the Committee.

**Other Meetings of the Committee**

7. The Committee met on five other occasions.

## **Consultation Process**

8. The Committee felt that it would not make a decision on the pertinent clauses until it canvassed the views of the wider public. To this end it invited members of the public through the media – newspapers, radio and television – to submit their views in writing to it on the change of the “age of consent”, and if they were desirous, to indicate their willingness to appear before the Committee to give oral evidence.

9. The Committee also took into consideration the group that the Age of Consent Bill seeks to protect. It was agreed that students of upper forms of Secondary and Community High Schools were representative of that group. The Committee, therefore, approached those students, through their Headmasters and Headmistresses, to submit their views on the Bill.

10. The deadline given to both the public and to students for their written submissions to be made was 15<sup>th</sup> April, 2005.

11. A copy of the advertisement to initiate the consultation process with the public is at Appendix I and a copy of the specimen letter to Secondary and Community High Schools is at Appendix II.

## **Written Submissions**

12. The following written submissions were received:

### **I Individuals and Organisations**

Ms. Florine Dalgety

Mr. C.M. Llewellyn John

Mr. Kelvin Mc Kenzie,

Mr. Baldeo Persaud

Mr. Rockcliffe P. Pitt

Mr. Bramdeow Singh

Mrs. Bernice Walcott

Mr. Roger Williams

Ms. Merle Mendonca (for sponsoring organizations numbering 64)

Mr. Evan Radhay Persaud (for Indian Arrival Committee)

Ms. Danuta Radzik (for Group of Persons numbering 29 & list of 37 sponsoring organisations)

Ms. Josephine Whitehead (for Group of 5 Persons)

Guyanese Organisation of Indigenous Peoples

Consumers Advisory Bureau

Guyana Consumers Association

Ministry of Culture, Youth & Sport

## **II Secondary/Community High Schools**

### **Region No. 2**

(1) Department of Education

(conducted survey among students of upper forms in Region 2)

### **Region No. 3**

(i) West Demerara Secondary

(ii) L'Aventure Secondary

(iii) Wales Community High

(iv) St. John's Community High

(v) Patentia Secondary

### **Region No. 4**

(1) Swami Purnananda

(2) Golden Grove

(3) Ann's Grove Community High

(4) Covent Garden Community High

- (5) Bladen Hall Multilateral
- (6) Ascension Community High

**Region No. 7**

- (1) Bartica Secondary

**Region No. 9**

- (1) Annai Secondary School

**Oral Evidence**

13. The following individuals and organizations appeared before the Committee and made oral presentations in support of their written submissions:

- I Mr. Rockcliffe P. Pitt  
Mr. C.M. Llewellyn John  
Mr. Roger Williams
  
- II Mr. Frederick Christian - for Groups of Persons  
Ms. Josephine Whitehead  
Ms. Beverly Harper, and  
Ms. Andrea Rohlehr-Mc Adam – as a Group  
  
Mr. Evan Radhay Persaud (for Indian Arrival Committee)  
Ms. Vidushi Persaud  
Ms. Jodanna Ramsay  
Ms. Wendy Lam  
Ms. Saudia Rahat  
Ms. Dacia Carter  
Ms. Mallika Singh  
Ms. Elizabeth Harrilall and  
Ms. Brooke Edwards (on behalf of Sponsoring Organisations)

14. The individuals made their oral presentation on 1<sup>st</sup> June and the organizations on 8<sup>th</sup> June, 2005.

## **Result of Consultation**

15. At Appendix III the Committee has summarized the written submissions in a matrix. It will be seen from this matrix that quite a few individuals, organizations and students advocate an age of eighteen years, while two submissions positively sought the retention of thirteen years.

## **Rejection of the Proposal for Eighteen Years**

16. In spite of the persuasive arguments, both written and oral, for age eighteen years at which females can legally give consent for sexual intercourse, the Committee was compelled to reject that age since it is the age of majority.

## **Other Issues**

17. There are some issues which arose during the Committee's deliberations and in some submissions which are worthy to be recorded in this Report: one concerns the criminalizing of young persons who engage in sexual activity. There are proposals that such activities be treated as juvenile offences and where there are convictions under laws pertaining to juvenile offences, incarceration must be the last resort. There are also proposals for the severity of the penalty to be based on the difference of age between the male and female.

18. The law as it relates to the age of consent and should it be amended, discriminates against the male child who is as vulnerable as the female child and, therefore, needs the same level of protection. What appears to be necessary is that laws in relation to sexual offences should be gender neutral, so that where the expression "a girl" is used there will be the expression "a person".

18.1 The Committee recommends that early consideration be given to the drafting and enacting of a law or laws which will deal comprehensively with sexual offences.

**19. Consideration of the Clauses of the Bill**

**19.1 Clauses 1 to 3 were considered and agreed to as presented.**

**19.2 Clause 4:** The Committee considered this Clause and amended paragraph (a) (i) to read as follows:

**'(a) (i)** in paragraph (a), by the substitution for the words "twelve years" and "thirteen years" of the words "fifteen years" and "sixteen years",' respectively.

**19.2.1 Paragraphs (a) (ii) and (b) were agreed to as presented.**

**19.2.2 Clause 4 was then agreed to as amended.**

**19.3** It has been brought to the attention of the Committee that the present penalty for anyone found guilty of permitting the defilement of a girl on his premises is liable to imprisonment for ten years as per amendment by Act No. 19 of 1990. The amendment proposed in the Bill seeks to reduce the penalty to five years. The Committee feels that imprisonment of ten years should remain.

**19.4 Clause 5** should be deleted since it was addressed by Act No. 19 of 1990.

**19.5** The Committee is of the opinion that this amendment which seeks to increase the age from "under the age of sixteen" to the age of "sixteen or seventeen years" would have created a new problem for a female who became pregnant at the age of fourteen years as she would now be precluded from marrying if this amendment were to be allowed.

**19.6 Title of the Bill**

**19.6.1** With the deletion of clause 5, the title of the Bill has been amended to read –



**“Criminal Law (Offences) (Amendment) Bill 2004”**

as in its amended form it affected only the Criminal Law (Offences) Act Cap. 8:01.

19.7 This amended title should indicate to the public at large that the Bill addresses the issue of statutory rape and does not give licence to a girl attaining the age of 16 years to become sexually adventurous.

19.8 A copy of the Bill as amended is at Appendix IV.

**Report of the Special Select Committee**

20. At its meeting held on 27<sup>th</sup> July, 2005 the Special Select Committee on the Age of Consent Bill 2005 unanimously agreed that this Report on the Bill should be presented to the National Assembly.

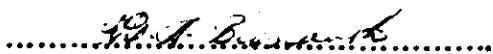
21. The report is accordingly hereby submitted to the National Assembly.

**Verbatim Records**

22. Verbatim Records of the proceedings of meetings of the Committee have been prepared and can be seen at the Parliament Office.

**Minutes**

23. The Minutes of proceedings of the Committee are at Appendix V.

  
*Rev. Dr. Ramnauth D. A. Bisnauth, M.P.*  
*Minister of Labour, Human Services & Social Security*  
*Chairman – Special Select Committee on the Age of Consent Bill 2004*



# PARLIAMENT OFFICE

## **Age of Consent Bill 2004 (Bill No. 22 of 2004)**

### **Invitation to the Public for Written Submission**

The Age of Consent Bill 2004 (Bill No. 22/2004) has been committed to a Special Select Committee of the National Assembly. This Bill seeks to amend the Criminal Law (Offences) Act, Cap. 8:01, in order to increase the age of consent from thirteen (13) years to sixteen (16) years. It also seeks to amend the Marriage Act, Cap. 45:01, to say that a female of sixteen (16) or seventeen (17) years of age may petition the High Court for permission to be married.

The Committee has begun its work but wishes to receive from members of the public, individuals as well as organizations, their views on the age of consent.

The Committee is, therefore, extending an invitation to members of the public to forward written submissions of their views on this matter not later than 15<sup>th</sup> April, 2005.

Individuals and organizations who are willing to appear before the Committee to give oral evidence should indicate this in their submissions.

All submissions must be addressed to:

**The Clerk  
Special Select Committee on the Age of Consent Bill 2004  
(Bill No. 22 of 2004)  
Committees Division  
Parliament Office  
Public Buildings  
Georgetown**

L. Coonjah  
Deputy Clerk of the National Assembly  
15<sup>th</sup> March, 2005



Tel: 68456-9

Parliament Office,  
Public Buildings,  
Georgetown,  
Guyana.

15<sup>th</sup> March 2005

To: All Head Masters/Mistresses  
Secondary/Community High Schools

Dear Head Master/Mistress

**Age of Consent Bill 2004 (Bill No. 22/2004)**

The Age of Consent Bill 2004 (Bill No. 22/2004) has been committed to a Special Select Committee of the National Assembly. This Bill seeks to amend the Criminal Law (Offences) Act, Cap. 8:01, in order to increase the age of consent from thirteen (13) years to sixteen (16) years. It also seeks to amend the Marriage Act, Cap. 45:01, to say that a female of sixteen (16) or seventeen (17) years of age may petition the High Court for permission to be married.

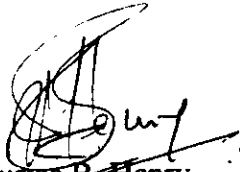
The Committee has begun its work but wishes to receive from members of the public their views on the age of consent.

The Committee is, therefore, extending an invitation to you to discuss the age of consent with students of the upper forms of your school and forward a written submission of their views and yours on this matter to it not later than 15<sup>th</sup> April, 2005.

Your submission must be addressed to:

**The Clerk  
Special Select Committee on the Age of Consent Bill 2004  
(Bill No. 22 of 2004)  
Committees Division  
Parliament Office  
Public Buildings  
Georgetown**

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Henry', written over a horizontal line.

**Maurice B. Henry  
Head of Committees Division**

**APPENDIX III**

**SUMMARY OF SUBMISSIONS**

**AGE OF CONSENT BILL NO 22/2004**

<b>ID NO.</b>	<b>NAME OF ORGANIZATION OR PERSONS</b>	<b>AGE RECOMMENDED (AGE OF CONSENT)</b>	<b>SUMMARISED REASON(S)</b>
1	Mr Baldeo Persaud	18	At eighteen girls are more matured to make important decisions. The age of consent should be the same as the age of majority. Girls are not physically developed at age 13.
2	Mr Bramdeow Singh	13	A low age of consent will reduce the rate of HIV infections and suicide. Girls are physically and emotionally prepared for sex at age 13.
3	C M Llewellyn John, LLB (Lond), Attorney-at-Law	14	Although Mr John, accepts the age of consent to be lower, he feels problems will be created by raising it to 16 or 17 years, particularly in that of Amerindians.
4	Department of Education, Baydewan Rambarran, Regional Education Officer, Region # 3.  West Demerara Secondary School	16	At thirteen (13) a child is less capable of enduring the consequences of choices such as pregnancy and maintaining a family unit. Early consent increases the already high STD rate and other problems related to sexually active adolescents.  A low age of consent may open the gate to intimate relationships between teachers and students.
4 (a)	L' Aventure Secondary School	16	At age 16 girls are more matured, physically, and emotionally. They are more prepared to make decisions regarding sex and choosing a life partner.
4 (b)	Wales Community High School	18	At eighteen, the child would be mature enough to make decisions and face the consequences of that decision.
4 (c)	St John's Community High School	18	Girls below the age of 18 are not matured enough to make intelligent decisions or choice. At age 18 persons are more responsible and are better equipped to rationalise situations and make prudent decisions.

4 (d)	Patentia Secondary School	16	<p>At 16 girls are more matured physically and are better able to make decisions regarding intimate relationships.</p> <p>A low age of consent would increase incidences of school dropouts.</p> <p>Opinion in the school is divided on the age of marriage. One set holds to 16 the other to 18.</p>
5	Bartica Secondary School	18	<p>Age 16 - 41 students</p> <p>Age 18 - 73 students</p>
6	Roger Williams	16	<p>Age 16 allows girls in the country to complete secondary, upper - six, technical - college and first stage University level (diploma) education under the full protection of the law. This results in higher educational standards for women, less child- birth defects, less child - bearing medical problems, and sets a universal standard of sexual activity and marriage.</p> <p>Mr Williams recommended that the age of marriage should be the same as the age of consent.</p>
7	Bernice Walcott	18	<p>Children should be allowed to enjoy childhood and go through the stages of human development, basic education and character building without the burden of sexual relationships for which they are neither physically nor emotionally prepared.</p> <p>Although laws do not necessarily make people obey them, they do serve as standards of conduct in a society and, in this case would help to build perception in the future generations of sex belonging to adulthood.</p>
8	Florine Dalgety	18	<p>Many young women who have not obtained a sound secondary education find gainful employment impossible. They turn to dependence on men to supply their needs. This leaves them open to control and manipulation. Breaking out of the control leads to abuse and possible death.</p> <p>Youngsters at 16 should be actively encouraged to make efforts towards their academic, cultural, vocational and emotional development.</p>
9	Rockcliffe Patrick Pitt	13	<p>Although Mr. Pitt has not recommended a change from 13 years he has recommended the following steps to be taken.</p> <p>-That the Committee solicit the advice and recommendation of genealogist and obstetricians</p>

			<p>and other qualified medical practitioner on this matter as it is neither a moral or religious issue but a medical one.</p> <ul style="list-style-type: none"> <li>- That the Committee get the views by way of a questionnaire from all teenagers attending schools as they are the ones that will be mostly affected by whatever decisions you arrive at on this matter.</li> <li>- That with THE RIGHTS OF THE CHILD, you address the question – “Does the child have a right to have sex?”</li> </ul>
10	Guyanese Organization of Indigenous Peoples	18	<p>Children under the age of 18 are of school age and thus should have their focus on attaining an education.</p> <p>Youths are at this stage more capable of making mature decisions and choices and are better able to form judgement.</p>
11	First Group of Sponsoring Organization of seven regions c/o of Guyana Human Rights Association	18	<ul style="list-style-type: none"> <li>- Higher age of consent will prevent incidence of H.I.V.</li> <li>- Research in region (Jamaica and Guyana) shows high incidence of cervical cancer in young girls resulting from premature initiation into sexual activity. This evidence counters claim of girls being automatically prepared for sex when they reached the age of puberty.</li> <li>- Only adults should consent to sexual activity</li> <li>- Prevent commercial sexual exploitation of children</li> <li>- The age of consent should be the same as the age of majority. The age recognized in our laws as appropriate for voting, owning a passport etc.</li> <li>- Raising the age of consent to eighteen years will encourage reforms to other outdated aspects of criminal legislation relating to sexual violence.</li> <li>- Prevent incidences of sexual violence against women</li> <li>- Improved legislation in this area will create pressure for strengthening of Welfare and Probation Services and creation of a Family Court. It will also require support for parents, educators and others engaged in promoting responsible sexual behaviour by young people.</li> </ul>

			<p>- It will protect children from sexual connections with adults.</p> <p>The GHRA is proposing that where there is consenting sexual activity between children under 18 within an age range of three years, there be no criminal liability. However, where the age range exceeds three years, the GHRA recommends that such actions be treated as juvenile offences and subject to juvenile justice offences and subject to juvenile justice procedures in which imprisonment is the last resort.</p> <p>Sexual connections between adults (18 years+) and children (less than (18) years)</p> <p>All persons over the age of eighteen who have unlawful sexual connections with people under the age of 18 years, provided that the age range between the persons is more than three years, shall be guilty of a felony and liable to imprisonment of not less than 10 years and not more than 15 years.</p>
12	Consumer Advisory Bureau	16	(1) In the major religions of Guyana as well as the ancestral cultures of the vast majority of the population, the "Age of Consent" at 16 years would not be in conflict with the socio - cultural assumptions of the population and would not be a cultural imposition derived from the recent assumptions of Western Society.
13	Guyana Consumers Association	16	Same as the Consumer Advisory Bureau
14	Josephine Whitehead et al	16	Ms. Whitehead et al suggested that the Bill should be redrafted to differentiate between how sexual activity between an adult and a person under 16 on the one hand, and sexual activity between consenting young persons on the other, are dealt with. The former should be dealt with as a serious criminal offence and the latter as a matter of social intervention. Ms Whitehead has submitted a redrafted Bill.
15	Second Group of Sponsoring	18	Same as the First Group.



	Organizations of seven regions c/o of Guyana Human Rights Association		
16	Indian Arrival Committee	16	The IAC carried out a study between March 28 and April, 14 2005. The study shows that the vast majority of respondents, regardless of gender and ethnicity, favoured an increase in the age of consent from the age of 13 to 16. On the basis of this study, the IAC recommends that the age of consent be increased to 16.
17	Department of Education Region # 4, Swami Purnananda Secondary School	16	These are the views of students who are in favour of the Bill May reduce the amount of children who are born out of wedlock May reduce the economic burden of parents whose children are delinquents Will give adolescents a chance to make decisions Most of the individuals are matured.  Students who oppose the Bill Increase in dropouts in the school system Increase the rate of teenage pregnancy Increase in sexually transmitted diseases Rise in social problems such as incest, prostitution and suicide Drop in society morals and values Rise in common law relationships
17 (b)	Golden Grove Secondary School	18	Because the age of majority is 18 the age of consent should be 18. More adult decisions can be made at 16 rather than 13 years old. Physical maturity may be lacking at 13 Individuals should not be given a free choice to do as they please at a certain age, their choices could be detrimental.
17 (c)	Ann's Grove Community High School	16	Thirteen year olds are not developed physically and mentally to have sex. At this age sexual experiences result in guilty feelings and bitter disappointment.  At 16 most persons would have completed their primary and secondary education and are more likely to move on to tertiary level of education. In addition, the sixteen year old is more physically, mentally and emotionally developed to deal with sexual experiences.

			<p>At age 13 girls are not developed physically and mentally to have sex.</p> <p>A lower age of consent will increase teenage pregnancies and the transmission of STDs. Children at this stage should be in school preparing themselves academically. Sex should be between married consenting adults only.</p>
17 (D)	Convent Garden Secondary School	18	<p>A discussion on the age of consent was held with sixty – seven students of the upper form: Their views are as follows:-</p> <p>18 – Twenty four students  17- Twelve students  16 – Fourteen students  19 – Two students  22 – Twenty two students</p>
17 (E)	Bladen Hall Multilateral School	18	<p>The legal age when young girls are matured enough to make decisions and to earn a living. At the age of 13 to 18 students should be in schools and other educational and technical institutions developing themselves academically.</p>
18	Kelvin Mc Kenzie	13	<p>The childhood stage of human development ends at 13 and adolescence begins. Girls are automatically and biologically prepared to have sex in the adolescence/puberty stage.</p>
19	Annai Secondary School	16	<p>Children of 16 are more responsible and mature to make decisions as to whether they want to have sex or not.</p> <p>The most common reason that females aged 13 to 16 drop out of school, is due to pregnancy. Raising the age of consent would greatly reduce the number of school drop outs due to wanted and unwanted pregnancies.</p> <p>It will help to reduce the number of youths that have some form of STI/STD; this is because children of 16 are more likely to use a condom.</p>
20	Ascension Community High School	18	<p>Eighteen is the age of attaining adulthood.</p>
21	Department of Education, Region # 2	16	<p>A survey was carried out among students of the upper forms in Region No. 2 to solicit responses with respect to the age of consent. The majority of students which included both boys and girls believed that the age of consent should be sixteen (16) years and above. This view was held by 89%</p>

			<p>of the respondents as compared to 11% who felt it should remain at thirteen (13) years. Students generally felt that at thirteen they would have been too young to make sound decisions sexually. Further, they agreed that at that age they would have been preparing themselves academically for their future hence sexual activity would not have been a priority.</p>
22	Ministry of Culture Youth and Sports	16- 18	<p>The Ministry of Youth Sports and Culture held a consultation session among youths to determine the age of consent. Approximately fifty youths were present at the consultation. They were divided into three groups.</p> <ul style="list-style-type: none"> <li>- Group 1 thought that the age of consent should be 16 – 18 years; and should be applicable to both males and females. At age 16 – 18 the individual is likely to be more matured and responsible and their secondary education would not be affected.</li> <li>- Group 2 members agreed that the Age of Consent and marriage should be the same i.e. 16 years. They believe that at age 13 the individual would not be responsible enough and can experience tremendous pressure.</li> <li>- Group 3 believed that the Age of Consent should be in keeping with the age at which one is allowed to vote. They felt that at age 13 one is not fully developed; not sober, not matured, and does not have enough experience.</li> </ul> <p>In evaluating the consultation those present recommended the following:</p> <ul style="list-style-type: none"> <li>- That more such consultations should be hosted in other areas so as to have greater youth participation on the issue.</li> <li>- That more professionals – psychologists, sociologists should be involved when addressing such an issue.</li> <li>- That policy makers are made aware of the social and psychological implications of certain laws.</li> <li>- That the issue – “ Age of Consent” be debated by youths</li> <li>- That whenever such activities are hosted, they must be adequately publicized.</li> </ul>

			- That the law on Age of Consent should affect males.
23	Consumer Advisory Bureau	16	<p>At age 16, young people fall in love and become sexually active.</p> <p>To increase the age of consent above 16, would conflict with all Guyanese ethnic cultures and conflict with the present norm in Guyana The law should be framed to protect young males as well.</p>

## Appendix IV

**BILL No. 22 of 2004**

Monday 29<sup>th</sup> November, 2004

PARLIAMENT OFFICE  
Public Buildings,  
Georgetown,  
Guyana.

29th November, 2004

The following Bill which will be introduced in the National Assembly is published for general information.

*S. E. Isaacs,*  
Clerk of the National Assembly.



**GUYANA**

**BILL No. 22 of 2004**

**CRIMINAL LAW (OFFENCES) (AMENDMENT) BILL 2004**

**ARRANGEMENT OF SECTIONS**

### **SECTION**

1. Short title.
2. Amendment of section 69 of the Principal Act.
3. Amendment of section 70 of the Principal Act.
4. Amendment of section 87 of the Principal Act.

**A BILL  
Intituled**

AN ACT to amend the Criminal Law (Offences) Act.

A. D. 2004

Enacted by the Parliament of Guyana:-

Short title.  
Cap. 8:01

1. This Act, which amends the Criminal Law (Offences) Act, may be cited as the Criminal Law (Offences) (Amendment) Act 2004.

Amendment of  
section 69 of the  
Principal Act.

2. Section 69 of the Criminal Law (Offences) Act is hereby amended in the following manner-

- (a) in subsection (1), by the substitution for the words "twelve years" and "thirteen years" of the words "fifteen years" and "sixteen years" respectively;
- (b) in subsection (2), by the substitution for the words "thirteen years" of the words "sixteen years";
- (c) in the marginal note by the substitution for the words "12" and "13" of the words "15" and "16", respectively.

Amendment of  
section 70 of the  
Principal Act.

3. Section 70 of the Criminal Law (Offences) Act is hereby amended by the substitution for the words "twelve years" of the words "fifteen years" and in the marginal note by the substitution for the words "12" of the words "15".

Amendment of  
section 87 of the  
Principal Act.

4. Section 87 of the Criminal Law (Offences) Act is hereby amended in the following manner-

- (a) in subsection (1)
  - (i) in paragraph (a), by the substitution for the words "twelve years" and "thirteen years" of the words "fifteen years" and "sixteen years", respectively.
  - (ii) in paragraph (b), by the substitution for the words "twelve years" of the words "fifteen years".

- (b) in subsection (2) by the substitution for the words "thirteen years" of the words "sixteen years".

**EXPLANATORY MEMORANDUM**

This Bill seeks to amend the Criminal Law (Offences) Act, Cap. 8:01, to increase the age of consent to sixteen years.

Minister in the Ministry of Labour, Human Services and Social Security.

## **APPENDIX V**

- 1. MINUTES of 1<sup>st</sup> MEETING held on 2<sup>nd</sup> March, 2005**
- 2. MINUTES of 2<sup>nd</sup> MEETING held on 14<sup>th</sup> March, 2005**
- 3. MINUTES of 3<sup>rd</sup> MEETING held on 9<sup>th</sup> May, 2005**
- 4. MINUTES of 4<sup>th</sup> MEETING held on 1<sup>st</sup> June, 2005**
- 5. MINUTES of 5<sup>th</sup> MEETING held on 8<sup>th</sup> June, 2005**
- 6. MINUTES of 6<sup>th</sup> MEETING held on 27<sup>th</sup> July, 2005**



**THE NATIONAL ASSEMBLY OF THE SECOND SESSION  
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 – 2005)**

**MINUTES OF THE  
1<sup>ST</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE AGE OF CONSENT BILL NO. 22/2004  
HELD AT 5.20 P.M  
IN THE SPEAKER'S CEREMONIAL OFFICE  
PUBLIC BUILDINGS, GEORGETOWN**

**ATTENDANCE:**

The Hon. Hari N. Ramkarran, S.C., M.P., Speaker  
(As Presiding Officer for the election of the Chairman)

**MEMBERS OF THE COMMITTEE**

**From the People's Progressive Party/Civic(5)**

The Hon. Gail Teixeira, M.P  
The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P  
The Hon. Doodnauth Singh, S.C., M.P - Excused  
The Hon. Bibi Shadick, M.P  
Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P

**From the People's National Congress/Reform(4)**

Mrs. Clarissa S. Riehl, M.P - Deputy Speaker  
Mrs. Volda Lawrence, M.P

**From the Guyana Action Party/Working People's Alliance GAP/WPA (1)**

Mrs. Sheila V.A. Holder, M.P

**From the Rise Organise And Rebuild Party (ROAR)**

Mr. Ravindra Dev, M.P - Absent

**Officers in attendance**

- Mr. Maurice B. Henry - Head of Committees Division  
Ms. Deborah Gray - Assistant Clerk of Committees
- Mr. James Pinder - Parliamentary Staff Advisor

**ITEM 1: CALL TO ORDER**

- 1.1 The meeting was called to order at 5.20 p.m by the Speaker of the National Assembly who served as the Presiding Officer for the election of a Chairperson.

**ITEM 2: ELECTION OF CHAIRMAN**

- 2.1 The Speaker called for nominations of a Chairperson of the Committee.
- 2.2 The Hon. Bibi Shadick, proposed and Mrs Philomena Sahoye-Shury seconded the nomination of the Hon. Dr. Dale Bisnauth as Chairperson.
- 2.3 There being no other nominations, the Speaker declared the Hon. Dr. Dale Bisnauth, Chairman of the Committee.

**ITEM 3: ANY OTHER BUSINESS**

**Next Scheduled Meeting:**

- 3.1 The Committee agreed that the next meeting would be held on Monday, 14<sup>th</sup> March, 2005 at 3.00 p.m in the Parliamentary Library, Public Buildings, Georgetown.

**Time-frame:**

- 3.2 The Speaker advised the Committee that there was no allotted time-frame for it to complete its work.

**Adjournment:**

At 5.30 p.m the meeting was adjourned to Monday, 14<sup>th</sup> March, 2005.

*Confirmed on this 14<sup>th</sup> day of March, 2005*

*Dale A. Bisnauth*  
.....  
Hon. Dale Bisnauth, M.P  
Chairperson.

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION  
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 – 2005)**

**MINUTES OF THE  
2<sup>ND</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE AGE OF CONSENT BILL (BILL NO. 22/2004)  
HELD AT 3.15 P.M  
ON MONDAY, 14<sup>TH</sup> MARCH, 2005  
IN THE PARLIAMENTARY LIBRARY, PUBLIC BUILDINGS, GEORGETOWN**

**MEMBERS OF THE COMMITTEE (9)**

**ATTENDANCE:**

**Chairman (PPP/C) (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

**(Elected by the Committee on 2<sup>nd</sup> March, 2005)**

The Hon. Rev. Dr. Ramnauth D. A. Bisnauth, M.P.

**From the People's Progressive Party/Civic(4)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

The Hon. Gail Teixeira, M.P

- Excused

The Hon. Doodnauth Singh, S.C., M.P

- Excused

The Hon. Bibi Shadick, M.P

- Excused

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P

**From the People's National Congress/Reform(2)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Clarissa S. Riehl, M.P., Deputy Speaker

Mrs. Volda Lawrence, M.P

**From the Guyana Action Party/Working People's Alliance GAP/WPA (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Sheila V.A. Holder, M.P

**From the Rise Organise And Rebuild Party (ROAR)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mr. Ravindra Dev, M.P

- Excused

## **Advisers**

Chief Parliamentary Counsel - Mr Cecil Dhurjon, C.C.H., S.C.  
Deputy Chief Parliamentary Counsel - Mr Charles Fung-a-Fat

## **Officers**

Mr Maurice B. Henry - Head of Committees Division  
Ms. Deborah H. Cadogan - Assistant Head of Committees Division

### **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the meeting to order at 3.15 p.m.

### **ITEM 2: ANNOUNCEMENTS**

2.1 **Welcome**

2.1.1 A special welcome was extended by the Chairman to Members, Advisers, Officials and other staff members.

2.2 **Excuses**

2.2.1 The Chairman informed the Committee that the following persons had asked to be excused from the meeting:

- (i) The Hon. Gail Teixeira, M.P.
- (ii) The Hon. Doodnauth Singh. S.C., M.P.
- (iii) The Hon. Bibi Shadick, M.P.
- (iv) Mr. Ravindra Dev, M.P.

2.2.2 The Chairman also informed the Committee that Mr Dev had sent a proposal to which the Committee would allude later.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of Meeting dated 8<sup>th</sup> March, 2005;
- (ii) Minutes of 1<sup>st</sup> Meeting held on Wednesday, 2<sup>nd</sup> March, 2005;
- (iii) Copy of the Age of Consent Bill (Bill No. 22/2004);

- (iv) Copies of documents obtained from the internet on the Age of Consent;
- (v) Spreadsheet showing sections of the Acts to be amended, the amendments to be made and the sections as amended, i.e., the results of the amendments;
- (vi) Notice of amendments by the Minister in the Ministry of Labour, Human Services and Social Security.

**ITEM 4: CONFIRMATION OF MINUTES OF 1<sup>ST</sup> MEETING HELD ON 2<sup>ND</sup> MARCH, 2005**

- 4.1 The Minutes of the 1<sup>st</sup> Meeting held on 2<sup>nd</sup> March, 2005 were confirmed, without corrections, on a motion moved and seconded by Mrs Philomena Sahoye-Shurry and Mrs Volda Lawrence, respectively.

**ITEM 5: CONSIDERATION OF THE CLAUSES OF THE AGE OF CONSENT BILL 2004 – BILL NO. 22/2004**

- 5.1 The Chief Parliamentary Counsel informed the Committee that column 3 of the spreadsheet accurately portrayed the intent of the amendments proposed in the Bill.
  - 5.1.1 The Committee proceeded to consider the clauses of the Age of Consent Bill 2004 (No. 22/2004) clause by clause:
    - 5.1.2 Clause 1 was accepted as printed.
    - 5.1.3 Clause 2:
      - 5.1.3.1 This clause which seeks to increase the age of consent from thirteen years to sixteen years was fully discussed. The following were some of the main issues raised:
        - (i) whether or not the age of consent should be increased;
        - (ii) the need for provisions to be made to protect males under eighteen years involved in sexual activity from being criminalized, and protect males from being blackmailed by females;
        - (iii) the need for educational and public awareness programmes for young people;

- (iv) the need to reach out to Regional Members of Parliament for assistance; and
- (v) whether or not the Committee should publicly consult with a wide cross section of the nation.

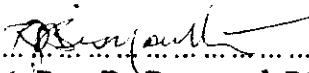
5.1.4 At the end of the discussions, the Committee agreed that

- (i) a notice be placed in the media requesting memoranda and inviting witnesses to make oral presentation in relation to the age of consent; and
- (ii) a letter be sent to Head Masters/Mistresses of secondary/community high schools requesting them to discuss the matter of the age of consent with the students of the upper forms and, thereafter, submit the students' views together with theirs to the Committee.

#### ADJOURNMENT

At 4.18 p.m. the meeting was adjourned *sine die*.

*Confirmed this 9<sup>th</sup> day of May, 2005*

  
.....  
*The Hon. Rev. Dr Ramnauth Bisnauth, M.P.*  
*Chairman*

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION  
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 – 2005)**

**MINUTES OF THE  
3<sup>RD</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE AGE OF CONSENT BILL (BILL NO. 22/2004)  
HELD AT 5.10 P.M  
ON MONDAY, 9<sup>TH</sup> MAY, 2005  
IN THE PARLIAMENTARY LIBRARY, PUBLIC BUILDINGS, GEORGETOWN**

**MEMBERS OF THE COMMITTEE (9)**

**ATTENDANCE:**

**Chairman (PPP/C) (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004  
(Elected by the Committee on 2<sup>nd</sup> March, 2005)**

The Hon. Rev. Dr. Ramnauth D. A. Bisnauth, M.P.

**From the People's Progressive Party/Civic(4)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

The Hon. Gail Teixeira, M.P

The Hon. Doodnauth Singh, S.C., M.P

The Hon. Bibi Shadick, M.P

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P

- Excused

- Absent

**From the People's National Congress/Reform(2)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Clarissa S. Riehl, M.P., Deputy Speaker

Mrs. Volda Lawrence, M.P

- Absent

- Excused

**From the Guyana Action Party/Working People's Alliance GAP/WPA (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Sheila V. A. Holder, M.P

**From the Rise Organise And Rebuild Party (ROAR)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mr. Ravindra Dev, M.P

- Excused



## **Officers**

Mr Maurice B. Henry - Head of Committees Division  
Ms. Deborah H. Cadogan - Assistant Head of Committees Division

### **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the meeting to order at 5.10 p.m.

### **ITEM 2: ANNOUNCEMENTS**

#### **2.1 Excuses**

2.1.1 The Chairman informed the Committee that the following persons had asked to be excused from the meeting:

- (i) The Hon. Bibi Shadick, M.P.
- (ii) Mrs. Volda A. Lawrence, M.P.
- (iii) Mr. Ravindra Dev, M.P.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of Meeting dated 29<sup>th</sup> March, 2005
- (ii) Minutes of the 2<sup>nd</sup> Meeting held on Wednesday, 14<sup>th</sup> March, 2005;
- (iii) Copies of submission on the Age of Consent Bill

3.2 The following documents were circulated at the meeting:

- (i) Additional submissions on the age of consent from
  - Department of Education, Region 2
  - Ann's Grove Community High School
- (ii) Record of Proceedings of the 2<sup>nd</sup> Meeting held on 14<sup>th</sup> March, 2005.

**ITEM 4: CONFIRMATION OF MINUTES OF 2<sup>ND</sup> MEETING HELD ON 14<sup>TH</sup> MARCH, 2005**

- 4.1 The Minutes of 2<sup>nd</sup> Meeting held on 14<sup>th</sup> March, 2005 were confirmed, without corrections, on a motion moved and seconded by Mrs. Sheila Holder and the Hon. Gail Teixeira, respectively.

**ITEM 5: MATTERS ARISING FROM THE MINUTES**

- 5.1 The Hon. Doodnauth Singh pointed out that from the discussions of the previous meeting it seemed that the dominant view expressed was that the age of consent should be increased to sixteen years. He remarked that it was not feasible to place 18 years in the Age of Consent Bill since at that age one was considered an adult.
- 5.1.1 Mrs. Holder expressed the view that the rural schools were not very focused on the aim and objective of the Bill and that what was required was public education, especially education as to the consequences of the legislation.
- 5.1.2 The Hon. Gail Teixeira felt that there was a hysterical mood at large that led to the Age of Consent Bill. The concern was not a matter of consensual sex, but those exposed to sexual crime. Her Ministry had undertaken a survey, which included Georgetown and Regions No. 1 and No. 9 and which revealed an age of consent at 16 years as the popular choice.
- 5.1.3 In reply to an enquiry, the Hon. Doodnauth Singh stated that the Marriage Act was amended to agree with the Criminal Law Act.
- 5.1.4 The Hon. Ms Teixeira suggested that the amendment of section 32(2) of Cap. 45:01 would create a new problem as it would preclude a child who at 14 years became pregnant, from marrying. The Hon. Doodnauth Singh said his original position was not to amend that section but that the matter was now in the hands of the Committee.
- 5.1.5 Questions were raised as to how not to criminalise young people engaged in sexual activity. It was suggested further that new amendments should be gender neutral by making use of "a person" rather than "a girl".

5.1.6 The Hon. Doodnauth Singh explained to the Committee that the "sex act" is defined by law, but that his Chambers would look at it again.

5.1.7 The Hon. Ms Teixeira, supported by Mrs. Holder, called for greater publicity to be given on what the age of consent is about.

**ITEM 6: CONSIDERATION OF THE METHOD TO BE ADOPTED TO**

- (a) DEAL WITH SUBMISSIONS ON THE AGE OF CONSENT**
- (b) RECEIVE ORAL EVIDENCE FROM MEMBERS OF THE PUBLIC**

6.1 The Committee considered the above subject and agreed that the Chairman and the Head of Committees Division would examine the submissions and invite those persons who had indicated their willingness to give oral evidence to do so.

**Adjournment**

At 6.25 p.m. the meeting was adjourned *sine die*.

*Confirmed this 8<sup>th</sup> day of June, 2005*

*Dr. A. Bisnauth*  
.....  
**The Hon. Rev. Dr Ramnauth Bisnauth, M.P.**  
**Minister of Labour, Human Services and Social Security**  
**Chairman**

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION  
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 – 2005)**

**MINUTES OF THE  
4<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE AGE OF CONSENT BILL (BILL NO. 22/2004)  
HELD AT 5.10 P.M  
ON WEDNESDAY, 1<sup>ST</sup> JUNE, 2005  
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

**MEMBERS OF THE COMMITTEE (9)**

**ATTENDANCE:**

**Chairman (PPP/C) (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004  
(Elected by the Committee on 2<sup>nd</sup> March, 2005)**

The Hon. Rev. Dr. Ramnauth D. A. Bisnauth, M.P.

**From the People's Progressive Party/Civic(4)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

The Hon. Gail Teixeira, M.P

The Hon. Doodnauth Singh, S.C., M.P

The Hon. Bibi Shadick, M.P

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P - Excused

**From the People's National Congress/Reform(2)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Clarissa S. Riehl, M.P., Deputy Speaker

Mrs. Volda Lawrence, M.P - Excused

**From the Guyana Action Party/Working People's Alliance GAP/WPA (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Sheila V.A. Holder, M.P

**From the Rise Organise And Rebuild Party (ROAR)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mr. Ravindra Dev, M.P - Excused

## **Officers**

Mr Maurice B. Henry - Head of Committees Division  
Ms. Debra H. Cadogan - Assistant Head of Committees Division

### **ITEM 1: CALL TO ORDER**

1.1 The Chairman called the meeting to order at 5.10 p.m.

### **ITEM 2: ANNOUNCEMENTS**

#### **2.1 Welcome**

2.1.1 Special welcome was extended to the Hon. Bibi Shadick and Mr. Ravindra Dev, Committee members, who were attending meeting for the first time.

#### **2.2 Excuses**

2.2.1 The Chairman informed the Committee that the following persons had asked to be excused from the meeting:

- (i) Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P.
- (ii) Mrs. Volú A. Lawrence, M.P.

#### **2.3 Permission to sit in during the presentation**

2.3.1 Ms. Roxanne Myers of UNICEF had been granted permission to sit in during the presentations.

### **ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of Meeting dated 24<sup>th</sup> May, 2005
- (ii) Minutes of the 3<sup>rd</sup> Meeting held on Wednesday, 9<sup>th</sup> May, 2005;
- (iii) Report on the Age of Consent Consultation – Ministry of Culture, Youth and Sport

3.2 The following document was circulated at the meeting:

- Letter dated 31<sup>st</sup> May, 2005 from Ms. Eileen Cox re: Permission to appear before the Committee.

**ITEM 4: CONFIRMATION OF MINUTES OF 3<sup>RD</sup> MEETING HELD ON 9<sup>TH</sup> MAY, 2005**

4.1 Confirmation of the Minutes of 3<sup>rd</sup> Meeting held on 9<sup>th</sup> May, 2005 was deferred to a subsequent meeting of the Committee.

**ITEM 5: ORAL PRESENTATIONS**

5.1 Before the commencement of presentations, the Chairman informed the Committee that attempts by the Parliament Office and the Regional Executive Officer of Region 10 had failed to contact Mr. Kevin McKenzie who had been scheduled to be the first presenter for the session. Thus presentations would be made by Messrs. Rockcliffe P. Pitt, C.M. Llewellyn John and Roger Williams. The other four presenters would be rescheduled to the following Wednesday, 8<sup>th</sup> June, 2005.

5.2 **Mr. Rockcliffe P. Pitt**

5.2.1 At 5.00 p.m. the Committee welcomed Mr. Rockcliffe P. Pitt to make his presentation on the age of consent.

5.2.2 Mr. Pitt's presentation was specific in highlighting the following:

- Research had proven that the sex desire was frequently and strongly felt between the ages of 13 years and 35 years.
- 13 years as the age of consent was in effect in Guyana for more than 111 years; he could not understand the reason for a change for that age.
- Consideration should be given in the legislation for the protection of young males who were sexually abused by older women.

5.2.3 Mr. Pitt said that while he would not suggest an age as the age of consent, he felt that his recommendations should be seriously considered by the Committee. He referred to the UN Conventions which gave children rights and because of this they should be allowed to say at what age they should be engaged in sex.

- 5.2.4 The Chairman thanked Mr. Pitt for presentation. He was excused from the meeting.
- 5.3 **Mr. C.M. Llewellyn John**
- 5.3.1 At the invitation of the Chairman, Mr. C.M. Llewellyn John at 5.00 p.m. proceeded to make his presentation.
- 5.3.2 Mr. John made his presentation in support of his submission. He argued that raising the age of consent above that provided for in legislation could create severe problems as it would be unable to cater for the divergent groups in the society.
- 5.3.3 As a counter to his claim for an age not greater than 14 years, it was pointed out that consultations were done in each region and based on those consultations, the age 16 was accepted.
- 5.3.4 The Chairman thanked Mr. John for his presentation. He was then excused from the meeting.
- 5.4 **Mr. Roger Williams**
- 5.4.1 At 5.55 p.m. Mr. Roger Williams, at the invitation of the Chairperson, proceeded to make his presentation in support of his submission. He pointed out that his submission was a personal opinion but was being directed to the local churches as a primer on the issues.
- 5.4.2 In response to a query by Mr. Williams, it was stated that information regarding statistics on sexual abuse of children in Guyana was available in various annual reports prepared by the Police and Probation Departments.
- 5.4.3 Mr. Williams, leaning heavily on his submission, highlighted, among other things, the need for the legislation as it pertains to the age of consent not to be loosely and inaccurately applied.
- 5.4.4 Mr. Williams, in responding to a query, said that while he did not suggest an age, felt that the age of consent should be in conformity with the age of majority since it would protect young females and allow them to acquire a proper education.
- 5.4.5 The Chairman thanked Mr. Williams for his presentation. He was then excused from the meeting.

**ITEM 6: ANY OTHER BUSINESS**

**6.1 Decisions of the Committee**

6.1.1 It was pointed out by Mrs. Riehl that in addition to the recommendations on the mandate, the Committee could make additional recommendations.

**6.2 Letter from Ms Eileen Cox**

6.2.1 The Committee accepted the second written submission, though late dated 31<sup>st</sup> May, 2005 from the Guyana Consumers Association and the Consumers Advisory Bureau, but decided not to write them to make an oral presentation.

**6.3 Report on the Age of Consent Consultation – Ministry of Culture, Youth and Sport**

6.3.1 The Hon. Gail Texeira requested that the submission from the Ministry of Culture, Youth and Sport form part of the Committee's record.

**Adjournment**

At 6.50 p.m. the meeting was adjourned to 4.30 p.m. on Wednesday, 8<sup>th</sup> June, 2005.

*Confirmed this 8<sup>th</sup> day of June, 2005*

*..... Dale A. Bisnauth .....*  
*The Hon. Rev. Dr Ramnauth Bisnauth, M.P.*  
*Minister of Labour, Human Services and Social Security*  
*Chairman*



**THE NATIONAL ASSEMBLY OF THE SECOND SESSION  
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 – 2005)**

**MINUTES OF THE  
5<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE AGE OF CONSENT BILL (BILL NO. 22/2004)  
HELD AT 5.10 P.M  
ON WEDNESDAY, 8<sup>TH</sup> JUNE, 2005  
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

**MEMBERS OF THE COMMITTEE (9)**

**ATTENDANCE:**

**Chairman (PPP/C) (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

**(Elected by the Committee on 2<sup>nd</sup> March, 2005)**

The Hon. Rev. Dr. Ramnauth D. A. Bisnauth, M.P.

**From the People's Progressive Party/Civic(4)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

The Hon. Gail Teixeira, M.P	-	Excused
The Hon. Doodnauth Singh, S.C., M.P	-	Excused
The Hon. Bibi Shadick, M.P		
Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P	-	Excused

**From the People's National Congress/Reform(2)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Clarissa S. Riehl, M.P., Deputy Speaker	-	Excused
Mrs. Volda Lawrence, M.P		

**From the Guyana Action Party/Working People's Alliance GAP/WPA (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Sheila V.A. Holder, M.P

**From the Rise Organise And Rebuild Party (ROAR)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mr. Ravindra Dev, M.P	-	Excused
-----------------------	---	---------

**Adviser**

Mr. Charles Fung-a-Fat - Deputy Chief Parliamentary Counsel

**Officers**

Mr Maurice B. Henry - Head of Committees Division  
Ms. Debra H. Cadogan - Assistant Head of Committees Division

**ITEM 1: CALL TO ORDER**

1.1 The Chairman called the meeting to order at 5.10 p.m.

**ITEM 2: ANNOUNCEMENTS**

2.1 **Excuses**

2.2.1 The Chairman informed the Committee that the following persons had asked to be excused from the meeting:

- (i) The Hon. Gail Teixeira, M.P.
- (ii) The Hon. Doodnauth Singh, S.C., M.P.
- (iii) Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P.
- (iv) Mrs. Clarissa S. Riehl, M.P.
- (v) Mr. Ravindra Dev.

**ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of 5<sup>th</sup> Meeting dated 6<sup>th</sup> June, 2005
- (ii) Minutes of 3<sup>rd</sup> and 4<sup>th</sup> Meetings held on 9<sup>th</sup> May and 1<sup>st</sup> June, 2005, respectively;

**ITEM 4: CONFIRMATION OF MINUTES**

4.1 **Minutes of 3<sup>rd</sup> Meeting held on 9<sup>th</sup> May, 2005**

**Corrections**

4.1.1 **Page 2**

- 4.1.1.1 Insertion of the following before “Officers”  
**“Adviser**  
Mr. Charles Fung-a-Fat – Deputy Chief Parliamentary Counsel”
- 4.1.2 **Page 3, paragraph 5.1.2**
- (i) Insertion of a full stop after “No. 9”
- (ii) Deletion of the words “and which revealed an age of consent at 16 years as the popular choice” after “No. 9”.
- 4.1.3 Thereafter the Minutes were confirmed on a motion moved and seconded by Mrs. Sheila Holder and the Hon. Bibi Shadick, respectively.
- 4.2 **Minutes of 4<sup>th</sup> Meeting held on 1<sup>st</sup> June, 2005**
- Corrections**
- 4.2.1 **Page 2**
- 4.2.1.1 Insertion of the following before “Officers”  
**“Adviser**  
Mr. Charles Fung-a-Fat – Deputy Chief Parliamentary Counsel”
- 4.2.2 **Page 3**
- 4.2.2.1 Insertion of the following as a new paragraph 5.1.1  
“The Hon. Doodnauth Singh informed the Committee that the Guyana Human Rights Association as well as other organizations and communities had been circulating a leaflet supporting 18 years as the age of consent. He drew Members’ attention to the Representation of the People Adaptation and Modification of Laws Act, Chapter 1:09 which provided for the age of adulthood as 18 years. He reiterated that it was not necessary to have any legislation which states the age of consent as the age of majority.”
- 4.2.3 Thereafter the Minutes were confirmed on a motion moved and seconded by Mrs. Sheila Holder and the Hon. Bibi Shadick, respectively.

**ITEM 5: ORAL PRESENTATIONS**

**5.1 Ms Danuta Razik (for Group of Persons)**

5.1.1 The Committee welcomed the delegation and invited them to make their presentation. It noted that they were being led by Mr. Frederick Christian on behalf of Ms Razik who was abroad. Mr. Christian then introduced the other members of his delegation. They were:

- (i) Ms. Beverly Gomes-Lovell
- (ii) Ms. Pamela Alfred
- (iii) Ms. Patricia Waddell

5.1.2 The Group proceeded to make their presentation in support of their submission. The following points were highlighted:

- the age of consent should be the same as the age of majority
- the need for children to be protected from older persons
- the need for all relevant legislation to be amended urgently
- the age of consent in Guyana should be consistent with that of the other signatories to the UN Conventions on the Rights of the Child.

5.1.3 The Chairman thanked Mr. Christian and his team for their presentation. They were then excused from the meeting.

**5.2 Ms Josephine Whitehead (for Group of Persons)**

5.2.1 At 5.35 p.m. the Committee welcomed Ms Josephine Whitehead and her team invited them to make their presentation on the age of consent. The other members include:

- (i) Beverley Harper
- (ii) Andrea Rohlehr-McAdam

5.2.2 The team expressed the view that their submission was based on the legal aspect of the bill. They reiterated that the bill should be redrafted to differentiate how sexual activity between an adult and a person under 16 years should be treated on the one hand, and on the other how sexual activity between consenting young persons should also be treated. The team also supported the proposed increase in age to 16 years.

5.2.3 The Chairman thanked Ms Whitehead and her team for their presentation. They were then excused from the meeting.

**5.3 Mr. Evan Radhay Persaud (for Indian Arrival Committee)**

5.3.1 At 5.46 p.m. Mr. Persaud appeared before the Committee on behalf of the Indian Arrival Committee to make his presentation.

5.3.2 He informed the Committee that the Indian Arrival Committee had conducted a study of which the majority of respondents had favoured an increase from 13 years to 16 years.

5.3.3. Mr. Persaud also pointed out that 62% of the Indo-Guyanese males had recommended that the age of consent should remain at 13 years of age.

5.3.4 The Chairman thanked Mr. Persaud for his presentation. He was then excused from the meeting.

**5.4 Ms Merle Mendonca (for Sponsoring Organisations)**

5.4.1 At 6.03 p.m. the delegation appeared before the Committee to give an oral presentation.

5.4.2 The main presenters were:

- Ms Vidushi Persaud who introduced the presenters and spoke on the amendments proposed by Age of Consent Coalition
- Ms Jodanna Ramsay who argued for 18 years as the age of consent
- Ms Wendy Lam who discussed the health benefits of an age of consent at 18 years
- Ms Saudia Rahat who pointed out that young women needed time and space to mature to better cope with sexual pressure from adult men
- Ms Dacia Carter who gave the criteria for determining the age of consent
- Ms Mallika Singh who asked that 18 years as the age of consent was not unique and was what the people wanted
- Ms Elizabeth Harrilall who gave a summary of High School Surveys on Age of Consent; and
- Ms Brooke Edwards who explained the proposals for 18 years do not infringe on religious rights.

5.4.3 At the conclusion of the presentation the Chairman thanked the team for their presentation.

5.4.4 Details of the presentation and questions raised by Members are recorded in the verbatim records of this date.

**ITEM 6: ANY OTHER BUSINESS**

**6.1 Summary of Submissions**

6.1.1 The Secretariat was required to summarise the submissions received and circulated to Members.

**6.2 Draft Report of the Committee**

6.2.1 The Head of Committees Division was required to prepare the Draft Report for discussion by the Committee at its next meeting.

**Adjournment**

At 7.50 p.m. the meeting was adjourned *sine die*.

*Confirmed this 7<sup>th</sup> day of July, 2005*

.....*R. Ramnauth*.....  
*The Hon. Rev. Dr Ramnauth Bisnauth, M.P.*  
*Minister of Labour, Human Services and Social Security*  
*Chairman*

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION  
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 – 2005)**

**MINUTES OF THE  
6<sup>TH</sup> MEETING OF THE SPECIAL SELECT COMMITTEE  
ON THE AGE OF CONSENT BILL (BILL NO. 22/2004)  
HELD AT 3.08 P.M  
ON WEDNESDAY, 27<sup>TH</sup> JULY, 2005  
IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN**

**MEMBERS OF THE COMMITTEE (9)**

**ATTENDANCE:**

**Chairman (PPP/C) (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

**(Elected by the Committee on 2<sup>nd</sup> March, 2005)**

The Hon. Rev. Dr. Ramnauth D. A. Bisnauth, M.P.

**From the People's Progressive Party/Civic(4)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

The Hon. Gail Teixeira, M.P

- Excused

The Hon. Doodnauth Singh, S.C., M.P

- Excused

The Hon. Bibi Shadick, M.P

Mrs. Philomena Sahoye-Shury, C.C.H., J.P., M.P

**From the People's National Congress/Reform(2)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Clarissa S. Riehl, M.P., Deputy Speaker

Mrs. Volda Lawrence, M.P

**From the Guyana Action Party/Working People's Alliance GAP/WPA (1)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mrs. Sheila V.A. Holder, M.P

- Excused

**From the Rise Organise And Rebuild Party (ROAR)**

**(Nominated by the Committee of Selection on 16<sup>th</sup> December, 2004**

Mr. Ravindra Dev, M.P

**Adviser**

Mr. Charles Fung-a-Fat - Deputy Chief Parliamentary Counsel

**Officers**

Mr Maurice B. Henry - Head of Committees Division  
Ms. Debra H. Cadogan - Assistant Head of Committees Division

**ITEM 1: CALL TO ORDER**

1.1 The Chairman called the meeting to order at 3.08 p.m.

**ITEM 2: ANNOUNCEMENTS**

2.1 **Excuses**

2.2.1 The Chairman informed the Committee that the following persons had asked to be excused from the meeting:

- (i) The Hon. Gail Teixeira, M.P.
- (ii) The Hon. Doodnauth Singh, S.C., M.P.
- (iii) Mrs. Sheila V.A. Holder, M.P.

**ITEM 3: CIRCULATION OF DOCUMENTS**

3.1 The following documents were circulated prior to the meeting:

- (i) Notice of 6<sup>th</sup> Meeting dated 25<sup>th</sup> July, 2005;
- (ii) Minutes of 5<sup>th</sup> Meeting held on 8<sup>th</sup> June, 2005;
- (iii) Copies of a summary of written submissions; and
- (iv) Draft Report to the National Assembly on the consideration of the Bill.

3.2 The following documents were circulated at the meeting:

- (i) Record of Proceedings of the 3<sup>rd</sup> and 4<sup>th</sup> Meetings of the Special Select Committee on the Age of Consent Bill – Bill No. 22/2004 held on 9<sup>th</sup> May and 1<sup>st</sup> June, 2005, respectively;



- (ii) Age of Consent Coalition: Oral submission to hearings of the Special Select Committee on Age of Consent – 8<sup>th</sup> June, 2005.

**ITEM 4: CONFIRMATION OF MINUTES OF 5<sup>TH</sup> MEETING HELD ON 8<sup>TH</sup> JUNE, 2005**

- 4.1 The Minutes of 5<sup>th</sup> Meeting held on 8<sup>th</sup> June, 2005, were confirmed without corrections, on a motion moved and seconded by the Hon. Bibi Shadick and Mrs Volda Lawrence, respectively.

**ITEM 5: MATTERS ARISING**

- 5.1 There were no matters arising from the Minutes.

**ITEM 6: CONSIDERATION OF THE AGE OF CONSENT BILL 2004 AND DRAFT REPORT THEREON.**

- 6.1 The Committee proceeded to consider the draft Report of the Age of Consent Bill 2004 – Bill No. 22 of 2004.

- 6.1.1 Paragraphs 1 to 12 were accepted as presented.

- 6.1.2 **Paragraph 13 II:** Substitution of the following:

**II** Mr. Frederick Christian (for Group of Persons)  
Ms Josephine Whitehead, Ms Beverley Harper and Mrs. Andrea Rohlehr-McAdam  
Mr. Evan Radhay Persaud (for Indian Arrival Committee)  
Ms. Vidushi Persaud, Ms Jodanna Ramsay, Ms Wendy Lam, Ms Saudia Rahat, Ms Dacia Carter, Ms Mallika Singh, Ms Elizabeth Harrilall and Ms Brooke Edwards (for Sponsoring Organisations).

- 6.1.3 Paragraphs 14 to 17 were accepted as presented.

- 6.1.4 **Paragraph 18:** Insertion of the following as paragraph 18.1:

“The Committee recommends that early consideration be given to the drafting and enacting of a law or laws which will deal comprehensively with sexual offences.”

6.1.5

**Paragraph 19:** The following amendments were made:

(i) **Paragraph 19.2:** Insertion of the following:

“Paragraphs (a) (ii) and (b) were agreed to as presented.  
Clause 4 was then agreed to as amended.”

(ii) **Paragraph 19.3:**

Insertion of the words “as per amendment by Act No. 19 of 1990” after the words “ten years” in the third line.

(iii) **Paragraph 19.4:**

Insertion of the words “since it was addressed by Act No. 19 of 1990.”

(iv) **New Paragraph 19.6:**

**“Title of Bill**

The title of the Bill has been amended to read –

*“Criminal Law (Offences) (Amendment) Bill 2004”*

as in its amended form it affected only the Criminal Law (Offences) Act Cap. 8:01.”

(v) **New Paragraph 19.7:**

“This amended title should indicate to the public at large that the Bill addresses the issue of statutory rape and does not give licence to a girl attaining the age of 16 years to become sexually adventurous.

(vi) **New Paragraph 19.8**

“A copy of the Bill as amended is at Appendix IV.”

6.1.6

Paragraphs 20 to 23 were accepted as presented.

6.1.7

Thereafter the Committee agreed that its Final Report be submitted to the National Assembly at its next Sitting.

**ITEM 7: ANY OTHER BUSINESS**

**7.1 Expression of Thanks**

7.1.1 The Chairman expressed his gratitude to the Members of the Committee and other officials for their support during the meetings of the Committee.

**Conclusion**

At 3.10 p.m. the meeting was concluded.

*(Unconfirmed)*