

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2010) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

123RD Sitting

Thursday, 22ND April, 2010

The Assembly convened at 2.10 p.m.

Prayers

[Mr. Speaker in Chair]

ANNOUNCEMENTS BY THE SPEAKER

Constitution of Commissions

Mr. Speaker: Hon. Members, I will like to announce that elections took place yesterday for members of the Rights of the Child Commission and the Women's Rights and Gender Equality Commission.

The persons elected for the Women's Rights and Gender Equality Commission are two of our own, Hon. Member Mrs. Indranie Chandarpal as Chairperson and Hon. Member Ms. Cheryl Sampson as Deputy Chairperson.

For the Rights of the Child Commission, Ms. Aleema Nasir, who is present in the Assembly today, was elected Chairperson, and Mrs. Rosemary Benjamin-Noble was elected Deputy Chairperson.

I would like to offer, and I am sure you will join me in that, our congratulations to the persons elected and to wish these two Commissions which have been long in coming, but they are here now, well in their endeavours on behalf of the people of Guyana. Thank you.

REPORTS FROM COMMITTEES

The following Reports were laid:

(1) Minutes of the Proceedings of the 20th Meeting of the Committee of Selection held on Thursday, 8th April, 2010. [*Speaker of the National Assembly – Chairman of the Committee of Selection*]

(2) Report of the Special Select Committee on Sexual Offences Bill 2009 – Bill No.30/2009. [*Minister of Human Services and Social Security – Chairperson of the Special Select Committee on Sexual Offences Bill 2009*]

(3) Report of the Special Select Committee on the Credit Reporting Bill 2009 – Bill No. 37/2009 [*Minister of Finance – Chairman of the Special Select Committee on the Credit Reporting Bill 2009*]

The following Report was deferred to the next sitting:

Report of the Special Select Committee on Persons with Disabilities Bill 2009 – Bill No. 44/2009 [*Minister of Health - Chairman of the Special Select Committee on Persons with Disabilities Bill 2009*]

QUESTIONS ON NOTICE [Written Replies]

1. HEALTH SECTOR POLICY

Mrs. Holder: Is there a Health Sector Policy?

(i) If so, could the Hon. Minister give the House a status report on the progress being made, measuring where we are as against where the policy says we should be?

(ii) How many resignations across categories of nurses/doctors and other health workers did the public sector experience last year?

Dr. Ramsammy: (i) Yes, there is a health sector strategy. It is for the period covering 2008-2012. The work plan for the strategy is being implemented in accordance with the timeline. The mid-term review of the plan has shown that the plan is being implemented on a timely basis.

(ii) There were 110 resignations in 2009. These included 13 doctors and 39 nurses.

2. EFFICIENCY AND EFFECTIVENESS MEASUREMENTS IN THE HEALTH SECTOR

Mrs. Holder: Could the Hon. Minister of Health tell the House what efficiency and effectiveness measurement he applies to the health sector?

Dr. Ramsammy: There are various instruments we are using to measure efficiency and effectiveness. These are all instruments that have only begun utilisation in the last few years. We have developed

proficiency in the use of some of these instruments. The others are at various stages of being implemented. The following are some instruments:

Instrument	What does it Measure?	Status
1. Service Agreements	Seek to ensure proper facility management, adequate reporting and financial management and management of supplies and adherence to clinical guidelines	Introduced in 2009 for G.P.H.C. and Region 6 and on a trial basis for all other Regions. <ul style="list-style-type: none"> • G.P.H.C. scored 81% • Regions 6 scored 83% • All other Regions scored between 66 to 80%
2. Quarterly Health Reports	Mainly seek to establish surveillance of health problems	New format enforced in 2009. All Regions =70-80% performance levels
3. Monthly Financial Reports	Ensuring effective use of financial resources	New format enforced in 2009. All Regions =80-85% performance levels
4. Health Facilities Inspection Reports	Requirement of the Health Facilities Licensing Act 2007. Ensures facilities and management process meet certain established standards, supporting safety and quality of facilities and services	Introduced for public sector in 2009. G.P.H.C. and Regional Hospitals performed well and no less than private hospitals. Generally meet all requirements.
5. Assessor Reports	Requirement of the Health Facilities Licensing Act 2007. This ensures that facilities are meeting minimum clinical standards of practice.	To be introduced in 2010. Well be conducted between June and September.

6. Maternity Monthly Reports	Numbers of deliveries and outcome	Introduced in 2007
7. Maternal Death Internal Investigation and Assessment Report	Each facility must submit within 24 hours a report of any maternal death and within 48 hours a report of an internal investigation of the event.	Introduced in 2007
8. National Maternal Death Audit Committee	The causative factors for each maternal death	Introduced in 2008
9. Child Health Monthly Report	Numbers of newborns and numbers of illnesses in under-5 children	Introduced in 2007
10. Child Mortality Monthly Report	Number of neonatal, infant and under-5 deaths	Introduced in 2007
11. Child Mortality Internal Investigation and Assessment Report	Each facility must submit reports of any under-5 death within 24 hours and submit a report of an internal investigation with 48 hours	Introduced in 2007
12. Morbidity and Mortality Committee	Identifying unusual events in morbidity and mortality cases in hospitals and identifying possible preventive measures	Introduced in 2002. Presently at G.P.H.C. and New Amsterdam Hospitals. To be extended to all Regional Hospitals and to 2 private hospitals this year
13. Medical Advisory Committee	Interventions for improvement in hospitals	Introduced in 2002. Presently functional at G.P.H.C. Will also be introduced in Linden and Region 6
14. Clinical Audit – see below for write up on this	Assess quality of charts and identify whether appropriate care is being provided	Introduced on a limited basis in 2003 and being expanded in 2010. Will conduct clinical audit for quality of charts, maternity and accident and

		emergency
15. Laboratory Proficiency Programme	Accuracy Performance of Labs	Introduced in 2002. The G.P.H.C. and several public health labs perform at levels about 90% and higher than private labs
16. QA/QC for Labs	Ensure continuous measurement of quality in labs	Introduced in 2002
17. Health Qual.	Measure clinical quality and outcome of H.I.V. Treatment and Maternal and Child Health	Introduced in 2007 Guyana has shown relatively good performance
18. Immunisation Periodic Assessment	Measure quality of immunisation service and date quality	Introduced in 2001 and done every 4 years through international peer ew
19. Behaviour and Biological Surveillance Surveys	To assess the effectiveness of heath promotion efforts and the sector's public awareness and education programmes	Introduced in 2003 Generally demonstrate programmes are reaching people and are effective in transforming behaviour
20. Client Satisfaction Surveys	To survey client satisfaction at various public hospitals around the country.	Introduced in 2009. Show acceptable patient satisfaction. Main concern is nursing attitude
21. UNGASS Reports	A consensus report by all stakeholders on effectiveness of HIV programme	First Report in 2004. Demonstrates good outcome and effectiveness of programmes

Clinical Audit in the Health Sector as a Quality Improvement Tool

Clinical Audit is one of the measures being utilised by the Ministry of Health to promote improved quality of health care services in Guyana, particularly in the public health sector. The introduction of the Health Facilities Act 2008 provides the legal framework for the institutionalisation of clinical audit in the health sector, both in the public and private sector.

The 2010 Plan:

The 2010 Plan will be implemented with support from PAHO/WHO, UNICEF, UNFPA and C.D.C. (U.S.A). The clinical audit will be coordinated by the Chief Medical Officer (C.M.O.). The clinical audit will include international experts provided by PAHO, UNICEF, UNFPA, C.D.C. and other partners.

In 2010, a wide ranging clinical audit programme is to be instituted in the health sector. The following areas are to be subjected to a clinical audit exercise in 2010:

- 2nd Edition of the Comprehensive Clinical Audit with international reviewers for the Maternal and Neonatal Services in the public sector at the G.P.H.C., New Amsterdam Hospital, Linden Hospital, Diamond Diagnostic Centre, West Demerara Hospital, Suddie Hospital and Lethem Hospital and in each of the private sector hospitals.
- 2nd Edition of the Neonates and Still Births Clinical and Environmental Analysis with international reviewers to be carried out in the hospitals named above.
- Introduction of Clinical Audit for Emergency and Accident Rooms at G.P.H.C., New Amsterdam Hospital, Linden Hospital and Diamond Diagnostic Centre and two private hospitals.
- Audit of Charts for quality of records

Previous Experience:

Clinical Audit as a tool for improved quality was introduced formally in 2005 in the public health sector. In 2005, clinical audit measures were identified for Maternal and Neonatal Services in the public health sector. Comprehensive clinical audits at Georgetown Public Hospital and New Amsterdam Hospital were conducted. Support for this comprehensive clinical audit was obtained from PAHO.

The goal was for a comprehensive clinical audit to be completed with international reviewers every five-year. Thus, the 2nd Edition of the Comprehensive Clinical Audit is to be done in 2010. Preparation for the 2010 Comprehensive Clinical Audit for Maternal and Neonatal Services is being completed for a May/June exercise.

The 1st Edition of the Comprehensive Clinical Audit for the Maternal and Neonatal Services was completed in 2005.

The intention is that each year a limited clinical audit review with local investigators will be done.

In between the comprehensive clinical audit, a comprehensive review of selected aspects of the maternal and neonatal services is planned. The 1st detailed analysis took place in 2008 and studied

neonatal deaths and still births in five hospitals in the public health sector. This study will be repeated in 2010.

3. VACANCIES IN THE HEALTH SECTOR

Mrs. Holder: Could the Hon. Minister of Health say how many vacancies in each category are there in the health service across the Regions and how does the Budget provide for these to be filled this year?

Dr. Ramsammy: The health sector has completed a human resource requirement for the health sector and is presently studying the report. The plan was necessitated by the inappropriateness of the public service establishment.

However, if we were to use the existing public service establishment, there are over 300 technical vacancies.

The 2010 health sector budget does not cater for the filling of these vacancies. The Ministry of Finance usually makes provisions for budgetary resources to cater for the filling of vacancies in all the sectors.

4. FINANCIAL AFFAIRS OF GEORGETOWN PUBLIC HOSPITAL CORPORATION

Mrs. Holder: Will the Minister of Health ensure that the corporatised Georgetown Public Hospital Corporation conduct its financial affairs according to the law and avoid the annual reprimand by the Auditor General?

Dr. Ramsammy: The G.P.H.C was established as a semi-autonomous agency in 1999 by the Order #3 of 1999 made under the Public Corporations Act 1988. In the view of the Auditor General this qualifies the G.P.H.C for a subvention. The Order establishing the G.P.H.C caters for G.P.H.C. to be a budget agency. The Ministry of Health has been in discussion with the Ministry of Finance to determine the way forward in the context of the Auditor General's annual remarks relating to this subject. The Minister of Health assures the House that he will continue to do all he could to ensure the Auditor General finds comfort in the mechanism of financing for G.P.H.C.

5. SUPPLEMENTARY FINANCIAL PAPERS – PURCHASE OF DRUGS AND MEDICAL SUPPLIES

Mrs. Holder: Can the Hon. Minister of Health say if the Budget 2010 takes account of the supplementary financial papers approved by this Assembly late last year giving the Ministry of Health money to buy drugs and medical supplies through to the end of April?

Dr. Ramsammy: Yes. The health care services have been growing each year and the supply of medicines and other supplies have increased significantly. The Budget 2010 is only likely to get us through to December, 2010. We are likely again to request supplementary funds to obtain medicines to meet the demands between January and April, 2011.

INTRODUCTION OF BILL AND FIRST READING

The following Bill was introduced and read the first time:

FISCAL ENACTMENT (AMENDMENT) BILL 2010 – BILL NO. 5/2010

A BILL intituled:

“An Act to amend the Income Tax Act and the Corporation Tax Act.” [*Minister of Finance*]

Mr. Speaker: Hon. Minister, is it only one Bill you have, or are there two?

Dr. Singh: I am only presenting one Bill - the Fiscal Enactment (Amendment) Bill.

PUBLIC BUSINESS

GOVERNMENT BUSINESS

BILLS – SECOND AND THIRD READINGS

POUNDS (AMENDMENT) BILL 2010 – BILL NO. 4/2010

A BILL intituled:

“An Act to amend the Pounds Act.” [*Minister of Home Affairs*]

Mr. Rohee: Mr. Speaker, I rise to speak to the proposed Pounds (Amendment) Bill 2010 – Bill No. 4 which was published on the 26th of March, 2010.

I do not believe that this amendment should attract any significant controversy. It is pretty straightforward and aims at facilitating an increase in the fees paid to catchers of strays to be impounded in our country, and more specifically where pounds have been established in or at police stations or otherwise named by the Minister of Home Affairs.

Section 4 of the Pounds Act has been amended by Act No. 14 of 1988 for an increase in the fees from five dollars and three dollars to thirty dollars and twenty dollars, respectively, paid to the person known as the stray catcher who takes or sends a stray to the nearest pound.

Section 5 (1) was amended to increase the fees paid to the poundkeeper from five dollars and two dollars to thirty dollars and twenty dollars, respectively.

Under Act No. 29 of 2007 several sections of the Pounds Act were again amended. Section 4 of that amended Act provided for an increase in the fees from thirty dollars to one thousand dollars to be paid to any person, known as a stray catcher, to take a stray to the nearest pound.

The category of strays, in terms of animals, would include every horse –stallion, mare, pony; cow - bull or heifer, as well as calf; sheep or goat, respectively. These increases appeared to be adequate at the time when they were agreed on, but experience and life itself have demonstrated that the amount of money in the sum of one thousand dollars has proven to be inadequate. Consultation with the Regional Democratic Councils (R.D.C.s), the National Democratic Councils (N.D.C.s) and a number of other individuals who have a stake in this matter and given the risks that are associated with this exercise, many persons who are desirous of performing the functions of a stray catcher made representation to the effect that the sum of money to the tune of one thousand dollars was inadequate. The administration listened to those pleadings and that representation which were made and, after discussion at the level of the Cabinet, it was agreed that the sum of one thousand dollars should be increased to five thousand dollars for each stray animal taken by the stray catcher to the nearest pound. The fact is that this amount is enshrined in the Pounds Act requires an amendment to it. That consideration by its very nature was what required the matter to be considered at the Cabinet level.

The amendment to the Pounds Act before us to facilitate the increase of the fee from one thousand dollars to five thousand dollars, as I said, I do believe should not generate any controversy. Even if it were for some reason or the other controversial, I believe that it should attract the widest support of this House, given the fact that there have been several complaints by road users and many other persons in the country that we need to take steps to address this matter.

I should point out that this amendment, an increase, will obviously win a tremendous amount of support in the country. This Assembly, as a reflection of the voting population in this country, ought not to strike a discordant note with the aspirations of the population in general, as it is aimed at ensuring greater safety on our roads. If by increasing the fees of the stray catchers, which will bring greater effectiveness to their work, I believe that the Assembly will

be serving the population well by supporting this amendment. Thank you, Mr. Speaker.
[Applause]

Mrs. Backer: Thank you Sir. I did not hear the Hon. Member mentioned goats. I am wondering, with his fear of a certain class of animals, what precaution he is taking to make sure that he remains bite free, so to speak.

Sir, on a serious note, we were thought in law school that in amending legislation you ask yourself what is the mischief that you are seeking to correct. Or put another way, what is the rationale of this Bill, in this case, this simple amendment? I do agree with the Hon. Minister that this is a simple amendment.

The Hon. Minister moved us from five dollars to thirty dollars to one thousand dollars in 2007, and we are now moving to five thousand dollars. I am going to, in my brief presentation, just perhaps, ask a few rhetorical questions, because we on this side of the House have come to realise that the Government sees no reason or nothing correct, nothing compels it to share with us the rationale for these things and why. I will ask some questions which I know the Hon. Minister will not be able to answer, but at least they will be there for our children and our grandchildren.

Since the one thousand dollars fee which became law on the 31st December, 2007, we have had two full years - forget 2010 - how many animals have been caught by stray catchers? Were our roads any safer in 2008, 2009 and to date because of the raise from thirty dollars to one thousand dollars? We cannot just sit here and say we are moving it from one thousand dollars to five thousand. What assessment has been made? As I asked, what effect did this big jump from thirty dollars to one thousand dollars in 2007 have on the safety of our roads? Did we have less stray animals in 2008 and in 2009? Because at the end of 2007 we passed an amendment to which the Minister has referred – Pounds, and certain other enactment amendments Acts - that is the Act in which there were a lot of amendments, not only to the Pounds Act, but to the Road Traffic Act, to the Local Government Act, all with the overriding concern or the aim of ridding our roads of stray animals.

Having made this big jump in 2007, the Minister comes back once more, and all he says, in terms of rationale, is that the Government has consulted with stakeholders, and the risk associated with catching the animals has led it to move from one thousand dollars to five thousand dollars. Surely he should come and say, since Government amended the Act at the

end of 2007, in 2008 and 2009 the roads have been marginally safe *vis-à-vis* strays, just as bad, or worse. There is no rationalisation; there is no looking back to decide or to share with the Assembly if in fact the 2007 amendment had any impact.

He should also say, not to Assembly necessarily only, but to the people of Guyana, what effect he expects this new amendment to have in terms of the safety of our roads. On his 2007 amendment, the Hon. Minister spoke about Road Safety Week. Just a few weeks ago we completed Road Safety Week. As we speak there is a zero tolerance campaign going on. Stray animals constitute a great danger to persons who are moving from one location. How much safe is this moving from one thousand dollars to five thousand dollars is going to make the roads? How many stray catchers does the Hon. Minister envision will be employed, or will now take up the challenge that he is offering a further incentive? How many more will come on board so that there will be a reduction?

Again, I go back to the question: did we in fact have a reduction? Every now and then there is Road Safety Week. There is Safe Needle Injection Day. There is T.B. Day. Are we going to have a Stray Catcher's Week? On a serious note, are we going to make a conscious effort to really decrease the amount of strays, or are we just periodically going to come to National Assembly and say we need to increase the fees? How many stray animals were captured and taken to pounds last year? How much money was made? Where are the pounds in Guyana? If I now want to become a stray catcher, for the five thousand dollars, which is the nearest pound from the National Assembly? Where are the pounds in Georgetown? These are the things the Minister has to The Minister cannot come in an abstract way and say this is what the Government is going to do.

We have to be careful that this five thousand dollars does not lead to some overzealous people trying to make money, because this will impact in a strong way on rural communities. We hope we do not see people opening cow-pens and goat-pens, Minister Rohee, and leading them saying that they are straying, and then taking them to the pound to collect money. So we have to have our checks and balances. It is a simple amendment, but our thing is not just the money. The Assembly wants to hear what the plans are, because if it is increased to twenty thousand dollars and there are no proper pounds and the exercise is not properly organised we will continue to see stray animals on the road.

When the Assembly passed the legislation in 2007 we supported it, but there was no decrease in stray animals. What guarantee or what is the Minister going to put in place so that when he

comes -well he most probably will not be in the Assembly - on the next occasion when an increase is sought what will it be? What is the rationale? I would hope that as he responds to my questions, which are asked in all seriousness and good faith, if he can share with us what assurance he can give the people of Georgetown, and indeed the people in Guyana wherever roads are used, that the roads will become safer, *vis-à-vis* strays, as a result of this move from one thousand dollars for stray catchers to five thousand dollars. Thank you Sir. [Applause]

Mr. Lall: I rise to lend my support to this very simple amendment to the Pounds Act. Although it is a simple amendment, I think it will go a very far way in helping us to deal with a difficulty that we have down on the ground in various parts of the country. I want to respond to some of the issues raised by the Hon. Member, Mrs. Backer, especially the suspicion that catchers will somehow go into open spaces or yards or people's pens and open them and take these animals to the pounds just to make money. I think there is no ground for that, because the Act itself provides very severe penalty. I cannot remember the exact amount, but I believe it goes into thousands of dollars for anyone to open somebody's yard or private property and let animals unto public property, and then take them to pounds. The Act provides for that. We do not believe that that will be a problem. Those who are found guilty of that offence will be dealt with according to the law.

I think this is a very big problem in our country. It is not only an issue with roads, but I have reports on a regular basis from the various N.D.C.s as to the amount of damage done to public property, especially drains, roads, pipes, fences, schoolyards and playgrounds by stray animals. Over the years we have been trying to, at our community meetings, appeal to the conscience of cattle owners to confine these animals within spaces outside of the public places. I think we have not been making much progress in using the various forms of suasions. I think now we need to move and implement some harsh penalties on those persons who are found guilty.

I think Minister Rohee is correct. We have had some consultations down on the ground. Basically these stray catchers are employed by the Neighbourhood Democratic Councils. They have been finding it extremely difficult to identify stray catchers in the various communities at one thousand dollars per head. I think after discussing with those people who are likely to avail themselves to do this kind of job they came up with this figure and advised us that perhaps out of the ten thousand dollars per head that people will be charged to get back their cattle fifty per cent of that should go towards payment to the catchers and the other

fifty per cent toward the management of the pounds, including payment to the pound manager, buying feed and maintenance of these pounds. I must say, last year the Ministry of Home Affairs repaired and rehabilitated quite a number of pounds, and at the moment several N.D.C.s are also identifying locations for additional pounds, especially in the new housing schemes and those already handed over by the Ministry of Housing to the Ministry of Local Government.

There is an extreme case which currently exists in the Diamond/Grove area where there are a few persons owning dozens of cows. I think at one point in time some two hundred and fifty cows were seen on the roadways in that scheme - the new housing scheme. The N.D.C. has appealed to the owners but they do not seem to be taking heed to the appeals. Within a very short period of time it is going to use punitive measures to get the cattle out of that community.

Mrs. Backer mentioned the city. I think there are special laws and by-laws governing impounding of animals in the city. As far as I know, in the city, there is a specific law where citizens are not allowed to rear animals. One is not allowed to rear cattle in the city. It is there in the Municipal and District Councils Act. One can do so only under very specific conditions. Generally, no one is allowed to rear cattle in the city. I can appreciate Mrs. Backer's cynicism, because I do observe, myself, that sometimes this law is breached by many residents in the city. I want to urge the City Council, the Mayor and his merry men there, to take very stringent actions against those persons who are... **[Mrs. Backer: You can speak with them and knock them off if they do not agree with you.]** He is your executive member... and see to it that he deals with these persons who are violating the law.

I think while one cannot say in a very definitive way, that this is going to be the ultimate solution to the problems we have faced with stray animals, I do believe it will go a far way in helping us to organise this particular activity so we can get better results. Thank you very much. [Applause]

2.40 p.m.

Mr. Rohee (replying): Mr. Speaker the Hon. Member Mrs. Backer asked some rhetorical questions, and she said she would ask the questions even though she felt that I could not answer them. **[Mrs. Backer: No. It is that you could not, but you would not answer them].** We are not going to be encouraging backyard pounds. There are some people who

make these inventions in their imagination. That is out of the question, because all the pounds have been gazetted, and being consistent with what my colleague just said, it is illegal once they are not gazetted by law.

Only last year Government either built or rehabilitated seventeen pounds. Let me make this point clear that there was no abstraction in our approach to this matter. The first thing was to rehabilitate or build new pounds, because there was no point in moving to the question of increasing the fees of the stray catcher, and as a logical extension, expecting more cattle to be caught and put in pounds that either did not exist or required rehabilitation. So the first act the Government took was to rehabilitate or build new pounds. It did that for the past two years at a cost of \$13.2 million. Having completed that process it felt it should move to the next step which is enforcement.

Enforcement requires a joint effort not only by the police and the citizens, but also by the stray catchers who are part and parcel of the N.D.C. and R.D.C. arrangement. I am sure if the Government had moved in the way, the Hon. Member Mrs. Backer had suggested, by increasing the fees of the stray catcher, but not having proper pounds it would have been accused of putting the cart before the horse. Therefore it chose to repair and build new pounds and then move to the next level. I think that is where the realism in the approach lies.

I think we have to take a stronger approach with respect to enforcement. We have to take a stronger approach with respect to encouraging the communities in the rural areas and also in those areas where pounds do not exist to have a coordinated and collaborative approach on this issue. It cannot be done alone by the Guyana Police Force, and I think we all recognise that. Whether it will have an impact or not, let us give the opportunity for the different steps we have taken to become operational. I do not think we should speculate as to whether or not this will make an impact. I have to presume on a positive note that it will make an impact, because people are now better remunerated and feel a better sense of security in moving to take action against the stray animals.

I do not want to carry on too much with this. I simply wish to ask that the Bill be read a second time.

The question put and carried.

Bill read a second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without amendments, read the third time and passed.

THE SEXUAL OFFENCES BILL 2009 – BILL No. 30/2009

A Bill intituled:

“An Act to reform and consolidate the laws relating to sexual offences and to provide for related matters.” [*Minister of Human Services and Social Security*]

Ms. Manickchand: Your Honour, today we come to bring into being, to give birth to a Bill that will be changing the law as it relates to sexual offences in a significant way in our land. This process began many, many years ago and can be credited to the work of many persons whom I cannot name; many of them I do not know, dating back twenty or thirty years ago. In fact most of them, I have to say, are women. I have before me an article written in the *Women Unite Paper, Issue No. 3 of 1989*, and the caption of it is "WPO Fights for Improved Rape Laws". This was given to me when we started the consultations on *Stamp It Out* which I will get to in a minute. That article begins this way,

“WPO has raised with the Guyana Government its concern over the lenient manner in which rape cases are dealt with making recommendations aimed at protecting the victims of rape.

In its letter of 23rd November, 1988, the WPO asked the Attorney General to alter the methods in which rape trials are held and the procedures of dealing with rape victims during trial.

The WPO letter expressed deep concern over the increasing incidence of rape and procedures for dealing with these offences at police stations and in the courts. It brought to point a recent case in which a 12-year-old child was sexually assaulted and killed."

And the article goes on. But coming to the end of the article it says:

“The following proposals were urged which, as the WPO said, if implemented could lead to making rape trials less humiliating to women:

1. Trials should be held *in camera*.
2. Complainants should be given the right to an anonymity to be lifted by the Court only in exceptional circumstances in the public interest.
3. Cross-examination of the complainant’s previous sexual liaison with the accused should be limited to general questions and not details of her sexual activity with him.
4. Cross-examination of the complainant’s sexual relationships with other men should not be permitted.
5. There should be an equitable balance of male and female jurors.
6. The need for corroboration, whether as a rule of law or a practice, is discriminatory against women and should be removed.”

The article goes on. That was an article which was written in 1989 based on a letter written in 1988 by a very prominent women's organisation, the Women’s Progressive Organisation (W.P.O), the women's arm of the P.P.P. From then to now we have seen many organisations join the struggle for the rape laws of our country, which were last amended significantly in 1884, to be changed. We have seen reports which have been written; we have seen ordinary women who have spoken out, and we have seen other women's groups which have spoken out. In or around 2005 the Guyana Human Rights Association (G.H.R.A.), which I believe is present here this afternoon, published two reports, “Without Conviction”, which showed that the concern which was expressed by W.P.O in 1988 remained alive and was still relevant. It specifically – that report - pointed to the fact that there was heavy under-reporting, and even where there were reports, there was only one per cent conviction coming out from the reports made to the police.

In 2006 the People’s Progressive Party/Civic went to the electorate and said in its *Manifesto* that it is going to reform the sex offences legislation that was there at the time. I assumed office, and I believe this is important, because I have seen articles, protests and placards which were speaking of the passage of this piece of legislation, but were misrepresenting many things. I do not think I should waste time to address those, especially if that time could be better spent to channel toward the passage of this piece of legislation.

I assumed office in September, 2006, and at that time there was a draft Bill, drafted by the Guyana Association of Women Lawyers, and there were some queries. All the parties who were interested in this legislation being passed did not agree with what was contained in that Bill. I met with them and said, "Resolve it". I think at that point I had asked the then President of the Bar Association to mediate through the difficulties and indicate to me about what it was that these organisations would like to see in the new legislation. Unfortunately, that never happened.

In March 2007, I commissioned a White Paper to be drafted. It was done by Ms. Laura Gyte, a bright young lawyer, who was here with her then partner who is now her husband, who was working at the Ministry of Finance. She drafted what became known across the country as the *Stamp it Out* document, which I would like to lay over for the record. This document contained proposals to strengthen protection against sexual violence and reform the law on sexual offences. It was this document which was circulated widely across Guyana which has in it our proposals, and, incidentally, capturing all those proposals the W.P.O. had asked for in 1988 as well as G.H.R.A. and other organisations in the years following, particularly, in the Without Conviction reports.

We went all across the country, because I believe that to get comprehensive legislation on a matter that was emotional... This is a very emotional matter - sexual violence - as well as a matter that was still in our country, and I believe up to 2006 it was very, very taboo to speak about. I remember at consultations words like penis were evoking giggles behind hands. We are still a country that is so very conservative and these matters are so taboo that sometimes that allows for the perpetuation of the kind of violence and abuse we have been seeing or have been hearing about more recently than not.

We went all across Guyana with this document to hear from people - workers, professionals and the laypeople. In Region 1, we went to Moruca, Mabaruma, Port Kaituma. In Region 2, Aurora, Anna Regina, Charity; and we hear in writing from a young man named Geresh Bisessar. In Region 3, La Retraite, Leonora, Wakenaam, Leguan, Hague. Region 4, in Georgetown, many other locations, including Camp Ayanganna where we spoke with and heard from Officers; Camp Stephenson; Ministry of Home Affairs where we heard from the National Commission on Law and Order; City Hall; Pensioners Association; Denmore Garment Factory and two locations on the East Bank and East Coast. In Region 5, De Hoop, Moraikobai, Rosignol, Bush Lot and Mahaicony. In Region 6, we went to New Amsterdam

Central Police Station, Regional Culture Youth and Sports Committee, Berbice High School, Sisters Village, Corentyne, Albion, Crabwood Creek, Tain Campus, Port Mourant. In Region 7, we went to Bartica. In Region 8, we went to Mahdia and Paramakatoi. In Region 9, Lethem. In Region 10, Kwakwani, Linden and Wismar.

We received written responses from many persons and organisations including Help and Shelter, SASOD, WPO, Mr. Wilfred Eleazar, a private citizen; Mr. Roger Williams, a private citizen; the Toushaos Conference where we spoke with all the Toushaos; Central Islamic Organisation of Guyana (C.I.O.G.); Working People's Alliance and Ms. Gitanjali Geer.

We heard from over five thousand people at these sixty-odd consultations. We listened to what they wanted and compiled their recommendations and suggestions into this document called the *Stamp it Out Report* which I ask again to lay over for the record. It was from these recommendations that we drafted the Bill that we speak on this afternoon - the Sexual Offences Bill. It was these recommendations which the people gave to us that inform the clauses of the Bill, this afternoon. So in more ways than one we can say that the Bill here, this afternoon, is a representative of what the people of Guyana have cried for, have asked for, and said they wanted over a number of years. We should all in this House, this afternoon, when we do pass this piece of legislations, be proud of the fact that we have heeded the call of the people we have sworn to serve.

In the legislation, this afternoon, that is before the House, we have sought not just to modernise the laws but to make them real as it relates to what is happening in our country. Recently there have been many reports in the press about sexual violence, particularly against young children, and we have seen repeatedly how our very archaic laws have failed to serve these children. In summary, because I intend to give my colleagues a longer chance to talk, we will see the following changes made under this new legislation.

There will be an extended definition of rape. We are going to be abolishing the marital rape exemption. That means if you are married you still have to get permission.

We are going to create an offence which is causing a person to perform a sexual act in coercive circumstances.

We have new child sex offences which cater for many of the abuses we see now - which makes this legislation real in a way that can meet the needs of the children who are abused by these perpetrators - including creating an offence of abuse of position of trust; meeting a

child following grooming; obstructing prosecution, that is preventing a minor from testifying in a sexual offence case; failure to report child abuse; sexual activity with a child family member; sexual abuse of a child under sixteen years.

We have created also offences for vulnerability, where the victims or complainants are vulnerable adults. And those are sex with an adult family member; sexual activity with persons with a learning disability or a mental disorder, causing them to lack capacity to consent; where a person has a disability or mental disorder, but has capacity to consent however the offence would be only if that consent is obtained by inducement or fraud; breach of a position of care or authority.

Other offences which would be created under this legislation are indecent exposure, voyeurism, and bestiality.

There will be preparatory offences too. Administering a drug with intent to stupefy; trespass with intent to commit a sexual offence; committing a criminal offence with intent to commit a sexual offence will all be new offences under this piece of legislation.

We will be also abolishing the assumption that males under fourteen years are incapable of sexual intercourse and allowing for prosecution in Guyana of offences committed abroad.

Regarding procedures in Court, we are moving straight to paper committal for sexual offences. In the schedule attached to the Bill there is a detailed account of how a paper committal is to be conducted by the Magistracy.

We intend to establish a Sex Offences Court. Hearings will be closed to the public as asked for in the article I quoted from earlier. There will be special measures to assist victims to give evidence in Court, such as live view link and screens in court; specialisation in training for judges and prosecutors, including training on regulating, and cross-examination of the victim. There is going to be increased victim participation in the trial, for example by allowing the victim's views or the complainant's views and concerns to be heard at the appropriate time. There is going to be anonymity for the victim. By this piece of legislation we are abolishing the provision which allows for male only jury. Guyana is no longer going to have that provision, thankfully.

We are simplifying by this legislation, too, the test for competence; we are abolishing the corroboration rule for victims of sexual offenses; we are abolishing the corroboration rule

for children, including for unsworn evidence. There is going to be a ban – W.P.O. might be happy with that again – on the evidence of sexual reputation or predisposition and any sexual history evidence for victims under sixteen years old. There is going to be a tightly regulated judicial discretion to allow sexual history evidence for adult victims in certain circumstances.

Regarding recent complaints we have maintained as much of it as is useful in Guyana, as we have heard from prosecutors that sometimes that is all they have that bolsters the prosecution of these matters. We are allowing for new sentencing options. So a Court can now, in addition to sentencing for years and ordering fines, make up compensation order, drug and treatment testing orders, rehabilitation order, protection and safety orders, an order for someone to receive psychological or mental health treatment. These are some of the changes that will be made under this sex offences law.

I am aware that this law is good and would be a good law on paper, but critical to the success of this piece of legislation, critical to the implementation of this piece of legislation, would be training. We are aware of that. We know that we have to train our service providers, and we are going to be making stringent efforts to target particular service providers to ensure that this piece of legislation can be implemented in the way that all of us in this House would expect it to be implemented, so that victims and complainants of sexual abuse, sexual violence, could receive justice and hopefully, once that is done, it may deter persons so inclined to perpetrate sexual violence.

Without much more, I commend the clauses of this Bill to the National Assembly as amended by the report that was laid earlier and asked that we make this law a reality. I thank you.
[Applause]

Mr. Williams: Thank you Mr. Speaker. The P.N.C.R. supports the provisions of this Bill...
[**Mr. Neendkumar:** Are you sure, Mr. Williams?]. Certainly, but to a large extent. We might have some reservations about some of the provisions, but fundamentally we believe that it is a piece of legislation whose time has come.

Now one would get the impression, with all that has surrounded the evolution of this Bill, that at the end of the day... [**Mr. Ramotar:** It is a revolutionary Bill] It is revolutionary. You have peeped my paper.... once an allegation is made of a sexual offence, the next stage is a policeman holding the accused by the back of his pants and taking him into that new

edifice that the Minister of Home Affairs has just established, after much kicking and screaming, but at the behest of the People's National Congress Reform.

We believe that the passage of this Bill is timely. As the previous speaker said the process that was engendered to reach here is what the People's National Congress would like to focus on in the first instance. This Bill is one of the few that has applied article 13 of our Constitution. That article envisages a consultative democracy, a participatory democracy, consultations, before one comes to attempt to foist legislation on the people.

I must congratulate this young Minister. I believe because she is young and has not hardened within that edifice that she is forward thinking. I wish to congratulate her on her efforts of getting the people to speak to these issues which trouble them. The people after being consulted suggested their solutions, and once the people's wishes are there they must be honoured and respected. That is the position of the People's National Congress Reform. We wish that all other Ministers would emulate - I see the Hon. Attorney General is looking at me – what this young Minister has done. Because we cannot have legislation that is intended to transform dramatically the lives of the Guyanese people without consultation.

I noted on the news today, in one of the Caribbean countries, a White Paper on VAT has been commissioned by one of the Governments in CARICOM so as to bring its nation on board. I would like to see more of this in this country, where there is consultation on major Bills. The people must be brought into the picture and then we take on board what they are saying.

This Bill is so comprehensive that it is tantamount to a codification on the laws relating to sexual offences, and while at the same time, modernising those laws. I see the Hon. Minister of Labour is looking at me with his mouth opened. He is surprised to hear these encomiums coming, but they are not coming easily; they are coming because of her hard work. We would like to commend that too to the Minister of Labour to follow and emulate her.

3.10 p.m.

We must not lose the fact that the provisions of this Bill must operate within our justice system. That means that once a person is charged with a sexual offence, it is not the jail or the lockups, because this person has a presumption of innocence in his or her favour. We must appreciate and recognise that an allegation of a sexual offence should not inexorably lead to someone being convicted, incarceration because we must have due process of law. People are

entitled to have due process when they are charged with criminal offences and it should not be less so in the case of offences charged under this new Sexual Offences Bill.

Why are we saying that? We are saying this because one has to balance the whole thing – as a seasoned practitioner I entered legal profession hearing this aphorism. It is the easiest allegation to make and the darnedest to disprove. Most practitioners in this area of the law would tell you that that is so. It is the worst thing for one to be saddled with an allegation of a sexual offence because it is not so easy to dispel. What has happened, in this kind of milieu...

[**Mr. Ramson:** You have gotten experience in that. Attorney General, you have my record... **Mr. Ramson:** Before I have become the Attorney General, I was your lawyer.] It is not in that context though.

We are focusing on the fact that we need to balance the provisions of this Bill in the interest of justice. Why are we saying that? This Bill comes within our society which a lot of people want. The mores and values have gone. People basically chase after the dollar; people want money, and so that from our experience we find all too often that when these offences come up money can easily allay them. In fact one can consider in some cases, that the receipt of money could have precipitated the allegations. We need to balance it. In fact, even in the most recent incident it was there. I do not know what is the “Old Basil” and “you buried your head in the sand.” I am saying that we have recognised that these provisions are important, and what is more.... There is a lot of them which focus on protecting our children and we are in agreement with that. We support them in that area. But we cannot support some adult using the child as a weapon to make some spurious claims against some gentleman which whom that person a problem with.

Lest the Guyanese citizens believe that this is a Bill against men only, let us disabuse their mind of that. This Bill, as I said, is so revolutionary and transformative that it makes the offence and charge of rape capable of being occasioned by a female also. In fact, I must say that when I participated in the deliberation of the Select Committee it was a learning experience for me. I saw all kinds of strange terms. I enquired of the Chairperson what voyeurism is. Is it to go in a boat and travel? And when she gave me the explanation I was shocked. They are fancy words – fellatio. It was a learning experience for me. The Hon. Minister is correct. Those types of discussions people, even adult people at this time, are slow, in any kind of gathering, to deal with those issues. I am happy that we were able to overcome the reservations and restraints so that we can go on and do a meaningful job.

The definition of rape has been widened tremendously. As I said, not on the men, but women also will be capable of being charged for that offence; but what is even more important penetration, however slight, is not only now done by the traditional instrument. Am I still shy? But what is happening now is that other objects could be applied to occasion the offence. It is very interesting. I recollect that there was a case where an allegation of rape was made and the complainant alleged that her hands were tied behind her back with a cord that was used to tie the curtain. She was very, very fair in complexion. During the act the six-foot one stout accused placed a pillow over her entire face and was pressing it with the pillow during the entire forty-seven minutes of the ordeal. Of course, one can easily recognise that we are not dealing with rape but we are dealing with murder because any normal human being would have been suffocated under that onslaught.

Even more so, her hands being tied behind her back, her face being covered, there was no way she could have said that she saw what was used for the act of penetration. Equally, there was no way she could have said that she felt the person because her hands were tied behind her back. This is how things evolved. I think that swayed the jury so much that the prosecution could not have proven that she was penetrated by a human instrument. I see this legislation, the definition, in clause 2, of penetration has covered that situation, so that if any other instrument has been applied the offence would have been occasioned.

Even more so, the emphasis on children in this Bill is good. I see the need for corroboration is removed; because a child, before, had to have corroboration, sworn or unsworn. That means it is easier now, after an allegation is made by a young child, for a conviction to be obtained. Therefore it means that the police have to be more vigilant when feeling these complaints; they must do proper investigative work. That brings us down to the fact that we do not have proper DNA testing; our investigative capacity is not... Really, we have to be very careful, because even when one who is charged with these offences is acquitted, in the eyes of society one is still guilty. It is a legislation that we have to handle with care. With the children now, it is saying that they may suffer trauma if they are in Court and the accused has to give evidence against them. By seeing the accused talking about these things, it is the belief that it is really a disincentive to the child victim. So the Bill has designed different measures to try to get around that.

Some of the measures, I must say that I would like to see how they will be effectuated in the Courtroom. One of them includes not allowing the child during the trial to be able to see the

accused. That is going to take some doing but we will see how it would be accomplished. What is clear is that a special Court would have to be built to deal with sexual offences because the Courts will have to be reconfigured. Also witnesses would be screened from the victim, and that also includes adult victims. Research has shown that they would be traumatised also by seeing and having to relive looking at the person who has violated them. The thought which has been put into it, in this legislative architecture in this Bill, to protect our children, I think is laudable.

Again, it is very important that you register... I think we have passed legislation the other day. The only provision in that legislation that was passed was the provision for the paedophile to be registered and, I think, that was a good thing. In this Bill it is saying that notice must be given when the accused leaves prison. I believe it could have gone further too and try to let the community know or is alerted not only when a paedophile is living in it, but also when an avowed rapist is living in society and its communities also.

One of the areas I think that is very useful, in terms of protecting children which inheres in this Bill, is the whole question of protecting them from persons who are in position of trust. I think that is so timely because caretakers take advantage of them, and adult family members take advantage of them. We know it is for story about fathers and adopted girl children and the like. So I think it is time and it is very timely, and is very laudable that we have these kinds of provisions to protect young hapless children from persons whom they trust and persons in the position of caretaking where they are concern.

Also in the interest of the child, the prosecution does not have to prove that the child does not give consent. In fact, children, unless they are under the age of sixteen, that is standard. Basically, it is an improved form of the carnal knowledge provisions that is there, right now. Indecent assault is even being more comprehensive. Touching in circumstances of indecency, could amount to indecent assault. That also takes care of situations where children are fondled and the like. What is also far reaching is where the Bill provides in clause 37 that there is no defence to an allegation of rape or other charges under the Act that the persons are married, and that the persons are living in a common law relationship. That is no defence. It is very revolutionary. Because what it is saying in effect is that a husband could rape his wife and *vice versa*. That is going to take some getting used to. That is really transcending all kinds of cultural practices, cultural bounds and I think there will be the need for a strong public education programme to educate the Guyanese people about this provision. It will

have to be done, because there will be a lot of hapless people. There will not be enough prisons for them, because people know that once they are married it is their right; the basic approach is that it is their right. I do hope that the Minister goes further and tries to educate the nation that marriage is no defence to rape and also that a woman could rape her husband. In the later years of a marriage one could easily expect that the female being locked up for possibly raping or having sexual interference with her husband would even be more prevalent than the men. What I am saying is that one sees that even in the sitcoms or one is probed into an activity. Sometimes a person is suffering from inertia.

We will see as the time proceeds. What is good also is that any sexual offence which is reported at the police station cannot be brushed under the carpet. There is a very important provision in Part III of this Bill which says every report of a sexual offence made to the police must be documented and a charge is laid within three months. That is very good. If a charge is made at the station and nothing happens, the family then checks with the Commissioner or one of the officers. Police Complaint Authority then investigates, in fact, finds that that report was made and the police did not comply and tried to duck it, then action could be taken against the Station Sergeant or the relevant person. They want to put it at the level of Divisional Commander but we do not have consensus on that.

But if they do not charge within three months, they are mandated to remit the matter to the office of the Director of Public Prosecution (D.P.P). I think that this is a very good provision and it should be observed.

The Bill makes provisions for speedy justice in the form of paper committals and says that there will no longer be any oral preliminary inquiries. We went through this paper committals exercise recently. It has gone no where. It has been found in practice that it cannot go anywhere because it does not have the teeth in the legislation to effectuate this whole system of paper committals. We have gone a bit further in this Bill and we hope that there would be the will to implement and execute it in this case, so that persons charged with sexual offences would be entitled to a speedy justice. Because what happens is that if there is a child who is a complainant and is about eight or nine years, by the time the trial comes up, six years later, one will be surprised to see who is coming to give evidence. When the evidence is given from the child at the Preliminary Inquiry (P.I.), the Magistrate has to find out if the child understands the nature what she is going to do and all of that; if she understands the importance of speaking the truth. So one will see that there is a child one is dealing with, and

next thing one knows five or six years down the line when this young girl comes up again one is flabbergasted that it is a big girl. It is a different thing that a big girl like that is giving evidence about a matter that occurred when she was a little girl as against the little girl giving the evidence. One wonders whether the prevalence of this happening, if it is a practice that is really been silently instituted.

Bail: I know the slew of legislation which passed through this Hon. House recently, most of them had provisions for no bail. This one does not say “no bail” upfront; this one is more sophisticated. But what it has done was to impose a myriad set of conditions to be established before bail can be granted. It is going to be an exercise, a very daunting exercise indeed, for one to apply for bail when he or she is being charged for one of these offences to satisfy all those criteria that are laid down there. But as has happened in that case, as in general practice, if one is being charged for a sexual offence, having been on bail for another sexual offence, well then, that is automatic refusal. There is still a little *proviso* that down the line, that one could come and try to see if one can convince the Courts that the conditions have changed to entitle one for bail.

The P.N.C.R., again, has agreed with this National Task Force for the prevention of sexual violence, because Government needs to keep the police in the system and tries to make innovation and recommendation for continuous improvement for quality assessment at the Sexual Violence Unit. But what the National Task Force legislation does is to name statutory persons that must be on the Task Force, so that at any given moment there will always be a Task Force. I suppose the Hon. Minister might have to incorporate other people who are specialists in the area. I think it is a good thing.

So, Mr. Speaker, you will be aware that all the nuances in this Bill will take a very long time for us to go through. For example, we queried the need for clause 35. Clause 35 is an attempt to make an offence committed in America, England or any other part in the world an offence in Guyana. We know, as practitioners of the law, that jurisdiction is very crucial to the occasioning of an offence and that in our Courts to have jurisdiction in Guyana the offence must have been committed in Guyana or in territory that is Guyana’s, for example, an embassy in some other part of the world. This certainly is revolutionary, so to speak, for us in Guyana to take jurisdiction of a sexual offence that is committed in Queens, Brooklyn or London. I am wondering what the thinking is, when in fact in our system itself we have so

many cases and offences to occupy it which is overloaded and overburden. But perhaps we will hear some thing further.

Those are some of our observations. As I said we support the Bill. We think it is a laudable Bill. It is timely. Overwhelmingly we support it because of the process that was engendered to reach here - the consultative process - and we would like that to be emulated to most Bills that affect and impact the Guyanese people. In conclusion, we support the passage of this Bill to this Hon. House. Thank you. [Applause]

Dr. Anthony: First of all allow me to congratulate Minister Manickchand, her staff and the various stakeholders who have worked very hard on this Bill. Indeed, it has taken quite a while to put this comprehensive piece of legislation together and with good reasons, because the changes proposed herein are as profound as they are revolutionary. That is why it took a while for us to understand the concepts, accept inherent arguments and premises on which they were built, and finally to generate consensus in accepting these provisions. In all of this, Minister Manickchand and her technical staff were always patient with us and they walked us through these various issues. Her strong leadership and commitments to the sexual offences reform will help to protect the lives of many women and girls or anyone who is being sexually abused. I want to publicly commend her for doing such an excellent job.

We in the P.P.P./Civic welcome the reforms and the changes that this Bill would usher in. We have recognised that our laws of Sexual Offences are quite antiquated, and as the Minister said they date back to 1844. It can be argued that the law has developed in a piecemeal manner, sometimes by the parliamentary amendments and sometimes through the common laws, and over time these changes can lead to variation and erecting practices. It is important that this be regularised and brought into a coherent structure. In my mind, I think that this Bill has certainly created a coherent structure. Where there was ambiguity in the definition of offences, it is now clearly defined. Where there was once sentencing discretion, it is now substantially reduced or removed and in its place strong penalties and long years of imprisonment are now the prescribed punishment for offenders and abusers.

I am particularly pleased that we have been able to review and upgrade these penalties to ensure that there is a better match between crime and punishment. Although for crime of a sexual nature it is very difficult to compensate for the physical damage that it can cause; the mental anguish of being violated, the psychological damage, the sometimes permanent psychiatric disorder that may occur or the unwanted pregnancy, or the unwelcome sexually

transmitted infection such as gonorrhoea or syphilis, and in the worst cases even H.I.V. These consequences of sexual assault can have a devastated impact on most persons. It is against this backdrop that the minimum that we could do was to increase the penalties and lengthen the period of incarceration.

Yet many of these persons who are victims of sexual assault, whom, by research have shown that they are predominantly women or young girls, are reluctant to report the cases because of societal attitudes. Instead of empathising with the victims and seeking justice on their behalf we often ridicule and embarrass them, we treat them with scorn, we devalue their self-worth, we blame them and often stigmatise them. This stigma of rape is so strong that it is a key factor for why victims do not report the matter. Yet by not reporting these cases and by the competent authority not prosecuting them it helps to embolden the perpetrators and reinforcing the victim's sense of hopelessness.

Even when prosecution is attempted the bureaucratic maze that one has to negotiate to get justice is sometimes quite frustrating. When they finally get their day in Court many victims often relate that the treatment in the trial is sometime akin to being raped all over again. This Bill helps to bring change, helps to break this vicious cycle of sexual violence and hopefully it will help the society to make a paradigm shift, instead of stigmatising victims we will be more caring and compassionate while abhorring and ostracising the sex offenders. There are many forward-looking and forward-thinking provisions in this Bill and the legal minds will address these technicalities, but for me I am extremely pleased that this Bill has extended a stronger protection for the vulnerable amongst us, especially for children and those persons who are mentally challenged.

3.40 p.m.

Children can be abused in various ways and those of us who have been in the medical practice will know of a wide spectrum of cases especially if you worked in the emergency room or in the outpatients department. The spectrum of sexual abuse ranges from verbal and sexual abuse, inappropriate disrobing and nudity, genital exposure, viewing or participating in the production of pornographic materials and the fondling of the breast or genitalia to more serious penetration by penis or non-penile objects in the anus, vagina or mouth. Most of these abuses are perpetuated by persons known to the victims and most episodes of molestations are non-violent and can reoccur for months or as we know, in some cases, for years.

To illustrate this point we can remember what occurred in April 2008 and any decent minded citizen of this world would have been shocked by the horrific case of a 78 year old Austrian man, Mr. Joseph Fritz, who imprisoned his daughter in a dungeon below his house for 24 years. He repeatedly raped her and eventually gave birth to seven children. He led a double life. To the public he was a good and decent citizen, but to his daughter he was perhaps like a demon incarnated. He was eventually discovered and charged for rape, incest, murder and enslavement. The authorities there have put him away safely so that he may never harm a single child again.

Fortunately, we have never seen such extreme cases like this here, but you never know. April seems to be the month when these cases seem to come to light. I strongly support the strengthening of protection for children that is in this Bill. Amongst them, Article 10, that is, a child who is sixteen years and under is incapable of giving consent except in a close-to-age defence.

The recent literature on S.T.I.s and H.I.V. on an issue in an abortion care forum has pointed to a syndrome called “Sugar Daddies”. This is where older men seek out adolescent school girls for sex in exchange for money, sometimes lunches or gifts. Many of these older men who are often more sexually experienced and may have multiple partners, are at a greater risk of having H.I.V. and this of course, they will pass on to these innocent children. Many of these men prey upon young children grooming them, exploiting their circumstances and in the process literally destroying their lives. This callousness and indifference with which we treat these matters must stop. This Bill puts in harsh penalties for the “Sugar Daddies” and other perpetrators because they will be charged for rape and will be liable on conviction to life in prison. I hope that these stronger penalties would serve as a deterrent to prevent future cases.

The Bill also extends to the protection of children in other areas including a number of new offences dealing with modern forms of child abuse such as causing a child to watch a sexual act as outlined in Article 12 or sexual grooming, that is, meeting a child with the intention to commit a sex offence as in Article 13 or facilitating the sexual exploitation of children as in Article 21. These new offences which are now provided for in this Bill will close several loop holes in the current law and extend a protective cordon around our children.

Persons with disability, whether physical or mental, are often at a disadvantage in many societies. Because of their disabilities they are often discriminated and stigmatised by the

unenlightened. In some cases they are seen as a burden, a family shamed and are treated differently and sometimes inhumanely. Very often persons who have mental disabilities can be sexually abused because the perpetrators who are abusers feel that these persons being medically incompetent will not be able to testify to their heinous crimes and they would go undetected. Protection of these persons with mental disabilities is now provided for in Article 23 and 24. In a similar vein, persons who breach trust with minors, seniors or other institutionalised persons would also feel the full strength of the law.

I am also pleased that several provisions in this Bill will help to protect the general or unsuspecting public from sex offenders. With the advent of many new forms of technology it is not inconceivable that sex offenders may want to use such means to observe others without their knowledge for sexual gratification. Article 29 is therefore a timely addition to this Bill because it seeks to deter or prevent this type of perversion. There are many commendable provisions in this Bill and it has been specially crafted to address real concerns that were articulated during the “Stamp It Out Campaign”. I think Guyanese can rest assured that this Bill has adequately addressed most of their concerns. This Bill is also an important part of their strategy to reduce sexual offences and sexual violence in our country. It is important that with the passing of this legislation that the necessary steps be taken so that various categories of professional workers be trained properly and deployed to provide the services that are needed.

Medical workers, indeed doctors, have a very critical role to play. Very often the crux of the prosecution rests on whether there was any carnal knowledge which can range from complete coitus to slight penile penetration. If the medical practitioners did not do a thorough medical examination which includes taking a proper history and physical examination, then it might be very difficult to get a conviction. Currently, there is no standard form that has to be filled and every examiner determines what he/she will record and this is too arbitrary.

One of the provisions that are being made in the regulations is a standardised form that must be completed by the medical practitioner. This form will have the necessary prompts to ensure that there is a very comprehensive history that is taken and a detailed physical examination must be conducted. One of the challenges in documenting injuries is that traditionally we have always been very descriptive. In the new forms, there will be pre-drawn diagrams which will assist in a more accurate representation of where the injuries are located. A standardised set of specimen should also be collected and of course we must also prescribe

standardised tests. Many of these are in pre-packaged rape kits that can be found in major hospitals abroad and perhaps these types of protocols and procedures is what we should also advocate to be implemented here. Once these things are implemented, it will reduce any ambiguity on the part of medical practitioners. I hope that with the introduction of this Bill and with the regulations to follow that these supportive institutional changes would also be instituted in a timely manner.

The health sector certainly has the capacity both in material and human resources to make sure that these standardised changes can be implemented across the board. Perhaps in the discussion with the health sector, the Minister of Human Services might want to also advocate not only for the use of acid phosphate tests, but also Elisa tests to detect P30 which can be found in semen and this is now readily available internationally. With the introduction of these standardised forms, the tests and other protocols where a potential technical loop hole once existed and exploited. This would now be drastically reduced.

The health sector would also have another crucial role to play and that is in providing psychological support to help victims to heal psychologically and to rid themselves of guilt, shame and depression. I am sure that with the Health Ministry rolling out its Mental Health Plan that a substantial component of that plan would be able to address some of these matters.

This Bill once passed will send a very strong signal of the Government's commitment to reform the sexual offences law and bring them in line with modern attitudes of our society. We will be sending a clear message that the majority of Guyanese are decent and are intolerant to the perversions of a few.

Reducing sexual assault and violence is not the sole responsibility of the Government. It affects us all and whenever it occurs, it degrades us all. It brings a sense of national shame and if we are going to stamp it out then each of us must be prepared to work hard to change the prevailing attitudes that exist in our community and country. Let us work collectively to reduce this scourge of rape and other sexual abuse from our society. This Bill has my total support and I encourage other Members to do the same. [Applause]

Assembly suspended accordingly at 3.54 p.m.

Assembly resumed accordingly at 5.11 p.m.

Mrs. Punalall: Mr. Speaker, the Sexual Offences Bill is very important and necessary for our people at this time. Whilst it is true that in the very best of societies sex crimes are committed, we need to do our best in Guyana to eradicate sex crimes especially those of a violent nature. Very frequently we hear or read the heart breaking reports of victims who were attacked by sex predators. After these attacks are committed, a devastated or murdered victim is left behind. Alfred Kinsley, a pioneer Sex Researcher, wrote in *“Psychology Today”*:

“Sex is the most profound and intimate way to express your love for someone, but within the universe of intimacy and pleasure that sex affords, there is a lot of room for error.”

This error often takes the shape of attacks staged by sex predators against innocent and unsuspecting victims.

Clause 36 (c), states that:

“Every person who solicits, induces, aids, abets or counsels any other person to commit any offence whether summary or indictable against this Act may be charged with, tried, convicted and punished in all respect as if that person were a principle offender who solicited sex from minors to be prosecuted.”

This means that our citizens will better protected against sex predators, especially those targeting the minors in our society. Sex predators are using the telephone as one of their instruments to make contact with unsuspecting and innocent children. Many cases are reported of alleged rape, sexual assault and battery committed by many adults in our society against our children. We need to do much more to bring these offenders to justice. Many times these allegations are made by our children under the age of consent, which is below sixteen years.

These are some of the headlines in one of our daily newspapers, the *Stabroek News*.

Note the age of these victims:

1. “Man 38 remanded on carnal knowledge of a 15 year old girl.”
2. “Businessman accused of sexually abusing girl, aged 13.”
3. “Man refused bail on charge of carnal knowledge of girl 13.”
4. “Two charged with carnal knowledge of girl 15.”

And the list goes on.

The Immigration and Refugee Board of Canada in reporting on Guyana in the area of Prevalence and Forms of Child Abuse on the 9th of October 2008, quoted statistics from Help and Shelter as follows:

“Data compiled during 2008 indicate that between January and June that Help and Shelter assisted thirty-two clients who were under eighteen years of age including eighteen cases involving some form of child abuse and nine cases involving child rape and so on. An estimated 8% -10% of girls and 25% of boys in Guyana have been sexually abused.”

I need for us to note the 25% of boys of which we are ignoring.

An article appearing in the *Stabroek News* dated the 3rd of August 2008 states that from the 1st of January 2007 to the 3rd of August 2008 there were fifty-three cases of indecent assault and unlawful carnal knowledge involving minors brought before the Court. Including two cases where the accused were active police officers at the time of the offence.

Our children of today will be the human resources of tomorrow. Therefore when our children are damaged by becoming victims of sex offenders today, it is not only a problem that affects our society just for today, but it has a telling effect on the future of our country as well.

It is a known fact that violent sex offenders may have a progressive course that goes from molesting to rape to torture and even to murder. It will therefore be wise for the administration to keep a register of the identity and location of known sex predators. This registry should be updated regularly in order to ensure that it is complete and accurate. This record can aid law enforcement in this vital area.

Almighty God has given mankind a perfect package of moral laws in the 10 Commandments of the Holy Bible. However, not every man has respect for these divine laws therefore human legislators must enact laws of morality to protect man against acts of immorality. Fornication and adultery which covers all sexual sins are acts forbidden by the Almighty God. Yet many live in open sexual carnality and are not considering the social problems, sexually transmitted diseases and even death which results from such loose living.

We are thankful that the Alliance For Change submissions at the Special Select Committee were taken into consideration and that this Bill is now before this Assembly in a more refined

way. The Alliance For Change fully supports this report made by the Special Select Committee to be adopted in the Sexual Offences Bill 2009 and passed. The passage of this Bill will draw the line in making clear to all politicians, judges, prosecutors and organisations that we will do everything in our power to protect our people, especially our women and children from sexual predators.

I am grateful to all the Members of this Special Select Committee who made special efforts to attend and participate in making wise submissions which lead to fruitful discussions and conclusions. The A.F.C. thanks the Guyana Association of Women Lawyers (G.A.W.L.) representatives and the Parliamentary team who worked together earnestly to achieve the wrapping up of this Bill. I will include as well the Hon. Minister Priya Manickchand, who did an excellent job as Chairperson.

May the people of this dear land recognise that Almighty God has prescribed sound moral laws, which govern the nature of the human race. Unfortunately, because of man's disobedience to divine laws it has become necessary for us to enact laws to curb sexual sins. In the Holy Bible, in the book of Proverbs 29:18, we read:

“Where there is no vision the people perish, but he that keepeth the law happy is he.”

When people are deficient in the mental picture of morality, much trouble follows. The intent in the passage of laws is to restrain people from committing acts of lawlessness or face the consequences of their actions. The people who obey laws are happy, society is made better and blessedness prevails in any society where law abiding citizens abound.

Peace Pilgrim - a woman who walked for peace said:

“Overcome evil with good and falsehood with truth and hatred with love.”

This I leave with sex predators and those guilty of sexual offences; if there are no more offenders, we will have no more victims.

Before I go I would like to propose an amendment. I believe that there may have been a typing error at clause 19 (1) (g) where “Minister of Religion” was omitted. I propose that this amendment be made at the appropriate time. Thank you. [Applause]

Dr. Westford: Mr. Speaker, I, like my colleagues who spoke before me, rise to support this Sexual Offences Bill, Bill No. 30 of 2009. I would also like to congratulate my colleague, Minister Manickchand and her technical staff for a work well done.

This is a comprehensive piece of legislation aimed at ensuring protection for adults and children against sex predators. Sexual crime and the fear of sexual crime have a profound effect on individuals and the social fabric of communities. It is recognised that sexual violence and abuse are among the most damaging crimes and that they impact in a traumatic manner on the physical, mental and sexual health of the victims for many years. Some of these victims either become introverts or on the other extreme become very promiscuous. We have seen cases where some of those individuals even commit suicide.

The issue of sexual abuse has been dealt with ambivalence for the society for too long. We need to stop looking at the victims of sexual abuse as abstract objects and place a human characteristic to them- a characteristic which says that these victims have feelings like everyone else and has needs like everyone else and has rights like everyone else. A harrowing truth is that many rape convictions are lost because victims do not come forward in time or fail to come forward at all. No victim should be dissuaded from coming forward to report such crimes because they see the law as being unclear or the society as being unsympathetic. Often the child as well as adults can be the victim in these assaults. I am sure that we all know of cases where persons have suffered and feel that he/she cannot speak about the abuse.

There is the argument that many people do not report abuse at all. We therefore must explore all the avenues available to enable and facilitate people to speak out about what has happened to them. We are now hearing of victims of sexual assaults carried out decades ago. Even though the assault may be regarded as a past occurrence by the sympathiser, the victim's pains remains raw and their need for healing in a real and deep sense is as vital now as when the acts are perpetuated. For many of them, their lives could have been different if they had been able to deal with their attackers and expose them earlier. Victims must not be made to suffer twice and our legal system should always take that into consideration.

The matter of child abuse has been central to recent discussions across this country. Again, sadly, there is wide spread societal ambivalence as we hear the victims being placed on trial as regards to their social behavioural patterns. It does not matter how a young lady chooses to dress and when she goes out or whether later on she is drunk or flirting, no one has the right to sexually abuse her.

The term consent has always been the controversial determinant in sexual abuse cases and has in many instances been the platform on which the defence launches its attack and I use the word attack because that is exactly what the victims face when they enter into our legal Courts. The question: What is consent? Has always been surrounded by misunderstandings and misinterpretations and must be clarified by those concerned. A person might very well be quiet willing to have sexual relationships with another, but that person whether male or female might suddenly decide to change the rules and say: “Hang on a minute I think we should do something different.” If at that point the first person says: “Wait a minute, I do not like oral sex”, but if the other person pushes the issue that without a doubt constitutes rape because there was no consent for the act to continue.

5.28 p.m.

The law simply cannot afford to be unclear and confusing. Instead it must provide a robust framework that is fit for the 21st Century and which inspires confidence in the justice system. It is for this reason that this Sexual Offences Bill No. 30 of 2009 gives clear guidelines as it relates to the term “consent” which is found in section 2.

The word “consent” now has a legal definition. This makes it easier for Members of the judiciary to make fair and balanced decisions on the question of consent. The important thing though is that with this Bill which is soon to become law, one does not have to be a legal luminary to understand that children under sixteen years old can never legally consent to sexual activity, nor do persons with altered mental capacity who are rendered incapable of making one’s decisions. They themselves cannot legally consent to sexual activity. And most definitely everyone knows that silence is not consent.

In the quest for entering the global race for advanced communication technology, Guyana’s increased use of the internet has opened up a whole new environment where people with sexual interest in children can exchange indecent images and meet other like-minded individuals in a way that was not really possible before. The emergence of online child abuse networks where images and fantasies are shared between members around the world is one such consequence of this virtual world which has real victims.

Even though the Bill before us provides mechanisms to bring these internet sex predators to justice, my belief is that educating our children who use the internet on how to detect these

predators and prevent abuses would protect them from exposure to indecent text messages and online and offline grooming.

There is also need for more training of professionals who come into contact with child sex offenders in the course of their work such as law Enforcement Officers, Medical Officers and Social Welfare Officers so that they can understand the psychology of the offended and how child sex offenders operate. This training will help to recognise behavioural patterns which indicate that abuse is either taking place or being planned in some instances.

The number of young school boys appearing before the Courts charged with sexual offences is also cause for alarm. The responsibility is ours obviously to educate these students on the seriousness of sexual offences since it is apparent that many of them are not aware of it. There is a high level of ignorance of what constitutes carnal abuse. It is alarming that many of the boys do not know that a girl under sixteen years old cannot consent to sexual intercourse. Both male and female students are of the opinion that once the girls give consent, no offence is committed. It is a fact that when such cases go before the Courts they have traumatic consequences for students, parents and guardians alike.

We know that sexual violence and abuse are some of the most damaging crimes in our society and the standard of care and support that a victim receives after an attack can be vital to his/her long term recovery. We hope that by improving the standard of care and support available to victims of sexual violence and abuse that more people will have the confidence to come forward knowing that they will be dealt with professionally and with understanding. Sexual violence is a crime not only against women's or men's bodies, but also against their freedom, independence and autonomy. To minimise the long term effects of abuse we need an integrated approach to services across departmental lines. I, therefore, commend those workers who support survivors of sexual abuse.

For too long real improvements in rape conviction rates have been held back by legal technicalities and inadequacies. Now that this opportunity has arisen, we must thoroughly investigate every angle. It is my fervent hope that we, as a Government and society, will work together assiduously to maximise the potential of those laws to bring an end to sexual abuse by keeping the victims foremost in our minds and actions.

It is also my view that these sexual predators must be given the maximum penalty when convicted. It is a known fact that these persons commit repeated crimes if they are exposed to

unsuspecting victims. Why then do we send them to jail for a short period and release them only for them to perpetrate another serious abuse? I think that if we as policy makers really intend to protect our vulnerable people especially our children from these predators we must advocate that they be incarcerated for life without parole.

We keep using the term “predators”. This term was not accidentally used to describe these persons who perpetrate these animalistic acts. It is therefore befitting for them to be locked away in the same manner as wild animals are.

During the Committee stage of the Bill, the penalty of chemical castration was removed because it was felt that the effect was temporary. I agree that the “chemical castration” term should have been removed, but I would have liked to see it replaced with the term “physical castration”.

I would also like to see the commencement of discussions to effect amendments which will see penalties stipulated for sexual offences which are perpetrated using body parts other than the penis especially as it relates to the sexual abuse of children by adults in our society. We often hear of manual or oral manipulation of the victims by the perpetrators. In the same vein that we propose to use castration when the penis, as an organ, is used to perpetrate the act, should we not also propose amputation when the hand or the tongue if those were the organs used by the perpetrator?

The Hon. Member, Mrs. Punalall, who spoke before me mentioned the Bible and adhering to the 10 Commandments. I agree and I, too, read the Bible, but we should not be looking at certain parts of the Bible. Let us take the Bible holistically and likewise, how we would like persons to adhere to the 10 Commandments, let us adhere to the Book of Exodus which says: “an eye for an eye and a tooth for a tooth” and let us inflict the punishment that they would have inflicted on their victims.

If we, as a society, are seriously thinking of deterring sex predators and ultimately protecting our people, we must support the imposition of maximum penalties on these perpetrators irrespective of their social status or other affiliations.

In closing, let me, without a doubt, state that this legislation is aimed at protecting the vulnerable against all types of sexual abuse. The onus is on all of us and everyone responsible for its implementation to ensure that this soon becomes law and is done effectively.

[Applause]

Mr. Franklin: It is very difficult to follow the Hon. Minister Westford's most violent but probably appropriate in some cases, presentation.

The Guyana Action Party (G.A.P.) supports, wholeheartedly, this Sexual Offences Bill No. 30 of 2009 and we expect this entire House to do so. As a father of children, both boys and girls, it is indeed comforting that such a Bill has come to this House to be passed because it gives people who are fathers and mothers the comfort that something more will be done to protect their children and other children's interest.

This scourge of sexual violence perpetrated against many of our citizens has in the last few years reached horrendous proportions. Sexual offences is stalking our country in a most open and increasingly perverse manner, be it in cities, backdams, interior locations, homes and as well as in, Government and corporate offices. We cannot allow this to continue.

The reports we see and read in the media, I am convinced, are but a mere tip of the proverbial iceberg. I am convinced that because of the lack of support systems, many abuses go unreported, unrecorded and therefore unresolved. What we see in the media must give us an indication of how bad the situation is. These are only the stories that come to light. We must always remember that so many more fester under the cover of ignorance, downright wickedness, indifference but mostly fear.

It is of importance that our laws are continually updated, improved and simplified much to the annoyance of the lawyers because they get paid by interpreting confusing legislation. Our laws should establish clear pathways so that enforcers of the law and those all citizens who need protection and accused alike, can understand what these laws entail.

I would like to make a few comments on some areas of the Bill. The Select Committee process, apparently, has yielded results, albeit, over a longer period. However, I would like to make a comment on the attendance record of our Opposition Members of this Select Committee. It leaves a lot to be desired. There may be legitimate reasons why the attendance was so poor, but I do believe that it may be a sign that we need to have full-time parliamentarians to really do the people's work. It does not take away the fact that the Opposition was poorly represented on many occasions and that ought not to be so.

Under part 2 – Offences – section 7 (2) which deals with the violence to force an individual to engage in sexual activity, I respectfully submit that economic violence should be included in this section since it is perhaps the most common form of pressure placed on individuals of

lesser means to subject themselves to sexual abuse. The threat to remove the person from shelter or deprive the affected person of their children from essential life sustaining things such as food or medical care must be considered as circumstances warranting protection under the law. For example, depriving or threatening a woman with the loss of employment or demotion should be considered as a violent act.

I would have expected, also, that persons who knowingly being infected with the H.I.V. virus, commit acts of rape should be singled out and the matter dealt with as if it were attempted murder. I expected it to come in this Bill. Before we go to the castration and mutilation, there are a number of things which I think are important that we could implement.

Under section 12 (1) – Child Sex Offences – I fully understand the intent of this clause, but I submit that how it is written leaves a lot of room for misinterpretation. I will try to explain what I mean by that. It says:

“ A person (“the accused”) commits the offence of causing a child to watch a sexual act if the accused intentionally causes a person, who is under sixteen years of age (“the complainant”) to watch a third person engaging in sexual activity or to look at an image of a person engaging in a sexual activity.”

I sincerely believe that the use of the word “causes” is much too broad and needs to be more specific. If a child logs on to an adult’s computer, for example, and looks at an image of persons engaging in sex on that computer or goes into a room and puts on a Digital Video Disc (D.V.D.) that has explicit sexual content on it, is that cause under this particular law for that person to be charged? It is unclear. I think it needs to be clearer because “cause” in this particular section is a verb. Other meanings for this particular word are: “to make happen, bring about, produce, set off, instigate, trigger, begin, initiate and affect.” If I forgot to put in my password to prevent my children from accessing my computer or I did not lock my door, could that be construed as causing a child to look at sexually explicit content? [Mr. Neil Kumar: Do you have that on your computer?] Some children are very intelligent, I do not know about yours, but they have the ability to log on and surf the computer. Our ten-year-olds are probably much more computer literate than us and you, most definitely.

I think it needs some attention, but I honestly understand the intent. It is as if someone force or make someone view these things with the intent to arouse some sexual response, but how

it is written? It is broad and very dangerous. I think we can clean it up by changing “cause” and using a word that is more specific.

In part 3, section 41 (2) on page 50 of the Report which deals with the length of time an investigation must be conducted being three months which I think is admirable, is in contradiction with the explanatory memorandum which is on page 117, has a six-month time frame. That is a slight contradiction which needs to be corrected. I do believe that the three-months is what we are dealing with.

Clause 34 (1) – Trespass With Intent to Commit a Sexual Offence – is somewhat confusing and I would respectfully request some clarification there.

Notwithstanding the laws on the books and I must say that this is a good set of laws and resources to carry out effective prevention, protection of victims and complainants and prosecution of offenders are absolutely necessary. We have the laws, but can we back them up?

Social Sciences in times gone by were, to my mind, a field of study which many went into because that was the only thing available to them. Many at that time had no idea of what being a functional Social Worker or Scientist entailed. Some, I am sure, still do not know. I have, however, been fortunate within the last fifteen months to observe close hand how difficult this job is.

The sheer number of horrid cases, each one worse than the last, could make any human being inert, numb and even callous over time. It therefore requires a special type of person to continually face these tragic cases on a daily basis and then to still go home to be mother or father to his/her own children. I salute them.

I have personally berated the Minister of Human Services and Social Security on a number of cases which were brought to my attention and of the course, the cases with which one is personally involved with, becomes the most important. That is a fact of life. I am pleased to state that in all cases help was forthcoming and people, parents as well as children began to get help and justice. Yes, justice for all!

Workers in these units have to be able to be impersonal to complete the tasks at hand. I have witnessed the long hours of unpaid work being done by staff. Although so much more has to

be done, they must be commended for what they are doing right now with what they have and for the pay that is quite honestly, shameful.

If we are truly desirous of combating this most dangerous attack on our way of life, much more has to be done to improve the working conditions of this last line of defence. You have to put money where the law is. It is in support of these workers that I advocate that units all across this country be given the necessary resources to effectively fight and win. It is unacceptable for the victims have to be subjected to 10 and 12 hour sittings at Police Stations to give reports. It is unacceptable. It is also unacceptable that affected children be left in hospital for days before examinations are conducted. These are actual cases. This is due to the lack of staff on one end or the other or some protocol not being in place. That is totally unacceptable. We can have the best laws, the most advanced in the Caribbean and we can boast about that, but if we do not put these things in place, the laws mean absolutely nothing.

These units must also be staffed with competent legal counsel in order for some solid cases to be presented from the inception - just as how the Government hires top class lawyers like Hon. Member, Mr. Nandlall, to fight cases that they find they need that expertise for. Therefore, if we are truly serious about making these laws truly effective, there are some things that have to be done. Money has to be spent and we cannot get away from that.

We must also have policemen and policewomen who are solely dedicated to sexual offences. We cannot have the traffic cop writing up the statement or the busy Criminal Investigations Department (C.I.D.) detective dropping five robberies to stick this in between. We must dedicate the resources to back this up or else, as I said before, it will mean nothing. We cannot any longer delay the implementation of a Witness Protection Programme. It is absolutely essential to protect witnesses, in these cases in particular, if you are going to have the true effect of this particular law. Victims cannot be unprotected and be expected in a three-month period or six-month period to still have the resolve to stand up and face the accused, who in most cases are people of resource(s).

5:58 p.m.

We have to be true to ourselves and understand that this type of legislation has to have the backup and the seriousness of a Government and a people who realise that they have a problem and are putting things in place to actually fight and to actually win. Fighting is one thing, but I believe you have to put things in place to win. And you have to pay those people

who are working in these areas salaries that make sense. You cannot expect that with such a super law, to have social workers barely eking out in existence. You pay them no overtime. They have to work beyond the call of duty and you expect things to go our way and fix things for the people in this country. We have to be realistic and reassess that particular situation.

Witness Protection Programme is needed to give people the confidence to complete the long process of legal proceedings. Not then, we need to have that now. And if you are wondering where you are going to find the money to fund it, just dip into the lotto funds and we will find enough to do so.

All the brilliant laws instituted in this House will mean nothing if the entire society does not change its attitude towards sexual crimes. For much too long we have collectively turned a blind eye, did not bother with it and waited for somebody else to do what was right. In this regard, we are all guilty of doing nothing at some time or the other.

To conclude, I think one; it is a step in the right direction and kudos for that. Two; we have to find the resources and put them in place to bolster these laws to make them relevant. We need to pay and redefine the status of our Social Workers at all levels. If we acknowledge that it is a problem, people have to be given the tools to work with so that this problem can be fixed. Legal and criminal capacities within the Ministry need to be enhanced. We have to put special persons in place that have the skills and knowledge and by specialising in the specific areas, become competent to carry out successful prosecutions.

As I started off, I am happy that this Act is presented to the National Assembly. I am expecting that it will be passed because it takes a serious burden off the back of a father who has daughters under that age and I am not ashamed to say, God forbid, I am not sure what I would do in certain circumstances. However, I am sure that it will probably mirror the Hon. Member, Dr. Westford's suggestion of mutilation. I, therefore, wish to congratulate the Minister and the staff, in particular, for doing a splendid job and the people of Guyana, who we sometimes forget, who are instrumental in putting this piece of legislation together. I fully support the passing of this Bill. Thank you. [Applause]

Mr. Nandlall: Thank you very much, Sir. I rise to speak on the Bill which is before the House and like the speakers before me, I wish to congratulate Minister Manickchand for the tremendous amount of work that I know she has put into this Bill from the beginning of the consultation process till to the very end where, as you may observe, and those who see her

may observe, she is making a personal sacrifice even being here to make this presentation. That is something we should congratulate her for.

This Bill can be described as a landmark piece of legislation because for the first time in the history of this country we have a consolidation and an amalgamation of all the sexual offences under the Laws of Guyana in one singular piece of legislation. Also, it creates a number of new offences. Whenever we are discussing a legislation of this type, magnitude, and expanse, I think we need to begin by examining the circumstances which may have inspired and which precipitated the enactment of this type of legislation. This legislation has very deep and far reaching social ramifications. It deals with a very important aspect of our society.

It is, I think, an accepted fact by now that we have, in Guyana, an unusually high rate of crime prevailing. It is also highly accepted that we have an unusually high level of sexual offences being committed in this country. What is also peculiar is invariably the victims are children and women who occupy, unfortunately, the lowest round of the economic and social ladder. In other words, sex in our society is almost used as a weapon of exploitation by those who have economic power largely against those who are less fortunate. I feel compelled to refer to the last few days' coverage of a particular incident in our newspapers which epitomises the significant problem that we face in this country and which this legislation seeks to address. Here you have, based on the newspaper report and I am aware that there is a charge instituted and I will speak in a manner not to prejudice, but it is an important social reflection of the type of situation that this Bill seeks to address. It is important in an August debate that we confront the social reality, that we are serious about tackling the question of sexual crime in our country. We must face the reality of what is going on. In the newspapers, you have these sad and very sadistic allegations being made against an individual of some prominence and we read the number of allegations which are being made against this person by very young and underprivileged persons and really it is a situation that cries out. I use that example to demonstrate the type of problems our country is facing and to highlight the fact that in one of the newspapers, there was an article where a sum of about \$10 million was offered to the victims of these unfortunate and perverted acts. That is exactly what I am speaking about – economic and financial power being used to purchase themselves out of prosecution and out of charge. That is what the reality is and those are the types of situations and circumstances which inspired and precipitated this type of legislation.

This legislation is unique in many respects. The Government, via Minister Manickchand, started a consultation process whereby the Minister presented a paper for discussion under the title *Stamp It Out*. It was a well orchestrated and publicised consultative campaign whereby the Minister and the delegation from her Ministry travelled throughout this country and put forward the paper and held discussions. In those discussions, she solicited the views of various members of our society from all social, economic, and political strata. She then extracted those views, chronicled them and went back to the drawing board and the end product is the Bill that we have before us.

I think that it is important that I also highlight to this Parliament a study which was done by the Guyana Human Rights Association to demonstrate the reality of what we are facing in Guyana, and this survey was taken by Minister Manickchand in her *Stamp It Out* document as she did her consultations. These are some of the statistics which came out of the survey done by the Guyana Human Rights Association. It says:

“A 2005 study found that approximately 1% of rapes reported to the police result in a conviction.”

1% of the rapes actually reported to the police actually resulted in a conviction. This is an indictment on our society.

“A 2007 study found 92% of victims are females – women and girls. 69% of the victims are sixteen years or below. The accused is known to the victim in three out of four cases. One in every five perpetrators is related to the victim. More than two-thirds of sexual offences take place in the home of the victim or the accused. Only 43% of the victims report to the police within 24 hours.”

This is the reality of what is going on in our country and it is against this background that this Bill must be viewed and it is against this background that the *Stamp It Out* campaign was conceived, and when Ms. Manickchand went out throughout this country this was the type of situation that she went to investigate and to solicit our people’s views on. This Bill is an end product of that process.

This Bill has codified, in a very comprehensive way, all the sexual offences under our law so that no longer do we have to search under the various Chapters of the Laws of Guyana to find what the sexual offences are and what the procedures are. Everything in relation to sexual offences has been incorporated in this Act. Guyana is not unique in that respect. Trinidad,

Barbados, Jamaica, the United Kingdom, Canada and India among several other countries have done it. South Africa, I understand, is about to enact a similar legislation. The consolidation and the amalgamation into one document of all the sexual laws in a country is something that is going on universally because sexual offences and sexual violence is assuming greater and greater importance, not only in our country but throughout the world. That is why as a mechanism to treat with this problem, legislation has been identified as an approved measure and codification and consolidation of these legislations is one of the ways that all the countries have seemed to have adopted. So we are not different.

In addition to codifying, this new Bill has created a number of new offences. For example, rape of a child under sixteen years, sexual activity with a child under sixteen years, causing a child under sixteen years to watch a sexual act, sexual activity with a child and family member, sexual with a child by abusing your position of trust, obstructing the prosecution of sexual offences, arranging or facilitating the commission of child sexual offences, obtaining sexual activity by inducement, threat, deception and a host of other new sexual offences. There is a particular aspect of the Bill that deals exclusively with persons who are mentally and otherwise handicapped. There is a whole host of very peculiar and specialised principles which would guide the prosecution and the investigation in relation to persons who are so circumstanced, either physically or mentally. The same applies for children who are victims. The law provides a special treatment for the manner in which children who are victims are to be treated.

The Bill also sets out, in remarkable details, the constituent ingredient of each of these offences. It deals with how investigations into these offences should be done. So comprehensive is the Bill that it starts at the investigation stage and it begins to guide the investigator because the reality is that many times the case is lost before it reaches the Court because of the poor, unreliable, unprofessional and compromised manner in the way in which the investigation is done. This Bill seeks to give guidance. From the time the complaint is made the policeman can pick up this Bill and be guided right through up to institution of the charge in terms of what has to be done, what type of statement has to be taken, what pieces of evidence has to be secured. The Bill begins to guide the case from the starting from the time the complaint is made. The Bill also treats with great detail, the nature and quality of the evidence which is required to be adduced to yield a conviction and in the manner and procedure which this evidence is to be tendered in Court. Here again, the Bill not only deals

with the law, but the procedure as well. It tells you how the evidence is to be gathered, stored and to be tendered in a Court before a successful conviction can be achieved.

The Bill also sets down the penalties which the Court can impose if the offence is proved. And the penalty is very consistent. One speaker, I think the Hon. Member Dr. Anthony, made the point that the discretion which our current law imbues into accord has been severely reduced and Parliament now has taken the initiative to lay down firm sentencing guidelines. If this is the offence, this is the limit and there is consistency so that the Court does not have the wide and varying discretion that it now enjoys in terms of sentencing. It outlines the procedure in respect of the trial of how these offences are to be conducted. I think Mr. Williams, in his presentation, adverted to this as well. This Bill outlines, in a very elaborate fashion, how the entire trial is to go, what protective mechanisms are available for the victim. Many times the victims, who are usually small children, are very intimidated by the accused person, especially when that accused person has been placed on bail and after the hearing because the hearing is not concluded in one day and the accused person can revisit that victim. This Bill provides a mechanism which limits, as far as possible, all possible interactions between the victim and the accused person. I think that is a very fundamental mechanism to ensure that the system remains unpolluted by interference by the defence.

The Bill also deals expansively with the question of bail and it outlines the principles and conditions upon which bail can and should be granted. I am advocating another forum for us to have a Bail Act because bail has always been a sore issue in this country. The greater the societal problem of crime becomes the greater the importance the question of bail. One wonder sometimes and the lay-public cries out on a regular basis against some instances where bail is refused for no apparent reason and then when you find a very compelling statement where bail should be refused where an accused person has said to the national newspapers: "As soon as I am released I will go out and find the witnesses and speak to them." In such a situation bail has been granted. One would expect in those situations that bail would be refused. The point that I am trying to emphasise is that the caprice, arbitrariness and the whim and fanciful way in which bail is granted is now reduced by this Bill circumscribing the power which the Court has when it deals with sexual offences and lays down, in a comprehensive way and a systematic fashion, the conditions which must be satisfied before bail is granted and even when bail is granted the regulation to which the accused person must subject himself whilst out on bail. That is the important thing which is to ensure that there is no contamination and that there is no perverted interference with the

witness and with the victim so that the streams of justice must remain pure and unpolluted at all times.

In addition to the sentence which the Bill deals with, the Bill also empowers the Court to make a number of additional orders clearly of rehabilitative nature so that the accused person at the end of the process comes out as a rehabilitated individual. One of the purposes of the sentencing has always been to rehabilitate the offender so that when he comes out, he really, truly and clearly gets another chance at life. In this Bill there are a number of orders that the Court can make in order to ensure that justice is done and that the accused is rehabilitated. Compensation, for example, is offered to the victim and the accused is allowed, in a controlled manner, to offer compensation. But importantly, there is a number of rehabilitative type of order that can be made including psychological and other forms of therapy depending on the mental makeup that the accused may be suffering from. If, for example, the accused is a drug addict, the Bill authorises the Court to make an order by which suitable type of rehabilitative treatment can be administered to such as offender. The Bill also outlines how sex abuse victims and, in particular, children should be medically and otherwise treated.

The Bill also establishes the National Task Force for the protection against sexual violence which have had the duty to develop and implement a plan for the prevention of sexual violence. Under this Bill also, Minister Manickchand is advised to set up a Sexual Violence Unit within her Ministry which, among other things, has the responsibility to liaise directly with the National Task Force as they execute their functions. Here the Bill, in an institutionalised way, is setting up permanent type of mechanisms that are set up exclusively and solely to address the question of sexual violence and sexual offences. This Bill is not only legal in its form and in its purport, but is also very social. It sets up social institutions not only to detect and to nurture and to give therapy to persons who are victims to these types of offences, but it will also serve as a preventative process because policies and public awareness campaigns are going to be pursued through these types of permanent establishments to help apprise our society and make us more aware of the problems of crime and sexual violence.

The Bill also treats with a number of specific legal issues which have formed part of the laws of our country for the last 150 years. The Bill seeks to abolish some of them, reform some of them and relax them, for example, and to create new ones. My learned Friend, Mr. Williams,

spoke, for example, about marital rape and said that we will have great difficulty in enforcing the provision which treats with the allegation of marital rape.

Over twenty-five years ago the law was amended in England first starting through the case law authorities to move away from that position. The position started with a very anarchistic concept which states that the wife is the chattel of the husband and therefore consent to use this chattel in any form the husband desires was built-in as a fundamental aspect of marriage. That is how the theory developed.

In England, when they abolished it by way of case law authorities, Lord Keith, in a sitting in the House of Lords had this to say and I wish to share it with this National Assembly: "Marriage is in modern times regarded as a partnership of equals."

That is the first thing that he asserted.

"Marriage is in modern times regarded as a partnership of equals and no longer one in which the wife must be the subservient chattel of the husband. Marriage involves a wife giving her irrevocable consent to sexual intercourse with her husband."

The point that I am making is that marital rape and changing our law to address the question or to make marital rape an offence is in keeping with modern trends because we must move away from the concept where the wife is the property of the husband.

There are other specific legal issues that afflict the law of sexual offences and that has hindered the prosecution of those offences which this Bill has reformed, for example the question of corroboration. Under our current law, in sexual offences, the law is that the jury must be directed by the judge unless the victim's evidence is corroborated by some independent evidence then the jury must be directed that it is unsafe to convict on that evidence.

6.28 p.m.

This Bill has abolished those types of anachronistic and archaic concepts because it no longer has any use. There is no need for the victim's evidence to be corroborated. That rule has outlived its usefulness because the statistics has shown that 3% of rape complains, like every other crime, is false.

Why are there all these protective mechanisms? For example; in terms of competence, a child has to undergo an enquiry before that child is deemed a competent witness to testify before a court. What the enquiry is about, is examining the child as to the child's ability to understand and speak the truth, whether or not the child believes in God and that type of thing. Now these are questions that are posed to the child that are wholly unrelated to the offence on which the child is required to testify. A child may not understand whether or not there is a God but may be intelligent enough to answer the question which is asked of him/her. That child may also be intelligent enough to recall the ordeal to which they were subjected to. Because the child cannot answer to nebulous and abstract concepts of truth and lie, that child can be deemed a person not competent to testify.

This Bill has reformed and relaxed that. Also Sir, under our present Law a spouse cannot be compelled to give evidence against his/her husband or wife. We have changed that so that now a spouse can be compelled to give evidence against his/her husband or wife. The point I am making is that this Bill has reformed and revolutionised the Law against Sexual Offences in Guyana. It has put it on a modern setting and is a Bill that I know would receive the agreement of the entire Assembly. It has received societal support. When I came in earlier this afternoon, the gallery was packed. I know that Red Thread and all these Non-Governmental Organisations have been agitating for the Bill. The Bill went through a process of consultation through the *Stamp It Out Campaign*. I know that it has received the public support and the imprimatur of the entire Country. Sir, I have no difficulty whatsoever in recommending this Bill to be passed unanimously by the National Assembly. Thank you very much. [*Applause*]

Ms. Manickchand (replying): Your Honour, I have to say thank you very much to all of the persons who spoke this afternoon and those who did not speak; the Members of the Committee who sat for long hours, although just a few days. The Opposition Members - P.N.C.R. were: Mr. Basil Williams, Mrs. Cheryl Samson, Mrs. Volda Lawrence – but she never showed up – Mrs. Latchmin Punalall from the A.F.C. and from the P.P.P./Civic were: Mrs Indranie Chandarpal, Mr. Anil Nandlall, Mr. Frank Anthony, Ms. Jennifer Westford and Pauline Sukhai. I once again thank all the Hon. Members sincerely. I would also like to thank the Parliamentary staff.

This is a Bill that we indicated from the very beginning we were going to be deliberating on frequently and over long periods, with the expectation of Minutes and reports getting back to

us quickly. We were never disappointed by the Parliamentary staff; I would like to say particularly to them, thank you very much.

To the persons who came this afternoon: The Regional Women's Affairs Committee of Regions two, three and ten, the Cultural and Ethnic Group, Women's Progressive Organisation [W.P.O.], Guyana Agriculture Workers' Union [G.A.W.U.], Women Affairs Bureau [W.A.B.], Women's group from Region three, Central Islamic Organisation of Guyana [C.I.O.G.], NACOSA, Mother's Committee on Social Issues from Sophia, D.C.U, The Ministry of Labour, Help and Shelter, the Guyana Human Rights Association and Child Protection Unit, The Guyana Association of Women's Lawyers [G.A.W.L.], Commissioners from the Women and Gender Commission and young ladies from the Good Hope Missionary Baptist Group who are here supporting various Members of this House to get this piece of legislation through.

On a personal note, Mr. Speaker, I wish to thank specifically Josephine Whitehead who was here earlier, I think she has left. Who made herself available throughout this period for the last three years, to be consulted and her responses were always very timely, sensible and keeping within legal confines. I would also like to thank Hyamwattie Lagan, Administrator of the W.A.B – who is here, who went on all these consultations with us. It was not an easy process. The Permanent Secretary, Trevor Thomas who facilitated and accompanied me as a new Minister on all these various consultations across the country.

I would like to say a special thank you to Mrs. Ananda Dhurjon, as distinct from Mr. Cecil Dhurjon. She is the person from the Attorney General's Chambers drafting division who sat on the Committee along with the G.A.W.L. to guide us through the changes we wanted to make. I am on record as saying that a large part of the stall up of this Bill, which as I pointed out earlier was really only a few months, could have been laid at the door of the drafting division of the A.G.'s Chambers. That did not include Mrs. Dhurjon, and to her I say thank you. She is not here this afternoon. I think we should say thanks and give credit where credit is due in the same way as we criticise and complain when we do not get what we want.

The success of this legislation; and we heard it intermittently that it is a good law, great on paper, brings together everything we could possibly want. Even though we are coming so late in the day with this Bill, that the countries that have the amalgamations - that Hon. Member Mr. Nandalall spoke of; Trinidad and Barbados, I think I could say with confidence that our Sex Offences legislation is going to be far more progressive than that of our sister islands and

countries because we came after them. We have learnt from their mistakes. We have included things that they left out. Critical to the success of implementing this legislation will be how we in this House, as leaders can change attitudes. I am extremely pleased with the support the Bill got from all of the parties.

I am a little disappointed with the cavalier attitude that I heard, heckling among other things during some of the presentations. It is up to us; from wherever we come, as the head of organisations or the leadership of our parties, to ensure that we change the mindset that has seen years of abuse of women. Sexual abuse just being one of the types of abuse against women is something that we have accepted as a country. It is up to us to pick a part of this Bill; - and that is something that we can all do tonight- pick a section and go out there and commit yourself to educate every person you meet about that section. Minister Rohee who is not here or his shadow Mrs. Debora Backer. Hon. Members should go and tell every police officer that they meet that confrontation is no longer necessary. It is no longer necessary to bring a victim or a complainant before an accused and put them there to confront each other. It is important for Mr. Anil Nandlall and Mr. Basil Williams to go out there and tell people that it is not a trend that women lie about rape. Research has shown that only 3% lie and it is no higher than for any other crime. So if someone is saying this one has to listen. We have to tell this to the people, the social workers, the police officers and the enquiring courts and eventually it is going to filter down to the men and women who sit on juries. So it is up to us in this House to lead the change that we want to see. It is up to us to lead the change of the various mindsets along the line of civilisation and sense that various Members in the House called for.

I wish to assure Hon. Member Mr. Everal Franklyn that the... - he spoke of a fracture of services - ...we needed to ensure that resources are there. Even during the consultations we spoke of something called sexual assault referral centres. Recently it has become clearer that we absolutely have to have something like that, in which case you do not have to have a very traumatised and confused victim running from department to department. I commit to working with the Minister of Health to roll out the first one at the Georgetown Public Hospital so that we could get that service all in one place. It is not going to be expensive. All we have to do is ensure that the people who are going to be working there have changed their views on many of these issues.

I honestly believe that the easiest thing in this process was to get this legislation passed. One would not believe that given some of the hurdles it met and the time that it took. Although, I would say without fear of contradiction that Guyana took the least time to pass very comprehensive and revolutionary legislation. In other countries this has taken years, decades to do. We have done it in less than three years and while it seemed long we should be proud of the fact that it is comprehensive. We said, even in the *Stamp It Out* document, that while we want to do this quickly we want to make sure we get it right. I think we have done that in this piece of legislation. I do not believe it is a stagnant piece of legislation. I could say from the Government's side if while using it we need to make changes we are going to leave ourselves the window to come back and make the necessary changes so that this piece of legislation could actually work.

With those words Mr. Speaker, I wish again to say thank you to the many persons who contributed. We cannot say thank you to everyone. I cannot thank the boat man who took us to Moruca or the family in Corentyne, who none of us knew but invited us to dinner when we were there late one night or the woman who set up under a benhab in Mahdia accommodations for us to go there and do our consultation. We cannot thank those people. We do not even know names and they will probably never know how significant their contributions were to the passage of this Bill. I wish to say as far as I can thank you to the people of Guyana. I commend this Bill with the amendments to this Hon. House to be passed.
[Applause]

Question put and carried.

Bill read a second time.

Assembly in Committee.

Clauses 1 to 18 agreed to and ordered to stand part of the Bill.

Clause 19

Mr. Speaker: Mrs Punalall, are you proposing an amendment to clause 19(1) (g)?

Mrs. Punalall: I propose an amendment to Clause 19(1) (g). Yes.

Mr. Speaker: The inclusion of...

Mrs. Punalall: Ministers of religion...

Mr. Speaker: At what part?

Mrs. Punalall: After the word instructor.

Mr. Speaker: Hon. Members the amendment proposes the insertion of the words “Minister of Religion” after the word Instructor.

Amendment put and agreed to.

Clause 19, as amended, agreed to and ordered to stand part of the Bill.

Mr. Speaker: I propose the question that clauses 20 to 100 start part of the Bill. I now put the question that clauses 20 to 100 start part of the Bill.

Clauses 20 to 100, agreed to and ordered to stand part of the Bill.

Speaker: I propose the question that Schedules 1, 2 and 3 stand part of the Bill. I put the question that Schedules 1, 2 and 3 stand part of the Bill.

Speaker: Hon. Members these Sections are subject to the amendments proposed in the report before the National Assembly.

Schedules 1, 2 and 3 agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with amendments read the third time and passed as amended.

Mr. Speaker: Hon. Members, Ms. Manickchand thanked everyone who participated in this Bill and made it possible after many years of work, and named some people. She left herself out. We would be remiss if I do not indicate to Ms. Manickchand that the Country owes her a debt of gratitude as well as the Members of the National Assembly for piloting this legislation in particular and previous legislation of tremendous social importance. I would like to express my happiness at the work of the National Assembly in this matter, both Government and Opposition. And to say that with will and commitment all things are possible. Thank you very much.

MOTION

ADOPTION OF THE FOURTH PERIODIC REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON SOCIAL SERVICES

BE IT RESOLVED:

That the Fourth Periodic Report of the Parliamentary Sectoral Committee on Social Services be adopted. [*Chairperson, Parliamentary Sectoral Committee on Social Services*]

Ms. Ally: Mr. Speaker, Hon. Members I rise to present the Fourth Periodic Report of the Parliamentary Sectoral Committee on Social Services for adoption. This Committee has enjoyed the air of cordiality in its work. As is outlined in the report we embarked on a work programme agreed by all parties represented on the Committee. Our work involved fact finding, scrutinising the work of various Ministries and entities, making recommendations and by and large serving as an over sight body. In some cases it was basically to garner information so that the Committee would become *au fait* with the programme and workings of the particular Ministry or entity. This, I must admit has served us in good stead for at minimum it served its purpose for information gathering.

It would be remiss of me if I do not flag some very pertinent areas of concern. We had appearing before us several Ministries and entities e.g. the Georgetown Public Hospital Corporation. We found it absolutely necessary to address the G.P.H.C. since there were numerous complaints, reference, waiting time to see a doctor, dispensation of medication, non-availability of some medical supplies and even doctors in some cases. The complaints led to a visit by the Committee to the hospital and we found that many of the allegations were true. Subsequent to our visit the key actors of the G.P.H.C. appeared before the Committee and provided explanations for various situations. Our Committee then offered several recommendations which from all indications were accepted in good faith. Our Committee, will continued to monitor the situation to ensure that the systems are improved.

We also had the opportunity to interface with the Minister and other officers of the Ministry of Education. Here again there were many issues which were highlighted e.g. the issue of school feeding programmes, school drop outs and other welfare matters. There again we made recommendations and we believe that there are visible improvements and efforts to address the problematic areas. While there may not have been a 100% success we look forward to even more stringent measures to grapple with the existing problems in the education system.

As I understand it one of our functions is to be an oversight body to some Ministries and/or entities. It is our belief that all the stakeholders are *au fait* with this arrangement. I do not want to conclude that if someone is requested to appear before the sub-committee and there is non-appearance that this is disrespect but we may have to make that conclusion. In the execution of our mandate the Minister and Ministry of Human Services has been very disrespectful to this Committee. There have been numerous complaints from citizens of this country on issues of Local Board of Guardians: their selection process, operations, issues of old age pension and on the functioning of old people's homes among others. The Members of the Committees are not judges nor are we seized with all the details, hence we requested the provision of some information, the presence of the Minister or representatives of this Ministry to appear before the Committee. The staff of the Committees Division of the Parliament Office in their usual style of efficiency communicated on no less than five occasions with the Ministry's officials. There was not even an acknowledgement of these invitations. It was not until there was a proposal to write the Speaker of the National Assembly and inform him of the situation that there was a counter proposal from a Member of the P.P.P./C. to speak with the Minister on this issue. Apparently this was done; thereafter verbal confirmation was given for an appearance to be made soon. We believe that a rule is a rule and should be observed. We cannot continue with people at the highest level not wanting to uphold law and order in this Country. What example is being set? Rather situation like that gives credence to the non-compliance of law and order and this I admit is distasteful. I trust that such a situation will not repeat itself and Ministers must recognise that there is a difference between politicking and good governance.

Mr. Speaker, in conclusion I want to take this Opportunity to thank all the Members of the Social Services Sectoral Committee and indeed, the staff of the Committees Division of the Parliament Office for their application and dedication to get the work done. Congratulations. May I finally commit this Fourth Periodic Report of the Parliamentary Sectoral Committee on Social Services for adoption. [Applause]

Mr. Whittaker: Mr. Speaker, it has been a delightful experience to sit alongside several of my colleagues representing both sides of this Hon. House, as we collectively discussed and agreed on an agenda of social issues and areas of government policies and activities that we wished as a Parliamentary Sectoral Committee to scrutinise. More than that, the spirit of camaraderie and the harmonious working relationship that prevailed for the most part as we scrutinised these policies and activities, for me and my colleagues, offered much hope, much

expectation that consensus can often be reached in the determination of required recommendations to effect changes, amendments, improvements in respect to the said policies and activities and even sometimes the legislations that gives rise to these policies and activities. In the discharge of our oversight mandate we did focus on common issues on which we concurred.

Yes, we invited Ministers of Government and other resource persons who were responsible for the formulation and implementation of policies and the execution of activities relative to the social services under consideration. Yes we did invite them to make presentations, to respond to issues and questions we raised and to listen to the comments and recommendations we made for change and upgrading of the activity or services under consideration. We made site visits Sir, to observe and to discern for ourselves that there was a nexus between the information provided and what obtained in the field; to observe operational procedures and to discern their effectiveness and efficiency in so far as they contributed to the attainment of the objectives of the organisation. In some instances we interacted with the public, and so provided for them a forum for sharing their experiences, for ventilating their concerns and for offering their recommendations for improvement. We do believe that in this consultative democracy which we are enjoying the public has an important role in the dissemination of information over a wider area of our population.

I do wish to elaborate briefly on our work in a specific area: 'education'. The issue of school dropout is a very topical one with which many responsible Guyanese are concerned. But we often do not view the issue as one important enough to require our urgent attention. For many of us it is a social issue that ought to be addressed by the school welfare officer, the teacher, the social worker and the parent. Well Sir, Chief Planning Officer of the Ministry of Education Mrs. Evelyn Hamilton provided analytical data and information that allowed us to understand the causes of school dropouts and to appreciate that this is a societal problem that required our collective attention.

6.58 p.m.

In addition, presentations by former Chief Schools Welfare Officer, Mrs. Basmatie Ram, on the Policy on Sex Education and Marijuana in Schools and Programme Director of the Guyana Responsible Parenthood Association, Ms. Sheila Yaw-Fraser, on the Ministry of Education Policy on the Distribution of Condoms were considered important social issues in terms of the attention given to these issues by the Committee.

A visit to the Georgetown Public Hospital Corporation provided the opportunity for the Members of the Committee to: (i) meet and interact with in-patients and out-patients of the hospital and to listen to their comments and recommendations: (ii) to view not only hospital staff at work but also the systems and procedures that were intended to facilitate effective and efficient patient management and treatment at work and: (iii) to determine and comment on the adequacy or inadequacy of these available systems, procedures and facilities. A visit to the Holy Family Name Home for the Elderly was treated with similar significance. At both institutions not only were observations made but recommendations for improvement of service were offered.

Among other important education related issues addressed by the Parliamentary Sectoral Committee on Social Services were the issue of school feeding and its effectiveness, discipline in schools, exercise book distribution, etc.

In concluding, I wish to emphasize that our Committee has provided a forum for exchange of information and an appreciation and understanding of the work of various Government Ministries and also identifying and discussing deficiencies and recommendations for remedying such deficiencies.

The P.P.P. expresses thanks and congratulates the Members of the Committee for their contribution. We look forward to scrutinizing additional areas of Government Activities for our mandate is a very wide one. In this regard I, myself, eagerly look forward to our next Committee Meeting where we shall no doubt collectively seek to determine additional areas of Government Activities that will be included on our work programme for scrutinizing during the next period.

With these few remarks I join in recommending that this Fourth Periodic Report of the Parliamentary Sectoral Committee on Social Services be approved. Thank you.

Mrs. Punalall: Thank you Mr. Speaker. This is the Fourth Periodic Report to the National Assembly on the work of the Parliamentary Sectoral Committee on Social Services. This period was between 31st October, 2008, and March, 2010. The Committee convened 11 statutory meetings. The Committee scrutinized three Ministries and one N.G.O. – the Ministry of Education on the matter of School Dropouts, which was presented by Ms. Evelyn Hamilton, the Chief Planning Officer who appeared before the committee and made her presentation.

The rate of school dropouts has significantly increased during the past few years. It is important that the authorities take the initiative to teach the children the value of education by using the media and ensuring that these programmes are carried out in an effective manner. A better system of transportation for school children should be implemented. Extra-curricular activities should be properly enforced in the educational system so as to grant each child the opportunity to develop their personality.

Ms. Sheila Yaw-Fraser, Programme Director of Guyana Responsible Parenthood Association (G.R.P.A.), made her presentation on the topic of The Policy on the Distribution of Condoms. It is a fact that the distribution of condoms countrywide has helped in the eradication of H.I.V. and AIDS. On the other hand it is causing our school teenagers to go astray. Many of them are sexually active due to the fact that they are given condoms. This results in them wanting to experiment with their sexuality. It was reported in a Stabroek Newspaper, 4th March, 2010, that over 50% of secondary school students use condoms during their first sexual encounter. There is a need for more trained personnel to visit schools on a regular basis, not only to speak about the use of condoms but also to emphasise the point of morality. We should bear in mind that the best societies are those that are built on high moral standards. This would encourage teens to build their self-esteem as well as to develop a close relationship with their parents.

Ms. Basmatie Ram, Chief School Welfare Officer, and Ms. Charlene Johnson, H.I.V. and AIDS Coordinator, made their presentations on the topic: The Policy of Sex Education and Marijuana. We must face the realisation that alcohol drug use and sexual activities are on the rise in the school system. The A.F.C. strongly believes that one of the factors which led to this increase is the drastic decline of morality due to the lack of proper enforcement of these standards by the educational system and parents. If only these personnel who are sent to these schools will gain the trust of the students by their way of approach the result would change drastically.

Mr. Michael Khan, Chief Executive Officer of the Georgetown Hospital Cooperation, made his presentation on the operational procedures of the administration centres of the Georgetown Public Hospital Corporation and the average time spent by an out-patient before he or she could be seen by a doctor. The staffing of doctors and nurses should take priority at the hospital. While it is good to have doctors attending to patients we have to consider the number of patients waiting long hours to see them.

On the other hand, the consideration of employing medics at the out-patient department should be implemented to reduce the amount of patients at the out-patient department as well as the Emergency Unit. The root cause of having many patients at the Emergency Unit is that there are only few doctors to attend to patients daily at the outpatient department.

The Committee, for the purpose of its information and guidance, requested the submission of certain documents from the Ministry of Human Services. It is unfortunate that to date the Committee has not received documentation from this Ministry. The documents requested were:

1. Regulation and management of homes for the elderly.
2. The issue of domestic violence.
3. Local board of guardian, pensions and public assistance.

These documents are necessary because the information will guide us at the Committee in seeking ways where we can make recommendation to reduce some of the issues raised by our fellow Guyanese, especially in these areas.

The A.F.C. fully supports the Fourth Periodic Report of the Parliamentary Sectoral Committee on Social Services from 31st October, 2008, to March 2010. The A.F.C. thanks all Committee Members, the Ministry of Education, the Ministry of Health and G.R.P.A., an N.G.O. which participated in a meaningful way in this Committee in helping to bring about change in the lives of the people of our beloved country, Guyana. Thank you, Mr. Speaker.
[Applause]

Ms. Ally (replying): Thank you, Mr. Speaker. Very briefly, our Committee will continue to execute our mandate as is expected and we look forward to continued support, not only from the Members of the Committee but also the hardworking staff.

I would also finally like to encourage our Ministers to see this approach as a good one and one which will help in developing good policies and improved governance. I, finally, commit this Fourth Periodic Report for adoption. Thank you.

Motion put and carried.

ADJOURNMENT

Mr. Speaker: Hon. Members this brings us to the end of our business for today. Before we conclude I would like to offer my sympathy, and I am sure I am offering the sympathy of the entire House, to our colleague, Hon. Member Ms. Cheryl Sampson, for the grievous loss which she suffered recently in the fire which destroyed her entire home causing losses in millions of dollars. I would like to extend my sympathy and that of the entire House to Ms. Sampson and hope that she recovers as quickly as possible. Some of us have been victims of fires and the trauma is almost unbearable, so I have some idea of what Ms. Sampson is going through and we wish her the best.

Ms. Sampson: Mr. Speaker I would like to thank you for your words of comfort and I sincerely hope that I will be able to really recover from my losses. Thank you very much to all of the Hon. Members of this House.

Mr. Rohee: Mr. Speaker I would like to move that the House stand adjourned for a date to be fixed.

Mr. Speaker: Thank you. Hon. Members the House is adjourned for a date to be fixed.

Adjourned accordingly at 7.10 p.m.