



**NATIONAL ASSEMBLY
OF THE PARLIAMENT OF
THE CO-OPERATIVE REPUBLIC
OF GUYANA**

OFFICIAL REPORT

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2020-2024) OF THE TWELFTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE DOME OF THE ARTHUR CHUNG CONFERENCE CENTRE, LILIENDAAL, GREATER GEORGETOWN

84TH Sitting

Wednesday, 31ST July, 2024

**PARLIAMENT OFFICE
HANSARD DIVISION**

The Assembly convened at 10.25 a.m.

Prayers

[Mr. Speaker in the Chair]

MEMBERS OF THE NATIONAL ASSEMBLY (71)

Speaker (1)

*Hon. Manzoor Nadir, M.P.,
*Speaker of the National Assembly,
Parliament Office,
Public Buildings,
Brickdam,
Georgetown.*

MEMBERS OF THE GOVERNMENT (38)

(i) MEMBERS OF THE PEOPLE'S PROGRESSIVE PARTY/CIVIC (PPP/C) (38)

Prime Minister (1)

+ Hon. Brigadier (Ret'd) Mark Anthony Phillips, M.S.S., M.P.,
*Prime Minister,
Prime Minister's Office,
Colgrain House,
205 Camp Street,
Georgetown.*

Vice-President (1)

+ Hon. Bharrat Jagdeo, M.P.,
*Vice-President,
Office of the President,
New Garden Street,
Georgetown.*

[Virtual Participation]

Attorney General and Minister of Legal Affairs (1)

+ Hon. Mohabir Anil Nandlall, M.P.,
*Attorney General and Minister of Legal Affairs,
Ministry of Legal Affairs,
Carmichael Street,
Georgetown.*

+ **Cabinet Member**

* **Non-Elected Speaker**

Senior Ministers (16)

+ Hon. Gail Teixeira, M.P.,
(Region No. 7 – Cuyuni/Mazaruni),
Minister of Parliamentary Affairs and Governance,
Ministry of Parliamentary Affairs and Governance,
Government Chief Whip,
Office of the Presidency,
New Garden Street,
Georgetown.

+ Hon. Hugh H. Todd, M.P.,
(Region No. 4 – Demerara/Mahaica),
Minister of Foreign Affairs and International Co-operation,
Ministry of Foreign Affairs,
Lot 254 South Road,
Georgetown.

[Virtual Participation]

+*Hon. Dr. Ashni K. Singh, M.P.,
Senior Minister in the Office of the President with Responsibility for Finance
and the Public Service,
Ministry of Finance,
Main & Urquhart Streets,
Georgetown.

+ Hon. Bishop Juan A. Edghill, M.S., J.P., M.P.,
Minister of Public Works,
Ministry of Public Works,
Wight's Lane,
Kingston,
Georgetown.

+ Hon. Dr. Frank C. S. Anthony, M.P.,
Minister of Health,
Ministry of Health,
Brickdam,
Georgetown.

+ Hon. Priya D. Manickchand, M.P.,
(Region No. 3 – Essequibo Islands/West Demerara),
Minister of Education,
Ministry of Education,
Lot 26 Brickdam,
Georgetown.

+ *Hon. Brindley H.R. Benn, M.P.,
Minister of Home Affairs,
Ministry of Home Affairs,
Brickdam,
Georgetown.

+ **Cabinet Member**

* **Non-Elected Minister**

+ Hon. Zulfikar Mustapha, M.P.,
Region No. 6 – East Berbice/Corentyne),
Minister of Agriculture,
Ministry of Agriculture,
Regent and Vlissengen Road,
Bourda, Georgetown.

+ Hon. Pauline R.A. Campbell-Sukhai, M.P.,
Minister of Amerindian Affairs,
Ministry of Amerindian Affairs,
Lot 251-252 Thomas & Quamina Streets,
South Cummingsburg,
Georgetown.

+ Hon. Joseph L.F. Hamilton, M.P.,
Minister of Labour,
Ministry of Labour,
Brickdam,
Georgetown.

+ Hon. Vickram Outar Bharrat, M.P.,
Minister of Natural Resources,
Ministry of Natural Resources,
Lot 96 Duke Street,
Kingston,
Georgetown.

+*Hon. Oneidge Walrond, M.P.,
Minister of Tourism, Industry and Commerce,
Ministry of Tourism, Industry and Commerce,
Lot 229 South Road,
Bourda, Georgetown.

+ Hon. Collin D. Croal, M.P.,
(Region No. 1 – BarimaWaini),
Minister of Housing and Water,
Ministry of Housing and Water,
Brickdam,
Georgetown.

+ Hon. Vindhya V. H. Persaud, M.S., M.P.,
(Region No. 4 – Demerara/Mahaica),
Minister of Human Services and Social Security,
Ministry of Human Services and Social Security,
Lot 357 East and Lamaha Streets
Georgetown.

+ **Cabinet Member**

* **Non-Elected Minister**

+ Hon. Charles S. Ramson, M.P.,
Minister of Culture, Youth and Sports,
Ministry of Culture, Youth and Sports,
Main Street,
Georgetown.

[Absent – on leave]

+ Hon. Sonia Savitri Parag, M.P.,
(Region No. 2 – Pomeroon/Supenaam),
Minister of Local Government and Regional Development,
Ministry of Local Government and Regional Development,
DeWinkle Building,
Fort Street,
Kingston,
Georgetown.

Junior Ministers (4)

Hon. Susan M. Rodrigues, M.P.,
(Region No. 4 – Demerara/Mahaica),
Minister within the Ministry of Housing and Water,
Ministry of Housing and Water,
Lot 41 Brickdam & United Place,
Stabroek,
Georgetown.

Hon. Deodat Indar, M.P.,
Minister within the Ministry of Public Works,
Ministry of Public Works,
Wight's Lane,
Kingston,
Georgetown.

Hon. Anand Persaud, M.P.,
Minister within the Ministry of Local Government and Regional Development,
Ministry of Local Government and Regional Development,
Fort Street,
Kingston,
Georgetown.

[Absent – on leave]

Hon. Warren Kwame E. McCoy, M.P.,
Minister within the Office of the Prime Minister,
Office of the Prime Minister,
c/o Colgrain House,
205 Camp Street,
Georgetown.

+ **Cabinet Member**

Other Members (15)

Hon. Mr. Dharamkumar Seeraj, M.P.,

Lot 71 BB Eccles,

East Bank Demerara.

Hon. Mr. Alister S. Charlie, M.P.,

(Region No. 9 – Upper Takutu/Upper Essequibo),

148 Lethem,

Central Rupununi,

c/o Freedom House,

41 Robb Street,

Georgetown.

Hon. Dr. Vishwa D.B. Mahadeo, M.P.,

Region No. 6 – East Berbice/Corentyne),

Lot 4 Public Road,

No. 66 Village,

Corentyne,

Berbice.

Hon. Mr. Sanjeev J. Datadin, M.P.,

Lot 60 Section 'K',

John Street,

Campbellville,

Georgetown.

Hon. Mr. Seepaul Narine, M.P.,

Lot 321 BB Seventh Street,

Eccles,

East Bank Demerara.

Mrs. Yvonne Pearson-Fredericks, M.P.,

Mainstay Lake/Whyaka Village,

Mainstay Lake, Essequibo Coast,

c/o Freedom House,

41 Robb Street,

Georgetown.

Hon. Dr. Bheri S. Ramsaran, M.P.,

Lot 340 East Street,

South Cummingsburg,

c/o Freedom House,

41 Robb Street,

Georgetown.

Hon. Dr. Jennifer R.A. Westford, M.P.,

55 AA Victoria Avenue,

Eccles,

East Bank Demerara.

Hon. Mr. Faizal M. Jaffarally, M.P.,

(Region No. 5 – Mahaica/Berbice),

Lot 16-30 New Street,

New Amsterdam.

c/o Freedom House,

Robb Street,

Georgetown.

Hon. Dr. Tandika S. Smith, M.P.,
(Region No. 3 - Essequibo Islands/West Demerara),
Lot 290 Area 'J',
Tuschen, North,
East Bank Essequibo.

[Virtual Participation]

Hon. Mr. Lee G.H. Williams, M.P.,
Paruima Upper Mazaruni,
c/o Freedom House,
Robb Street,
Georgetown.

* Hon. Ms. Sarah Browne, M.P.,
Parliamentary Secretary,
Ministry of Amerindian Affairs,
Lot 251-252 Thomas & Quamina Streets,
South Cummingsburg,
Georgetown.

[Absent – on leave]

* Hon. Mr. Vikash Ramkissoon, M.P.,
Parliamentary Secretary,
Ministry of Agriculture,
Regent and Vlissengen Road,
Bourda, Georgetown.

[Absent – on leave]

Hon. Ms. Bhagmattie Veerasammy, M.P.,
Lot 32 Crown Dam,
Industry,
East Coast Demerara.

[Virtual Participation]

Hon. Ms. Nandranie Coonjah, M.P.,
(Region No. 2 – Pomeroon/Supenaam),
Lot 69 Suddie New Housing Scheme,
Essequibo Coast.
c/o Freedom House,
Lot 41 Robb Street,
Georgetown.

MEMBERS OF THE OPPOSITION (32)

(i) A Partnership For National Unity/Alliance For Change (APNU/AFC) (31)

Hon. Mr. Aubrey Norton, M.P.,
Leader of the Opposition

[Absent]

Hon. Mr. Khemraj Ramjattan, M.P.,
*Lot 10 Delph Street,
Campbelville,
Georgetown.*

Hon. Mr. Roysdale A. Forde, S.C., M.P.,
*Lot 410 Caneview Avenue,
South Ruimveldt,
Georgetown.*

Hon. Mr. Shurwayne F.K. Holder, M.P.,
*(Region No. 2 – Pomeroon/Supenaam),
Lot 55 Henrietta,
Essequibo Coast.*

Hon. Ms. Catherine A. Hughes, M.P.,
*(Region No. 4 – Demerara/Mahaica),
Lot 13 A, New Providence,
East Bank Demerara.*

Hon. Ms. Geeta Chandan-Edmond, M.P.,
*Lot 48 Atlantic Ville,
Georgetown.*

Hon. Mr. Sherod A. Duncan, M.P.,
*Lot 590 Good Hope,
East Coast Demerara.*

[Absent]

Hon. Ms. Volda Lawrence, M.P.,
*Lot 7 Freeman Street,
Castello Housing Scheme,
La-Penitence,
Georgetown.*

Hon. Ms. Dawn Hastings-Williams, M.P.,
*Lot 933 Block 1,
Eccles,
East Bank Demerara.*

Hon. Mr. Christopher A. Jones, M.P.,
*Opposition Chief Whip,
Lot 609 Conciliation Street,
Tucville,
Georgetown.*

Hon. Mr. Vinceroy H. Jordan, M.P.,
*(Region No. 5 – Mahaica/Berbice),
Lot 214 Lovely Lass Village,
West Coast Berbice.
C/o Christopher Jones*

Hon. Ms. Amanza O.R. Walton-Desir, M.P.,
*Lot 1285 EE Eccles Sugarcane Field,
East Bank Demerara.*

[Absent]

[Virtual Participation]

Hon. Ms. Coretta A. McDonald, A.A., M.P.,
*Lot 202 N, Fourth Street,
Alexander Village,
Georgetown.*

Hon. Mr. Deonarine Ramsaroop, M.P.,
*(Region No. 4 – Demerara/Mahaica),
Lot 40 Block 3
Craig Milne,
Cove & John,
East Coast Demerara.*

Hon. Mr. Vincent P. Henry, M.P.,
*(Region No. 9 – Upper Takutu/Upper Essequibo),
Shulidnab Village,
South Central,
Rupununi.*

(Culvert City Lethem)
Hon. Dr. Karen R.V. Cummings, M.P.,
*Lot 2 Belfield Housing Scheme,
East Coast Demerara.*

Hon. Ms. Tabitha J. Sarabo-Halley, M.P.,
*Lot 3382 Caneview Avenue,
South Ruimveldt Park,
Georgetown.*

Hon. Ms. Natasha Singh-Lewis, M.P.,
*Lot 1110 Plot 'B',
Herstelling,
East Bank Demerara.*

Hon. Ms. Annette N. Ferguson, M.P.,
*Lot 842 Eccles,
East Bank Demerara.*

Hon. Ms. Juretha V. Fernandes, M.P.,
*Lot 1282 Block EE,
Eccles,
East Bank Demerara.*

Hon. Mr. David A. Patterson, M.P.,
*Lot 151 Durbana Square,
Lamaha Gardens,
Georgetown.*

[Absent]

Hon. Mr. Ronald Cox, M.P.,
*(Region No. 1 – Barima Waini),
Mabaruma Compound.*

Hon. Mr. Jermaine A. Figueira, M.P.,
*(Region No. 10 – Upper Demerara/Upper Berbice),
Lot 136 2nd Street,
Silvertown,
Wismar, Linden.*

Hon. Mr. Ganesh A. Mahipaul, M.P.,
*Lot 14 Plantain Walk,
West Bank Demerara.*

Hon. Mr. Haimraj B. Rajkumar, M.P.,
*Lot 18 Public Road,
Johanna Cecilia,
(Region # 2 Essequibo Coast).*

Hon. Ms. Nima N. Flue-Bess, M.P.,
*(Region No. 4 – Demerara/Mahaica),
Lot 88 Nelson Street,
Mocha Village,
East Bank Demerara.*

Hon. Mr. Dineshwar N. Jaiprashad, M.P.,
*Region No. 6 – East Berbice/Corentyne),
Lot 80 Babu John Road, Haswell,
Port Mourant, Corentyne Berbice.*

Hon. Ms. Maureen A. Philadelphia, M.P.,
*(Region No. 4 – Demerara/Mahaica),
Lot 17 Block 1, Section F,
Plantation Belfield,
East Coast Demerara.*

Hon. Ms. Beverley Alert, M.P.,
*(Region No. 4 – Demerara/Mahaica)
Lot 169-170 Stanleystown,
West Bank Demerara.
c/o Lot 13 A, New Providence,
East Bank Demerara.*

[Absent]

Hon. Mr. Richard E. Sinclair, M.P.,
*(Region No. 8 –Potaro/Siparuni)
Church Street Mahdia.
Lot 4 Public Road,
Stewartville,
West Coast Demerara.*

Hon. Mr. Devin L. Sears, M.P.,
*(Region No. 10 – Upper Demerara/Upper Berbice),
Lot 90, Section C, Wismar, Linden.*

(ii) A New and United Guyana, Liberty and Justice Party and The New Movement (ANUG, LJP & TNM) (1)

Hon. Dr. Asha Kisooson, M.P.,
*Deputy Speaker of the National Assembly,
Lot 855, 3rd Field,
Cummings Lodge,
Greater Georgetown.*

Officers (2)

Mr. Sherlock E. Isaacs, A.A.,
*Clerk of the National Assembly,
Parliament Office,
Public Buildings,
Brickdam,
Georgetown.*

Ms. Hermina Gilgeours,
*Deputy Clerk of the National Assembly,
Parliament Office,
Public Buildings,
Brickdam,
Georgetown.*

Hansard Division Officers (14)

Ms. Allison Connelly,
Chief Editor

Ms. Marlyn Jeffers-Morrison,
Senior Editor

Ms. Shawnel Cudjoe,
Senior Editor

Ms. Shevona Telford,
Senior Editor

Ms. Carol Bess,
Editor

Ms. Indranie Persaud,
Editor

Ms. Lushonn Bess,
Editor

Ms. Roseina Singh,
Reporter

Ms. Somna Karen-Muridall,
Reporter

Ms. Eyoka Gibson,
Reporter

Mr. Daniel Allen,
Reporter

Mr. Parmanand Singh,
Pre –Press Technician

Mr. Saeed Umrao,
Audio Technician

Mr. Daison Horsham,
Audio Technician

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ANNOUNCEMENTS BY THE SPEAKER

Request for the Siting to be Postponed

Mr. Speaker: Hon. Members, when this particular sitting of the National Assembly was announced, I received a letter signed by the Hon. Member, Mr. David Patterson, on behalf of several Members of the Alliance for Change (AFC) asking that I postpone this sitting due to it being on the eve of Emancipation Day and noting that there were several activities scheduled.

I checked on two issues which were raised in the letter. One was that the notice was short. The notice given with eight clear days. The requirement is six clear days. That requirement was well debated in the Parliamentary Management Committee (PMC). The Hon. Member, Ms. Teixeira, would remember us sitting in the PMC and debating that. The Hon. Member then, Robert Corbin, had written the Speaker Ramkarran objecting to a sitting for which he said the six clear days should not include Saturdays and Sundays. There is a ruling on that. So, the time was in order. It was very in order.

The second issue raised in the letter by the Hon. Member, Mr. Patterson, was this being on the eve of this very special day tomorrow. We have had sittings on the eve of very special days in our country. For example, on the 22nd February, 2016, the day before our Republic Day celebrations, we had a sitting. On the 4th May, 2016, the eve of Arrival Day, we had a sitting. On the 13th April, 2017, the eve of Good Friday, we had a sitting. We also had a sitting on the 22nd February, 2021, the eve of Republic Day celebrations, also.

Letter sent to the Press by Member of Parliament

Following-up on that letter, I was put on alert – another Member raising a number of issues in a letter to the press. I do not conduct the business of the House in the press. This is the appropriate place for it. I have put the House on alert many times with respect to challenging the Speaker's Rulings. There is a process. Again, on alert, I want to put this again to the National Assembly. A number of issues were raised about imputing so many negative, discriminatory, lack of concern... I will say to those persons and the Members in this House, as far as I know and have been associated with them for decades, being on alert those issues may apply to the alertness of the person raising it.

With that said, we have a sitting today on the eve of a very important day. We will conduct ourselves in an efficient manner so that all the business of the House could be

concluded, and Members can also engage in other activities which they have scheduled for today.

PRESENTATION OF PAPERS AND REPORTS

The following Papers and Reports were laid:

- (1) (i) The Excise Tax (Amendment) Regulations 2024 – No. 42 of 2024.
- (ii) Amendment Agreement dated 24th May, 2024, to amend Export Finance Facility Agreement (No. CIE/BC-DL/Guyana/0020014380) dated 14th June, 2022, between the Co-operative Republic of Guyana, represented by the Ministry of Finance as the Borrower and UK Export Finance as the Lender, and the UniCredit Bank Austria AG as the Agent and Arranger, for an amount of EUR 161,016,949.15. This Amendment Agreement is to facilitate the inclusion of a Climate Resilient Debt Clause into the original Agreement. The clause would allow Guyana to defer debt service payments in the event of a severe climate shock or natural disaster.
- (iii) Amendment Agreement No. 1 dated 4th July, 2024, between the Cooperative Republic of Guyana and His Majesty the King in Right of Canada, as represented by the Minister of International Development, acting through the Department of Foreign Affairs, Trade and Development (Global Affairs Canada), to amend Term Loan Facility Agreement dated 22nd December, 2023, for an amount of CAD 120 million, between the two (2) abovementioned parties. The Amendment was made to the "Repayment Schedule" to include a second drawdown on this loan. This Amendment Agreement is necessary to facilitate the drawdown of the second tranche of CAD 39 million under the Term Loan Facility Agreement.
- (iv) Financial Paper No.1 of 2024 – Supplementary Estimates (Current) – Advances made from the Contingency Fund totalling \$8,566,812,000 for the period 1st April, 2024 to 30th July, 2024.
- (v) Financial Paper No. 2 of 2024 – Supplementary Estimates (Current and Capital) totalling \$32,182,604,021 for the period ending 31st December, 2024.

[Senior Minister in the Office of the President with Responsibility for Finance and the Public Service]

- 2 Audited Financial Statements of the Guyana Water Incorporated for the years ended 31st December, 2017 and 2018.

[Minister of Housing and Water]

The Senior Minister in the Office of the President with Responsibility for Finance and the Public Service indicated that the consideration of Financial Papers Nos. 1 and 2 of 2024 would be done at the next sitting of the National Assembly.

QUESTIONS ON NOTICE

[For Written Replies]

Mr. Speaker: Hon. Members, there are 13 questions on today's Order Paper. Questions number one to 11 are for Written Replies and questions number 12 to 13 are for Oral Replies. For Written Replies, we have questions one, two and three in the name of the Hon. Member, Mr. Patterson, and are for the Hon. Minister of Home Affairs. Questions number four and five are in the name of the Hon. Member, Mr. Patterson, and are for the Hon. Minister of Public Works. Question number six is in the name of the Hon. Member, Ms. Ferguson, and is for the Hon. Attorney General and Minister of Legal Affairs. Question number seven is in the name of the Hon. Member, Mr. Richard Sinclair and is for the Minister of Education. Question number eight is in the name of the Hon. Member, Ms. Amanza Walton-Desir, and is for the Hon. Minister of Foreign Affairs and International Cooperation. Questions number nine, 10 and 11 are in the name of the Hon. Member, Mr. Vinceroy Jordon, and are for the Hon. Minister of Agriculture. The answers to these questions have been received, except there was one deferral from the Ministry of Education. The answers which have been received are, therefore, in accordance with our Standing Orders and have been circulated.

(1) Disaggregated Statistics For Serious Crimes (Guyana Police Force)

Mr. Patterson: Could the Hon. Brindley Benn, M.P., Minister of Home Affairs, provide the following information, in written and digital formats: The Guyana Police Force's annual disaggregated statistics/data, for serious crimes (including, but not limited to – murders, manslaughters, assaults causing grievous bodily harm, robberies, burglaries, and all crimes involving the use of

firearms, and vehicular accidents) for the period 2017-September, 2023, in every Region and District.

Minister of Home Affairs [Mr. Benn]: The Guyana Police Force's annual disaggregated statistics/data, for serious crimes (including, but not limited to – murders, manslaughters, assaults causing grievous bodily harm, robberies, burglaries, and all crimes involving the use of firearms, and vehicular accidents) for the period 2017-September, 2023, in every Region and District:

Figures of Gun Related Deaths for the Years 2017 to September, 2023

| 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 1 st Jan-30 th September, 2023 |
|------|------|------|------|------|------|--|
| 22 | 21 | 10 | 27 | 24 | 13 | 13 |

Illegal Firearms Seized for the Years 2017 to September, 2023

| 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 1 st Jan-30 th September, 2023 |
|------|------|------|------|------|------|--|
| | 140 | 116 | 133 | 71 | 115 | 85 |

Gun Robberies for the Years 2017 to September, 2023

| 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 1 st Jan-30 th September, 2023 |
|------|------|------|------|------|------|--|
| 673 | 600 | 605 | 565 | 396 | 301 | 191 |

Ordinary Shooting Incidents For The Years 2017 To September, 2023

| 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 1 st Jan-30 th September, 2023 |
|------|------|------|------|------|------|--|
| | | | | | 2 | |

| | | | | | | |
|----|----|---|---|----|----|----|
| 18 | 13 | 8 | 5 | 14 | 18 | 33 |
|----|----|---|---|----|----|----|

(2) Disaggregated Statistics For Fires (Guyana Fire Service)

Mr. Patterson: Could the Hon. Brindley Benn, M.P., Minister of Home Affairs, provide the following information, in written and digital formats: The Guyana Fire Service's annual disaggregated statistics for fires, including those claiming lives, for the period 2017 – September 2023, in every Region and District.

Mr. Benn:

Answer was not circulated.

(3) Disaggregated Statistics For Firearm Licenses

Mr. Patterson: Could the Hon. Brindley Benn, M.P., Minister of Home Affairs provide the following information, in written and digital formats: Could the Minister of Home Affairs state how many firearm licenses, disaggregated by year, for all calibres, have been issued for the period 2017 – September 2023?

Mr. Benn:

Approvals granted for year 2017

| Type of Firearm | # Granted |
|-------------------|-------------------|
| Pistols/Revolvers | 266 |
| Shotguns | 150 |
| Rifles | 33 |
| Total | <u>449</u> |

Approvals granted for year 2018

| Type of Firearm | # Granted |
|-------------------|-------------------|
| Pistols/Revolvers | 286 |
| Shotguns | 279 |
| Rifles | 39 |
| Total | <u>604</u> |

Approvals granted for year 2019

| Type of Firearm | # Granted |
|-------------------|-------------------|
| Pistols/Revolvers | 170 |
| Shotguns | 59 |
| Rifles | 25 |
| Total | <u>254</u> |

Approvals granted for year 2020

| Type of Firearm | # Granted |
|-------------------|-------------------|
| Pistols/Revolvers | 253 |
| Shotguns | 109 |
| Rifles | 66 |
| Total | <u>428</u> |

Approvals granted for year 2021

| Type of Firearm | # Granted |
|-------------------|--------------------|
| Pistols/Revolvers | 663 |
| Shotguns | 201 |
| Rifles | 147 |
| Total | <u>1011</u> |

Approvals granted for year 2022

| Type of Firearm | # Granted |
|-------------------|------------------|
| Pistols/Revolvers | 72 |
| Shotguns | 24 |
| Rifles | 0 |
| Total | <u>96</u> |

Approvals granted for year 2023

| Type of Firearm | # Granted |
|-------------------|-------------------|
| Pistols/Revolvers | 131 |
| Shotguns | 37 |
| Rifles | 10 |
| Total | <u>178</u> |

(4) Cost Associated with Terminated Conversation Tree Road Project

Mr. Patterson: The contract for the expansion of the Conversation Tree roadway between the Ministry of Public Works and Kalco Guyana Inc., has been terminated due to poor performance: -

- (i) Could the Honourable Minister provide this National Assembly with the contract sum and construction period of the now terminated project?
- (ii) Could the Honourable Minister also provide this National Assembly with the total amount paid to the contractor, inclusive of advances, for works done on the project?

(iii) Could the Honourable Minister further provide this National Assembly with the amounts paid by the Contractor in liquidated damages, as well as other penalties associated with the prolonged delays?

Minister of Public Works [Bishop Edghill]:

(a) The contract sum for the project that was amicably settled, and not terminated, was eight hundred and thirty million, two hundred and ninety-three thousand, four hundred and fifty-eight Guyana dollars (\$830,293,458) and the construction period was 5th September, 2022 to 5th November, 2023.

(b) A total of four hundred and sixty-five million, two hundred and twenty-three thousand, four hundred and seventy-four Guyana dollars (\$465,223,474), inclusive of advance for works done on the project, was paid to the contractor.

(c) It must be noted that no liquidated damages were deducted, and no other penalties were administered for the prolonged delays, since there was an amicable settlement between the Ministry and the contractor. The Ministry would have taken possession of the contractor's vehicle and equipment to the value of one hundred and fifty-three million, six hundred thousand Guyana dollars (\$153,600,000) to cover the recovery of outstanding monies on the advance payment.

(5) Conversation Tree Road Project

Mr. Patterson:

(1) Could the Honourable Minister inform this National Assembly of the method of procurement used to award a contract to S. Jagmohan Construction and General Supplies Inc. for the roadworks to the western section of Conversation Tree?

(2) Could the Honourable Minister provide this National Assembly with the contract sum and construction period of this contract?

Bishop Edghill:

(a) The Sole Source Method was used to procure the services of S. Jagmohan Construction and General Supplies Inc. owing to the fact the contractor had recently substantially completed the eastern section in a fairly timely manner. The

contractor was acquainted with the site conditions and works are of a similar nature, in addition to not fully demobilised from the site.

(b) The contract sum for the aforementioned project is eight hundred and forty-four million, twenty-seven thousand, nine hundred and eighty-eight Guyana dollars (\$844,027,988). The construction period is six (6) months; 30th April, 2024 to 29th October, 2024.

(6) Court Cases Handled by the Attorney General's Chambers

Ms. Ferguson: "The National Assembly approved appropriations for the Ministry of Legal Affairs to defray costs, for cases in the Courts of Guyana".

(1) Could the Minister of Legal Affairs provide a detailed list to the National Assembly of the number of cases where the Ministry represented the Government for the years 2022 and 2023?

(2) Could the Minister of Legal Affairs provide a list of retainers and their costs for the cases mentioned at (Q1) above, including payment dates?

(3) Could the Minister of Legal Affairs inform the National Assembly which procurement method was used to obtain the services of the retainers listed at (Q2) above?

(4) Could the Minister of Legal Affairs inform the National Assembly on the successes of the cases he provided at (Q1) above?

Attorney General and Minister of Legal Affairs [Mr. Nandlall]:

See attachment at Appendix 1.

10.37 a.m.

(7) Teachers' Salary

Mr. Sinclair:

1. Could the Minister inform the National Assembly how many teachers in regions (1-10), NET salary per month is less than one hundred and fifty thousand dollars (\$150,000) for Nursery, Primary and Secondary schools?

2. Could the Minister also inform the National Assembly how many teachers in regions (1-10), NET salary per month is more than one hundred and

fifty thousand dollars (\$150,000) but less than two hundred thousand dollars (\$200,000) for Nursery, Primary and Secondary schools?

3. Could the Minister further inform the National Assembly how many teachers in regions (1-10), NET salary per month is more than two hundred thousand dollars (\$200,000) but less than two hundred and fifty thousand dollars (\$250,000) for Nursery, Primary and Secondary schools?

Answers for questions 1-3 were deferred.

(8) International Agreements/Instruments on Migration

Ms. Walton-Desir: Could the Honourable Minister indicate the international agreements/instruments on migration, whether bilateral or multilateral, to which Guyana is a signatory?

Minister of Foreign Affairs and International Cooperation [Mr. Todd]:

International Treaties/Convention

1. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. New York
2. International Covenant on Civil and Political Rights. New York.
- a) Optional Protocol to the International Covenant on Civil and Political Rights. New York
3. International Covenant on Economic, Social and Cultural Rights. New York.
4. Convention on the Rights of the Child. New York.
- a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. New York
- b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. New York.
5. Convention on the Elimination of All Forms of Discrimination against Women. New York.
6. Convention on the Rights of Persons with Disabilities

7. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. New York.
8. International Convention for the Protection of All Persons from Enforced Disappearances.
9. International Convention on the Elimination of All Forms of Racial Discrimination.
10. United Nations Convention against Transnational Organised Crime. New York.
- a) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. New York.
- b) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime. New York.

List of Regional (non-binding) Mechanisms on Migrations

1. Los Angeles Declaration on Migration and Protection
2. The Quito Process
3. South American Conference on Migration

Brazil

A MOU between Guyana and Brazil for the creation of a Frontier Committee.

(9) Total Production of Sugar at the GUYSUCO Estates

Mr. Jordan:

(A) Could the Honourable Minister kindly state the total sugar production at the GuySuCo estates for the first crop of 2024 and the actual productions of the four factories Albion, Blairmont, Uitvlugt and Rose Hall for the first crop?

Minister of Agriculture [Mr. Mustapha]:

(A) (i) Sugar Production in the First Crop of 2024 was 6,738.9 Tonnes.

The low sugar production was a result of the devastating effects of the prolonged drought, which significantly restricted the growth of canes.

(ii) Below is the actual sugar production for the respective Factories:

| Estate | Sugar Produced (Tonnes) | Remarks |
|-----------|-------------------------|--|
| Albion | 0 | The Factory did not grind due to a Power House fire on February 3, 2024. |
| Rose Hall | 1,779.8 | - |
| Blairmont | 2,084.8 | - |
| Uitvlugt | 2,874.3 | - |

Mr. Jordan:

(B) What were the start and end dates for the first crop of each estate in the year 2024?

Mr. Mustapha:

(B) The start and end dates for the First Crop of each Estate in the year 2024 are as follows:

| Estate | Start and End Dates (First Crop, 2024) | | No. of Grinding Weeks |
|-----------|--|----------------|-----------------------|
| | Start | End | |
| Rose Hall | February 24, 2024 | April 3, 2024 | 6 |
| Blairmont | February 23, 2024 | April 23, 2024 | 9 |
| Uitvlugt | February 29, 2024 | April 15, 2024 | 7 |

Note:

Albion Estate did not grind for the First Crop of 2024, due to a Power House fire on February 3, 2024.

(10) Visiting Team of Engineers from Cuba

Mr. Jordan:

(A) Could the Hon. Minister state the propose of the visiting team of Engineers to GuySuCo from Cuba?

Mr. Mustapha:

(A) The Agricultural Engineering team of GuySuCo provides critical support to promote the

mechanisation of agricultural operations as a means of improving agricultural productivity and to better utilize available human resources. They are involved in agricultural mechanisation initiatives – field layout development and engage in training of staff and maintenance requirements of field and factory equipment.

Additionally, the Agronomist will support the Agriculture Department with improvements in agronomic practices, and best practices generally.

Cuba with a long history of sugar can production has a lot of experience in the use of mechanisation and productivity practices. The team of Engineers and Agronomics from Cuba will support the agriculture and factory operations in GuySuCo on a contractual basis as part of the Guyana-Cuba co-operation agreement.

Mr. Jordan:

(B) What is the duration of the stay for the engineering team?

Mr. Mustapha:

(B) Twelve (12) months, based on performance.

Mr. Jordan:

(C) Which estates and factories would these engineers be placed in?

Mr. Mustapha:

(C) All four (4) Estates in GuySuCo (Albion, Rose Hall, Blairmont, and Uitvlugt).

(11) Study of Analysis Conducted on the Choice of Engineers

Mr. Jordan:

(A) Could the Hon. Minister provide a copy of the study or analysis conducted to determine the choice of engineers?

Mr. Mustapha:

(A) The choice of Engineers/Agronomists emanated as a result of GuySuCo's objectives of furthering agriculture mechanisation, which comprised field layout/designs and agronomic practices in keeping with mechanisation. These

includes soils, fertilisation and general agronomical practices.

As relates to the Factory, the need to improve overall efficiencies in the areas of milling and process house operations, and boilers and steam generation have influenced the choice of Engineers.

Having reviewed possible sources of engineers from outside of Guyana, Cuba was found to have had a long history of cane sugar production and productivity which matched GuySuCo's needs. It was therefore the logical country to go to in close proximity to Guyana for highly technical competent staff.

Mr. Jordan:

(B) What is the expected outcome or results expected from the team?

Mr. Mustapha:

(B) Improvement in the Field and Factory operational parameters to increase higher levels of cane and sugar production on all Estates.

Mr. Jordan:

(C) Was there an extensive search for competent engineers locally before venturing abroad?

Mr. Mustapha:

(C) Yes, given the shortage of engineers, GuySuCo on several occasions advertised locally but the hope for results did not materialise. This resulted in securing the services of foreign engineers.

Mr. Jordan:

(D) Why is it that the current core of engineers at GuySuCo is not fit to accomplish what the foreigners intend to do?

Mr. Mustapha:

(D) There is no question as to the competency of the current core of Engineers in GuySuCo. The issue, however, is the shortage of Engineers, which resulted in the hiring of foreign engineers.

[For Oral Replies]

Mr. Speaker: For Oral Replies, question number 12, Hon. Member, Ms. Annette Ferguson, you may now ask your question of the Hon. Minister of Housing and Water.

(12) Community Playground in Lust-En-Rust, Housing Scheme, West Bank Demerara

Ms. Ferguson: Good morning, once again, Mr. Speaker and to the Hon. Members of this House. Happy to be back in the House, nevertheless. The question standing in my name came as a result of me doing a church scoping sometime late last year amongst my brethren in the Lust-En-Rust area. Whilst on the ground, the residents raised the issue about the area that was initially designated for the community grounds. With that being said, I will just give a backdrop as to the reason for the questions being put.

Could the Hon. Minister explain to the National Assembly the reason or reasons for converting the area designated for a community ground into house lots?

Minister of Housing and Water [Mr. Croal]: In reply to the Hon. Member, first of all, I would like to start off by saying that the premise that we converted a designated playfield or playground is not correct and is misleading. What we did however was convert a portion of land which is no different from what we have been doing when we have relocation processes or when we are even regularising. I have with me here, the Master Plan for Lust-En-Rust. I will answer questions number one and two together as they are correlated – they are kind of repeating.

The Hon. Members can check plan numbered 57616, dated 22nd January, 2014. We have here an assigned, 4.707 acres, parcel 3923. It is an open space that is recorded on the plan but not for a playfield. Those are there for when we are designing areas for future planning, whether it is for secondary schools, government facilities, as may be deemed in the future. I will go to whom we moved. Not too distant away, there are two areas which have been identified for playfields and this is in the Master Plan. That is to the left and the other one is to the right of the very area we converted. One is 1.023 acres of land, and the other is 1.742 acres of land. I refer here to Parcels 3696 and 4144. Let me give you a better version.

[The Hon. Member displayed a document.]

The area in green is the portion highlighted that is an open space. The open areas to the left and to the right are the two areas designed as playfields. So, now that I have answered

that part, may I give a background on the persons we are relocating. There were 46 residents who were occupying a dam, Cameron Dam. There is a road reserved between Canals Number One and Number Two. Those persons could not be regularised because that road is required for farm-to-market, and it will connect both Canals Number One and Number Two. I am not referring here to the conservancy, there is a dam before that.

In September, 2022, the Ministry engaged all those persons who occupied Cameron Dam. A follow-up outreach was done in January, 2023. That exercise was led by yours truly and a number of commitments were made to those persons who were relocating. We had to obviously find an area that we could relocate persons. This exercise is no different from when we are confronted with relocation. For example, Cane View, which is normally refers to as the Mocha portion, there were two areas within Farm and Herstelling that we took in and redesigned to accommodate persons to be relocated. The current relocation of persons who are on the bridge alignment, we have identified areas that we can accommodate. Those persons were accommodated within Providence and Covent Garden. The relocation of persons is nothing new. That is an ongoing process. In fact, the Hon. Member herself, in the very short term that she actually went into her office, moved some persons from Broad Street who were accommodated on the East Bank of Demerara. I do not know how much time I am permitted, but I have with me here all the examples. I have 27 references of where we have had to relocate persons and where we put them.

[The Hon. Member displayed a document.]

The exercise is nothing new. That would be my initial response to the Hon. Member.

Mr. Speaker: Thank you Hon. Minister. Is there a follow-up?

Ms. Ferguson: Thank you very much, Mr. Speaker. I do not have a follow-up because what the Hon. Member was able to do was answer both questions altogether. However, in so doing, I want to point out two things, one being that the Hon. Member made reference to documents like a master plan for the area and all manner of things. So, it would be good for the Hon. Member to have those documents circulated. This is because I need to go back to the community to let the people know the reason for lands being occupied.

Also, I just want to place on record that the Hon. Member, just before he responded, made reference to me coming to this House with misleading information. I want this Hon.

Member and the entire House to know that I, Annette Ferguson, do not come to this National Assembly to mislead this Assembly nor the people of Guyana. I made it clear that I was on the ground, the people complained to me and, by right, as the people's representative, I have to bring it to address it here – to seek queries.

On the issue of relocation, the Hon. Member made reference to the Coalition Government relocating residents of Broad Street. While I commend the Hon. Member for mentioning that I also want to put on record that a caring Coalition Government did not just move the people and dump them anyhow, we gave them built structures with electricity and water – a complete infrastructure. This is because what is happening with the people in Lust-En-Rust, they do not have water and electricity. I just want to put that on record. Thank you very much.

Mr. Speaker: Thank you, Hon. Member, Ms. Ferguson. Hon. Minister, you may want to put a few things on record too.

Mr. Croal: A caring PPP/C Government relocated persons from Cane View, provided free processing of titles and transports for that area for all resident; provided access to the connection of both water and electricity; relocated persons for free through the State. A caring PPP/C Government, for the people of Cameron Dam – were relocated free of state through the PPP/C Government. They were offered support through the Steel and Cement Initiative to help with their foundation. Included in the relocation of the Cameron Dam was locked, stocked and barrelled, including the church they had in Cameron Dam. The opportunity to access all services is there, provided free of cost. I can put here, if you want to warm me up, I can give you a list from the caring PPP/C Government where we have moved persons, the twenty-something movements we have done from 2020 to now. Is that it, Hon. Member?

Mr. Speaker: Thank you, Minister. The Hon. Member had asked if you could lay that Master plan over.

Mr. Croal: I refer the Hon. Member to Master Plan No. 57616, dated 2nd January, 2014. As the former Minister of Housing and Water, the Hon. Member will be aware of how and what I am speaking about.

Mr. Speaker: Thank you, Minister. We are not going to engage in statements.

Ms. Ferguson: No, Mr. Speaker.

Mr. Speaker: Go ahead, Ms. Ferguson.

Ms. Ferguson: Mr. Speaker, thank you very much. The Standing Order is very clear. When we make reference to documents or articles, they must be laid over. So, I am not going to go searching and looking for master plan numbered x, y or z. The Hon. Member made reference to that plan and, by right, he must circulate it in this House.

Mr. Speaker: Thank you very much, Hon. Member.

(13) Cliff Anderson Sports Hall

Ms. Flue-Bess:

(1) Could the Honourable Minister inform this House what is the total sum spent to date on the rehabilitation of the Cliff Anderson Sports Hall?

(2) Could the Honourable Minister also inform this House how much of the 2024 Budgeted allocated sum will be spent on the rehabilitation of the Cliff Anderson Sports Hall?

(3) Could the Honourable Minister also state what aspects of the rehabilitation works have been completed to date at the Cliff Anderson Sports Hall?

Answers for questions 1-3 were deferred.

PUBLIC BUSINESS

GOVERNMENT'S BUSINESS

BILLS – Second Readings

Matrimonial Causes (Amendment) Bill 2024 – Bill No. 10/2024

A BILL intituled:

“An ACT to amend the Matrimonial Causes Act”

[Attorney General and Minister of Legal Affairs]

Mr. Speaker: Hon. Members, we will now proceed with the second reading of the Matrimonial Causes (Amendment) Bill 2024 - Bill No. 10 of 2024 published on the 5th July, 2024. Hon. Attorney General and Minister of Legal Affairs, Mr. Mohabir Anil Nandlall S.C., you have the floor.

10.52 a.m.

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Good Morning, Mr. Speaker and Hon. Members of the House. The Matrimonial Causes (Amendment) Bill 2024, Bill No. 10 of 2024 is before us for its second reading. From the life of this Parliament, September 2020 to now, we brought nearly 100 Bills to this House that touched and

concerned almost every conceivable area of national life. The intention of all those Bills was to impact positively the lives of our people and to ensure that we live in a more modern and regulated society. The Bills we brought before touched various sections and sectors of our population more than others. This Bill, the Matrimonial Causes (Amendment) Bill 2024, and the Bill we will debate later, the Family Violence Bill, are perhaps two Bills that will touch the lives of every single Guyanese in a manner so intimate, more than any of the Bills that we have brought so far.

The Matrimonial Causes (Amendment) Bill 2024 deals with the fundamental institution of the family and marriage. The Principal Act, the Matrimonial Causes Act, is that law that regulates the institution of marriage and divorce, as well as issues ancillary thereto. The family being the nucleus upon which our society is built, obviously will impact every single Guyanese. Therefore, this Bill has far-reaching ramifications for the family in Guyana and for every single citizen. Perhaps, if only for the records, I will briefly give an overview of the historical evolution of our matrimonial law. When the Dutch ceded British Guiana to the English, the English supplanted their legal system upon Guyana. At that time, divorces, family law and matrimonial law were within the jurisdiction of the ecclesiastical courts of England and were governed by what is called the Canon Law.

In 1873, they passed the first Matrimonial Causes Act in the United Kingdom (UK) and removed the jurisdiction from the ecclesiastical courts and placed it within the bosom of the Supreme Court of Judicature. That was the first movement of our family law from the religious realm into the proper legal system of the United Kingdom. At that time, you had only one ground for the dissolution of marriage, and that was, adultery. So, to get a divorce, one had to prove before a judge that a party, the other side, committed the terrible offence of adultery. That was the law. It was sin based, having evolved from the tenets and canons of the Roman Catholic Church.

In 1912, the Royal Commission of the United Kingdom commissioned a review of the matrimonial law of England, and out of that came the 1937 Matrimonial Causes Act of the United Kingdom. It was that Act we received as part of our colonial legacy and it was that Act that, up to today, forms our matrimonial law. So, our Matrimonial Causes Act, Chapter 45:02, is essentially an Act that is about 90 years old, and that is the law governing matrimony in Guyana. In that Act, there were additional grounds upon which you could dissolve a marriage. You had added to adultery: cruelty, sodomy, desertion and bestiality. I think, those were

the exhaustive grounds. So, to get a divorce, you had to prove that the respondent was guilty or is guilty because it is still the law, of one of those wrongs before you got a disillusion of that marriage. As I said that position obtains today.

The fact that we have a law that is nearly 90 years old governing marriages in Guyana without more, makes a case for reform. What societal values were 90 years ago, what family values were 90 years ago and what social realities and legal realities were 90 years ago, are radically different from what they are today. So, by a sheer passage of time, this law requires reform and reform has been done right across the Commonwealth. This Act that we have today in Guyana, for example, was repealed in England itself since 1973, 51 years ago, but 51 years, hence, we have persisted with it.

The other important issue that one must recognise also is that the relationship between the two genders have changed drastically. Ninety years ago, there was no equality between a man and a woman. I am hearing that there is still not yet, but I am speaking from the position of a Constitution, which is the supreme law of our country, and which guarantees equality of sexes, equality of treatment, and freedom from discrimination, on the basis of gender, race, sex, *et cetera*.

In our Matrimonial Law, there are several areas and several provisions in which one does not have equal treatment, and equal facilities extended to the different genders – to the husband and to the wife – so that needs to be addressed. It came to fore in a matter which was filed recently in the High Court of our country, where a man challenged a particular provision – a husband – of the Matrimonial Causes Act, that only permitted a wife to seek alimony upon the dissolution of the marriage. The man, invoking Article 149 of the Constitution, which protects every citizen of Guyana against discriminatory treatment on the basis of gender, race, religion, sex, *et cetera*, argued that this thing is discriminatory. My wife can seek alimony against me, but I cannot reciprocate. The Attorney General was the respondent in the case. The argument was that the provision in the Matrimonial Causes Act collided with the equal treatment provision in the Constitution and the discriminatory provision in the Constitution. I conceded that the Act indeed was offensive to the different provisions of the Constitution which spoke to equality of treatment. We gave an undertaking that we would come to the Parliament to correct that unconstitutionality. In any event, the learned Chief Justice, presiding in the case, struck the provision down as being unconstitutional.

Then there is, as I articulated earlier, the fault-based system in our divorce law. As I said in our divorce law, one has to prove that the other side committed or is guilty of one of the wrongs that constitute the grounds upon which a divorce can be granted. If one cannot establish that, then one's petition for a divorce fails. Whether you and the husband, or you and the wife had an intolerable relationship or whether you had an irretrievable breakdown, you remain married to that person because you are unable to prove to the satisfaction of the court of competent jurisdiction that your partner is guilty on one of those grounds. When I get into the Bill, I will go through those grounds. That has led to untold social damage and has forced parties, in order to establish one of these grounds to the satisfaction of a court, to publish a lot of things that ought not to be in the public domain about the other side, such as, bedroom matters, highly personal matters, embarrassing matters, and, most importantly, matters that will cause and have caused further destruction to an already strained relationship between a husband and wife who are expected to continue to interact in civility and in a civil manner, more particularly, because they have children, for example. They need to still parent those children. They have matrimonial assets that they have to civilly sit down and share in accordance with the law or divide in accordance with the law, having regard, most importantly, for the future welfare of the children.

So, you have two persons who are pitted against each other in a highly adversarial environment, forced by provisions of the law to say the nastiest things about each other and engage in protracted litigation, lasting years sometimes, and, at the same time, are expected to civilly deal with the children's issues, maintenance, children education, *et cetera*. You and I know what happens in those circumstances. There is an African proverb that says, *When the elephants fight, the grass is destroyed*. When the two parents fight, most of the times, the children suffer the consequence.

11.07 a.m.

Recognising that you cannot keep two parties, two human beings who enjoy autonomy and who enjoy the freedom to choose, locked in matrimony against their will because they may be unable to prove, to the satisfaction of a court, a particular ground for a divorce that is 100 years old.

Societies in the Commonwealth, in the United States of America (USA), in England and across the Caribbean have moved into a different direction. They have formulated and inserted in their law that if two parties cannot live together anyone, if the marriage suffers an irretrievable breakdown,

or the marriage is irredeemably or irremediably broken down, then what is the sense of keeping the two people chained legally together in matrimony? They have allowed parties to go their separate ways, with the acceptance of the fact that they have been unable to live together. The truth of the matter is, in many cases in Guyana, that has been the practice already. Persons have been forced, essentially, to perjure themselves in order to get a divorce. One side has agreed not to contest, and all sorts of backdoor deals have been entered into in order to get a smooth, non-contentious and civil dissolution of the marriage for the benefit of all.

This Bill changes that. We tried, years ago, to do it but there was some resistance from some segments of our population. This time around, consultations were held, and I believe those segments of the population that felt strongly about this matter have now changed their view. That is another wave of amendments that we bring in this Bill. There is another concept in our law that has been overtaken by legal and social realities. It is the ancient concept of restitution of conjugal rights. If you and your wife are estranged, and you do not want a divorce, you can approach a court now and get an order directing your wife to come back into the home, by order of the court. So, you are forcing a person to live, to cohabit, with a person with whom they wish not to cohabit.

The law of rape has developed and advanced so far that it is possible for a man to rape his wife. [**Ms. Manickchand:** And *vice versa*.] I do not know about *vice versa*. I will say a man raping his wife because rape still has a definition of penetration. You now have a position where one can get a judge to make an order to allow forced sexual relations. As I said, that constitutes rape or that constitutes some form of sexual violence. That is completely out of sync with current social and legal realities. That is another wave of amendments that this Bill seeks to introduce.

The Bill also amplifies the grounds that a court must take into account when examining the issue of maintenance and when to grant maintenance and the type of orders that a court can make when treating with alimony and maintenance. The Bill, as I said in that overview, has some very-wide ranging changes with deep and far-reaching ramifications.

Clause 2 of the Bill introduces a Definition section which is not in the principal Act. Why a definition section is needed is because of the changes that have taken place over the years in the law of matrimony and in the law of family. We had to define who is a spouse. In 1937, 90 years ago, a spouse could only have been a legal spouse because no common law relationship was recognised by the law at that

time. When the Matrimonial Causes Act speaks about a spouse... and if we were to continue using the term spouse, it can lead to ambiguity. We put a definition of spouse to differentiate it from a common law union spouse, which is also recognised under a different legislation.

Spouse means, at clause 2, a man and a woman who are married to each other and which marriage is registered under the Marriage Act. We had to be very specific because one can marry in common law under religious rights. You can do the *Nikkah* and you can live for five years and, for all intent and purposes, has become a legally married wife, with all the powers and privileges enjoyed by a legally married person in the traditional sense. The same thing can be said of marrying under the Hindu religious rights of the *Marro*. Once one takes that ceremony and you register it under the Marriage Act, that is when it becomes a legal marriage for the purpose of the Matrimonial Causes Act. Here is where one can get a divorce. Under the common law union, though your union is recognised, and you can get all the rights of a married woman or a married man, you do not have to dissolve that because it was never solemnised under the Marriage Act. We are drawing that distinction in the Definition section.

We have also defined marriage to include a void marriage. This is where one can enter into a ceremony of marriage, register it under the Marriage Act, not knowing at the time that it is void. Hon. Member, Ms. Ferguson, you can marry your loved one not knowing that he was married at the same time to someone else. That marriage, when you recognise that he was married before, becomes a void marriage but it is still recognised under this Act because you will not be deprived of what you would have been entitled to, had the marriage been lawful. When you remarry, you may use the term, 're-marry', since your earlier marriage was void, this new marriage now will be your first marriage. The Definition section takes care of those eventualities.

Clause 3 of the Bill, as I said, abolishes the restitution of conjugal rights. I explained the reason for the abolition. That is no longer part of our law. It is outmoded and it has been removed from the books of every country that I have looked at. We have removed that.

There is another concept called judicial separation which we have retained. Short of a divorce, one could go to a judge and get an order for judicial separation. It is hardly ever used but it is still in the statute books. We did not see any harm in keeping it there. The same grounds upon which one can get their marriage dissolved – cruelty, desertion, bestiality, sodomy, adultery, *et cetera* – are the same grounds on which

one can get judicial separation. What we have done since is, we have added a new ground to divorce, which I will speak to later, we have added a new ground, correspondingly, to judicial separation. That is what clause 3 does. As I said, there are a series of provisions that are in the Bill which change the relationship between husband and wife in the Act so as to put them on equal footing. There are a series of provisions in the principal Act that confer protection upon a wife but does not, reciprocally, confer such protection on the husband. In those provisions, we have brought equality and equilibrium.

Clause 4 is one of them. In the eventuality of a particular situation, the wife’s property was offered protection only. We have extended that protection to the husband’s property as well.

Clause 5: again, there were orders that only the wife could have gotten under judicial separation. We have now extended them to apply to the husband.

Clause 6 provides for payment of alimony to the wife or the wife’s trustee. Again, we have made that applicable to the husband.

Clause 7: the same type of equal treatment being inserted to ensure that the wife and the husband are on the same footing. Clause 8 is the same thing.

Clause 9 is where the principal Act speaks the dissolution of the marriage. Perhaps, as this is one of the pivotal issues in the Bill, I might as well read clause 9 in its entirety:

Clause 9 (1) states:

“A petition for divorce may be presented to the Court either by the husband or the wife on the ground –

- (a) that the respondent has since the celebration of the marriage been guilty of adultery or malicious desertion with or without adultery; or
- (b) that the respondent has since the celebration of the marriage treated the petitioner with cruelty; or
- (c) that the respondent is incurably of unsound mind and has been continuously under care and treatment for a period of a least five years immediately preceding the presentation of the petition, and by the wife on the ground that her husband has since the celebration of the

marriage been guilty of rape, sodomy or bestiality;”

That is on the part of the wife. Then, we are adding this:

“(d) of irreconcilable differences which has caused the immediate breakdown of the marriage.”

11.22 a.m.

So, one can prove those grounds. We are not taking away those grounds. Anyone who wishes to go to court and go the traditional method of proving fault has the right and the freedom to do so. But those who wish not to travel that road that has been so arduous, as established by experience, can now go on the ground that they have an irretrievable breakdown of the marriage due to irreconcilable differences, and it gives one the right and the freedom not to detail what they are. So, you do not have to give all of the gory details. The two parties go before a judge and they say, “Your Honour, this marriage cannot work. We have irreconcilable differences. This marriage has broken down and we want to move on with our separate lives.” That is what this allows to take place now, subject to one caveat.

That caveat is that the parties must establish to the satisfaction of the court that they have been living separate and apart for at least six months before the presentation of the petition. Why? It is because you want an opportunity to see whether there can be a reconciliation. So, the parties can have that period. Then, one can also argue that the six months would show the court that this is not a collusion between the two parties; that there is actually a separation; and that they have not been living together as man and wife for at least six months immediately prior to the presentation of the petition. We have not left it there. We have now proceeded to explain further by inserting immediately this subsection:

“(a) the parties to a marriage may be held to have separated...

So, that six-month period can constitute separation.

“...notwithstanding that cohabitation was brought to an end by the action or conduct of only one of the parties.”

So, one of the parties not cohabiting is sufficient. Then, the other part of it reads:

“(b) the parties to a marriage may be held to have separated and to have lived separately and apart, notwithstanding that they have continued to reside in

the same residence, or that either party has rendered some household services to the other.”

So, practically, persons have been forced to continue in an unhappy matrimonial relationship simply because they do not have anywhere else to go. As a result, they are forced to live in all sorts of conditions. This provision allows the parties who may not be able to move out to prove separation...because remember, you have to show separation six months prior to the presentation of the petition. So, if you do not have anywhere to go, you can stay in the house. The two parties can live under the same roof, but live separate and apart, and you can still continue to have a civil relationship. If it is that you want to continue cooking for the man because he is not your enemy...as I said, this whole provision is to ensure that there is a harmonious relationship after the divorce. It conduces to the parties, though cohabitation may end and though martial relations may end, to continue to perform particular household chores or household services as the parties may determine between themselves. As I said, it is intended to ensure that there is affection and that there is not wrath, anger and hostility permeating the relationship. That is not what we want between a husband and wife after their marriage ends. We want them to continue to live in civility at least.

Clause 10 amends section 14 of the principal Act. This is the section that I spoke about, which was the subject of review by the High Court recently. It now provides for either the husband or the wife to receive maintenance or alimony after the divorce. The clause sets out, in great details, the factors that a court ought to take into account in determining quantum, *et cetera*. I will share it briefly with you.

“(3) In determining the quantum of maintenance a party to the marriage may be entitled to under this section, the Court shall have consideration of the following matters only –

- (a) the age and state of health of each of the parties;
- (b) the income, property and financial resources of each of the parties and the physical and mental capacity of each of them for appropriate gainful employment;
- (c) whether either the party has the care or custody or control of a child of the marriage...;
- (d) the financial needs and obligation of each of the parties...”

And there is a whole long list of over 12 factors that the court is free to take into account in determining the appropriate quantum. Then, it also deals with the types of orders that can be made. The court has the power to make lumpsum payment, monthly payment, weekly payment, or any other periodic instalment and a whole host of other types of orders that the court can make in the interest of justice that the case may require.

The other section, 14B, for example, deals with the cessation of those orders. Maintenance is a personal thing. A husband is entitled to maintain a wife, for example, for the rest of his or her life, not beyond. That is correct. So, your beneficiaries are not entitled to the proceeds of a maintenance order. On the other hand, if the person who is directed to make the order dies, then that person's personal representatives may be compelled to continue to make the maintenance order because the wife or husband is still alive, and those are debts that flow from the estate. So, not because you die, it means that you have to stop paying. If the beneficiary of the order is alive and the order is for the remainder of that person's life, then your personal representatives would have to continue making payments. Different considerations would also apply if the person remarried because one is not supposed to pay maintenance after the person remarries, unless, of course, there are exceptional circumstances that would require the payment of orders in those cases.

Then, Mr. Speaker, we have certain consequential amendments. We had to amend certain Acts that require application for maintenance, *et cetera*, in the High Court and in the Magistrate's Court. Those amendments have been made. They are consequential; they are ancillary; and, therefore, I would not address them. So, that in a nutshell, are the merits of the amendments that are before the National Assembly, and I ask that we support them. Thank you very much [*Applause*]

Mr. Rajkumar: Thank you, Mr. Speaker. Mr. Speaker, the Constitution of the Republic of Guyana guarantees its citizens protection against discrimination. Article 149 (1) provides:

“Subject to the provisions of this article –

- (a) no law shall make any provision that is discriminatory either of itself or in its effect; and
- (b) no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the

functions of any public office or any public authority.”

Article 149 (d) provides that the State shall not deny any person equality before the law or equal protection and benefit of the law. Paragraph 2 of the said article provides that the State shall, for the purpose of promoting equality, take legislative and other measures designed to protect disadvantaged persons and persons with disability. Our Constitution, the supreme law of the land, provides that all citizens must be treated equally and prohibits discrimination in all forms. The Matrimonial Causes Act, Cap. 45:02, Laws of Guyana, in its current form, contains some sections which are discriminatory in nature. The proposed amendments of Bill No. 10 of 2024, Matrimonial Causes (Amendment) Bill 2024, seek to remove the discriminatory provisions so as to bring the law into conformity with the Constitution. We, on this side of the House, support the amendments proposed by Bill No. 10 of 2024.

When we examine section 4 of the principal Act, we find that this section deals with an order of protection for the wife’s property only. Clause 4 of Bill No. 10 of 2024 seeks to amend section 4 of the principal Act so as to make provision of this section available to husbands as well.

Section 6 of the principal Act only provides for the payment of alimony to a wife or a wife’s trustee. It does not provide for any payment of alimony to a husband or husband’s trustee. Clause 6 of the Bill seeks to amend section 6 of the principal Act to include payment of alimony to a husband or a husband’s trustee as well.

Section 7 of the principal Act provides for a property acquired by a wife after judicial separation to be protected. It does not offer any protection for a husband’s property acquired under similar circumstances. Clause 7 of the Bill seeks to amend section 7 of the principal Act so that property acquired by the husband after judicial separation is also protected.

Section 8, in its current form, provides for a husband to be liable for necessary supplies to his wife. Here again, only the husband is liable. The amendment proposed by clause 8 seeks to make the provision applicable to a wife as well. The amendments proposed by clauses 4, 5, 6, 7 and 8 aim to make the provisions under sections 4, 5, 6, 7 and 8 of the Matrimonial Causes Act applicable to both husband and wife and bring these sections in conformity with the Constitution, putting a wife and husband on equal footing.

Section 9 of the Matrimonial Causes Act provides for the grounds on which a person may petition the court for dissolution of marriage. Clause 9 (1) (d) of the Bill seeks to provide an additional ground under which the party to a marriage may petition for a divorce.

11.37 a.m.

Clause 9 (d) proposes the ground of irreconcilable differences which has caused irremediable breakdown of marriage, provided that the husband and wife have been separated and have since lived apart for a continuous period of at least six months immediately preceding the presentation of the petition.

Mr. Speaker, it is my understanding that irreconcilable differences, which causes the irremediable breakdown of a marriage, refers to a situation where there is disagreement between husband and wife to such an extent that they cannot resolve their differences so as to coexist within the marriage in a state of civility. It is my opinion that in such circumstances, where the parties cannot reconcile their differences, the best solution is for the parties to dissolve the marriage. If a husband and a wife cannot resolve their difference so as to continue to cohabit in a civil manner after six months of separation, and one party wishes to dissolve the marriage, then this ground would now be available to them.

Clause 9(b) seeks to include subsection 1A, which clarifies the concept or what is meant by separated. Subparagraph (a) provides that the parties to a marriage may be held to have separated, in circumstances where one of the parties, by their action or conduct, brought the cohabitation to an end. Subparagraph (b) provides that the parties to a marriage may be held to have separated and to have lived separately and apart, even though they may reside in the same residence, or that either party has rendered some household services to the other. In situations where a party has brought cohabitation to an end, but one party has nowhere to go, may have his or her room in the same residence, and he or she may pay for the electricity and water bills used by both parties. In such circumstances, it may be held that the parties have separated. It does not mean that because parties of marriage are living together in the same house, they are not living separate and apart from each other. I see no reason for parties of marriage who have separated for more than six months, due to their disagreement which cannot be resolved, not to be given an opportunity to dissolve their marriage if they so choose.

Clause 10 of this Bill seeks to amend section 14 of the principal Act by removing the current section 14 and

replacing it with the new section 14 with five subsections. The current section 14 only provides for a husband to pay maintenance or alimony to the wife after a divorce. In the year 2023, a citizen brought an action in the High Court contending that section 14 of the Matrimonial Causes Act, Chapter 45:02, Laws of Guyana, was discriminatory and unconstitutional. The Court held that section 14 of the Matrimonial Causes Act is discriminatory on the basis of sex and gender and, therefore, unconstitutional, since it was in violation of article 149. It was also held that section 14 of the Matrimonial Causes Act violated article 149(d) of the Constitution since it does not secure equal protection and benefit of the law for all.

Section 14, in its current form, only provides for men to pay maintenance to former wives and not for women to pay maintenance to their husbands. The amendment proposed by clause 10 seeks to provide for either wife or husband to receive maintenance after divorce, bringing it into conformity with the Constitution. Section 14, subsection 3, also provided by Clause 10, sets out factors which the court shall consider when making an order for maintenance.

Section 3 comprises 12 things which are contained in paragraphs (a) to (l), which the court must consider when making an order for maintenance.

Clause 11 of the Bill inserts a new section 14(a), which provides for the general power of the court with regard to making orders for payment of maintenance to a party.

Section 14(b) provides for the circumstances under which maintenance orders may come to an end.

Section 14(c) provides for the modification of the maintenance orders in circumstances where the court is satisfied that the means of the parties have changed.

Mr. Speaker, the amendments proposed by clauses 12, 13, and 14 are acknowledged and supported. As I said, we do support the amendments of Bill No. 10 of 2024. This is the end of my submission on the consideration of the said Bill. Thank you very much. *[Applause]*

Minister within the Ministry of Housing and Water [Ms. Rodrigues]: Mr. Speaker, today will be recorded as a significant day in Guyana's history as we move closer to achieving gender parity. It is with tremendous pride that I rise to add my support to The Matrimonial Causes (Amendment) Bill No. 10 of 2024.

The history of gender equality has been a long and complicated one. Today, with the passage of these

amendments, there will be a victory for women, who will benefit the most from a no-fault divorce, with the inclusion of irreconcilable differences as a ground for divorce, and a victory for men in the case of payment of alimony and a giant step towards gender equality. The term 'no-fault divorce' does not appear in the amendment we are proposing, but I will refer to it a few times in my presentation for the simple reasons that it is self-explanatory, that it is easier to say than irreconcilable differences. In any case, irreconcilable differences is a sort of no-fault divorce, meaning both parties can agree to a divorce without having to assign fault to either party.

Mr. Speaker, this Bill proposes several amendments on which the Hon. Attorney General has adequately elaborated. I propose to only focus on the two major amendments only. First is the provision for the dissolution of a marriage on the ground of irreconcilable differences which has caused the irremediable breakdown of a marriage. The inclusion of irreconcilable differences as a ground for divorce effectively removes the requirement to prove blame or to make a case by providing evidence of wrongdoing of one spouse by the other for a divorce. The introduction of irreconcilable differences will undoubtedly enhance our jurisprudence and make it more peaceful and convenient for couples who have struggled with their marriage to bring it to an amicable end.

Even though it has taken us some time to arrive at this mature position in our legal framework, given the context of our local, conservative culture and beliefs, globally, there seems to be a resurgence of attacks on the freedom and liberty of women, such as the reversal of abortion rights in the United States of America (USA). In some conservative circles in the United States of America, a number of politicians and influencers are turning their attention to no-fault divorce and discussing its dissolution. For feminists, human rights activists, and others, no-fault divorce is an important buttress for gender equality and directly addresses issues like marital abuse. Before I go into the benefits of this legal amendment on the judicial system, families, and society at large, let us take a moment to reflect on the history and evolution of no-fault divorce.

Historically, divorce laws were completely fault-based, requiring one spouse to prove the other's wrongdoing, such as adultery, cruelty and abandonment. This made divorces difficult, contentious and scandalous. While we are not proposing to remove any of the existing grounds for divorce, which require proof of fault, we are proposing a no-fault ground in the form of irreconcilable differences. Essentially, irreconcilable differences became a legal ground for divorce

as part of a broader movement towards no-fault divorce aimed at simplifying the legal process and reducing the adversarial nature of divorce. Irreconcilable differences as a ground for divorce has its origins in the move towards no-fault divorce laws, which began in the late 20th century. The introduction of irreconcilable differences in California, with the passage of the Family Law Act of 1969, sparked a nationwide movement towards no-fault divorce. By the 1980s, nearly all US States had adopted some form of no-fault divorce, allowing couples to divorce without proving fault. The concept of irreconcilable differences has influenced divorce laws in many countries, leaning to more lenient and accessible divorce processes worldwide.

For instance, Australia adopted no-fault divorce in 1975 with the Family Law Act, citing irretrievable breakdown as the primary ground for divorce. It was only in June, 2020 that the United Kingdom (UK) adopted legislation that removes the requirement for parties needing to blame each other for the breakdown of the marriage. The removal of the requirement for one party to prove that the other is at fault, which can include adultery, cruelty, desertion or other specific reasons, has led to lengthy, contentious and expensive legal processes. In some cases, outside of the reach of some of our most vulnerable women who find it impossible to provide evidence of wrongdoing. Proving fault often involves gathering evidence, which can be invasive and emotionally draining. This can lead to a protracted and hostile process, exacerbating tensions and causing further emotional distress for both parties.

A no-fault divorce process focuses on the mutual recognition that the marriage is over, reducing the adversarial nature of proceedings and allowing for a more amicable separation. This significantly reduces the legal and emotional burden on both parties. Furthermore, without the need to prove fault, the divorce process can be expedited, reducing the time spent in court and allowing for quicker resolution, which benefits both parties, especially when children are involved. It also reduces the strain on the judiciary, streamlines the legal process, and makes it more convenient and cost-effective, as fewer resources are needed to litigate the specifics of marital misconduct. More importantly, a no-fault divorce ground can help to preserve the privacy and dignity of the parties, as traditional fault-based divorces can lead to the airing of personal and sensitive issues in a public forum, which can be humiliating and damaging to both parties' reputations.

The passage of this amendment can lead to other significant societal impacts, especially for women. Women can leave

unhappy or abusive marriages without needing to prove fault, such as adultery or cruelty, reducing the burden of staying in harmful or dangerous relationships. No-fault divorce reduces the stigma and blame associated with divorce, providing a more neutral and less contentious process which can be particularly beneficial for women, who might otherwise be unfairly judged or blamed for marital breakdown. The introduction of no-fault divorce often coincided with broader societal changes, including greater economic opportunities and legal rights for women, which collectively enhanced their ability to leave unsatisfactory marriages without facing severe financial repercussions. By facilitating easier access to divorce, no-fault laws empower women to make decisions about their own lives and relationships, promoting personal autonomy and gender equality.

11.52 a.m.

In my view, the greatest beneficiary of a no-fault divorce is the children. Removing the need to assign blame, typically leads to more amicable settlements, which could result in better custody arrangements and child support terms, benefiting women and their children. The adoption of no-fault divorce, including irreconcilable differences has been associated with a temporary increase in divorce rates in some regions, as it made the process easier and less contentious. However, research shows that, over time, divorce rates are stabilised and the focus often shifts to ensure fair settlements and child custody arrangements.

The second major amendment being proposed today is in keeping with the decision of the High Court of the Supreme Court of Guyana in a recent decision in an application by Mr. Sam David Aaron. In that case, the Court was asked to determine whether section 14 of the Matrimonial Causes Act, Chapter 45:02, which allowed women to ask a court to compel their husbands to provide alimony or maintenance to them in certain circumstances, violated his fundamental rights provided for under the Constitution of Guyana because it only allowed women to apply for maintenance and/or alimony against their husbands. The Court declared that section 14 of the Matrimonial Causes Act, Chapter 45:02 is discriminatory on the basis of sex and gender. It was, therefore, unconstitutional as being in violation of article 149 of the Constitution of Guyana, to the extent that it provides for men only to maintain their former wives and not for women to maintain their former husbands. It was further declared that section 14 of the Matrimonial Causes Act did not secure the applicant equal protection and benefit of the law and it is, therefore, unconstitutional as being a violation

of article 149(D) of the Constitution of Guyana, which provides that:

“The State shall not deny to any person equality before the law or equal protection and benefit of the law.”

Alimony or spousal support is financial assistance provided to a spouse following a divorce. The concept of equality in alimony payments relates to ensuring fairness and equality for both parties involved. Historically, alimony was often awarded to wives due to traditional gender roles and since women had no property rights. A century ago, women were considered property themselves. It was not until the Women's Suffrage Movement that women were finally allowed to vote in the late 1800s and early 1900s. Women equally fought and earned their rights to inherit property, right to gain full employment, access to loans, autonomy over their bodies, and other rights and liberties that they should enjoy although, not a single country has achieved full gender equality.

Most jurisdictions have adopted modern alimony laws that are gender-neutral, which means either spouse can be required to pay alimony, based on financial need and earning capacity promoting equality. The objective is to maintain a standard of living similar to that experience during the marriage for both spouses. This consideration applies equally to both men and women. As traditional gender roles evolved, more men are becoming primary caregivers and stay-at-home parents. The courts are increasingly recognising these dynamics and are awarding alimony to men when appropriate. I am proud that our courts have done the same and that, today, our legislature will appropriately vote to amend the laws.

Furthermore, divorce as it was recognised by courts in our country is wholly fault based, so a woman could be awarded alimony from her ex-husband only if he was found to be at fault for the divorce. I can see that some may argue that a no-fault divorce ground may be unfair because it would allow a party who is actually at fault to obtain a divorce in which alimony, maintenance and property division would be determined without the Judge considering the facts, behaviours and circumstances that led to the breakdown of the marriage. However, a divorce, on the ground of irreconcilable differences, removes the opportunity to weaponise alimony as a punishment or reward. It is also more in keeping with the principles of fairness and equity.

It is my view that we have all highlighted how the concept of irreconcilable differences has evolved over time, influenced

legal systems and impacted societal attitudes toward marriage and divorce. Moreover, amending our laws to reflect gender neutral award of alimony, in a divorce, augurs well for Guyana's credentials in making another step towards achieving full gender equality. I, therefore, recommend the Matrimonial Causes (Amendment) Bill 2024 for passage in this noble Assembly. [*Applause*]

Mr. Speaker: Thank you, very much, Hon. Minister. Now, it is time for the Hon. Member, Ms. Geeta Chandan-Edmond.

Ms. Chandan-Edmond: Thank you, Mr. Speaker. I rise to offer my contribution to the Matrimonial Causes (Amendment) Bill 2024. As we have heard, this Bill seeks to amend the Matrimonial Causes Act, Chapter 45:02. Its main mission is to reform the law that relates to spousal maintenance. It seeks to remove the discriminatory provisions in the Act and to ensure that it is now in conformity with the Constitution of Guyana. To this end, this Bill proceeds to apply amendments to sections 3, 4, 5, 6, 7, 8, 9, 14 and 18, and to delete sections 17, 26, 27, 28, 29, and 30 of the Principal Act.

The key part of this legislative action proposes to amend other provisions of the Principal Act and specific sections in the Summary Jurisdiction (Magistrates) Act, which only provides for the maintenance and protection of the property of the wife. This is a monumental development that will shake the ground on which we exist on a daily basis. We are in the midst of completing a process of law-making that will place matrimonial engagements under a new paradigm. It is not lost in me what this legislative process entails. For this reason, I want to be very pellucid; where there is a conflict with the fundamental rights of any groups of anyone, the law must be modified. This is simply not up for debate.

Article 149. (1)(a) of the Constitution of Guyana is clear. It prevents the State from making any law that is discriminatory in itself or in effect.

Article 149(2) provides that no person shall be discriminated against based on their sex. Article 149D. (1) states:

“The State shall not deny any person equality before the law or equal protection and benefit of the law.”

Article 149D. (3) states:

“Equality includes the full and equal enjoyment of all rights and freedoms guaranteed by or under this Constitution or any other law.”

Paying homage to these aforementioned principles enshrined in the law, I offer my support to these amendments. However, it would be remiss of me if I did not put a few important facts on the parliamentary record. In doing so, I wish to highlight a few noteworthy matters that are part of this legislation. First, it is my duty to remind this House of the origins of this parliamentary action. Less we forget, it was the husband who felt aggrieved and found it necessary to move to the courts to seek justice for an issue that had dodged women for centuries. For the first time in this context, a man felt the need to seek relief from the court after investing blood, sweat and tears in a union. For centuries, women have relied on the mercy of judges to save them from the heartless and cruel spouses who felt it necessary to punish them after marital separation. For centuries, we have felt the wrath of the lack of spousal support with children in our arms and the world on our shoulders. This injustice has persisted for years and women have been at the sharp end of the stick.

Mr. Speaker, may I remind all of us that spousal support or alimony originated as a remedy available when married people separated from each other? Although they could not divorce the award, alimony ensured that the dependent wife would have financial support, even though the wife was no longer providing wifely services to her husband. When divorce became a realistic possibility for ordinary folks, the possibility of alimony was transplanted into the divorce model, despite the fact that it was philosophically inconsistent with the idea that spouses could divorce, then go their separate ways to build new lives and form new relationships. The aforementioned are the facts that were brought to bear when Mr. Sam David Aaron, through his Attorney, approached the court to test the constitutionality of section 14 of the Matrimonial Causes Act. The court, in my humble view, rightly ruled that any partner in the marriage can apply for spousal support and history was made in our Guyanese jurisprudence. The court associated itself with a global trend in the progressive era of reforms. Times have changed. The newfound rights accorded to women and the changes in society have produced breadwinning women.

The concept of alimony has changed and shifted over 40 years since the Supreme Court of the United States ruled that it had to be applied equally to both genders. Since 1979, in a landmark ruling in the case of Orr versus Orr, the Supreme Court of the United States ruled that the payment of alimony must not be restricted to the husband only. This development has brought us to this point and we are here to align the laws with the findings of the Court. While we celebrate the idea of equality, we must never forget why our laws were

structured in this way. May I remind that when the Matrimonial Causes Act came into existence women had no rights? Women were at the mercy of the patriarchal society, restricted to the home and only existed to serve the interests of men. Women did not even have the right to vote. During the late 1800s and the 1900s, the women and women's organisations not only work to gain the right to vote, but they also work for broad-based economic, political equality and social reforms. It is in this context, law such as the Matrimonial Causes Act emerged.

Even though section 14 was found to be on a collision course with other sections of the Constitution, we must never forget this historical context. This becomes even more pertinent and important. This development actually begs the question, are we living in a post-patriarchal society? Some may say, we are not and some might say, perhaps. May I remind that Patriarchy is a system of relationships, beliefs, and values embedded in political, social and economic systems that structure gender inequality between men and women.

Despite the razzle and dazzle of headlines which suggest that women are breaking through barriers of leadership, where it really matters and where the real power lies, there continue to be challenges. While there is information that demonstrates the achievement of women at *diminutive* management levels and in other spheres of influence, the top tier leadership positions are still dominated and hogged by men leaders. It has long been established that this issues of gender and leadership have been fraught with sad revelations about the plight of women and their abilities or lack thereof to ascend to leadership positions in organisations. This phenomenon has been well documented by the literature on the subject. It occurs in any geographic space, both public and private.

12.07 p.m.

Even though the situation has improved and the gender gap is being addressed to a large extent, the issue is not at a complete satisfactory level. The literature states that half of the United States of America's (USA's) population is made up of women. Yet, the data demonstrates that they only represent five per cent of the Chief Executive Officers (CEOs). This is indicative of the problem which is under examination. There is no doubt that the world has fundamentally changed; everything has been transformed in the 21st Century.

The issue of alimony has not been insulated from these changes. Indeed, social unions such as marriages have not escaped these changes. Decades ago, the word 'gender' did

not exist. It has to be recalled that women gained the right to vote in 1950. In spite of the aforementioned changes, women continue to face challenges as they attempt to accede leadership positions within public and private organisations. We are not living in a post patriarchal world and while equality is an important principle, we must think of equity to address these disadvantages. Gender plays a significant role in defining leadership roles and determining the quality of services in organisations. The legislation tells us that section 3 of the Principal Act has been amended. In particular, the word 'cruelty' has been replaced with the words 'irreconcilable differences'. For me, this is very progressive language and we should be proud of the evolution of our jurisprudence. I stand in full support of this legislative action.

Before I take my leave, Sir, I am here at your mercy. I am not slated to speak on the Family Violence Bill, but I seek your permission to make a few remarks on that Bill. While the Domestic Violence Act concentrated on interpersonal violence, this Bill conceives any form of violence on the family and we know that violence is not restricted to just partners in the domestic context. I want to thank the Minister, Dr. Persaud, for this expansion here.

In addition to that, I want to say that legislation alone will not solve these issues; there is the enforcement factor. I hope that systems will be put in place to address what the Hon. Member seeks to do here. If we are to look at some of the legislations that are in place, there is an abundance. It is the enforcement mechanisms that are not in place. I will also ask that the Hon. Member seeks to look at the theory that contributes to violence. Once we have those studies, we will be able to have a better understanding and that will guide us in making better policy decisions. To you, Minister, Dr. Persaud, I know you have the best and noble intentions where this Bill is concerned. I want to thank you for tabling this legislation, also. Thank you, Sir. *[Applause]*

Mr. Speaker: Thank you, very much, Hon. Member. We now call on the Minister of Education, Ms. Manickchand, to make her presentation.

Minister of Education [Ms. Manickchand]: Thank you very much, Mr. Speaker. Sir, on the eve of Emancipation, which was for our people's freedom and the beginning of a new life, I cannot imagine a more impactful piece of legislation coming to this House today.

We believe in family. I believe that the family – Nuclear and Extended – is the foundation of a good society and a progressive country. I believe, every effort should be made

to preserve that unit – that institution – wherever it exists. I believe that divorce and ending marriages should be a last resort and should never be something that is sought after lightly. We have seen across the country and in the world as real examples where scientific research has shown that where there are strong families, strong communities and progress that cannot be denied. Everything we, in this Government, do is aimed at strengthening families – strengthening individuals in the family unit and strengthening the family unit as a whole – and giving them the ability to thrive economically, socially and educationally. It is important for us to understand that there is nothing we would do from this side of the House – I think I would like to say, from this House – that would shake the foundation of a family in any way.

Having said that, undeniably, in any relationship – parent and child, Speaker to Member of the House, boss and employee – there is always conflict. Some strive through those conflicts; some pass through those conflicts and move on to a new and better normal, while some cannot. For the relationship of husband and wife and spouse and spouse, we know from our common knowledge and statistics that sometimes people simply cannot get along. Any good marriage law, divorce law or end-of- marriage law should be founded on two things: one, a strong belief in family and trying to preserve family; and two, a recognition where that preservation is no longer possible, everything will be done to preserve the relationships established when the family was a unit secured in love. We should not have a broken bond of the hearts remaining together because of law.

These things all sound very fancy. It means that two persons fall in love; they got married; or they hooked up on *Tinder*. *Tinder* is the new version of a pick match/arranged marriages. They get together; they decide they can make a life; they love each other; and they get married, so that they could progress. Something happens – either they fall out of love or they realise that they are no longer compatible on different fronts, economically, socially and religiously, sometimes – and the marriage breaks down. Our law would now force people to come to the court and rely only on particular grounds before they could end that marriage.

John and Sunita got married; have three children; and were doing fairly well until something happened and crashed that marriage. The relationship between the two parties – John and Sunita – ends but they still have two children. They still have children who need both parents. I have seen practically – any lawyer practising in the field have seen practically – is even though that relationship ended, many times parents are

able to get along to look after their children. Although they are living in separate homes, the father would still bring money, contribute, take the children out and spend time with them. The children still benefit from the love, support and guidance of two parents. The mother now meets someone new and wants to get a divorce so that she could engage in a new relationship that is sanctioned by her society – her religion and church. The mother comes to the court. In this current situation, she is forced to say the meanest, most unkind and personally derogatory things about her husband. These two parties were getting along fine. They split up. He is seeing someone else and she is seeing someone else, but the children are benefiting from both of them.

Sunita now comes from a divorce. Our law, currently, forces her to say – this man is a dog; he used to beat me; he is horrible; he never used to look after my children and he used to rape me at nights. All the awful things that happened in that marriage has to come up back in that proceeding. Oftentimes, I have never seen one, whereby the person against whom the commentary is made – the petition is aimed – did not have feelings in return. What happens and what has happened for many of us who have practised is that the father now comes and says – well, we were getting along good and I was looking after my... If she wants to say this about me, she will have to look after them herself. It is the children who get caught up and harmed from that sort of adversarial and harmful relationship that we forced upon people until today.

As you have heard from my Colleagues, countries around the world realised that was no way to preserve the healthy relationship and good consequences coming out of a marriage that is broken. They made reforms. In 1969, England completely removed the word ‘fault’ from its books. In countries around the world such as Australia has either added the words ‘irreconcilable differences’ or removed the word ‘fault’. We started right here in Guyana by talking about this a long time ago. In 1983, Mr. Muntaz Ali, Attorney-at-Law, published in the Guyana Bar Association Review (Volume 4), page 59, an article called *Divorce-Time for Reform*. He stated:

“The present Matrimonial Causes Act of Guyana was enacted in the year 1916.”

This is over 100 years ago.

“This Act regulates, *inter alia*, matters concerning divorce. Since that time there has been a considerable change in social attitudes towards

matrimonial causes particularly in matters relating to divorce.

At present, for one spouse to obtain a divorce it is necessary for the other spouse to be guilty of some matrimonial offence such as adultery or malicious desertion or cruelty. It does not matter that the marriage has broken down completely and the parties are living apart for several years. It is still necessary for one spouse to be guilty of a matrimonial offence.”

I want to, practically again, take you to what that means. You are forcing, in many cases, a woman to go and park up in a car with her phone; take out a picture and catch him in the act. Those traumas live with people for a long time. That is hurt that they must heal from if they are not to take it into another relationship. That cannot inure to the benefit of this country, when we have hurt and broken people who our outdated law forces to do those sorts of things. Mr. Muntaz Ali went on to suggest that the law and our archaic remedies such the restitution of conjugal rights and fault-based process needed to change. That was in 1983. This article was resurrected by his daughter, Ms. Jamela Ali, Attorney-at-Law, in 2008 who stated:

“It is heartening to know that in 2008, Ms. Priya Manickchand, Attorney at Law and Minister of Human Services and Social Security called for divorce reform and is presently leading consultations for the process of reform.”

The *Stabroek News* of 4th November, 2008, reported:

“Outdated divorce laws to be overhauled”

This is what that article – a short and impactful one – states:

“Seeking to ensure the needs of the family and particularly the best interest of children, the Human Services Ministry’s Consultation Paper on Reform of Divorce Laws in Guyana contains proposals for divorces without proof of fault on the part of one or more parties.

12.22 a.m.

It also proposes mutual consent divorces...

As a safeguard, the Court would have to be satisfied of a period of at least six months separation in mutual consent cases, where both parties do not consent there would need to be a separation for at least one year.

The current divorce law, set out in the Matrimonial Causes Act Chapter 45:02, was introduced in 1916. The paper says it does not reflect the “equality between men and women provided for in our Constitution and are not conducive to preserving family life or promoting the best interest to children of parents whose relationship has broken down.” It noted Guyana and the world have changed culturally, socially, religiously, economically and politically. Although the law was amended in 1953, at the time women were still viewed as the property of and subordinate to men and there was no equality before the law.

Traditionally, divorce laws were fault based—meaning the party partitioning for the divorce had to prove that the other party to the marriages held the blame for the breakdown of the marriage or committed matrimonial offense.”

The paper quoted:

“The necessity to assign blame and recount the ills of a marriage in order to obtain a divorce has the tendency to perpetuate the difference and tensions in the marriage.” “Parties must relive and recount their failures in order to terminate their relationship.” It said that the object of the no fault divorce is to allow a party to obtain a divorce without the need to rehash in court the problems and failures of their marriage. Anticipating the criticism that simplifying the laws could increase the divorce rate, the paper argues that the proposition is a fallacy. “Divorce laws do not actually influence the success or failure of a marriage.”

“A failed marriage ends well before a divorce. Making it difficult for the parties to divorce does not preserve troubled marriages but forces the parties to remain in a hopeless relationship or in a legal relationship that does not reflect the factual reality, [that is] even though the parties are married they live separately and lead separate and independent lives.”

That was November 4th, 2008, in the *Stabroek News* and that was quoting and citing from a paper that we had presented to the Nation to overhaul the divorce laws. Members can imagine my deep pleasure. This pleasure is the fact that we took that law that we are here today, 16 years later, doing exactly what we recognised needed to be done. I think this House can be proud of itself today that we are engaging in this. Making divorce easy does not invite anyone to get

divorce. No one goes to end his/her marriage because he/she can. The people of this country fight to keep their marriages sometimes to their detriment. I do not know anyone who would end his/her marriage because he/she can. I do not know of anyone who would do that.

The fears that might be expressed and there was one. No-fault divorce has serious implications written in 2008. This is where the crashing of that recommendation to change the law had begun. It is a misplaced fear but, I think, born from a good place, which is wanting to preserve families. These are our statistics from 2018–2023, 26,546 legal marriages recorded at the General Register Office. The Supreme Court of Judicature Registry based in Georgetown recorded these statistics. I concede right here that the people who were divorced in 2018 did not necessarily get married in 2018 but we can extrapolate figures.

In 2018, 1,253 divorce petitions were filed; 44 were contested, which means 44 people refused to concede to a divorce and 1,001 were uncontested.

In 2019, 1,300 divorces were filed, 41 were contested and 1,166 were uncontested.

In 2020, the Coronavirus disease (COVID-19) year, 959 divorces were filed, 44 were contested and 809 were uncontested.

In 2021, 1,482 petitions were filed, 82 were contested and 1,233 were uncontested.

In 2022, 1,500 petitions were filed of which 43 were contested and 1,329 were not contested.

In 2023, 1,528 petitions were filed, 63 were contested and 1,298 were not contested.

In the period 2018 to 2023, there were 8,022 petitions filed in Georgetown - one can file in Berbice and Essequibo too - which is where the bulk of the petitions are filed. Of those 8,022 petitions, 6,836 were uncontested and 317 were contested. This means that the majority of couples who were subjects of the petitions filed agreed that their marriage was at an end – 85% of them. They were still forced to go to court and say the most unkind things about their spouses where they agreed that there was an end, but only three per cent of them disagreed.

For the people who want to still go to Court and claim fault – in that case Hon. Member Ms. Chandan-Edmond, you are wrong. We have not replaced cruelty, we have not replaced adultery, we have not replaced malicious desertion, we are adding to the Matrimonial Causes Act. The ground of very

conciliable difference, which means we cannot get along. We cannot reconcile our difference, so we would like to go our separate ways as decent human beings, without labelling each other the worst sorts of name, we have been living separate and apart for six months. Those are what are required now.

When we were trying to pass this law in 2008, it was around the same time that we passed the Adoption of Children Act; the Protection of Children Act; Status of Children Act, where we gave rights to children who were born by in vitro fertilisation (IVF) and so on; the Custody, Contact, Guardianship and Maintenance Act and the Childcare and Protection Agency Act. It was at that time that this country introduced its first ever and only since, Childcare and Protection Agency that we launched in 2010/2011. It was at that time we established the Family Court and we were coming to fix this. The message was mixed up about what this would do. Somehow or the other, people thought that we would have been encouraging the breakdown of family whereas it was the opposite. I am privileged – I think, I probably hold the distinction of being able – to be the only person who can say that I passed those laws, established the Family Court, went back out into practice, used those laws in the Family Court and saw how beautifully they worked to preserve families in this country. When we bring laws to this House or amendments to this House, they are based on our entire philosophy that we must preserve units and then serve those units as preserved units. If they are to break up, we must find the easiest or most convenient way to do that, so that society does not get harmed by them.

I will touch briefly on restitution of conjugal rights. When this was in our law, women were chattel. They did not have rights; they were not equal; let alone, have parity and equity that we are talking about. I heard someone suggested earlier that because the Constitution guarantee equality, it means we are equal; we are not. The country does not have gender equality, no country in this world has been able to boast gender equality as yet and we must aim in every policy, in every workplace and in every political party to bring that about. One cannot have the executives in a political party who are all men and say to me that they have a consciousness towards women.

In every structure in this country, we must have that conscious reflection that there is still a need to get it. When restitution of conjugal rights was in our law, it really meant that it was sanctioned rape because women were seen as chattel, as belonging to a male person. It means a male person could have done with a female whatever he wanted,

whenever he wanted or however he wanted. That is no longer our understanding of the role and value of women. In fact, we have changed our other laws, so if we are to say now, what is restitution of conjugal rights; it is a big fancy thing to say; woman says I do not want to be with you as your spouse anymore; I do not want to be in your bedroom; I do not want to be in your bed, it allows a person – I do know of such an application – most likely a male, to go to the court and say, force her by an order to come into my bedroom and to come into my bed. We can no longer allow that because we now know that women are not the property of their husbands. Additionally, in 2010, we passed a Sexual Offence Act, which recognises that spouses can rape each other, men can rape their wives, women their husbands and the bond of marriage does not serve as a consent for activity. We can no longer keep the restitution of conjugal rights on our books and we are seeking to repeal that and delete it completely.

On the issue of maintenance, everybody appears to believe that the primary purpose of the Bill was to fix the law in accordance with the Ruling by Chief Justice George. It has been dealt with by everyone else and I would not deal with it. Except to say this, we will now have to come back to this House – I hope as one voice – to look back at this Act for us to talk sensibly about prenuptial agreements. Why parties cannot lawfully go into marriages now and enter into lawful agreements about how their properties would be split if the marriage were to end? We still have that gap in this law. I believe we can come back after we have passed this in the not too long future and have that resolved in this National Assembly.

I am very pleased on this day, 16 years after we have officially began talking about this. I am very happy, proud and pleased to say that this law is going to help us look after women. This law is going to help us look after men. This law is going to help us stay true to our constitutional mandate to make sure that children are always of the paramount consideration, when we are dealing with them in any way. This law is going to help us to preserve family relationships, even when the family structure can no longer stay as the structure that it originally began as. I take great pleasure in commending to the National Assembly this piece of legislation, the Matrimonial Causes (Amendment) Bill 2024. *[Applause]*

Mr. Speaker: Thank you, Hon. Minister. Hon. Member Ms. Volda Lawrence, please, proceed.

12.37 p.m.

Ms. Lawrence: Thank you, Mr. Speaker. Hardly a day passes without a high-profile case, often those involving celebrities or millionaires or multimillionaires, highlighting and headlining the pages of our daily newspapers, *Facebook*, *Instagram* and other media outlets. There is no doubt, however, that the role of men and women in the workforce and in the home continues to undergo change, creating new dynamics both at home and in family law across the world. Over the past 20 years, women have begun to play a bigger role in supporting families, sometimes earning more than their husbands. The President of the American Academy of Matrimonial Lawyers remarked that there has been a reduction of defined gender roles regarding legal opportunities, leading more men to pursue their rights in the courtroom.

Hence, my focus will be on section 14 of the Matrimonial Causes Act, the Principal Act. The speaker before me is right. Many persons, when they heard of this Bill, zeroed in on this particular clause in the Bill, that of maintenance. There are many reasons given, there are many schools of thought out there on why people are more interested in this particular part of this Bill before us. One stated that far too many couples are struggling in their relationships because their attention is hyperfocused on making everything equal, which in turn leads to scorekeeping, contempt, and other corrosive thought patterns and behaviours.

Mr. Speaker, Bill No. 10/2024 is intended to amend the Matrimonial Causes Act. The amendments proposed impacts in substance and form the legal landscape of marriages and divorces, as we heard throughout the morning. Fundamentally, the Bill builds on the groundbreaking constitutional case of Mr. Sam David Aaron, which caught my attention. On the 14th and 23rd June, 2022, the applicant, Mr. Sam David Aaron, caused to be filed applications for financial relief and division of property. The question is, why would a man want to do that? He wants to take away the little that the woman has. What about the children? This particular case did stir a lot of talk. However, on hearing the application, it was recognised that section 14 of the Matrimonial Causes Act, Chapter 45:02, stopped the applicant from claiming maintenance as a spouse, since he was male. The Attorney-at-Law for the applicant then petitioned the constitutional division of the High Court, presided over by Mdm. Chief Justice, Ms. Roxanne George-Wiltshire, to resolve the following issues *inter alia*. I would like to put them on record:

“Whether section 14 of the Matrimonial Causes Act is contrary to and in violation of Article 149 of the

Constitution... thereby being unconstitutional, unlawful, null, void, and of no effect.

Whether section 14 of the Matrimonial Causes Act is contrary to and in violation of Article 149D of the Constitution...

Whether the Applicant is entitled to apply for maintenance in accordance with Article 149 of the Constitution...

Whether the Applicant is entitled to apply for maintenance in accordance with article 149D of the Constitution...

Whether the Court can give such Orders or such Writs and such directions as the Court may consider appropriate for the purpose of enforcing or securing the enforcement of Article 149 and Article 149D of the Constitution...insofar as the rights of the Applicant are concerned with regard to Section 14 of the Matrimonial Causes Act and his ability to apply for maintenance.”

The Chief Justice in the circumstances concurred with the applicant and made the following orders. She stated:

“(a) It is hereby declared that section 14 of the Matrimonial Causes Act, Chapter 45:02 is discriminatory on the basis of sex and gender and is therefore unconstitutional as being in violation of Article 149 of the Constitution of Guyana, to the extent that on a decree for dissolution or nullity of marriage, it provides for men only to pay a gross or annual sum of money to or maintain their former wives, and not for women to pay a gross or annual sum of money to or maintain their former husbands.”

When we speak of women's rights, we are all for that, we like it, but when we speak as a mother, when we speak as a legislator, we have to look at the broad spectrum.

At (b) it states:

“(b) It is hereby declared that section 14 of the Matrimonial Causes Act, Chapter 45:02 does not secure to the applicant equal protection and benefit of the law and is therefore unconstitutional as being in violation of Article 149D of our Constitution of Guyana, to the extent that it provides for men only to pay a gross or annual sum of money to or maintain their former wives and not for women to pay a gross

or annual sum of money to or maintain their former husbands.

(c) Until the National Assembly...”

She is speaking about us.

“Until the National Assembly makes adequate provision, section 14 of the Matrimonial Causes Act, Chapter 45:02 is hereby modified to permit applications by either a husband or a wife for payment of a gross or annual sum or maintenance so that the said section 14 is in compliance with Articles 149 and 149D of the Constitution of Guyana;”

At (d) she says:

“As a consequence, it is hereby declared that the applicant is entitled to apply for maintenance from his spouse.”

It is against this backdrop that the Bill in question seeks to amend the Matrimonial Causes Act Chapter 45:02 (MCA 45:02). The ripple effect of amending section 14 of the MCA 45:02, consequently sees the amendment of a number of sections of the Principal Act that solely protected the wife, notably section 4, “protection of wife’s property”, section 6, “Payment of alimony to wife or to her trustee”, section 7, “Property acquired by wife after judicial separation”, section 8 which makes provision for a husband to be liable for the necessities supplied to his wife owing to his failure to duly pay alimony to his wife and section 14 which was dealt with extensively above. Additionally, in effect, clause 14 of the Bill amends the Summary Jurisdiction (Magistrates) Act in that it removes the first *proviso* of section 35 and section 36 and makes sections 35 and 36 applicable to both husband and wife.

It is perfectly understandable if all of these changes to the state’s law still seems slightly confusing after reading the foregoing pages. The simple truth is that every divorce presents its own set of unique factors. We heard many examples here this morning that must be clearly addressed. Legal issues, maintenance, child support, child custody and property division must be carefully considered. Fortunately, we have a lot of experienced legal professionals who can give the type of guidance through this process, and who will seek to ensure that both persons rights and their best interests are protected. These amendments are long overdue. Guyana, as a whole for many years, since the 1980s, has been championing equal rights and gender equality. We are here today, and I am proud to be in this House as we make this

bold step. So, Bill No. 10/2024 reviews the Matrimonial Causes (Amendment) Act and reaffirms our commitment to:

“All are equal before the law and are entitled without any discrimination to equal protection of the law.”

As outlined in Article 7 of the United Nations Universal Declaration of Human Rights, passed by the General Assembly, Resolution 217A, to which Guyana is a signatory.

In conclusion, this Bill is indicative of the evolution and movements towards an egalitarian society where the rights, benefits, duties, and obligations accrue to all, irrespective of race, sex or any consideration. Mr. Speaker, I therefore wish this Bill, Bill No. 10/2024, a safe passage through this House. Thank you. [*Applause*]

12.52 p.m.

Mr. Nandlall (replying): Mr. Speaker, we have had a very comprehensive discussion in respect of the merits of this Bill and I am happy that the Bill has received and is receiving the unanimous support of this honourable House. I would like to thank all the speakers from both sides who have taken the time and effort to make the presentations that they have done. The Hon. Member, Ms. Priya Manickchand, took us into the historical of antecedents of our attempts, on previous occasions, to introduced into our law the no-fault concept. The Hon. Member, Ms. Volda Lawrence took the effort and time to secure a copy of the Chief Justice’s Order in the matter of Sam David Aaron and took us through the various Orders that were granted, and the arguments put forward. I am duly impressed that the Hon. Member took the time to research the matter to this extent.

Mr. Speaker, I am happy that we have reached this stage in our matrimonial law, and we are now at a place in standing with the rest of the Caribbean because we were the only country, I believe, that had on our books the no-fault system alone. As was explained, it is still there but we have added to it the concept of an irretrievable breakdown. We have also amended our law to remove the archaic concepts of inequality in the gender. We have also removed from our law the outmoded concept of restitution of conjugal rights. So when this Bill is assented to, we would have a modern scheme governing our matrimonial causes law in Guyana. With those remarks, Mr. Speaker, I ask that the Bill be passed – thank you very much – and read a second time.

Mr. Speaker: Thank you very much, Attorney General. Hon. Members the question is that the Matrimonial Causes

(Amendment) Bill 2024, Bill No. 10/2024, be read a second time.

Question put and carried.

Bill read a second time.

Assembly in Committee

Bill considered and approved.

Assembly resumed.

Bill reported without amendments, read a third time and passed as printed.

Family Violence Bill 2024 – Bill No. 11/2024

A Bill intituled:

“An Act to provide increased protection for victims of family violence, to make provision for the granting of family violence orders and for matters connected thereto.”

[Minister of Human Services and Social Security]

Minister of Human Services and Social Security [Dr. Persaud]: Mr. Speaker, I rise to move that the Family Violence Bill 2024, Bill No. 11/2024, published 8th July, 2024, be now read a second time.

This Bill is a very important one in our legislative landscape. It speaks to the core of many instances of domestic violence that continues to abound in our country, causing havoc in homes, causing pain, scarring, and many times leading to loss of life. It is so much more than responding to statistics which say to us very clearly that one in three women, before the age of 55, experience violence. We have seen the escalation of the number of cases over time. There are many causes of the violence experienced by women in particular, but men too, and children. As I speak to this Bill it brings home forcibly that it could not have been any other time but now, before we move into recess. This Bill has benefited from consultation for more than one year, receiving input and recommendations from civil society, non-governmental organisations (NGOs), civil society organisations (CSOs), faith-based organisations (FBOs) and the Guyana Bar Association, to name many of those who added their voice, their perspective, their views and their opinions.

What am I speaking about? I am speaking about the Family Violence Bill that is going to be debated today. The Family Violence Bill is expected to replace the Domestic Violence Act of 1996. One may say, why do we need to replace an

Act that was considered robust, an Act that has given much within its lifetime to the fabric of the legislative agenda of the country, and an Act that continues to offer protection to people across the length and breadth of Guyana. Mr. Speaker, I say to you, and all those in the House today, that it is important that nearly three decades after we will review, revise, and replace the Domestic Violence Act of 1996. Now this Family Violence Bill contains 58 clauses and one Schedule. It is divided into six parts that speak very clearly to areas within the Domestic Violence Act, the current Act, which require intervention.

First of all, there is a change in nomenclature. We are moving from the Domestic Violence Act to the Family Violence Bill. We are clearly saying with that nomenclature change that there needs to be expanded and expansive protection of people within the family construct. If we look at the Domestic Violence Act, it speaks to violence that would occur between two people at an interpersonal level, more so at an intimate level and it did not take into account that the violence that could occur within the family construct, under the family umbrella, among persons who constitute the family. As such, I think it is important to acknowledge that the Family Violence Bill is much more than a change in nomenclature.

What were the other things that guided the crafting of this legislation? Many things. In fact, many pieces of legislation have been reviewed before we got to the point of having this Bill. Interestingly enough, what also added the richness to this piece of legislation was the study and also the research paper that was done by the Spotlight Initiative which looked at the legislative analysis of many pieces of legislation including the Child Protection Act, the Domestic Violence Act, the Sexual Offences Act, the Childcare and Development Act, the Cybercrime Act, the Violence Against Women Act of 2019 of the United States of America, the Family Violence Act of 2018 of New Zealand, and the Domestic Violence Bill of 2020, with its amendment, of Trinidad and Tobago. We did not leave out, also, a number of international conventions, including the Convention on the Rights of the Child.

The second study that was considered relevant to the shaping of this piece of legislation, this new piece of legislation, was the report on the New and Emerging Forms of Family Violence in Guyana of October, 2021. Historically, if we look at the emergence of the Domestic Violence Bill it could be considered in that bracket of the first-generation pieces of legislation which preceded the Caribbean Community (CARICOM) model legislation on domestic violence, and

which was advanced in 1997. Our law came about in 1996. What were some of the areas that were looked at? Many things. It looked at the definition of domestic violence, it looked at occupation, tenancy orders, protection orders, but not all pieces of legislation were equal. In looking at this new piece of legislation, we are looking at the gaps and the areas that are occurring right now. Let us look, for starters, at the definition of what we now refer to as family violence. It is important to understand that definition and the meaning of family violence. Clause 3, includes:

- “(a) behaviour by a person towards a family member of that person which is –
- (i) physically or sexually abusive;
 - (ii) emotionally or psychologically abusive;
 - (iii) economically abusive;
 - (iv) threatening;
 - (v) coercive;
 - (vi) controlling or dominating and causes that family member to fear for his or her safety or well-being or
- (b) behaviour by a person that causes a child of the family to be exposed to the behaviour under paragraph (a).”

You will notice that what has also happened in the definition of what we now say as family violence includes reference to economic violence. This is an important thing if we look at what happens across the country. In cases of violence we tend to see persons who experience violence staying in these untenable relationships, difficult relationships, because they are financially dependent. They are living in fear, but they are also insecure about their future because they do not have economic stability. They may also have dependants, children who depend on them, and because of this one thing they are unable, or they do not feel confident, to step out of that relationship or that circumstance. It then requires me to say to you what is the definition of economic abuse within this new piece of legislation. It means:

1.07 p.m.

“...the deliberate withholding or threatening to withhold the financial support necessary for meeting the reasonable living expenses of the applicant or dependent children of the relationship or household, in circumstances where the applicant or dependant

children are entirely or predominantly dependent on the respondent for financial support to meet those living expenses;”

You will agree with me, on both sides of the House, that this is necessary. And it is not only saying this, it is putting it within the framework of law to give that force to it which speaks to one of the key reasons why people continue to stay in violent relationships.

The Family Violence Bill is not only about the definition of family violence, the inclusion of one aspect of family violence, but so much more. I continue to also say that when one refers to the persons who will enjoy coverage of this Bill we are referring to not only current familial relationships but ex-familial relationships, and it includes a spouse, a former spouse, a cohabitant or former cohabitant, a relative or former relative, a child who regularly resides or has previously resided with the respondent, a person with whom the respondent has or had a visiting or intimate personal relationship, whether or not it is sexual in nature; a person who has shared the same household, who has had or has guardianship or caregiving responsibilities; a person who was considered a relative of the respondent in accordance with any tradition or contemporary social practice; any other person whom the respondent reasonably regards or regarded as being like a family member having regard to the nature and circumstances of the relationship. It simply means it could apply to if you were dating, or what we say in Guyana, in parlance, courting; it can apply to any of those relationships. This just speaks to the extent of coverage that this new Bill, the Family Violence Bill of 2024, affords people across the length and breadth of our country.

I want to say that any Bill comes with the need to have education and awareness so that people understand the level of protection that it offers. And it also must have the supporting structure to be able to implement and complement the legislation. When we speak of family violence and the new Bill, we are also looking at several types of abuse in addition to emotional abuse. We speak of psychological abuse, and that is very, very important, because many times people are quite unaware that they are being emotionally or psychologically abused in a relationship. As such, when one gains insight, one must feel comfortable coming towards any entry point in the system to let the law have its course. This Bill I would say, seeks to make significant practical and philosophical changes to the entire landscape related to domestic violence laws and policies, and that is why I am here proposing a repeal of the

current Domestic Violence Act of 1996, even though we are retaining several provisions of that Act.

Another big area in this Bill speaks to the introduction of criminal litigation to the Bill. Previously one could not be locked up, one could not go to jail if domestic violence happened through the existent legislation. One would have had to go back to the ordinary criminal law to charge for assault or battery. In essence, domestic violence was not really a criminal offence. However, under the existent law, if one flouted an order, one could have faced penalties or punitive measures. Now, under the one Family Violence Bill perpetrators could be locked up, they could be jailed, they could be kept in custody and not merely restrained from going into a home. This is a very important thing. This new Bill has the significant achievement of having both criminal and civil remedies, and that is underscored by the practical measures to reduce the movement that can occur when one wants to blend this kind of approach under one piece of legislation, between the Magistrate's Court and the High Court. If one continued to not look at it this way one would have had to go to the Magistrate's Court even as a case came before the High Court. Now the High Court will be invested with the similar powers to cater for what resides or reposes within this Bill.

This Bill brings a lot of hope to people across the length and breadth of this country; it brings hope to people who live in the farthest recesses of this country – remote communities, hinterland communities. It brings that level of confidence that the legislation is expansive, catering to the adjusting or the dynamic needs of people when we speak about violence and how violence occurs. The distinction though, between the criminal and civil proceedings, reinforces the fact that the domestic violence legislation is geared at the protection of the victim and the criminal codes, or other criminal law statutes underscore the objective of holding abusive offenders accountable for their unlawful conduct. So it is not merely a tap on the wrist; there are serious consequences when perpetrators engage in causing harm, violence, and abuse to anyone out there. A very important step is one that recognises what has been happening for a very long time. A protection order might have been granted, but that protection order is flouted time and time again. And we read in the media that people die because that happens. I remember reading some two years ago that someone was stabbed 32 times after that protection order was flouted by the perpetrator. This Bill seeks to protect someone who experiences violence and abuse. What I am saying is that people could have returned unfettered and have access to the

victims even after the protection order was granted. That, to me, is a significant thing.

Mr. Speaker, I want to share the objectives of the Bill, and they are very simple. They are three: to ensure the safety and protection of victims of family violence including, children; overall, to prevent and reduce the incidents of family violence in Guyana; and to ensure that the perpetrators of family violence are held accountable for their actions. That is in Part I of the Bill. Speaking directly to protection orders: The protection order may be made by an affected family member, one who is provided coverage by the Bill, or if the person is a child and or a person with a disability, then that order can be asked for by a caregiver or parent. Where the affected family member is a child 16 years of age or more the family member can, with the leave of the court, or it can also be asked for by the police officer, a qualified social worker approved by the Minister, or by notice published in the *Gazette* or any other person with the leave of the court. Much of this would have been retained from the original Act and there would have been additions to this.

The Bill continues to give the form of application, the leave to make application, the power of the court to issue interim protection order; and that is important because it is not leaving someone out there to the mercies and the delays that can abound. But in the event that protection is required urgently, or emergently, a person has applied to the court for protection order and the court is satisfied, on the balance of probability, that an interim order is necessary pending a final decision about the application to ensure the safety of the affected family member, to preserve any property of the affected family member, or to protect an affected family member who is a child who has been subjected to family violence committed by the respondent, or a person who has applied to the court for protection order and the parties to the proceedings have consented to or do not oppose the making of an interim order for the application. This is a significant step that speaks to the essence of the Bill where it is centred around protecting persons who experience violence and abuse.

There are many other sections within this piece of legislation that speaks to what kind of protection, even the court procedures, if there are issues where a person is fearful or that person needs emotional support, or that person would not like to be in the presence of the perpetrator of the abuse, the procedures herein, within this legislation, allow for those things. Someone could be sitting there giving their statement, they can have a social worker with them helping them to overcome the emotions they may be feeling at the

time; they might be giving their evidence by camera; they may even be giving evidence without necessarily being there. I think this really brings home how much violence and abuse does to anyone. So it is a very comprehensive piece of legislation that protects the inherent rights of persons as it speaks to families, and it protects families in a very tangible and impactful way where they are assured that their safety and security are paramount, and that we as the legislators here want to value and we do value their safety and security. I am sure after you peruse this piece of legislation you will unanimously support it because you will agree with me that three decades is a long time. We need to make sure that we have the ability to offer the protection that is needed to decrease the numbers of persons who experience violence and abuse.

In addition to that we also speak to perpetrators, and when perpetrators come before the court it is with the expectation that there will be punitive measures; and there are punitive measures within the Bill. It speaks of summary conviction; it speaks to fines; it speaks to all of these things. But what about rehabilitation? That is important. Prevention, risk identification and rehabilitation are found within the construct of this piece of legislation, speaking to the need to have a strong framework to support the implementation, the sustained response that we need to have in the face of violence and abuse.

There is subsection (2), and this is under Part II of this Bill. Subsection (2) under clause 11, speaks to:

“provide that the respondent seeks appropriate counselling or therapy from a person or agency approved by the Minister, by notice published in the Gazette or be ordered to participate in a Batterer Prevention Programme or other similar programme as approved by the Minister.”

I want to say that these are programmes that have already begun in an embryonic way through the Ministry of Human Services and Social Security; and they are programmes that will be rolled out as formal options for the court to send someone to get the kind of rehabilitation they need. Currently, and over the last three years, the Gender Affairs Bureau would have been across the country conducting training in anger management, conflict resolution and masculinity, just to name a few of the areas.

1.22 p.m.

The recent addition of the Hope and Justice Centre to what we offer in terms of services to Guyana again speaks to our

commitment as a Government and speaks to the Ministry of Human Services and Social Security's expansive programme when it comes to offering support and responsiveness to people who experience violence.

The Hope and Justice Centre has been opened in Lusignan in Region 4 and it offers every service that a person who is experiencing violence and abuse can access, from reporting to the police; from getting a medical assessment and a medical report; from having legal recourse to psychosocial help and to have the option of restorative justice. That is because this has been an initiative between the Ministries of Legal Affairs and Human Services and Social Security, and we are not stopping only at Region 4. We are moving to Region 3. A services hub was set up in Region 1 and we have plans to do another in Region 7, which brings cohesively all the responsive services that are required to make sure that this piece of legislation has the complementary support it requires. That is important because sometimes legislations are passed, and they cannot be implemented because the support structure is not there. This is significant and it also adds to a number of programmes of the Ministry like the 914, 24-hour toll-free hotline and the iMatter App which harnesses information and communication technology (ICT) and allows reporting and a panic button. We also have the Cop Squad Initiative which has trained over 2,000 plus police officers. There is the Legal Pro Bono Initiative which provides 500 persons annually with the best legal support that they require through a MOU signed with the Guyana Bar Association and that is just mentioning some of it.

I want to speak now to the police – law enforcement. This Bill speaks directly to law enforcement. In the previous Bill, there were moments of discretion that could have been applied by the police in terms of reporting, in terms of reporting to a higher officer or in terms of even taking a report and taking the case seriously. In this piece of legislation, we are clearly saying to the police officer that when a report is made you do not have the discretion to mediate or try to reconcile anyone nor do you have the discretion to dismiss the report that comes to you. You have to take that report once there is reason to believe that there is serious bodily harm or that violence has been committed. Once that report is taken... In fact, you cannot, as a police officer, tell the person who is complaining that there are these options. You take the report seriously. Once that report has been compiled, it must be then given to a senior officer, and within 48 hours, that senior officer has to determine whether charges will be laid. We need to make sure that, as this law is supported today, and as we implement it, the

police officers understand this responsibility that they have because they can be held accountable, whether they are the senior officers who have to respond within 48 hours, or the police officer across the country who is taking that report. I think that is a very significant step in this piece of legislation that we are dealing with right now.

As I continue to speak to what happens with regard to the police, the police, in preparing and compiling their report, need to make sure that within that report, the allegations of the persons involved, the names and addresses of any witnesses, type of investigation conducted, the manner in which the incident was resolved, all of those things need to be in their report. Pictures could also be used to look at what kind of harm would have been experienced by the person who is experiencing domestic violence. Now, you do need a warrant to enter premises, and you do need a warrant to arrest but this Bill removes some of that. Without a warrant, the police may enter any premises for the purpose of rendering assistance. We have taken a huge chunk of this from the existent Domestic Violence Act of 1996 and expanded on it. Also, in this Bill, once the police officer believes on reasonable grounds that a person has committed, is about to, or is committing an offence under Section 16, or who has been admitted to bail subject to one or more of the conditions set out in Section 44, has failed to comply with a condition of the recognisance, they can arrest without a warrant. These are significant steps that we are taking, really directed to the protection of all people who experience violence.

Mr. Speaker, as you will agree with me, this Bill is very comprehensive, and I think it is what it is. This is because we took time with it. We took a long time to get it to where it is. Some will say it was a short time, but I think the fact that we took the time, and got the consultation, and we went to the Bill again and again, we have come to this point where it is quite a robust piece of legislation.

What about civil litigation? This is also an important aspect of this Bill, where not only are there punitive measures directed to the person who is the perpetrator, but compensation must be granted to any person who pursues this in the court of law, and who has experienced violence. So, if there is damage to property, if they are subjected to violence of a sexual, physical, or any other nature, compensation can be attained from the perpetrator. I think all of these things should act as a deterrent. Now, you and I, every one of us as legislators, need to get this message out there so people understand the umbrella of protection that has been provided by this Family Violence Bill.

In addition to that, Mr. Speaker, there is within Part Six of the Bill, responsibilities of the Director of Social Services. I spared some time to tell you of some of the programmes of the Ministry of Human Services and Social Security. That Director is responsible for the development and promotion of educational programmes for the prevention of family violence, studying, investigating, publishing reports, identifying groups and sectors in society, creating awareness in society, and developing strategies. We have left nothing out. That is the point I am trying to make. Every single facet, every single stakeholder and every sector is catered for in this Bill once they have any relation to violence and abuse.

As we continue today to debate on this Bill, on this very important Bill, I also want to make two more points before I wrap up. The occupation and tenancy – whenever someone experience domestic violence, many times, too many times, they are not sure where they are going to stay. If they are going to be able to stay in the place where they are resident, if they need to find someplace. This Bill looks at that and this Bill makes it very clear that shelter of a person who experiences domestic violence, violence and abuse, gender-based violence, their shelter must be catered for because they cannot be left homeless especially if they have children. This is catered for in this Bill, and it is an important thing because, in the previous Bill, there are exclusion orders in the form of occupation and tenancy, but when people were interviewed and gave their responses to what is, there were many mixed responses. This was because people felt that the orders were not necessarily fair to them and the practicality, and the workability of those orders did not offer the necessary protection they sought.

The court should always consider a relevant factor – the judicial system will be guided in this Bill so that when an order is served it is even served to the social worker so it is intended that all the systems that we have in place will be invoked at the onset. So, really and truly, when someone experiences domestic violence, the system is geared to help them so that they can be able to have the kind of responsiveness that they need. It is significant to note, and this is the Bill I am reading from,

“The Court on making an occupation or tenancy order shall order that it be served on a social worker who is assigned to the district of the court...”

...where...

“...the order was made...”

This Bill is not leaving it to anybody's discretion. The very use of the word shall, implies or infers that this must happen. The other thing that happens is, when something is taken to court, they can take a very long time to have a protection order or to even hear the case. Clause 28 requires the clerk to fix a short date for the hearing of applications for protection orders, clause 29 provides for the manner of service of documents on the respondents to an application for a protection order and clause 30 empowers the court to order service other than personal service.

There are many significant things, there are many powerful things within this Bill, and I think it behoves us to really come together in unity today and ensure that every single person out there who is experiencing violence, understands the commitment of us as legislators in this House so that we want them to have a safe and secure future. We want them to be safe and free from any iota of violence and we want them to be able to live without fear of intimidation, fear of any kind of abuse, even after the case would have concluded. We want them to know that whereas the existent Act, the Domestic Violence Act, only provided limited protection, this Bill gives that level of coverage that is required at this point in our country's history and on our country's trajectory. We will be one of the few countries in this region that would have been able to give the kind of legislation, the kind of Bill that merges all of these concepts to offer protection to people out there.

Outside of the Bill, I want to say that, if you are listening, if you are looking at this, just know that wherever you are and if you are in the throes of violence, if you are in the clutches of a perpetrator of violence, light is right here, hope is right here and the support structure and services that you need are right here. Nothing is perfect and we will not always have the full capacity, but the steps have begun, and we have taken the most significant step legislatively by bringing to the House today and beginning the debate on the Family Violence Bill of 2024. I would really like to thank the teams of persons who worked on this and all the people who contributed to this Bill significantly – Mr. Darshan Ramdhani, the Attorney General, my brother and Cabinet colleague, the team from the Ministry of Legal Affairs, the team from the Sexual Offences and Domestic Violence Policy Unit of the Ministry and every person who contributed in some way or another to having a Bill that is modern, that is progressive and speaks to safety and security and protection in clear language and really changes the landscape of what we are doing now legislatively in terms of violence. I thank you very much, I commend this Bill to you,

and I look forward to your support. Thank you, Mr. Speaker.
[Applause]

1.37 p.m.

Ms. Singh-Lewis: I wish to add my contribution to Bill No. 11 of 2024, the Family Violence Bill. I sat and I listened attentively to the Hon. Minister of Human Services and Social Security. The only thought in my mind after that presentation was, 'Would we stop seeing our women and girls being battered anytime soon?' From the onset, I want to thank the team at the Spotlight Initiative. I am aware of the hard work they would have put into that project and all those who were involved for their contributions to the project over the last few years.

This Spotlight Initiative, from which this draft Bill came out, was the brainchild of the Coalition Government. We recognised that domestic violence was slowly becoming a new form of pandemic, and so, the A Partnership for National Unity and Alliance For Change (APNU/AFC) Government strategically took the initiative to seek funding so that this legal framework that we all want unity on, could be strengthened as one measure of addressing the scourge of violence in the family. And, here it is – in my opinion, a good piece of legislation. It is a good piece of legislation that should benefit the people of our nation, positively. We are grateful, and I want to say congratulations to strong women like Cde. Volda Lawrence and Cde. Amna Ally for setting the agenda. I am grateful that the Hon. Vindhya Persaud would have completed and brought it here. I am grateful. It is a good piece of legislation.

As representatives committed to the wellbeing and safety of our people, I am deeply concerned by the ongoing failure of the People's Progressive Party/Civic (PPP/C) Government to address the implementation of national indicators. This is a good piece of legislation. When you listen to the Minister, all is *hunky-dory*. I would have liked to hear a little more about enforcement. If we do a little bit of a review, a common review, of what has happened during the period when we passed the domestic violence legislation to now, enforcement seems to be one of our greatest problems. I am aware that the Hon. Member Khemraj Ramjattan would have put systems in place whereby, at every police station, there was an established unit where the police could be the enforcers. Let me say to you, we did significant amounts of training with our police men and women so that enforcement could be better off. During the last few years, we have focused attention on gender-based violence. We have had legislation for domestic violence. Now, with the draft Bill,

we are introducing the term ‘family violence’, which is often used instead of ‘domestic violence’, to encompass a broader range of violent behaviours and relationships within a family or household.

We know that, in Guyana, family violence is a pervasive issue that affects thousands of individuals and families, cutting across all demographics and social strata. Like racism, it cuts across geography, ethnicity, gender and age. Violence has no face. Despite the alarming prevalence and devastating impact of this violence, our nation still lacks a comprehensive system to monitor, access and address this critical issue. This legislation is a legal framework. It will strengthen the system that exists. If there is no monitoring and there is no assessment in this critical area then, I believe that is the problem. What do I mean? For us to even understand the magnitude of this problem, we need to look at the critical aspect of how this Government is making decisions. Someone woke up yesterday morning and decided that they were going to share out grants for the elderly. A huge sum was allocated for friends and family since there is no accurate data to determine the critical needs of the elderly in our society. I want to say here that I have had the displeasure of speaking with a former Member of Parliament yesterday who is from Region 1. He was basically complaining to me about being in the Region, deserving of that grant, did not get the grant, spoke to the Minister and, from April to now, his matter has not been resolved. He is considered elderly now. This Bill speaks to violence of all forms and the Hon. Attorney General and Minister of Legal Affairs should know that. The reliance on accurate data, which seems to be a ghost, seems to be a ghost that is haunting this Government. It is not being utilised.

The legislation is not the major problem. The legislation is not the problem in this country in relation to violence. It will bring some relief; I will agree with that. It will strengthen the system; I will agree with that. It is the implementation process for which this Government is solely responsible for and the absence of national indicators that hampers our ability to understand the true scope of the problem. How are we allocating resources effectively and developing targeted interventions that can save lives and support survivors? How can we do this, Mr. Speaker? How it is the Minister of Human Services and Social Security intends to support this legislation in its implementation? We come back to enforcement, that is a big problem.

What about the prevalence rate in family violence across this country? I was really looking forward to some statistics from the Minister’s presentation. Do we know? Do we know the

prevalence rate of domestic violence in this country? Do we know how common family violence is within our less than one million population? Do we know the statistics on reported cases of violence, child abuse, elderly abuse and intimate partner violence? Do we know, Sir? Are we making decisions based on statistics? There are more questions than answers, Mr. Speaker. I do not see the Hon. Minister, Dr. Ashni Singh, here, but I would have really liked to ask him, when will we have the preliminary figures from the census because the decisions need to be made from those numbers. There are more questions than answers. I do not know when we will get those answers. I noticed that the Hon. Robeson Benn answered some questions that the Hon. Patterson asked, and we got some data from the police. I am grateful for that. Importantly, and this is very serious, do we know the statistics on the crime rate in Guyana? Specifically, for the purpose of this Bill, when last have we had a report from the Guyana Police Force (GPF) or the Ministry of Home Affairs on statistics, on the number of family violence related crimes reported to law enforcement, including arrest and convictions? These are all critical questions that the Ministers of Human Services and Social Security and Home Affairs should be able to answer to this nation.

This Government received more than \$4 trillion in one fiscal year and must be held accountable. The Minister of Human Services and Social Security must be held accountable. I do not know what measure of accountability we should put in place. The Permanent Secretary resigned and there was nothing to be said to this nation. Do we have to send the Special Organised Crime Unit (SOCU) over at Lamaha Street? Despite all that money, women are being murdered, girls are being raped and our children are being abused, daily. There is no vision to curb violence in this country, holistically.

As I stand here today, I remember the Hon. Dr. Vindhya Persaud trying her level best to discredit the Coalition Government by saying that she met large reports. I think this was in her 2021 or 2020 Budget speech, I cannot remember. She met large reports on the shelves from studies being done in the Minister’s office and they were accumulating dust. Today, I will ask her, four years into her Government and her leadership in the Ministry, did you read those reports? Did you request a study into the prevalence of domestic violence across this country so that we can know what kind of intervention is needed in Paramakatoi as against Port Mourant or Waramadong and Port Kaituma as against Mahdia? There are more questions than answers. Without accurate data, the PPP/C Government is essentially navigating in the dark, unable to craft evidence-based

policies that can bring about meaningful change. Spending the oil money on friends and family seems to be the goal.

What is even more troubling for this nation is the inaction and lack of vision. It sends a troubling message to victims and perpetrators alike. It implies that family violence is not a priority, that the sufferings of victims are somehow less urgent or less deserving of our attention and resources. When I listened to the Minister, I thought about the number of issues that were reported at my desk and what is really going on with that glorious presentation? I do not want to say that it is misleading. I do not want to say that, but I want to say, all of us saw a video circulating with an 18-year-old mother. I do not want to call her name. An 18-year-old mother from North East La Penitence. I think it was last week. She is now a mother of two babies because she gave birth a few days ago to a baby girl. All the glorious legislation that the Minister quoted are available to all of us and I started off by saying that enforcement is the problem and the lack of implementation of measures to help us to be safe in society.

1.52 p.m.

[**Mr. Nandlall:** You must have legislation first.] Hon. Nandlall, there were at least six pieces of legislation that the Hon. Minister stood there and talked about. Do not tell me that we got to put this one in place before we can enforce anything. We are not stupid. The 18-year-old was in the system. You heard the Minister of Human Services and Social Security talk about the system. She is a product of the system. The stepfather who abused the little child is a product of the system. The system failed them. To be 18 years old and having two babies, the system that we are referring to failed them. That 18-year-old was placed in State care. All of this took place in the public and there was not one single word from the Minister of Human Services and Social Security. Today, she stands tall to reach out to *all and sundry*. She wants unity on this Bill.

I am going to say for the umpteenth time that I support this piece of legislation. It is the enforcement that we have a problem with. It is the lack of vision and implementation of policies to support the previous legislation and this one that we have problem with. I want that to be on record. Our children are being abused. Yesterday, a former Member of Parliament of Region 2 called. There is a 15-year-old who is pregnant. It is alleged that the father is a police officer. Now, how do we deal with things like that? The police are supposed to be the enforcers of the law. I guess... [**Mr.**

Benn: Send me the information.] I certainly will send it to you, Mr. Benn.

This is unacceptable. Every citizen has the right to live free from violence and fear. It is our duty to ensure that this right is upheld. I guess that is why, as legislators, we are all here today. We need a robust transparent system that can track incidents, measure the effectiveness of interventions, and hold perpetrators accountable. This is not merely a bureaucratic necessity; it is a moral imperative. When the Minister of Education made her presentation on the previous Bill, I was really touched. When women legislators stand strong to support legislation to protect our own, we must be proud of that. We do that today, but not without highlighting where there are flaws. If we are not subjected to scrutiny and held accountable, all that we do makes no sense.

It would be remiss of me not to share recommendations after I would have highlighted some aspects of the problem. Almost, on a daily basis, I get complaints because of the responsibility I have. Every time I have to deal with complaints coming from the functions of the Ministry of Human Services and Social Security, I wonder what the strategic direction of the Ministry is. Do we have a strategic plan for this Ministry? It is necessary. When addressing national indicators for family violence, several economic factors should be considered as they can influence both the prevalence of family violence and the resources available to address it.

Income levels and poverty— we cannot talk about reducing family violence without talking about our income level. We cannot talk about reducing family violence without looking at the cost of living. We should aim at reducing the high rates of unemployment which contribute to family violence due to increased stress and reduced financial stability. If we are to address this matter holistically, we should aim to reduce economic inequality. We need to make equitable access to economic resources. I do not want to talk about the discrimination of the services that are being offered but we have looked at that. We should look at reducing economic dependents. Economic dependents speak directly to this Bill. When one spouse is the breadwinner and the other spouse — many times, the female — is dependent, we know what that does in an abusive situation. The Minister spoke to that. When you are abused and you are dependent on the breadwinner, there is not a place for you.

If this Government can primarily give some focus and consider economic factors, particularly, in the situation of reducing family violence, then we can better understand the

root causes of family violence and develop comprehensive strategies to address it. I believe Guyana must rise. By taking decisive action now, we can pave the way for a safer and more just society, where all individuals can thrive free from the shadows of violence. Let us commit to robust support systems whereby preventative measures are implemented. Let us strive to ensure, Hon. Minister, that enforcement is one of your major priorities and implement support systems to support this legislation. I thank you. [*Applause*]

Ms. Manickchand: You know, Mr. Speaker, I really hoped for a constructive contribution that might make a difference on this issue. You cannot come here and say you love women; you want to protect women and children and defund the Guyana Legal Aid Clinic when you had the budget in your hand for five years. You cannot come here and say you love women, and you want to protect women and children and failed to sign the same Spotlight Initiative you spoke about for eight months. It was signed under this Government. You cannot come here and claim to love families and claim to love women when in those eight months, you were trying to rig an election. The people who suffer most from undemocratic governments are the most vulnerable – women and children of families. You cannot come here and claim to love women and children and refused to build a single secondary school in five years where those women and children could not get an education to become financially independent. You cannot come here and speak of love for women and children, and families free of violence and failed to build a single shelter and defunded the one shelter that was doing work – the Help and Shelter. When you come here, you must come with a level of authenticity that at least recognises that you might have failed but let us see what we could do with what the new set of people bring in here – the PPP/C Government.

One of the most dangerous things we could do on the issue of violence against women is to descend to this. I am not going to continue it on my side. I just wanted to let the Hon. Member know that this nation knows who stands with women and children. We are inviting you to stand with us as we do it. One of the most dangerous things we could do, when addressing violence against women and children is to create division so that victims are left alone. We must never do it.

When the Domestic Violence Act was passed in 1996, it was the first time that this country officially recognised that women were not the chattels of their partners and were duty-bound to put up with blows. We all knew that. All of us here came out of families where we know of someone, a

grandparent, an uncle, perhaps even our parents and I really hope not anyone in this House – where we know of violence of men against women and that it was a normal thing. Nobody complained about it. Nobody went to the police about it because this was what happened to wives in marriages. They were beaten. That is what we came from.

When I came out to practise in 2000, I stood before a Magistrate in the Maraj Building – not the Magistrate sitting behind. The Magistrate asked me in 2000, four years after we had passed the Domestic Violence Act, in an application that I was making for the protection of a woman – he asked me if I was mad. I was asking for a man to be put out of the house and for the applicant to be given an occupation order, which we will talk about just now, so that she could be protected. The whole point I am making is that this was four years ago, 2000. Courts in this country were still refusing to implement a law because of our culture. Domestic violence and family violence would not stop with a Bill. Implementation is not the only problem with the Bill. We must begin by recognising that change has to come from the laws in the country. We must speak through our laws about what we would tolerate and what we would not.

I am saying that at that time when we passed the Domestic Violence Bill and even now, there is an inherent danger with this, which I will come to just now, we needed to call it a Domestic Violence Bill. This is because what we were primarily engaging in was the rejection of the belief that once a couple had engaged in a domestic relationship, it was a consent to being abused. We had to change that thinking. The abuse that we were recognising through that piece of legislation and this piece of legislation was physical, which were cuffs, slaps and kicks; verbal forms such as saying, you are a whore, you are ugly, you are worth nothing and you are stupid; emotional forms such as withdrawing affection and withdrawing attention; psychological, all of those that came with the verbal abuse; and economical forms such as withdrawing finances, going by himself to the supermarket to buy everything he had to buy, buying clothes and under garments for her and not giving her the independence to make decisions. Those were the types of abuse that the Domestic Violence Act and this Bill seek to address.

There is a small danger, and I am flagging it because I could not in good conscience... I commend this Bill, and I want to see it get success in every sense. The danger in moving from domestic violence, which we have not resolved as a world yet and definitely have not resolved as a country, to a broader family violence type situation, is that we could, again, get lost in the importance of creating an environment

where gender equality prevails so that domestic violence between genders does not occur. This is not our intention. We intend to expand the protections offered and our understanding of what violence is towards family members. We will not lose sight of the fact that we still have to fight domestic violence as we understand it between a man and a woman or between spouses. We are not losing that in this. Those were the types of violence that we sought then, and we seek now to address.

What are some of the remedies offered? There is the protection order that an applicant can get from the court, which essentially can tell a respondent not to appear within X yards or feet of the applicant's workplace, home, place of leisure or children of the applicant or colleagues of the applicant.

2.07 p.m.

We can get a tenancy order which allows a court, regardless of who signed the agreement, to remove the abuser from the home. We can get an occupation order, which allows the court, irrespective of home ownership or who owns the property, to remove from a home one of the occupants who is an abuser. We can get a temporary custody order, which allows the applicant to have custody of her child, while the proceedings are going on. We can get a maintenance order, which allows the applicant to get maintenance while the proceedings are going on.

Why are those things important? Often times, if you cannot get to stay in a home to the exclusion of the abuser, then you have to stay with the abuser because you have nowhere else to go. If you cannot get your child to leave with you, then you have to stay with the abuser because you do not want to leave your child with that person. These things were very well thought out and what we want to do with the legislation and what protections we want to offer are very well thought out. There were two gaps, one particularly in the domestic violence law. The domestic violence law is a summary jurisdiction Act. That means you can go to any Magistrates' Court in your district and get these orders. That is the best thing to do because the Magistrates' Courts are in districts and villages.

When families broke up and they went to the High Court for divorce or custody, they could not get these protections under this law because under the Domestic Violence Act it had jurisdiction strictly for summary jurisdiction, that is the Magistrates' Court. This Act allows all of these Orders under this Act to be applied in the High Court if parties have a matter going on in the High Court. That is a big deal. I have

had that obstacle. It is not obstacle; it is just a lot more work. You had to do it in the Magistrates' Court and then go back to the High Court to make the applications. Here, you will be able to do it all under one piece of legislation. The Domestic Violence Act was quasi criminal. It happens in the Magistrates' Court and orders can be made. If those orders were breached, then contempt proceedings, which includes jail time, could have happened. However, a magistrate did not have jurisdiction to apply jail time and penalties to an abuser. You had to come under the Criminal Law (Offences) Act or the Criminal (Procedure) Act. Under the new Family Violence Bill 2024, which we plan to pass here, a Magistrate can make orders that penalise an offender in a criminal way.

What is it we need to get our families out of harm's way or out of this situation? It has to begin with a rejection from every person, without exception, of any violence against women and children. It has to begin with that. [An.

Hon. Member: (*inaudible*) men too.] And men. Of course, they are so large in numbers as the victims of violence of women, and I said that with great sarcasm. These Acts are gender neutral. Let us be clear about that. Men can apply for orders; women can apply for orders; they are gender neutral. The reality is the majority of persons who need protection are women. The underlying factor for that is still because women are not equal and are not seen and treated as equal in many regards, including opportunities they get, and that is what we must attack. That is what we must change.

What we have to do is make sure that we give everyone, particularly women and girl children, an opportunity to make sure they can be independent, reason for themselves and exit relationships where they need to. What does that begin with? It begins by making sure all of our children are healthy, vaccinated at an early age. Hon. Member of this House, Dr. Frank Anthony, is ensuring that happens. We now have a high, in the 90s, vaccination rate of our children, so they are coming out healthily. Then, we must make sure that they can access schooling. Hon. Member, Volda Lawrence, is saying that we have always had a high vaccination rate and I will agree, but I bet you cannot say that about the schooling part.

So, let us talk about schooling. We have to make sure our children can access schools – nursery, primary and secondary – and we have enough schools built. Then, we have to make sure that once they are in those classrooms, that they have a high quality of education allowing them to look after themselves and enter tertiary learning when they exit the high school. What are we doing regarding that? We are making sure that we build schools, and we train teachers

to give them that solid primary-type education. Then, we have to make sure that, once we give children a primary and secondary education, we give them an opportunity train, get degrees as they work and get further training. That is what we are doing through the University of Guyana (UG), Women’s Innovation and Investment Network (WIIN) programme and the Guyana Online Academy of Learning (GOAL). Right now, we have more than 50,000 persons – some 80% of them are girls and women – training in this country to give themselves opportunities to be more independent financially. Then we have to make sure that where we have gaps...because this is a very complex issue. This is not merely an implementation issue.

The big issue here is that complaints are made and then they are withdrawn and there is no one to stand in a box to give evidence. That is because this whole issue of domestic violence and family violence is a very, very complex issue. Here is someone you love dearly and trust dearly and invested with battering you, and for that night and the next day after, it is harsh, and you do not want anything to do with them. Then your children come to you saying, please do not lock up daddy. Daddy himself comes and says how much he loves you and reminds you of the time, longingly, when you both were in a really good place, and you give him a chance. It is a complex thing; it is not easily resolvable. You come here and talk stupidity at a podium and think that we will fix domestic violence. We have to invest the time, and it is hard. It is going to be hard work. It is not simply a violence issue; it is giving opportunities to each individual in this country, particularly women and girls, making sure that is equally distributed across the country and then equitably distribute it in hinterland communities to make sure that everybody is on an even playing field. Where relationships break down, we have to pass laws like the Matrimonial Causes (Amendment) Bill 2024, to make sure we do not have much conflict in the relationship.

What else did we do, Sir? We expanded what used to be the Georgetown Legal Aid Clinic because it was based only in Georgetown; one single legal aid clinic in this whole country. We expanded that to six of ten of these regions in this country and you heard about our further expansion where collaboration with the Guyana Bar Association is seeing more persons volunteering their services for advice and representation in these matters. This Family Violence Bill 2024 is not by itself going to bring solutions to family violence. That requires all of us, using our various offices and talents or various influences, political parties, and otherwise, to make sure we have a place where opportunities are plenty and where there is a complete rejection, without

exception, to violence against women and girls. Once we do that, we would be well on our way to not even needing this Bill. However, until we are at that place, this is a good, solid piece of legislation that can offer support to persons who are victims.

I have seen a criticism, and I would like to address it because it was in the letter column of a national newspaper. That is, this Bill is encouraging same sex relations because it allows for protection of same sex couples. It is not. The Domestic Violence Act recognised that anyone in an intimate relationship would be entitled to protection and did indeed give that protection in 1996. This House, this country, passed that piece of legislation where it did not matter what your gender was, if you were in a relationship that got violent and abusive and you wanted to exit that relationship, the law would offer protection, and it did. You cannot come in 2024 and remove that protection. We cannot regress. We have to at least stay where we are. All that this piece of legislation is saying is whatever your gender is and however one may identify, if you are a victim of violence because of a domestic type of relationship, we will offer you equal protection under the law and, indeed, we can offer nothing less in this day and age.

Nobody is introducing or encouraging anything here. I would like to ask what the alternative would be. For the persons who say you should not offer them protection, what is the alternative? Are you saying that a person in a relationship should be beaten and battered because you do not agree with their lifestyle? Is that civilised? It cannot be. So, that is all we are offering here – protection to people who are in a domestic relationship who are complaining of abuse and other types of violent behaviour. It cannot be that we do anything else in this day and age.

Mr. Speaker, I take great pleasure in commending the Family Violence Bill 2024, Bill No. 11 of 2024 to the House and to the nation, and I congratulate the Hon. Minister, Dr. Vindhya Persaud for bringing that to the House. [*Applause*]

Mr. Speaker: Thank you very much, Hon. Minister. My dear Hon. Member, Ms. Annette Ferguson.

Ms. Ferguson: Thank you very much, Mr. Speaker, for the acknowledgement. This afternoon, I am indeed grateful for the opportunity to contribute to the debate on the Family Violence Bill, Bill No. 11 of 2024. Before I get into my presentation, it would be good for me to set the records straight based on what my colleague, the Hon. Priya Manickchand, mentioned as it relates to the then People’s

Progressive Party (PPP) Government bringing the Domestic Violence Bill in 1996.

I want to assure the Hon. Member that somewhere in the Library of the National Assembly, you will find a white paper which was laid by the late Linden Forbes Sampson Burnham in 1980 on the rights of women. Also, it would be good for me to mention to the Hon. Member that between 2015 and 2020, we had no oil resources. We had a fire, which was quite unfortunate, that claimed the life of about two or three children in Hadfield Street.

2.22 p.m.

It was the Coalition Government who made it possible without oil resources, Hon. Member. We constructed a spanking new children's home in Sophia. So, when we come to the National Assembly, we must come with facts and not just to grandstand here and we must come to deal with the people's business.

Mr. Speaker, I have no intention of speaking in excess of 30 minutes, since my colleagues on this side of the House have stated, unequivocally, the position of the main Opposition, that is, our unwavering support for the Bill on family violence. The Hon. Member, Dr. Persaud, has provided an entire overview in relation to the Family Violence Bill, which is likely to be signed into law in a few weeks from today. However, I must express my disappointment to the Hon. Member, Dr. Persaud. On page 54 of the Bill, reference was made to several significant studies and research, but I have absolutely no recollection of the reports being laid in this honourable House.

I had the opportunity of reading the Bill in its entirety, which comprises of six parts and 58 clauses. Like my colleagues on this side of the House, I believe that the Bill is a progressive document which fits into the Spotlight Initiative. I am delighted to see that this new law, when enacted, will repeal the Domestic Violence Act 1996, but hinges on several existing laws. However, while I am an advocate for change, what is equally important to me is the enactment and enforcement of the laws which are there to work and bring remedy to situations. I will be true to myself and proclaim that the systems are failing our people who are in distress. If we allow the competent personnel to execute their duties without political involvement, our society can be a successful one where no aggrieved citizen will be inhibited.

We heard from the Hon. Anil Nandlall earlier, followed by Dr. Vindhya Persaud, about the many pieces of new laws that have come to this Assembly since 2020. What is of

concern to me is the roll out of these pieces of laws. You would remember, Sir...and I can take the Parliament as far back as 2023, when we passed the Digital Identity Card Bill 2023 for which I think approximately \$700 million was appropriated in this year's budget. We still await the implementation of this new law. We were promised that in the second quarter of 2024, we would have seen a massive rollout of not only the legislation – because the legislation is there – but actually the card. Also in 2023, we were promised, based on several questions that were put to the Hon. Dr. Ashni Singh in the National Assembly regarding the delay in making the census report available...We were, told to be exact, and it might have been in December, 2023:

“Preliminary census report by 2nd quarter of 2024”.

These are not my words. These are the words of the Hon. Dr. Ashni Kumar Singh, who is not in his seat here this afternoon. We have completed the second quarter of 2024 and are now about to enter the third quarter of 2024, and we are yet to receive this report. The census report will give us an appreciation of many things such as the percentage of ethnicity, the employment rate of our people in this country and the different religions to which we all belong. I believe, with this new piece of legislation coming into effect, that is, the Domestic Violence Bill, that the census report would aid... Yes, I am happy that the Minister said that the research was done, but I believe the census report would give us a true reflection of the different forms of violence in our society, not only here in Georgetown, but I am happy to hear the Hon. Member state even in the hinterland areas. The census report would say to us how many persons are affected when it comes to domestic violence or family violence. There are a lot of things and a lot of effects that would cause family violence such as unemployment – and we heard about it – economic employment, amongst every other thing. So, I trust that we will be able to receive these promised projects and to see whatever has to roll out, as was promised in this National Assembly.

The Hon. Member, in whose name this Bill stands, reported that consultations were held. However, I have confirmed with several reputable organisations...For those of you who do not know, besides me being a management specialist, I am also a social worker. I am also a social worker if you did not know. I have confirmed with many organisations, even the faith-based organisations of which I am a part, and also even the Guyana Association of Professional Social Workers. I do not think many consultations were done with them. I did engage persons, and I was told that lecturers from the University of Guyana (UG) were engaged. As I said

before, I do not want to take up much of my time. Let me just turn my attention to a few elements that I find of interest in the Bill. I turn our attention to Part I of the Bill which speaks about the varying definitions. During my consultations, Hon. Minister, I got feedback that harassment, even though you have a definition there, should have been a little broader. [Dr. Persaud: *Inaudible.*] You have a Bill on harassment that will be coming. I know that the Bill also speaks to the issue of the Cybercrime Act. If you look under harassment, persons can be harassed by other persons using electronic means, such as abusers using technology to hack into phones, bank accounts, *et cetera*. So, I trust Hon. Member, we will see that kind of element in the Bill on harassment that will be tabled shortly. I also want to turn your attention to page nine of the Bill and I see here you have:

““parent” means...”

Then you gave the definition. In the Domestic Violence Act 1996, I noticed it made mention of grandparents. I do not know if in this definition where it states, “any person”, refers to grandparents. What about aunts and so forth? I do not know if they will come under that category. On page 12 of the Bill, Hon. Member, it speaks to:

“PART II

FAMILY VIOLENCE ORDERS

Protection Orders”

To be honest, this piece of legislation is very good. Mdm. Minister, when I read PART II which speaks about “Protection Orders”, what I find missing – and it is probably something that you can consider – let us say, for instance, my husband abused me this morning. I went to the station, lodged a complaint but the police did not take any order, but he jumps on a flight tonight. How do we treat with such instances? I do not see any reference to someone committing a family violence act and then fleeing the jurisdiction. How do we intend to deal with such a perpetrator? My husband is a loving man, so he would not abuse me. So, I just want to put that on record.

The other concern I have is on page 16, Mdm. Minister. It is clause 11(2)(e):

“provide that the respondent seek appropriate counselling or therapy from a person or agency approved by the Minister, by notice published in the *Gazette* or be ordered to participate in a Batterer

Prevention Programme or other similar programme as approved by the Minister.”

My only concern here is, why do the programmes have to be approved by the Minister? Is it that you would allow for the technical staff to do whatever they have to do such as compile the programmes and you approve of it? [Mr. Mahipaul: You cannot trust the PPP/C.] You cannot trust them indeed. The other aspect of the Bill I need to touch briefly on has to do with:

“PART III

POLICE DUTIES AND POWERS”

It is very clear but my only concern here, Mdm. Minister, is that...I do not know who trained the police and whether the police were trained by experts from the Ministry of Human Services and Social Security. Though we would have persons certified as social workers, just as lawyers and doctors, we have specialities too. So, is it a case whereby the social workers from the Ministry would be used to go and conduct the training with the Guyana Police Force (GPF) and do the necessary training of their junior ranks? This is so that when a complaint is made at the police station, we would be able to see the police acting aggressively. We know that under the Domestic Violence Act 1996, many victims would visit the police station and many times they would not get any redress. So, I trust that with this robust and progressive piece of legislation, we will be able to see the police acting in conformity with the law. We do not want a situation where we experienced about 32% of domestic violence deaths for 2023 and after the passage of this Bill, we see a vast increase of this. So, I trust that the police will be trained well so that we will see some decline in family violence.

On page 32, Mdm. Minister, at clause 39(f), under the same “POLICE DUTIES AND POWERS”, I notice you have here:

“(f) inform the victim as to his or her rights and the government and private services which may be available to assist him or her.”

I heard in your presentation, and it is also incorporated in the Bill, that you will have an assigned social worker.

2.37 *p.m.*

I do not know if that person will be stationed at a police station or I do not know if, from the Ministry of Human Services and Social Services, that person will be assigned to a particular district. My interest in this particular element,

Mdm. Minister, has to do with the churches. Will the churches be involved in training or in helping to counsel persons? Many of our people may not want to visit the police station because when your information is put there and you make a report, things tend to fall through the crack. Persons may be confident speaking with a pastor or a church elder in their community. Where in the Bill would one be able to find the churches playing a role where this piece of legislation is concerned? You can find social workers all around – in the churches and in the communities. Perhaps, you will be able to address that.

My other comment on this piece of legislation is that I recognised in the Bill that you spoke to the issue of social workers working in conjunction with the police. I hope I got that right; that I analysed it correctly. We may be asking for social workers to go beyond their duties. Social work is not an easy task for us. I believe that if you really want to get more out of the social workers ... Every year, the University of Guyana graduates hundreds of social workers and many times, social workers cannot find jobs and we know that. Even though our population is a small one, we have major social issues, with which our social workers would be able to assist because that is our way of helping to solve problems. I want to find out from you whether concessions or considerations will be given to our hard-working social workers. We cannot be paying them peanuts and expect them to do huge jobs on a daily basis. Would any extra benefits be given to them whenever they have to deal with family issues? Mr. Speaker, as I said before, it is a very good Bill. It is not for us to pass this Bill today, Mdm. Minister, and by tomorrow we see things happening in our communities.

The other point I want to raise has to do with education awareness. Truth be told, many persons are unaware of us passing this piece of document today. My pastor reached out to me last week. I provided him with a copy of the one we debated earlier – the Matrimonial Causes (Amendment) Bill and this one. Last weekend, I was fellowshiping with a few brethren. They asked many questions such as, what is this Bill seeking to address? They heard about the Family Violence Bill which is to be debated in the National Assembly and the Matrimonial Causes (Amendment) Bill. We do not know much. My friend to my far right, it will be good because he is the Minister with responsibility for public affairs. It is his responsibility to ensure, even if he has to invite the Members from the Opposition side...because we have competent persons who can also speak to the Bill. We need to educate our people. I heard you mention work being done in the hinterland and that this Bill will serve everybody.

I am sure that if we are to conduct an assessment on the ground to find out whether the children in the hinterland or the families are aware of this Bill, you will get a fat 'no'.

The responsibility is on all of us in this National Assembly. When we come here to lay Bills or to amend Bills, it is our responsibility to educate, go into the offices, fields and factories and sell the information to our people. That is the only way, I believe, we will have a decrease in the violence in families. Due to the lack of information, because people do not know ... If my husband beats me, I could now go to the station and the police can come without an arrest warrant. Who knows that? No one knows that. Only us in this honourable House know that. I want to encourage all of us in this National Assembly to do the honourable thing. We have to go out there and educate, sensitise and bring awareness. What are the implications if one does 'x'. What is likely to happen?

Before I take my final leave, I also want to say to the Hon. Minister that there are a few grammatical errors in the Bill that she needs to look at. On pages 32, 35, 36 to 37, 38 to 39, 40 to 41 ...

Mr. Speaker: Hon. Member, those that you have, you could pass them to the Clerk. The legislation gives us the powers to make those changes.

Ms. Ferguson: Thank you very much, Mr. Speaker, for that. With those few words, we, on this side of the House, give our full support. I trust that we will be able to do the next step. What is the next step? It is to ensure that our 750,000 people, who we all represent here, become aware of this new piece of legislation. Let them know that the repealing of the Domestic Violence Act of 1996 will no longer be in effect. When you go to a station, it is not for the policeman to ask whether you have a copy of the Domestic Violence 1996 Act. We are speaking about the Family Violence Act 2024. With those few words, I thank you for the opportunity, Mr. Speaker. May God richly bless us all. Thank you. [*Applause*]

Mr. Nandlall: Thank you, Mr. Speaker. In 1996, we enacted the Domestic Violence Act. That was some three decades ago. It was a groundbreaking legislation at that time. Thirty years hence, we would have, through experiences and through the use of the Act, identified deficiencies, loopholes and inadequacies.

In addition, three decades after, society has evolved, new concepts emerged, and new social and legal realities are emerging. That also required us to expand the legislation, if we are to review it. The Bill that is before us titled, Family

Violence Bill 2024, Bill No. 11 of 2024, does just that. Almost every concept, precept, protection orders and categories of persons, as well as offences, wrongs, types of abuses, *et cetera*, which are contained in the Domestic Violence Act 1996, have been retained. What we have now is an expansion, adding broader contexts, defining in broader terms the contextual setting, increasing the number of orders that can be made, increasing the jurisdiction of the courts and giving additional powers to the Police, *et cetera*. All of those are now in the Family Violence Bill.

Let me address the Hon. Member, Ms. Singh-Lewis, who is not here. It was never the intention of our Government or the belief of any government that legislation is the panacea of all problems in a society. It is not. It certainly is one of the solutions. That is what we are putting forward. The Hon. Member, Ms. Ferguson, spoke about a White Paper in 1980 on women. I do not know what the connection is between that paper and family violence. Family violence is much wider than just the rights of women. Obviously, it includes women. The Hon. Member, Ms. Singh-Lewis, spoke about another White Paper. That is all they speak about – papers, concepts, reports ... [An. Hon. Member: Studies.]

And studies. We have all of that, but we are bringing them into fruition. That is the difference. We are moving from the theoretical stage to practicality. That is the difference between the two governments. One was always doing a study. They did a study of the Demerara Harbour Bridge. They produced a report with a one lane bridge. We are building a four-lane, 1,000 feet in the air. That is just one example of the difference.

Let us get back to the Bill. The domestic setting, which was created by the Domestic Violence Act 1996, has been widely expanded to include a familial setting. It is not that we are detracting from the imperatives of domestic violence as contemplated by that Act, but the domesticated environment is now expanded further and wider than was expressed in that Bill, to take into account categories of persons that may have been omitted at that point in time. You have a wider category of persons who will benefit from protection under this Bill.

Secondly, we have the type of orders. You have now a wider range of orders that one can seek under this Bill, a wider regime of protection. Inherent in that is that, obviously, we have widened again and increased the definition of what family violence is. If you look at the Domestic Violence Act 1996, and you look at the offences or the wrongs under that regime and you look at the wrongs and types of abuses under

this legislation or under this Bill, you will see an appreciable expansion of the types of abuses for which this has catered.

2.52 p.m.

The Hon. Member, Ms. Ferguson spoke about harassment. While we have an Harassment Bill coming, at page seven of this Bill speaks on harassment. It states:

“harassment” includes:

- (a) the intimidation of a person by –
 - (i) persistent verbal abuse;
 - (ii) threats of physical violence;
 - (iii) the malicious damage to property of a person;
 - (iv) inducing fear of physical or psychological violence; or
 - (v) any other means;
- (b) the persistent following of a person from place to place;
- (c) the hiding of any clothing or property owned or used by a person or depriving of a person of the use thereof or hindering a person of the use thereof;
- (d) the watching or besetting of the house or other places where a person resides, works, carries on business or happens to be or the watching or besetting of the premises that are the place of education of a person, or watching or besetting of the approach to house, other place or place of education;
- (e) the making of persistent unwelcome communications to a person;

It could be texting or *WhatsApping*.

- (f) using abusive language to or behaving towards a person in any other means which is of such a nature or degree as to cause annoyance to, or result in ill-treatment of that person; ...”

I read that out for the record to explain the breadth and depth of just that single definition of the word ‘harassment’. This Bill has a series of definitions of that type, so as to encompass the widest conceivable type of wrongs or abuse

that can be perpetrated and take place in a domesticated familial setting.

Of course, I would not go through the meaning of family violence. It spans two pages of the Bill – page ten and page eleven. Again, the breadth and depths of the Bill. Then, the objects of the Act and then, of course, the type of orders. As I said, there are several pages of orders that can be made and the type of orders. They can be made *ex parte*, which means in the absence of the other side depending upon the urgency of the case. They can be made *inter partes* in the presence of the other side. They can be made for periodic intervals, depending upon the justice of the case and, of course, they can be made permanent. It has inherent protection for other interests that may be affected. For example, a tenant order means that if one party is a tenant, which means the tenancy agreement is in that person's name, if that person is excluded from the matrimonial home by a protection order, the beneficiary of the order becomes the tenant's but it does not defeat the rights of the landlord. The offender will have to continue to pay the rent and comply with the obligations. The point that I am making is that third party interests are protected.

The Act also emphasises that whatever orders are made against the offender, they do not affect ultimately his/her proprietary interest in a particular property. There are protective orders only to meet the justice and the vicissitudes of a factual situation unfolding, so as to offer protection. They do not go to defeat the proprietary interest. This means, for example, that a protection order that excludes the owner of a house by transport does not mean that he is no longer the owner of the house. It does not mean that his proprietary interests vested in him by that transport or certificate of title, as the case may be, will be defeated by the court order. Obviously, one cannot do that because it would defeat the man's constitutional right or the woman's constitutional right to own and enjoy property. All those interests are protected in the Bill when these orders are made. Of course, there is also a regime that allows for the discharge of these orders because the Bill also contemplates a vexatious applicant or complainant. There will not be a bona fide complaint every time. There will be malicious people too who would like to rush to the courts... We have had experiences as that. ...to manufacture a story, get very invasive orders and very draconian orders made to exclude persons from their house wrongfully. The Bill caters for those persons to come back to the court and for the court to discharge orders, based upon evidence and, of course, to make an order to avoid vexatious litigation.

Perhaps, the most significant feature or addition to the Bill is the powers that have been conferred on the police. These were deliberately done, having regard to the experiences under the Domestic Violence Act. The Domestic Violence Act, in its current construct, really contemplates an application, first, being made to the court, then action being taken. The police really had limited power, if Members look at the current legislation. The police had basically the limited powers that they have under ordinary criminal law of assault, battery, grievous harm, *et cetera*. This Bill gives a huge addition of powers to the police to do many things. For example, remove the applicant or the complainant from the place of the violence, go with the complainant to help the applicant move out, can take steps to remove the violent offender from the place and ensure that children who are involved are protected. All of these things the police are empowered to do long before an application is even made under the Act. These are pre-emptive powers that the police now have which they did not have before. These include the power to enter premises without a warrant.

Now, that is a serious thing. A person may see a domestic violence situation taking place and because it is domestic it is private. Even though the police may have certain common law powers and even statutory powers to stop a violent offence from taking place, they are timid because it is domestic, it is private and going into private property carries certain risks. Those matters are being addressed frontally and the police are now empowered, in appropriate cases, to do that. Many of the cases of domestic violence fall through, unless there is a Lawyer prosecuting them. This Bill puts into place a mechanism that allows a person who may not have the benefit of legal advice to be able to prosecute the case and that is why it imposes on the police a duty to take adequate notes of the reports, preserve the evidence, prepare a special report and hand it to an officer-in-charge or the police officer of the highest rank in the police station, so that evidence is preserved. Many of the time, as I said, the reports are taken and that is the end of the matter. Here, there is a different regime that allows for a different treatment to be meted out.

In addition to the civil type of orders that now can be made under the Act, there are criminal proceedings, so while the previous Act – the Domestic Violence Act – was more civil in its nature and a person only really gets imprisonment when there is a breach of the order, there are these offences created by this Act now that are criminal in their very nature. When one goes to the court, not only will one get a regime of civil order protection but the police can charge the offender for criminal offences for which he/she can be

sentenced and jailed. That is a different regime of offences being created.

This Bill, unlike the Act, creates civil cause of actions where one can claim compensation for domestic violence. Apart from the injunction that one can get, the protection order that one can get and the various other remedies that one can get, one can also get compensation and action for compensation is maintainable simultaneously with the criminal offence that the Act creates. It is not an abuse of process to file both criminal proceedings and civil proceedings arising out of the same misconduct. The Act makes that explicit because some smart Lawyer might say you cannot pursue criminal proceedings and civil proceedings at the same time arising out of the same incident. The Bill puts that to rest.

Also, the Bill, which is another addition to the Domestic Violence Act, is that it invests in the Supreme Court with all the powers and it equips that Court to grant all the orders that can be granted in a Magistrate Court, while proceedings in relation to the parties are ongoing in the High Court or in the Supreme Court. Why did I say Supreme Court? It is because the Supreme Court consists of the High Court, the Full Court and the Court of Appeal. If there is a divorce proceeding and the occasion warrants a protection order, one does not even have to make the application in writing to the Judge. One can make it orally and the Judge can grant the order. Under the old Act one had to go to the Magistrates Court and make an application in writing. Now, one does not have to do that if there are proceedings in the family court already pending in the High Court. One does not have to file necessarily additional paperwork; one can invite the Court to make an order – an appropriate order – in those proceedings itself. One can do that even while an appeal is going on. Domestic violence, as we know, does not end; familial violence does not end; court proceedings do not necessarily end them.

One time, I spoke in this National Assembly and made reference to a case on the East Coast where the woman got from the Magistrates Court an Order to remove the offender – the husband – from the house. The husband was severed with the Order. He had the Order in one hand and a cutlass in the other hand. He went back into the home, chopped the woman to death and then killed himself. That is a classic case where the law alone cannot work but that is not for this debate. This debate is about the law. We have a lot more work to do, so we must not burden this debate with those matters; we know that. How many Bills have we not brought here to deal with traffic and the carnage on our roads? Has the carnage stopped? No. It has not. We have brought many

Bills here to deal with violence. Has the violence stopped? No, but this is one measure. **[An Hon. Member:**

(inaudible)] Mr. Ramjattan was supposed to bring some horses and dogs to fight crime. I remember that. The horses never came; the dogs never came; and the criminals are still with us, but that is an aside. These things are holistic but this here is an important measure towards the solution. It will not bring about the solution.

3.07 p.m.

Mr. Speaker, I know that I am running out of time; I do not wish to detain you. In the Bill also, there is an obligation being imposed on the police force and many other agencies that would come into contact with victims and offenders. They have a duty to advise on how, apart from charging, to seek remedial help at the various state agencies, Government departments, *et cetera*.

As the distinguished Minister, Dr. Vindhya Persaud, made reference to the Hope and Justice Centre, which we are creating, there are those facilities as well. When the policeman, if he cannot find the domestic violence, the report is made, the person, it is a weekend, the police cannot get a Magistrate... Where does the police put the victim? The police may not even find the offender to lock him up and there is the victim who will tell the police that there is every likelihood that the offender will come back one o'clock in the morning and do more damage. It is hard to get a policeman to stand there the whole night. We have places across the country where the police can take the victim, until proper arrangements can be made. Those are duties now, by law, that have been imposed on the social workers and the police when these situations occur.

Of course, there is the Minister having the power to make regulations to even give greater teeth and greater flesh to this Bill, if the occasion arises. Mr. Speaker, with those brief remarks, I commend this Bill to the House. Thank you, very much. *[Applause]*

Mr. Speaker: Thank you very much, Attorney General (AG). Now, for the Hon. Minister of Human Services and Social Security.

Dr. Persaud (replying): Thank you, Mr. Speaker. First, I would like to say thank you to all who contributed to this rich dialogue on family violence and the Act that is to emerge out of this process. I want to say thank you, specially, to my two Colleagues on this side of the House for providing clarity on some of the issues raised by some of my Colleagues on the opposite side of the House.

As I move to the final point in this, I just want to say, I did spend a lot of time mentioning that legislation is only one facet of what we have to do to counter violence. We have already started to build that complementary infrastructure, so that we can have all of the support services that we need to ensure there are implementation and enforcement.

I also want to emphatically add that the Spotlight Initiative was signed by myself in October, 2020. From that Spotlight Initiative, a number of these areas came. I must say it because you cannot be dishonest, try to distil things and try to make it out as if something was being done prior to that. It was not signed at all by the previous Government. It was signed by me in October, 2020. From the Spotlight Initiative, we were able to have excellent initiatives such as the COPSQUAD2000 Initiative. For my Colleagues and Members of Parliament (MPs) edification, the training of the Guyana Police Force was done by the United Nations Population Fund (UNFPA) by experts from the United Nations (UN) and also by local experts. More than 60% of the Guyana Police Force have been trained. There is a recommendation for whatever training was provided at all levels to be introduced to the curriculum of the cadets and the trainee officers, so that sort of knowledge is a continuum. It is already put in force to an extent in the Guyana Police Force Academy and there was more training that occurred. There will be continuous training, especially with the introduction of this new Bill.

Also, with regard to awareness and education, those are ongoing processes. They behove every one of us to be part of that. We cannot pull ourselves out, complain, moan, groan and not a part of something. This topic of family violence should not be a politically divisive one. It is too important; it is too painful; and it is affecting people in so many ways that we should not be divided on this. We should not be making light of it and come here to have those sorts of sentiments that I heard expressed by the Colleague on that end of the room.

I want to say, I am also appreciative that I got the support for this Bill because this is what we must do. If we truly want to help people, we must unanimously support pieces of legislation such as this. There are so many facets that came out of the Spotlight Initiative, the operational programming for the Hope and Justice Centre and for the service hubs. Nowhere else in this region, there is a Hope and Justice Centre that provides all the services to counter domestic violence, violence in terms of gender-based violence, and violence against women, girls and boys. Nowhere else puts all of the services under one roof. In fact, it is Guyana's

model that all of the other countries in the region are now referencing to have back in their own countries.

We must acknowledge the sort of work that has been done. It is not being done by one person. It is being done by technical people. It is being done by several ministries. It is being done through collaboration with the United Nations and through the Spotlight Initiative. There is continuity because all of the programmes that were started are now absorbed into the Ministry of Human Services and Social Security. That is why we can say, we can put a service hub in Region 1 and we are going to have all those services there. We speak of the faith-based organisation, the Support and Heal Network who are aligned to the Ministry. They started when I became Minister, which allows all of those in the faith-based organisations to have training. They have been trained in anger management and conflict resolution. The Hon. Member of Parliament, Ms. Ferguson, you are welcome to join and be trained too. They will also have training on the Family Violence Bill. We also have a referral pathway that involves all stakeholders. Again, that does not exist in many of the other countries. These are new initiatives and these are initiatives that will consolidate the robust response that we want to have to counter family violence in all of its facets.

In the last three years, we have seen progressively an increase in the budget to counter violence. In fact, this year, we have \$150 million dedicated to the fight against domestic violence. We also have \$46 million of that towards Help and Shelter. We also give a hefty subvention to the legal aid clinics. The Government has been doing what it has been doing for all of this time. My intention today is not only to focus on all the supporting infrastructures but to focus on the merits of this piece of legislation that has been brought here with the sole intention to offer protection to many people out there who are experiencing violence. We cannot say that this will stop violence, when in 1996 the Bill was introduced and there were more reports than ever, because the Bill was introduced. I am 100% sure with the introduction of this new Bill, we will see even more reports coming on board. It is not that bringing a Bill here will dry up the reports to one – no. In fact, the whole idea is to have more reports so that we can offer people more support so that they can navigate their way out of these very horrible and untenable circumstances. We can try, as best as possible, through the protective arm of the legislation and all that we have put in place to save lives.

With that, I report that the Family Violence Bill 2024, Bill No. 11 of 2024 was considered in Committee. Sorry, I think I am jumping the gun, but I will stay right here until you

advise me to do that. Once again, I thank everyone for contributing to today's debate. Thank you so very much.

Mr. Speaker: Thank you, Hon. Minister

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 and passed as printed.

Mr. Speaker: Thank you. Hon. Members, I think this concludes our business for today. I now extend to you and your family, the staff and their families, and all the service providers of the Assembly and your families, Happy Emancipation 2024. I now invite the Hon. Chairman of the People's National Congress, representing the Leader of the Opposition, to bring greetings.

Mr. Holder: Mr. Speaker, thanks for allowing me. On behalf of the Opposition, I wish to express happy Emancipation greetings to our Afro-Guyanese brothers and sisters, and all Guyanese. We recognise emancipation as one of the most significant foundation of our nation, events in the foundation of our nation and the formation of our multiethnic society. I wish to specifically bring emancipation greetings to you as well, Cde. Speaker, the Hon. Members on the other side of the house, as well as my Colleagues on this side of the House – especially Cde. Annette Ferguson. Finally, happy Emancipation greetings are expressed to the Clerk of the House as well, to all the parliamentary staff, the media and all the service providers. Once again, happy Emancipation to all Guyanese.

Mr. Speaker: Thank you very much, Hon. Member. Hon. Prime Minister, proceed.

Prime Minister [Brigadier (Ret'd) Phillips]: Thank you, Mr. Speaker. Mr. Speaker, Members of [*inaudible*] 1st August, 2024, we commemorate the 186th anniversary of Emancipation. We remember an important moment in our history when the chains of bondage were broken and a new dawn of freedom began for African people.

3.22 p.m.

Mr. Speaker, tomorrow we honour the resilience and courage of our African ancestors who endured the horrors of

the transatlantic slave trade and fought for their freedom thereafter. It is a time to reflect on the journey from the dark days of slavery to the bright promise of freedom and to celebrate the memories of those who paved the way for our collective emancipation. We encourage all individuals and organisations within the Guyanese community to embrace our shared heritage and collaborate to celebrate this significant day. Our Government's support will continue to be strong and unwavering, ensuring that Emancipation and the memory of our ancestors are honoured in a manner befitting their profound significance. As we celebrate Emancipation Day, let us do so with joy and pride. Emancipation Day 2024 reminds us of our shared history and the unity that bind us as a people. To all Members of Parliament; to you, Mr. Speaker; Mr. Clerk; all staff of Parliament; the management and support staff of the Arthur Chung Conference Centre; the media and all Guyanese and their families, on behalf of my side of the House and my Colleagues, I wish all of you a happy and blessed Emancipation Day 2024. Thank you, Mr. Speaker.

Mr. Speaker: Thank you, very much, Hon. Prime Minister. Hon. Prime Minister, you have the floor.

ADJOURNMENT

BE IT RESOLVED:

“That the House of Assembly be adjourned to 9th August, 2024 at 10.00 a.m.”

Motion put and agreed to.

Brigadier Ret'd Phillips: Finally, Mr. Speaker, I ask that the House of Assembly be adjourned to 10.00 a.m. on 9th August, 2024.

Mr. Speaker: Hon. Members, the House stands adjourned to 10.00 a.m. on 9th August, 2024.

Adjourned accordingly at 3.26 p.m.