

## **PRESS RELEASE**

### **CAMPAIGN ON SEXUAL VIOLENCE LAUNCHES LEAFLET**

On International Women's Day 2006 the GHRA is formally releasing the first in a series of three leaflets produced in its Campaign Against Sexual Violence. Launched at the end of 2005, the campaign aims in general to inform and mobilize public opinion around the seriousness and prevalence of sexual violence in Guyana; to develop and advocate for reforms to laws and legal processes in sexual violence cases; and to explore better provision of essential legal, health and counselling services required by survivors of sexual violence.

The first leaflet addresses three questions:

- why we need educating about the problem of sexual violence
- why we need to reform the justice process with respect to sexual violence
- why community level groups and organizations are the key to improvements on all aspects of this problem.

A misleading impression, widespread among women as well as men, is that rape only occurs when a woman or girl is sexually assaulted in a violent manner. Women often believe and are encouraged to believe that sexual violence is their own fault: they should have dressed differently, not gone alone, not drank alcohol, been more careful, realized what was going on. These are all attitudes calculated to make girls and women feel guilty and which play into the hands of attackers, who are able to use them to escape prosecution and continue to act with impunity. The first task of the leaflet launched today is to challenge this mistaken belief.

The second issue addressed by the leaflet is why so many women never complete the legal process. The reason why only 3% of all rape cases progress beyond the Preliminary Inquiry stage is to be found in the humiliation, isolation and hostility experienced by rape survivors during the legal process.

The final question in the leaflet concerns generating a response at community level to the problems outlined above. Community groups are best placed to have a real impact on the problem, and are encouraged to utilize the leaflet to involve religious organisations, youth and schools in discussions about the issues. Later publications in the Campaign will address the formation of community care and support groups in order to support survivors when they go to court, provide emotional support for families and challenge the disrespectful attitudes of officials towards survivors.

A Steering Committee comprising members of the Age Of Consent Coalition has been formed reflecting the broad-based geographic membership of the AOC.

**Executive Committee, Guyana Human Rights Association  
International Women's Day  
March 8 2006**

## Press Release

### **GHRA Recommends Action On Sexual Violence Epidemic In Guyana**

*“Sexual violence against women constitutes the most serious systematic violation of human rights occurring in Guyana at the present time”*, states the new study *“Justice For Rape Victims: Reform of Laws & Procedures in Guyana”* released today by the Guyana Human Rights Association (GHRA).

The incidence of rape constitutes an epidemic in Guyana. Some key facts illustrate the seriousness of the problem:

- 1.4% conviction rate in rape cases over the period 2000-2004 and an even lower rate for the year 2004 of 0.6%
- Half of all cases before the High Court in 2004 were sexual violence crimes
- Sexual violence is driving the spread of HIV/AIDS.

The Report notes *“Women have reported being sexually assaulted by members of their family: step-fathers, husbands, fathers, uncles, child-fathers and in-laws; by neighbours, teachers and religious leaders; by employers, taxi-drivers and bus conductors; members of the police and armed forces; medical personnel and entertainers. Such assaults took place in the home, school, neighbourhood, workplace, religious institutions, sports clubs, bars and nightclubs, on public transportation, in shops, markets and police stations. Sexual violence occurs as an adjunct to domestic violence, harassment in the work-place, racial tension and other crimes.”*

Viewed in its entirety, sexual violence against women constitutes a crisis both of law and order and of public health. The public health crisis embraces physical injury, psychological trauma, post-traumatic stress disorder, STIs, emotional injury, disability, negative effects for reproductive health, loss of life. To these long-standing consequences in Guyana we can now add the lethal effects of the fact that HIV infection of females is occurring at a higher rate than in men. This Report addresses both crises. Effective reform of laws and legal proceedings pertaining to rape will strengthen the rule of law. By deterring males from coercive sexual connections with women, the gamut of health related consequences outlined above will also be reduced.

In a previous Report\* the Guyana Human Rights Association documented a conviction rate in rape cases of 1.4% over the period 2000-2004 and an even lower rate for the year 2004 of 0.6%, suggesting these shockingly low figures are actually still declining. With less and less reason to fear the law, perpetrators of sexual violence crimes will operate

with increasing impunity, a contention supported by the fact that these crimes already constitute the single largest category of crimes appearing before the High Court. The depressing logic at work is that the more people are charged, the less likely it is that any of them will be convicted. This is the situation that *Justice for Rape Victims* is intended to address.

*Without Conviction* aimed to alert Guyanese society to the serious state of affairs with respect to sexual violence crimes. *Justice for Rape Victims* aims to do something about that situation. Rather than address the full range of sexual offences, the Report, consistent with the earlier study, focuses on reform of rape laws and related legal processes.

The Report sets out the range of reforms required to laws and procedures currently adopted by the police, medical personnel, magistrates, judges and lawyers in relation to rape. Compared to other jurisdictions, reform of rape laws has been slow in materializing. While this is reprehensible in itself, coming late does have the virtue of benefiting from the experience of others. In this regard summaries of experiences in jurisdictions around the world are provided for each recommendation offered in *Justice for Rape Victims*.

The objectives of the recommendations are to:

1. Challenge the view that sexual violence is in any way acceptable or inevitable;
2. Increase prosecution and conviction rates in rape cases;
3. Reduce the trauma of bringing a case, in order to build confidence in the criminal justice system; and
4. Reduce all forms of sexual violence in Guyana: prevention through ending the climate of impunity.

Critics may correctly point out that Guyana is not unique in experiencing such high rates of sexual violence or low conviction rates. They could not so readily challenge our uniqueness in doing nothing about them.

The Guyana Human Rights Association views the Report as a basis for both educating Guyanese society on how to confront this epidemic and mobilizing both the will and resources to do so.

**Executive Committee  
GHRA**

**30 June, 2006**

\* GHRA, *Without Conviction: Sexual Violence in the Guyana Justice Process*, Georgetown, 2005 60 pp.

## **PRESS RELEASE**

### **IN GUYANA, SEXUAL PREDATORS HAVE NOTHING TO FEAR**

Two displays of unsettling ignorance about what constitutes rape and pornography by the *Chronicle Editorial* of Friday July 14 and by the Minister of Human Services Bibi Shadeek respectively, demonstrate why perpetrators of sexual violence in Guyana have little to fear.

The Minister's reported comments that what she saw of girls pictured on a web-site of an alleged Guyanese porn-ring 'seemed to be voluntary sexual activities' is appalling. Pornography is not a past-time, it is a global industry which uses women, often transported and trafficked around the world, to perform sexual acts under coercion and threats of harm to themselves and their families. In the present case we know nothing of the circumstances which led to the pictures on the internet. However, it is self-evident that involvement of young girls in pornography is exploitation and is frequently criminal.

These views will deter women even further from reporting rapes. How can women be expected to come forward and make reports when they are raped, if the Minister supposedly charged with protecting their rights is making statements on little evidence, doubting allegations in a very high profile case, and criticizing the alleged victims rather than the perpetrators.

The *Chronicle* takes to task a large number of signatories to a letter for what it claims to be ignorance of the law on rape. Prefacing its own ignorance with the comment that "it is obvious to anyone who has a basic understanding of how the law works" the Editorial goes on to state that "there can be said to be a thin line between actual rape and forceful coercion ultimately resulting in consensual sex". 'Forceful coercion', *Chronicle* may be surprised to learn, is rape. The same basic error has surfaced repeatedly in recent correspondence in the papers over rape in the former GNS. Several letter-writers made a distinction between "real rapes" and other instances where female students were pressured to have sex, which the writers did not consider rape but which in fact constitute rape even under the current unsatisfactory definition of rape in Guyana. Rape does not require physical assaults and dragging women into bushes.

To say, as stated in the Editorial, that if there was drugging "the victim testimony would naturally be unreliable" is to say that men may drug and rape women without any fear of criminal sanctions because a legal case can never be brought against them. There is nothing "natural" about that - such cases have been successfully prosecuted in many jurisdictions. The statement of the woman as to what she remembers happening, the statements of witnesses to events surrounding the rape, medical and forensic evidence and in this case photographic evidence can build up a strong case despite the fact the victim may have been unconscious at the time of the rape itself. Of course, the success of such cases relies on effective investigation and prosecution and an unprejudiced court and jury, and as discussed in a recent GHRA report, reforms are urgently needed in these areas in Guyana.

**Executive Committee  
Guyana Human Rights Association  
July 14 2006**

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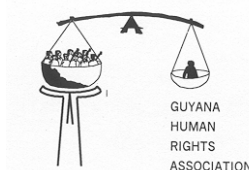
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**Executive Committee  
Guyana Human Rights Association  
July 14 2006**

# Justice for Rape Victims: Time for Action

## Summary of proposals in GHRA Report “Justice for Rape Victims”



<b>CHALLENGE RAPE MYTHS</b>	
<b>1</b>	“Rape myths”, commonly held misconceptions about rape and rape survivors, have been shown to cause bad decision-making by all actors in the criminal justice system, and underlie many of the necessary reforms. Public awareness campaign to reduce the stigma of rape, encourage victims to report sexual offences and to educate potential jury members. Training for all actors in the criminal justice system – police, prosecutors, magistrates and judges.
<b>REFORM OF LEGISLATION</b>	
<b>2</b>	<b>Replace oral preliminary inquiries in rape cases with paper-based committal</b> Oral preliminary inquiries in rape cases are inefficient and cause strong cases to be abandoned due to delays and unnecessary pressure on the victim. They are a key factor in the low conviction rate, and waste valuable Magistrates’ Court time. In a paper committal, the Magistrate will either stamp the bundle of evidence, or in certain circumstances will hold a hearing with legal representatives but no oral evidence.
<b>3</b>	<b>Ban sexual history evidence</b> The current rules allow evidence and cross-examination which is not relevant to issues in the case, is unfairly prejudicial to the prosecution case and causes trauma to the victim.
<b>4</b>	<b>Abolish the corroboration rule</b> The rule on corroboration is widely recognised to be discriminatory (suggesting that women alleging rape are inherently unreliable or untrustworthy), and to result in injustice (i.e. acquittals where there should be convictions).
<b>5</b>	<b>Mandatory <i>in camera</i> hearings</b> Disclosure of intimate details of the rape at public hearings is a major deterrent for women who might otherwise bring legal proceedings for rape.
<b>6</b>	<b>Abolish rules on recent complaint</b> The common law rules on recent complaint preserve the suggestion that a complaint must be made immediately after the attack, though research has shown that genuine rape victims often will not do this, for a variety of good reasons.
<b>7</b>	<b>New definition of rape: “<i>a physical invasion of a sexual nature committed on a person under coercive circumstances</i>”</b> The current common law definition of rape is too restrictive and focuses almost exclusively on the behaviour of the victim rather than the defendant, making it extremely difficult to achieve a conviction even in the strongest possible cases.
<b>8</b>	<b>Consent defences: define consent and clarify rules on when it is not present</b> Consent is a defence under the new definition of rape above. The common law rules on consent are complicated and leave the jury confused as to what can and cannot constitute consent. This leads to wrong acquittals.
<b>9</b>	<b>Ban cross-examination of victim by accused in person</b> Cross-examination by the accused in person, often conducted where the accused has no legal representation, is a horrendous ordeal for the victim. Questioning can be conducted through the court or court-appointed representative instead.
<b>10</b>	<b>Special measures to assist victims give evidence in court</b>

	To include the possibility of giving evidence behind a screen or by live video-link.
<b>11</b>	<b>Ensure complete anonymity for the victim</b> Currently the defendant can apply for the anonymity of the complainant to be lifted. This deters victims from bringing cases.
<b>12</b>	<b>Abolish assumption that males under 14 are incapable of rape</b>
<b>13</b>	<b>Abolish the discretion to order that a jury be composed of men only</b>
<b>14</b>	<b>Introduce additional penalties for sex offences including orders to refrain from contacting the victim, refrain from using alcohol or drugs, and to take part in rehabilitation programmes. Encourage compensation orders.</b>
<b>REFORM OF POLICY AND PRACTICE</b>	
<b>15</b>	<b>Introduce Sexual Assault Referral Centres (SARCs) / women's police stations</b> Lack of confidentiality and support at police stations deters victims from reporting rapes. Lack of integration with medical and counselling services causes delay and increases trauma. SARCs are integrated facilities located in hospitals; victims can make their report to the police there instead of at the police station.
<b>16</b>	<b>Separate Sex Offences Court</b> Although sexual offences constitute half of all cases before the High Court, there are no special procedures in place to deal with the particularly complex issues leading to the extremely low conviction rate.
<b>17</b>	<b>Training and improved procedures for police, prosecutors, magistrates and judges. Includes assignment of specialist rape investigators/prosecutors/judges and many other recommendations.</b>
<b>18</b>	<b>Improve identification procedures</b> GPF to be supported in obtaining equipment and providing training to ensure that all identification exercises (previously known as "confrontations") should be conducted from behind two-way screens or mirrors. No other "confrontations" to be held in sex offence cases.
<b>19</b>	<b>National Medical Protocol for examination of rape victims</b> The existing medical examination report is extremely short and inadequate both in terms of evidence and care for the victim.
<b>20</b>	<b>Improve HIV/AIDS prevention through guidelines for police and medics</b> Sexual violence is a high risk mode of transmission of HIV/AIDS. Rape victims to receive PEPs within 2 hours of the attack, testing and counselling.
<b>21</b>	<b>Increase victim participation in legal proceedings through Victim Personal Statements, narrative evidence and separate legal representation for the victim</b>
<b>22</b>	<b>Improve victim information and support: police to provide initial guidance and prosecutor to update the victim and act as point of contact. Long term goal of integrated Victim Support service.</b>
<b>23</b>	<b>Use expert evidence in rape trials to challenge rape myths and show presence of rape trauma syndrome/post-traumatic stress disorder</b>
<b>24</b>	<b>Introduce State compensation scheme for rape victims</b>
<b>25</b>	<b>Use intelligence-led policing to prevent rape and improve investigations</b>
<b>26</b>	<b>Form all-sector committee on sexual violence: to produce an annual report updating statistics and monitoring reforms/research, to lead to an all-sector Action Plan on Rape</b>