



Guyana Equality Forum



GUYANA NATIONAL YOUTH COUNCIL



The Human Rights Situation of Young Persons in Guyana

A Collaborative Submission to the Inter-American Commission on Human Rights

161st Ordinary Period of Sessions of the
Inter-American Commission on Human Rights

March 22, 2017, Washington DC

Submitted by the Guyana Equality Forum (GEF) through member organisations:

- Guyana National Youth Council (GNYC)
- Society Against Sexual Orientation Discrimination (SASOD)
- Guyana Responsible Parenthood Association's Youth Advocacy Movement (GRPA's YAM)

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Acronyms

CID	Criminal Investigation Department
CSE	Comprehensive Sexuality Education
GEF	Guyana Equality Forum
GNYC	Guyana National Youth Council
GRPA	Guyana Responsible Parenthood Association
GTU	Guyana Trans United
HFLE	Health and Family Life Education (Programme)
LGBT	Lesbian, Gay, Bisexual, Transgender/transsexual
NGO	Non-Government Organisation
SASOD	Society Against Sexual Orientation Discrimination
SOGI	Sexual Orientation and Gender Identity
SRHR	Sexual and Reproductive Health and Rights
UN	United Nations
YAM	Youth Advocacy Movement

Introduction

The Guyana Equality Forum (GEF), represented by three member organizations as petitioners, Guyana National Youth Council (GNYC), Society Against Sexual Orientation Discrimination (SASOD), and the Guyana Responsible Parenthood Association's Youth Advocacy Movement (GRPA's YAM), submits this report on the Human Rights Situation of Young Persons in Guyana to the Organisation of American States' Inter-American Commission on Human Rights for its 161st Ordinary Period of Sessions.

The GEF is civil society network of twenty-two members working cohesively to achieve equality and realize human rights for all Guyanese. The three petitioning GEF member organisations are: GNYC, a network of youth organizations working together to build an enabling environment for youth development. The other two petitioning organisations are also member organizations of the GNYC. YAM is the youth arm of a leading sexual and reproductive provider and local advocacy organisation, GRPA. SASOD is a non-governmental, human-rights organization and movement, leading change to end discrimination based on sexuality and gender in Guyana. SASOD serves as the GEF's secretariat.

This thematic presentation at the 161st Ordinary Period of Sessions on March 22, 2017, focuses on human rights issues affecting young persons in Guyana, compounded by the lack of comprehensive policies and laws which advance the interests of young persons, protect young people's rights and enhance their security as citizens of Guyana. This report also focuses on the deficiencies of Guyana's National Youth Policy in addressing these rights abuses against young people.

SASOD addresses issues affecting youth due to discriminatory laws and persistent prejudice in society: homophobic and transphobic bullying in schools, discrimination in accessing the right to work, marginalization and challenges accessing health care due to expressive, non-conforming sexual orientation and gender identity (SOGI) and the lack of security and protection from the Government of Guyana. Ms. Twinkle Bissoon, Transgender Activist, Member and Communications Officer of the Guyana Trans United (GTU) and Representative of SASOD, presents on issues affecting lesbian, gay, bisexual and transgender (LGBT) youth in Guyana.

The GRPA's YAM leads in the presentation's call for addressing sexual and reproductive health and rights (SRHR) in Guyana and the need for Comprehensive Sexuality Education (CSE) in schools. GRPA's YAM also presents on the barriers faced by adolescents when accessing services. Their contribution to this collaborative submission will also highlight the need for the reintegration of teenage mothers into public schools. Vice-President of GRPA's YAM, Mr. Kobe Smith presents on its behalf.

The Guyana National Youth Council (GNYC) draws attention to cases of police brutality and other excesses, as well as presents recommendations on how the state, particularly the penal and judicial systems, could improve its *modus operandi* towards youth in contact with the law. GNYC's commentary on the current National Youth Policy addresses its shortcomings in dealing with the rights abuses against Guyanese youth as presented by the petitioners. Ms. Neketa Forde, Member of the Board of Trustees of GNYC, presents on behalf of the council.

The GEF believes, that after nearly two years in government, this thematic hearing provides an opportunity for dialogue with Guyana's Coalition Government on its seemingly lethargic response to issues affecting the rights of young persons, such as modern approaches to juvenile justice that would seek to reintegrate youth into society; legislative protection from discrimination and the repeal of laws which discriminate against LGBT people and affect youth especially; lack of protection and safeguarding socio-economic rights for adolescent mothers and other marginalized youth; and other related issues.

LGBT Youth Issues

Bullying and School Dropouts

Currently there are no laws, policies or mechanisms in Guyana that protect or offer redress to youth who suffer stigma and discrimination in the education system. Many LGBT youth have reverted to dropping out of school due to continued discrimination that they would face on a daily basis from both staff and students alike. Some of these acts have been reported¹ to have happen in clear view of the teachers who often time do very little to curtail these behaviours, in some instances the discrimination of LGBT students are from the teachers themselves and in plain and open view for others to witness.

In October 2015, SASOD documented a case from a sixteen-year-old girl who was expelled from a public secondary school in Guyana's capital city, Georgetown, due to issues the school's administration had with her identity as a lesbian. The Principal accused her of being disruptive and trying to "convert" the other girls in the school to lesbians. The student was even cautioned publicly by a teacher to stay away from the girls in her class and this is before teachers started hurling discriminatory remarks, suspended her girlfriend from the school and the Principal called in her parents to inform them that their daughter is a lesbian and then expelled her. The student was reinstated after the collaborative interventions of GEF member organisations, SASOD and ChildLink, reporting the matter to the Ministry of Education.

The Guyana Trans United (GTU), a local NGO that works for the protection and rights of transgender persons in Guyana, has recorded two cases in 2016 where teachers and school officials were victimizing students for their sexual orientation and/or gender identity (SOGI). The teachers believed that these students 'behaviour' were against their religious beliefs.

The Ministry of Education's policy on their website titled "Code of Conduct for Teachers" under Part D, Commitment to Students, states²: "Teachers cannot discriminate on the grounds of ability, race, colour or creed." It does not have any protective clause in it for LGBT youth. While no laws or policies exist that specifically prevent LGBT persons from accessing education, many LGBT Guyanese reportedly leave the education system early due to homophobic and transphobic bullying and discrimination, thereby preventing them from practically realizing their right to education. GTU currently has documented ten cases of transgender youth who dropped out of public schools in Guyana's capital city, Georgetown, due to transphobic bullying between 2012 to 2016.

Unemployment and Workplace Discrimination

From not attaining their full potential in schools these now vulnerable youth are driven into poverty to fend for themselves and some come into contact with the law. While there are no statistics available, SASOD and GTU have observed that unemployment and underemployment is especially high among LGBT youth in Guyana because they dropped out of school as a result of homophobic and transphobic bullying. Lack of formal qualifications significantly limits their options for employment.

LGBT youth who are fortunate to find themselves in the workforce are forced to mask their sexual orientation or gender identity to attain and keep their jobs. Very often, when their LGBT identity is

¹ Reports documented by SASOD and GTU were reviewed and data analyzed with the consent of clients for the purpose of research and advocacy.

² Code of Conduct for Teachers: <http://www.education.gov.gy/web/index.php/policies/discipline-of-teachers/item/523-code-of-conduct-for-teachers#gsc.tab=0> (Last accessed on March 20, 2017)

revealed, workplace discrimination ensues. In the University of the West Indies' Faculty of Law report, "Collateral Damage: The Social Impact of Laws Affecting LGBT Persons in Guyana," Dr. Christopher Carrico found that both men and women identifying as homosexual or bisexual "reported being denied access to jobs as well as being blocked from career advancement because of their sexual identity."³ Consequently, many LGBT Guyanese choose not to disclose their sexual orientation or gender identity at work. This could result in greater anxiety and stress in the workplace, which not only impacts negatively on job performance but also has adverse psychological impacts.

In the laws of Guyana, Section 4(2) of *the Prevention of Discrimination Act of 1997* protects persons from discrimination in relation to the right to work on several grounds, but does not expressly include sexual orientation and gender identity as protected categories from discrimination.

Given their limited prospects for formal employment, LGBT youth are driven to the sex trade, as a means of survival. Trans-persons represent a disproportionately large proportion of sex workers in Guyana. Over a period of three years (2013 – 2015), five transgender sex workers, ranging from ages 17 to 26, were brutally murdered by partners and clients.^{4,5,6,7} The occupational environment for sex workers is dangerous, due to the lack of protection and criminalization of offences related to sex work.

Health Disparities and Access to Healthcare

LGBT youth who are continuously exposed to violence have expressed feelings of emotional and mental instability and in most cases have attempted or considered suicide. LGBT youth also continue to face stigma and discrimination in the health sector, and remain vulnerable to abuse from state and non-state actors. This has resulted in many LGBT persons not being truthful about their sexual orientation and gender identity, and hence not accessing appropriate healthcare, or refraining from seeking out services altogether.

There are no provisions in hospital facilities for trans-persons to be accommodated according to their gender identity. GTU has recorded from 2014 to 2016, six young trans-women who were hospitalized and placed in male wards at public health institutions, which do not correspond with their gender identity. This has led to psychological frustration and resulted in trans-persons self-discharging from the hospitals without completing their medical treatment.

In November 2016, a young transsexual woman was stabbed on the street in downtown Georgetown because of her gender identity and was taken to the Georgetown Public Hospital.⁸ The young trans-woman reported to GTU that after refusing to place her in the female ward which she requested, the

³Carrico, Christopher. "Collateral Damage: The Social Impact of Laws Affecting LGBT Persons in Guyana," page 20. University of the West Indies, Cave Hill Campus, Faculty of Law. March 2012. <http://www.sasod.org.gy/pdf-social-impact-laws-affecting-lgbt-persons-guyana> (Last accessed on March 20, 2017)

⁴"Teenaged sex worker found dead in St. Phillips Church Green" January 12, 2013 (Kaieteur News) Georgetown <http://www.kaieteurnews.com/2013/01/12/teenaged-sex-worker-found-dead-in-st-phillips-church-green/>

⁵"Mocha Murder...Who killed Delon Melville?" August 19, 2013 (Kaieteur News) Georgetown <http://www.kaieteurnews.com/2013/08/19/mocha-murderwho-killed-delon-melville/>

⁶"Jilted lover kills two, sets self alight" July 21, 2014 (Capitol News) Georgetown <http://www.capitolnews.gy.com/2014/07/21/jilted-lover-kills-two-sets-self-alight/>

⁷"Trans sex worker shot dead on Carmichael St" July 23, 2015 (Stabroek News) Georgetown <http://www.stabroeknews.com/2015/news/stories/07/23/trans-sex-worker-shot-dead-on-carmichael-st/> Articles accessed on March 10, 2017

⁸"Man walks into hospital with 'ice pick' in back" November 11, 2016 (Kaieteur News) Georgetown. <http://www.kaieteurnews.com/2016/11/11/man-walks-into-hospital-with-ice-pick-in-back/> Retrieved on March 10, 2017.

nurses fondled her breasts and said, “Which man does have breast!?” Verbal abuse followed from the male patients in the ward especially, until she self-discharged a few hours later, still with an untreated and open stab wound. Fearing further victimization and abuse, the young trans-woman was reluctant to report the incident to hospital officials. These barriers significantly impede access to healthcare for LGBT youth.

LGBT youth are often silent on issues relating to their psychological welfare, for fear of being further stigmatized, or having their mental health challenges somehow ascribed to their sexual orientation and/or gender identity. GTU has recorded and served six transgender youth who were diagnosed with mental health issues of which two committed suicide⁹ and three attempted suicide.

Though there are limited state-provided services that address emotional and psychological wellbeing, even LGBT youth are likely to seek counsel from religious leaders and healthcare workers. There is often a concentration of stigma and discrimination based on SOGI in some faith communities due to strong religious beliefs. The lack of acceptance from family, religious institutions and society also contributes to mental health stressors for LGBT youth. SASOD has documented cases of parents and guardians disowning and putting out their children from their homes because of their real or perceived sexual orientation and gender identity. Children often suffer severe violence - physical, sexual and psychological violence - because of their real or perceived sexual orientation and gender identity.

GTU currently serves twenty-two trans-youth who are HIV positive, unemployed and suffer from various mental illnesses such as depression, aggression, anxiety and schizophrenia. These mental health burdens become worse without adequate support as more stigma and discrimination is stacked upon them in other areas of their lives. Research in the USA among a national sample of HIV-positive and HIV-negative men who have sex with men (MSM) who reported unprotected sex and drug use with sexual partners found that depression is related to HIV transmission risk among MSM.¹⁰ The study found that “psychological vulnerability plays an important role in the association of depression with sexual risk.”

Sexual and Reproductive Health and Rights of Young Persons

Amidst rising youth unemployment, lack of access to justice and equality before the law, limited youth participation in governance, among other issues, young people’s access to sexual and reproductive health services, comprehensive sexuality education (CSE) for in-school youth, and the reintegration of adolescent mothers into schools have been placed on the “backburner” for far too long.

Lack of Comprehensive Sexuality Education in Schools

Evaluations by the Guyana Responsible Parenthood Association (GRPA) has shown that programmes on sexuality education can help youth delay the onset of sexual activity, reduce risky sexual behaviour, reduce the number of sexual partners, and increase responsible behaviour, including protection from HIV, STIs and unwanted pregnancy.

⁹“Transwoman commits suicide” December 08, 2015 (Stabroek News) Georgetown.

<http://www.stabroeknews.com/2015/news/stories/12/08/transwoman-commits-suicide/> Retrieved on March 10, 2017

¹⁰ Alvy, L.M. and others, “Depression is Associated with Sexual Risk Among Men who Have Sex with Men, but is Mediated by Cognitive Escape and Self-Efficacy,” by Lisa M. Alvy, David J. McKirman, Gordon Mansergh, et al, 2010, published Journal of AIDS Behaviour, Springer Science+Business Media, LLC.

Importantly, the evidence shows youth who receive CSE are not more likely to become sexually active, increase sexual activity, or experience negative sexual health outcomes contrary to what others may believe. Moreover, research¹¹ by the youth-led, international organisation, *Advocates for Youth*, shows that CSE programmes do not encourage teens to start having sexual intercourse, do not increase the frequency with which teens have intercourse, and do not increase the number of a teen's sexual partners. At the same time, GRPA evaluations of the publicly funded and implemented, abstinence-only programme, commonly known as the Health and Family Life Education (HFLE) programme, ignores young people's basic human right to the highest attainable standard of health by denying them critical life-saving information and the fundamental public health principle of accurate, balanced sex education.

The GRPA views the HFLE programme as lacking relevance and inadequate to meet the needs of adolescents and denies them access to sexual and reproductive health (SRH) information and services.

Restrictive laws and policies that function to regulate young people's sexual identity and behaviour, have a disproportionately negative impact on young people who do not conform to dominant expectations and stereotypes about gender; LGBT youth are especially marginalised from accessing SRH services.

Interestingly, however, the Ministry of Education finds it convenient to allow a radical Christian hate group, like the Arizona-based Faithful Word Baptist Church, which is well-known globally for preaching divisive messages¹² vilifying other religions, discrimination and homophobia, to enter several Georgetown high schools just a few weeks ago to preach during instructional periods.^{13,14} This very group is banned by the governments of Malawi, South Africa and the United Kingdom, and has been deported from Botswana. Instead of brainwashing students with hate which is clothed in the verbiage of religious views, the time wasted could've been used to educate and empower young people through CSE with critical, life-saving information to better inform conscious decision-making as it relates to their sexuality.

Moreover, just last month, February 2017, a series of videos with secondary-school students engaging in risky, unprotected sexual acts surfaced on social media. Young people need honest, effective sex education that is comprehensive and rights based – not ineffective, shame-based abstinence-only programmes. The HFLE programme is a failure because it has not shown any positive changes in reducing teenage pregnancy and STIs in young people. Even faith groups, like the Roman Catholic Justice and Peace Commission, have joined the call for comprehensive sex education in schools.¹⁵

Barriers to Accessing Sexual and Reproductive Health Services for Young Persons

Furthermore, the GRPA believes that the Government of Guyana, specifically the Ministry of Education continues to violate the rights of children and young people, which are enshrined in the United Nations Convention on the Rights of the Child. This UN Convention,¹⁶ to which Guyana is a signatory, states that

¹¹ "Comprehensive Sex Education: Research and Results" <http://www.advocatesforyouth.org/publications/1487> Accessed online on March 9, 2017

¹² "America's Hate Preacher's BBC Documentary" <https://m.youtube.com/watch?feature=youtu.be&v=Ae4xlZIsSLE> Accessed online on March 16, 2017

¹³ "North Georgetown Secondary School (Quick Update)" <https://www.youtube.com/watch?v=2Lhig-k640>

¹⁴ "Peter James Preaching at Central High School (Georgetown, Guyana)" <https://www.youtube.com/watch?v=gEOS36taPlw> Accessed online on March 16, 2017

¹⁵ "Consultant calls for comprehensive reform of sex education" March 20, 2017.

<http://www.kaieteurnews.com/2017/03/20/consultant-calls-for-comprehensive-reform-of-sex-education>

¹⁶ "Convention On The Rights Of The Child" – United Nations (UN) Accessed online from

children and young people have the right to enjoy the highest attainable standard of health, access to health facilities (Article 24), and access to information which will allow them to make decisions about their health (Article 17), including family planning (Article 24). They have the right to education which will help them learn, develop and reach their full potential and prepare them to be understanding and tolerant towards others (Article 29). Additionally, young people have the right to live free from discrimination (Article 2). Effective programmes should exist for young people from a variety of racial, cultural, and socio-economic backgrounds to be educated on issues affecting their wellbeing.

Impediments to the Reintegration of Teenage Mothers in Schools

The stark reality is that the health and future of every adolescent is shadowed by risk of sexually transmitted infections (STIs), including HIV, as well as by risk of involvement in unintended pregnancy.

According to the State of the World Population 2013¹⁷ report by the United Nations Population Fund (UNFPA), Guyana has the second highest rate of adolescent pregnancy in both the Caribbean and Latin America, with 97 out of every 1,000 girls between the ages of 15 and 19 giving birth. Despite this, the Government of Guyana is yet to introduce a comprehensive reintegration policy for pregnant and parenting adolescent girls to be able to continue their secondary education in public schools. Adolescent mothers in Guyana are often denied their constitutional right to education and fall out of the system, because there is no public policy or system in place to support their re-entry into the school system. This exacerbates their situation of disempowerment, poverty and abuse.

According to a survey¹⁸ conducted in December 2015 by GRPA, which examined the sexual knowledge, attitudes, and practices among Guyanese youth aged 14 to 25, it was found that out of a total of 392 youth from 8 of the 10 regions of Guyana, "The majority (69%) of sexually active youth did report using condoms during their most recent sexual encounter. However, a worrying 29% were not using condoms while having sex. Approximately a fifth (19%) of those said their reason for not using condoms was because they and/or their partner did not have any. Four of those who were sexually active, over half (56%) had gotten a STI test at some point in time. However, most of the youth conflated STI with HIV - i.e. most of their knowledge about sexually transmitted infections centred around HIV only; they were generally unaware of the other STIs."

The right to access education and health services are human rights. It was late Nelson Mandela who once eloquently postulated that, "To deny people their human rights is to challenge their very humanity."¹⁹

How long will Guyana continue to challenge the humanity of its young people? How long will Guyana turn a blind eye to the death-dealing situation of vulnerable adolescents and youth? The time is now to make a brave new move to advance the situation of young people for a better Guyana.

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> on March 9, 2017

¹⁷"State Of The World Population 2013" – United Nations Population Fund (UNFPA) Accessed online from <http://www.unfpa.org/publications/state-world-population-2013> on March 9, 2017

¹⁸ "The Good, The Bad, And The Ugly: A 'Snapshot' Of Sexual Knowledge, Attitudes, And Practices Among Guyanese Youth Aged 14 to 25" December 2015 (Sherlina Nageer, MPH) Commissioned by the GRPA. Accessed online from <https://www.scribd.com/document/342691552/A-Snapshot-of-Sexual-Knowledge-Attitudes-and-Practices-Among-Guyanese-Youth-Aged-14-25> on March 09, 2017

¹⁹ "Carrying on the work of Nelson Mandela" July 17, 2015 (Trish McHenry, CNN) Accessed online from <http://edition.cnn.com/2013/12/05/world/iyw-mandela-charitable-legacy/> on March 10, 2017

Gaps in Guyana's National Youth Policy and Lack of Implementation

The Guyana Constitution, being the supreme law, states that “*the future of Guyana belongs to its young people*,”²⁰ and Guyanese thirty-five years and younger account for 68.8% of Guyana's population, according to the National Youth Policy 2015 of the Co-operative Republic of Guyana. Work on the Youth Policy began with the previous administration but a draft came to fruition when the Coalition Government took office. It was in fact a campaign promise that the young people demanded be honoured, resulting in a two-day working session with youth groups across the ten administrative Regions of Guyana. The final document was never seen until the draft was presented to the National Assembly and adopted on October 13, 2016. To this day, the document submitted to the National Assembly has not been made available to the public, a grave injustice to the young people of Guyana. The process in itself lacked transparency and contravenes young people's constitutional rights to be meaningfully involved in the “*decision-making process of the State, with particular emphasis on those areas of decision-making that directly affect their well-being*.”²¹

Police Brutality and Excesses against Young Persons

Before the advent of the Youth Policy, local media reported grave human rights violations against youth in Guyana. In October 2009, a 15-year-old boy while under interrogation by police had his genitals doused with a flammable liquid and set on fire.²² There was outrage and condemnation against the treatment meted out to this boy while in the custody of the State, but that condemnation was not enough. Two police officers that tortured the teenager were promoted in 2015, even though they were both found liable for torture. The criminal case against them was later dismissed in the Georgetown Magistrates' Court because the tortured boy and other witnesses did not turn up to give evidence.²³ After the news report that the duo had been promoted, there was public outcry, the Rights of the Child Commission (RCC) condemned the promotions and called for them to be rescinded.²⁴ A few months later, one of the officers was dismissed from the Force on recommendation of the Police Commissioner, while the other officer was transferred to another department because his dismissal required action from the constitutionally-established Police Service Commission due to his rank.

In another case, a police constable in September 2016, in a crowded area in Guyana's capital city, Georgetown, after noticing a group of students running, and without question, fired his gun hoping to immobilise the young man at the centre, 17-year-old Kelsey Benjamin.²⁵ As a result of the officer firing his gun indiscriminately in the crowded area, a 52-year-old indigenous woman was shot instead and was taken to the hospital for emergency medical attention. The same day, the officer fabricated a story that he was involved in an exchange of gunfire with the 17-year-old in the crowded area. Suddenly the

²⁰The Constitution of the Cooperative Republic of Guyana can be accessed online from

http://www.oas.org/juridico/spanish/mesicic2_guy_constitution.pdf Retrieved on March 17, 2017.

²¹ Article 13 of Guyana's Constitution states: “The principle objective of the political system of the State is to establish an inclusionary democracy by providing increasing opportunities for the participation citizens, and their organisations in the management and decision-making process of the State, with particular emphasis on those areas of decision-making that directly affect their well-being.”

²² “Boy, 15, tortured” November 1, 2009 (Stabroek News) Georgetown.

<http://www.stabroeknews.com/2009/archives/11/01/boy-15-tortured> Retrieved on March 12, 2017.

²³ “Leonora ‘torture’ cops promoted” January 19, 2015 (Stabroek News) Georgetown.

<http://www.stabroeknews.com/2015/news/stories/01/19/leonora-torture-cops-promoted/> Retrieved on March 17, 2017

²⁴ “Child Rights Commission alarmed at promotion of torture cops” January 31, 2015 (iNews Guyana) Georgetown.

<http://www.inewsguyana.com/child-rights-commission-alarmed-at-promotion-of-torture-cops/> Retrieved on March 17, 2017.

²⁵ “Wrongful Identification Damages Image of Budding Footballer – <http://www.stabroeknews.com/2016/sports/09/28/wrongful-identification-damages-image-budding-footballer/>

unarmed 17-year-old boy was responsible for shooting the indigenous woman. After the hands of both the boy and the police officer were tested for evidence of gun residue, none was found on the boy's hands but all over the officer's. The officer was reportedly transferred to another department, and was never criminally charged.

These are the experiences of Guyanese youth navigating a system of behavioural and systemic shortcomings, which needs revamping. While complaints against police officers can be filed through both the Police Complaints Authority (PCA) and the Office of Professional Responsibility, the US State Department's 2016 Human Rights report on Guyana states that, *"The PCA has four non-police investigators, but investigations were slow. The PCA at times relied on the GPF to conduct investigations into complaints against its own officers. Long delays in receiving reports from the Police Commissioner also thwarted the complaints process. By law, the police commissioner must comply with the PCA's recommendations on complaints. There is also an Office of Professional Responsibility, staffed by uniformed police officers who investigate complaints against their colleagues."* The state department report went on to note that police officers would be placed before the *"lower magistrate's courts, where specially trained police officers served as the prosecutors, [and] heard most cases involving charges against police officers."* In essence, the police are expected to investigate and prosecute themselves.

Juvenile Justice and Youth in Contact with the Law

And as it relates to the detention of juveniles, the US State Department Report notes that officials still hold offenders ages 16 years and older with the adult prison population. The report continues, "In most cases officials held juvenile offenders ages 15 years and younger in the New Opportunity Corps, a juvenile correctional centre that offered primary education, vocational training, and basic medical care." Juveniles upon reaching eighteen years old are transferred from a juvenile facility to an adult one, more than likely Georgetown's Camp Street Prison, which is already overcrowded.

Prisoners sometimes remain on remand for years without trial due, in part, to slow appointments of judicial officers by the President, which ultimately results in overcrowding. The US State Department Human Rights Report (2016) attributed the overcrowding to a backlog of pre-trial detainees, who constituted approximately 11% of the total prison population. In March 2016, the Stabroek News daily newspaper reported that during prison unrest in Georgetown's Camp Street Prison, seventeen prisoners burned to death in a fire.²⁶ A few months later, the Guyana Prison Service reported a total of 992 prisoners were held in Camp Street Prison. The prison was designed for 550 inmates, but was overcrowded by 442 inmates.²⁷ The Guyana National Youth Council (GNYC) believes that children ages ten – twelve years old should not be held behind bars. These children who have committed or have been accused of minor or non-violent crimes need adequate care and support and need to be diverted from the criminal justice system. GNYC's position is supported by the UNICEF's 2015 Report on Juvenile Justice in Guyana.²⁸

²⁶"17 dead after prison protest fire" March 03, 2016 (Stabroek News) Georgetown.

<http://www.stabroeknews.com/2016/news/stories/03/04/17-dead-prison-protest-fire/> Accessed on March 17, 2017

²⁷"GUYANA 2016 HUMAN RIGHTS REPORT - US Department of State" (United States Department of State) Accessed online from <https://www.state.gov/documents/organization/265804.pdf>, Accessed on March 12, 2017.

²⁸https://www.unicef.org/guyana/Guy_Juvenile_Justice_2016.pdf Accessed on March 17, 2017

GNYC wishes to commend the Government of Guyana for considering issues related to youth in contact with the law in our National Youth Policy. The Government had indicated its willingness to "*enhance legally supported interventions*" to pre-adolescent children (ten to fourteen years old) to reduce the likelihood of delinquency and criminality²⁹ and providing "*decentralized legal advice and services for young people in conflict with the law.*"³⁰ Still, Guyana's National Youth Policy needs to be actualized and police and judicial officers must be sensitized and trained as part of this actualisation. The promised National Youth Empowerment Action Plan (NYEAP) needs to be crafted and implemented. The NYEAP should put mechanisms in place to ensure updated records of youth who have been in contact with the law and monitor the progress of their rehabilitation and care.

The GNYC also wishes to commend the Guyana Government for moving the process forward to develop the draft Juvenile Justice Bill (2016)³¹ and likewise wishes to acknowledge that at the level of the Judiciary, the option of juvenile courts are being explored. So far, the draft Bill has been shared with civil society and one consultation was held through the Ministry of Legal Affairs in collaboration with the Ministry of Public Security. The discussions in regards to the Bill have so far focused on areas such as alternative sentencing, the removal of status offences – such as wandering- increasing the age of criminal responsibility, and greater accountability and action across all sectors for the prevention, treatment, and response for children in contact with the law. While the State has started speaking glowingly of a draft Juvenile Justice Bill, some procedural and diversion measures need revision. For instance, in reference to the detention of juveniles before sentencing, the burden is placed on the juvenile to show why he/she should not be detained.³² It must not be the juveniles' responsibility to prove their innocence, but the state's responsibility to prove guilt. Further, GNYC is also concerned about the involvement of the victim in diversion programmes.³³ In many instances, victims view diversion programmes as punishment, and not as rehabilitation. GNYC recommends that independent child-rights and youth-based organisations serve on the proposed Juvenile Justice Committee, as a mechanism to check and balance the state's transparency, accountability and respect for the rights of those youth in contact with the law.

Need for a Rights-Based Approach in Youth Policy Development

In addition to the Government facilitating more youth-centred policies, laws and training police and judicial officers, GNYC calls for more a progressive, rights-based and action-oriented approach for change and betterment for young people in Guyana. There are a number of shortcomings in the Policy, which ignore the human rights of young people. While, the policy recognizes that LGBT youth are underserved, it does not outline how to address LGBT youth issues. It goes on to reference equity for youth but does not discuss pregnant adolescent mothers and their reintegration into schools or non-discrimination against LGBT students. The document mentions SOGI³⁴ but there are no commitments to giving support and resources needed to alleviate the plights of LGBT youth.

Also found in the policy, Priority 1 on Youth Identity and Empowerment is supportive of educating citizens about the differences in class, ethnicity and culture but does not include SOGI as categories of human diversity.³⁵ While Education Reform³⁶ is mentioned, this reference does not expressly include

²⁹ The National Youth Policy of Guyana (2015); page 34, section 10.1, bullet 11

³⁰ The National Youth Policy of Guyana (2015); page 35, section 10.3, bullet 2

³¹ Juvenile Justice Bill (2016), <http://mola.gov.gy/images/pdf/JuvenileJusticeBill.pdf>/Accessed on March 17, 2017

³² Juvenile Justice Bill (2016), Part V, DETENTION OF JUVENILES BEFORE SENTENCING, Section 34 (3)

³³ Juvenile Justice Bill (2016), Part II, DIVERSION, Section 7 (d)

³⁴ The National Youth Policy of Guyana (2015); page 16

³⁵ The National Youth Policy of Guyana (2015); page 18, Point 6

Comprehensive Sexuality Education. These are clear gaps that GNYC and its member organizations, which include fellow petitioners, SASOD and YAM, would have recommended for amendment if the Policy in its final draft was shared with us as key stakeholders before adoption.

GNYC recognizes and applauds the Government for making a National Youth Policy a reality that calls for laws to support equal opportunity and protection from discrimination³⁷ but to date there has been no real progress and action to realize these changes. The Prevention of Discrimination Act 1997 does not include SOGI as grounds for discrimination. There are still existing laws that discriminate against and ostracize entire groups, including LGBT communities, making them especially vulnerable to disease, poverty and death. State policies which lack recognition and protection of marginalized youth lead to an unhealthy environment of stigma, discrimination and injustice.

Proposed Recommendations to the Government of Guyana

Ministry of Education

- Amend the Ministry of Education's Policy on Discipline of Teachers' Code of Conduct to include sexual orientation and gender identity as protective categories from abuse and discrimination.
- Develop and implement a reintegration policy for pregnant and parenting adolescent and teenage girls to complete their secondary education.
- Working closely with civil society and key stakeholders, implement and integrate comprehensive sexuality education in the public school system across Guyana.
- Provide safe spaces with school counsellors for students to discuss sex and sexuality issues.
- Have an action-task committee comprising of society, government officials and youth representatives to review and implement the National Youth Policy.
- Maintain secularism in the public school system by banning mandatory religious instruction and barring external religious leaders who preach hate and intolerance.

Ministry of Legal Affairs

- Include SOGI as grounds for discrimination in the Prevention of Discrimination Act of 1997.
- Repeal law Section 153 (1) (xlvii) of the Summary Jurisdiction Act Chapter 8:02 which criminalizes cross-dressing and Sections 351 to 353 of the Criminal Law Offences Act Chapter 8:01 which criminalizes same-sex intimacy between consenting adult men in private.
- Finalize the draft Juvenile Justice Bill and share it with key stakeholders, especially civil society, for feedback. Include a Monitoring and Evaluation component should in the Juvenile Justice Bill. An independent agency should be in charge of reviewing cases involving juvenile offenders.
- Young offenders 16 to 17 years old are being held in adult facilities such as the Georgetown prison. These children should be held in juvenile detention centres. Youth people, who might still be in school, should not be placed in detention with hardened, adult criminals.

³⁶The National Youth Policy of Guyana (2015); page 27

³⁷The National Youth Policy of Guyana (2015); page 25, Point 7.3, bullet 2

Ministry of Social Protection

- Conduct job-training sensitizations programmes, in partnership with civil society groups, on youth, gender, sexuality and human rights with social workers and other state-services providers.
- Prevent young people from coming in contact with the law, and reoffending, through education, employment provision of targeted services and skills-building in entrepreneurship and income-generating programmes for vulnerable youth, including LGBT and adolescent mothers.

Ministry of Public Security

- Implement training for police ranks, and allow continuous training for police prosecutors in the areas of juvenile justice, gender, sexuality and human rights which affect youth.
- Further investment in the Police Complaints Authority and Office for Professional Responsibility, as well as the inclusion of independent civil society observers in the work of these bodies.
- Train police and judicial officers on the implementation of juvenile justice legislation.

Ministry of Public Health

- Finalise the draft and implement a National Sexual and Reproductive Health and Rights Policy.
- Develop rights-oriented, service-provision protocols for LGBT patients, especially trans-women, in the public health system which admits patients in wards based on their gender identity.
- Develop curriculum and sustain education on LGBT patient care for medical and other health-studies students at the University of Guyana, state-run nursing schools and technical institutes.
- Reintroduce and sustain the job-training sensitization programme initiated by the Ministry's Youth Friendly Services, Adolescent Health Unit on LGBT patient care for healthcare workers.³⁸

³⁸ "A Facilitator's Guide for Training Health Care Providers to Deliver Optimal Care to LGBT Persons" (Ministry of Health, Guyana, December 2010) <http://www.sasod.org.gy/pdf-ministry-health-lgbt-training-manual> Retrieved on March 20, 2017