



# Convention on the Rights of the Child

Distr.: General  
27 January 2012

Original: English

---

## Committee on the Rights of the Child

### Consideration of the reports submitted by States parties under article 44 of the Convention

Combined second to fourth periodic reports of States parties  
due in 2008

**Guyana**\* \*\*

[29 April 2010]

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the Secretariat.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction and overview .....	1–57	4
A. Political and security context .....	8–24	5
B. Guyana’s economy .....	25–41	8
C. Demography .....	42–49	11
D. Implementation of the Convention .....	50–57	12
II. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention) 58–150		15
A. Legislation (art. 4) .....	60–74	15
B. Constitutional amendments .....	75–80	18
C. Coordination and National Plans of Action .....	81–82	19
D. Coordination of policy related to children .....	83–93	19
E. Independent monitoring .....	94–105	21
F. Resources for children .....	106–119	23
G. Data collection .....	120–130	25
H. Making the principles and provisions of the Convention widely known (art. 42) – Dissemination of the Convention (art. 42) .....	131–143	27
I. Collaboration with NGOs and civil society organisations .....	144–147	29
J. Making the report widely available (art. 44, para. 6) .....	148–150	30
III. Definition of the child .....	151–157	31
A. Age of consent .....	152–156	31
B. Criminal responsibility .....	157	31
IV. General principles .....	158–192	32
A. Non-discrimination (art. 2) .....	158–172	32
B. Best interests of the child (art. 3) .....	173–176	34
C. Respect for the views of the child (art. 12) .....	177–192	34
V. Civil rights and freedoms .....	193–213	37
A. Birth registration (art. 7) .....	193–203	37
B. Corporal punishment (art. 37) .....	204–213	39
VI. Family environment and alternative care .....	214–275	40
A. Parental guidance (art. 5) and parental responsibilities (art. 18, paras. 1 and 2) 214–232		40
B. Separation from parents (art. 9) .....	233–238	44
C. Children deprived of family environment (art. 20) .....	239–242	44
D. Alternative care .....	243–249	45
E. Adoption (art. 21) .....	250–254	46
F. Child abuse and neglect (art. 19) .....	255–275	46

VII.	Basic health and welfare.....	276–383	51
	A. Children with disabilities (art. 23).....	276–295	51
	B. Health and health services (art. 24).....	296–344	53
	C. Adolescent health.....	345–358	61
	D. HIV/AIDS.....	359–376	63
	E. Social security and childcare services and facilities (arts. 26 and 18).....	377–383	66
VIII.	Education, leisure and cultural activities.....	384–445	67
	A. Education, including vocational training and guidance (art. 28).....	384–423	67
	B. Aims of education (art. 29).....	424–435	73
	C. Leisure, recreation and cultural activities (art. 31).....	436–445	74
IX.	Special protection measures.....	446–578	76
	A. Economic exploitation of children, including child labour (art. 32).....	446–462	76
	B. Street children.....	463–471	78
	C. Sexual exploitation and sexual abuse (art. 34).....	472–489	80
	D. The administration of juvenile justice (art. 40).....	490–516	82
	E. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)–(d)).....	517–525	85
	F. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a)).....	526–527	86
	G. Children belonging to a minority or an indigenous group (art. 30) (Amerindian Children).....	528–563	87
	H. Sale, trafficking and abduction (art. 35).....	564–578	92
X.	Optional Protocols to the Convention.....	579–581	94

## I. Introduction and overview

1. The Cooperative Republic of Guyana (hereinafter referred to as 'Guyana') ratified the UN Convention on the Rights of the Child (UNCRC) on 14 January 1991. Guyana's Initial Report (CRC/C/8/Add.47) was submitted to the Committee on the Rights of the Child (hereinafter referred to as the 'Committee') on 29 July 2002, and was considered by the Committee during its 922nd and 923rd meetings held on 14 January 2004. The Committee adopted its Concluding Observations on the Initial Report at its 946th meeting on 30 January 2004.

2. The present report is Guyana's second, third and fourth periodic reports, submitted in one consolidated report as recommended by the Committee, in its Concluding Observations adopted on 30 January 2004, and in accordance with article 44, paragraph 1 (b) of the UN Convention on the Rights of the Child (hereinafter, referred to as the 'Convention').

3. The present report outlines the key measures and initiatives adopted by the State Party in implementing the Convention covering the period 2002–2010. It details the considerations given by the State Party to the recommendations of the Concluding Observations of the Committee, which were adopted on 30 January 2004, while highlighting the limitations it faced in the fulfillment of its treaty obligations. The report also gives attention to identifying priorities for future concerted action in order to strengthen Guyana's implementation of the Convention.

4. Areas covered in the Initial Report have not been reconsidered in this combined report except where relevant changes have taken place since the submission of the Initial Report.

5. The State Party wishes to emphasize that it holds a very firm policy that consultation is an on-going process as opposed to one-off occasional events. Guyana therefore respectfully submits that consultation has been on-going on the key and critical issues that have been reported on in this report. There is no policy, programme nor issue relating to children and the protection of their rights and welfare that has not been subjected to review by Cabinet, national stakeholders, non-governmental bodies, civil society, the media and/or parliamentarians at various stages of the consultative process.

6. This is a combined report which was prepared with the full support of UNICEF-Guyana, and is the product of a multi-stakeholder collaborative effort involving consultations with various ministries and national agencies which are directly involved with the administration and delivery of services related to children.

7. The preparation of this report also draws on information and data available in various documents, including the following:<sup>1</sup>

- (a) The 2005 Guyana Poverty Reduction Strategy Programme (PRSP) Progress Report
- (b) Poverty Reduction Strategy Programme (PRSP 11) (2008–2012)
- (c) The 2005, 2008, 2009 Presidential Commission on HIV/AIDS Reports
- (d) The 2006 Multiple Indicator Cluster Survey Report

---

<sup>1</sup> Please see attached Appendix 1 with reference list with web site addresses for these and other documents.

- (e) The Guyana Millennium Development Goals Outlook 2007
- (f) The National HIV/AIDS Strategy 2007–2011
- (g) The National Monitoring and Evaluation Plan (HIV) 2007–2011
- (h) The World Bank Poverty Assessment Survey 2008
- (i) The Guyana Poverty Reduction Strategy Paper 2008–2011
- (j) The National Health Sector Strategy 2008–2012
- (k) The Guyana Ministry of Education Strategic Plan 2008–2013
- (l) The Education Sector Policy on School Health, Nutrition and HIV/AIDS

This report has been subjected to review by a Government inter-agency body and has been approved by the Cabinet of Guyana. In view of developments within the national context in recent years, and pending the submission of Guyana's Common Core Document (CDD),<sup>2</sup> the State Party deems it useful to briefly reflect several key trends and developments in Guyana within this report. They are as follows:

### **A. Political and security context**

8. The period between 1999 and 2003 was of great significance to the institutionalization and consolidation of Guyana's nascent democracy. A Constitutional Reform Commission appointed by the President of the Republic and established by the Parliament of Guyana, comprising parliamentary political parties and representatives of key national civil society stakeholders, (religious, labour, business for example) contributed to progressive and far-reaching changes to the 1980 Constitution of Guyana and a robust parliamentary reform process.

9. The Constitutional Reform Commission worked with all sectors of society (through hundreds of meetings with communities as well as formal submissions and presentations made by state and non-state actors) to reach an agreement on a revised Constitution that is anchored in democracy, inclusive governance based on practices of good governance. This model of home-grown model of inclusive governance is in its 6th year of implementation and is one that Guyana is proud of as it has emerged through long and sometimes very controversial negotiations between the government and the major parliamentary opposition party.

10. Parliamentary reforms followed the constitutional reforms to facilitate their implementation, and by 2004, these reforms had been implemented in the Parliament of Guyana. The expanded committee system provides an enabling environment for oversight of the executive, consensus building and greater inclusiveness between the government and the opposition in the National Assembly.<sup>3</sup>

<sup>2</sup> In accordance with the Harmonized Guidelines on reporting to the treaty bodies prepared by the Inter-Committee Technical Working Group established by the Fifth Inter-Committee Meeting and the Eighteenth Meeting of Persons Chairing the Human Rights Treaty Bodies (document HRI/MC/2006/3 and Corr. 1); the new comprehensive CCD will replace the original Core Document which Guyana submitted in 1994 and will provide detailed information relating to the implementation of Human Rights instruments to which Guyana is party as well as factual and statistical information on Guyana's demography, constitutional and legislative reforms, economy and the social and cultural context of the State party.

<sup>3</sup> The Committee may wish to refer to Guyana's report to the UN UPR March 2010 which provides further information on this model of inclusive governance including parliamentary reforms.

11. In sum, a wide range of constitutional, regulatory and institutional reforms were undertaken in this decade, specifically targeting the strengthening of governance and the creation of more responsive institutions. Guyana is proud of the model of inclusive governance that is emerging through these profound reforms.

12. During the period, efforts to bring new legislative instruments to implement the constitutional changes to reform the local government system, based on a hybrid electoral system and greater decentralization, engaged the Government and the opposition parties in a Bi-partisan Task Force and more recently in enabling legislation through a Parliamentary Special Select Committee process.

13. The State Party wishes to highlight that the August 2006 national and regional elections proceeded peacefully. This is in sharp contrast with the national elections of 1992, 1997, and 2001 which were marked by rioting and violence. The post-2006 election period has seen improvements in the level of political and social stability, resulting in a better enabling environment for expanding the economy and improving the quality of life for its people, especially children.

14. Violent crime, often manifested through terroristic behaviour, has been a challenge to Guyana's nascent democracy. The violent crime wave which plagued the country from 2002–2008<sup>4</sup> led to fear and insecurity amongst the populace, has on the other hand led to heightened anti-crime activities and to greater collaboration between civil society and the Government in the fight against violence.

15. The Government has played an active role to eliminate this violence and considerable efforts have been exerted through the Guyana Police Force (GPF) and the Guyana Defence Force (GDF) to maintain law and order. Action was taken to increase public confidence in the law enforcement system through improving the capacity and capability of rapid response systems to serious crimes, upgrading communications systems as well as expanding access to security forces and police databases.

16. In recent years, there has been a parallel increase in government spending on combating crime and according to the Ministry of Home Affairs, the increased budgetary allocations has been directed at improving the institutional and technological capacities of the police force and joint services.<sup>5</sup> The 2008 Budget allocated \$13.7<sup>6</sup> B G for reforming and strengthening public safety agencies with \$65 M G spent on expanding and equipping community policing groups to support crime fighting efforts at the community level. Complementing this is the initiation of crime prevention strategies under the \$22 million USD Citizen Security Programme. More than \$300 M G was allocated for the construction, completion and renovation of more than 30 police stations across the country and \$900 M G was used to obtain and to ensure that appropriate equipment was available for joint services for security. These new and renovated police stations now include separate child and women friendly facilities for reporting crimes of domestic and sexual violence. The provision of two-way mirrors for identification parades in these stations offer protection for the victims, especially minors. The measures undertaken have brought some improvement in the security situation since 2009, allowing space for Guyana to pursue and build on its socio-economic objectives.<sup>7</sup>

---

<sup>4</sup> Including the massacre of innocent people, including 5 children, in 2 communities in 2008.

<sup>5</sup> UNHCR Refworld – Guyana: Criminal violence and state response; state protection for witnesses of crime (2007–September 2009), 8 Oct. 2009.

<sup>6</sup> All amounts in the present report are quoted in Guyanese dollars unless stated otherwise.

<sup>7</sup> In 2009, murders declined by 26% and overall serious crimes reduced by 9%.

17. New legislation has been introduced which will enhance the capacity of the courts to address crimes affecting children and allow for greater protection. To this end, Guyana has amended the Prevention of Crimes Act, Act No. 11 of 2008 to allow for the mandatory supervision of persons convicted of scheduled offences, which include domestic violence, molestation, rape, sexual exploitation, pornography, incest, prostitution and kidnapping. The Criminal Law (Procedure) (Amendment) Act No. 17 of 2008 saw the introduction of paper committal at the level of the Magistrate Court, which gives the Magistrate the discretion to allow into evidence documents, statements, writings and other articles tendered either by the Prosecutor or the accused. This Amendment serves a two-fold purpose in that it allows for speedier trials and in sensitive matters before the Courts, the Magistrate can exercise his/her discretion and admit into evidence a written statement in lieu of the actual presence of a witness. Guyana recognizes that in most instances where a matter before the court touches sensitive issues, witnesses including the victim witness refuse to attend courts thereby slowing the pace of the trial and adding to the backlog of cases, to this end the Evidence (Amendment) Act No. 19 of 2008 furthers protects witnesses including the victim witness by allowing for the taking of oral evidence and making of submissions via audio visual link and the use of audio visual link facility for conducting identification parades.

18. Guyana has enacted a package of children's legislation between 2005–2010 which has radically altered the framework for protection of children. These are detailed in this report.

19. The new Amerindian Act 2006 and the granting of legal title to 134 Amerindian communities of 14% of Guyana's land mass, have set a benchmark in this hemisphere. This coupled with a conscious and deliberate policy and budgetary allocations for Amerindian communities are amplified in several sections in this report.

20. The State Party has comprehensively approached the challenge of reducing poverty and reducing inequalities and disparities in the society.<sup>8</sup> It has holistically addressed the political, social and economic environment through its pro-poor policies and programmes. Not only has it consistently invested in health and education which is elaborated on in other sections of this report but its interventions in housing and water in particular have impacted immeasurably on people's lives, families and women and children in particular, as well as the economy contributing to burgeoning manufacturing industry, a viable construction sector and the creation of new and more jobs.

21. The ambitious housing programmes to low income families have reduced overcrowding — that was standard in many a house with as many as 20 relatives sharing small spaces — and allowed for security of tenure, access to loans at concessional interest rates and micro loans, and self esteem and pride. Children have benefitted from these new housing schemes with more and clean space, new roads, electricity, new schools and health facilities. In 2009 the Government further enhanced its engagement with the commercial banking sector by the expanding access by income households to concessional interest rates for housing construction.

22. In 1991 only 50 % of the population had limited access to any water supply today 86 % of the population have access to a reliable supply of potable water. This has not only contributed to a reduction in diarrheal diseases among children and reduction in infant and child mortality but it also removed the daily drudgery from thousands of women and

---

<sup>8</sup> Guyana has one of the region's lowest inequality ratios, see WB Poverty Assessment Survey Guyana 2008.

children's lives who had to fetch water from long distances. This improvement has also contributed to more children attending school on a regular basis.

23. The social safety nets detailed by the State party in its submission to the UPR, March 2010 and those highlighted in this report illustrate the Government's uncompromising commitment to the poor and vulnerable especially women, children, the elderly, differently-abled and Amerindians. In 2009 and 2010 the social safety net programmes were further expanded with new or expanded programmes such as the launching of the Single Parent Assistance Programme, school uniform vouchers for all nursery and primary school children attending the public educational system in September 2010 and the introduction of a new micro-credit window for women and poor through a GoG/Commercial bank Memorandum of Understanding.

24. Guyana has come through some difficult periods in its history and recent times, but the reforms in Constitution, legislation, the Parliament, and the economy coupled with a consistent commitment over 17 years of pro-poor programmes and investments focusing on improving the quality of life of its people, with special attention to children, has contributed to a more stable and optimistic environment for the future.

## **B. Guyana's economy**

25. Guyana's economy did not rebound from the sharp contraction it experienced in the late 1990s until 2006. The long duration of economic malaise has been attributed to a persistent decline in factor accumulation, adverse terms of trade, weak infrastructure and exogenous shocks including fluctuations in commodity prices<sup>9</sup> and rising energy costs. Despite the many institutional, legislative and regulatory reforms that were undertaken, growth remained stifled during the period.

26. This is attributed to the significant deterioration in the political and institutional environment, especially between the years 2001–2005, coupled with the protracted and destabilizing crime wave in the country which led to a sharp decline in domestic and foreign investment. The situation was further complicated by human resource constraints due to continued, albeit reduced, emigration. While public investment in Guyana may have remained relatively high during the period compared to other Caribbean and Least Developed Countries (LDC), it could not compensate for the decline in other factors, and did not translate into economic growth until 2006.

27. The difficult situation was further compounded by natural disaster of flooding along the coastal regions affecting approximately 400,000 people between December 2005–February 2006 which resulted in losses estimated in excess of 57% of GDP. As a result, Guyana had to reprioritise expenditure to address the immediate costs of recovery and reconstruction, and to put in place measures to reduce vulnerability to future natural disasters. The depressed economic conditions inadvertently, and, the restoration of the damaged physical infrastructure and heavy preventive infrastructural work advertently, impacted on the State Party's capacity and pace in implementing the Convention during those years.

28. The economy of Guyana only began to experience an upturn in 2006. This has led to a certain cautious optimism. Peaceful elections in late 2006 and improvements in the level of political and social stability in the post-election period have, to a great extent, enhanced

---

<sup>9</sup> The Guyanese economy is largely dependent on agriculture and extractive industries; the export of sugar, gold, bauxite, shrimp, timber, and rice represent nearly 60% of the country's GDP. These exports are highly susceptible to weather conditions and fluctuations in prices.



the economic and investment climate. The corollary has been a substantial increase in inward FDI from US\$ 77 million in 2005 to US\$ 178 million in 2008,<sup>10</sup> mainly in the sugar and rice industries and also in the mining sector.

29. In 2010, the Budget acknowledged the new sectors — construction, information and communication based technology, agricultural diversification and tourism — that are coming on stream and which point to greater diversification of the economy.

30. Of note, as a result of the expanded relations with neighbouring Brazil and the opening of the Takatu Bridge as the international port of entry between the 2 countries, new investments in hydropower, increased availability of bandwidth, as well as oil exploration,<sup>11</sup> point to greater confidence in the future and less reliance on the traditional exports that are susceptible to world market forces. This is particularly important as the loss of preferential treatment with the European market has posed some serious challenges to the sugar sector and the domestic economy.

31. Guyana registered a GDP growth of 5.1 per cent in 2006, and 5.4 percent in 2007,<sup>12</sup> 3.1 per cent in 2008 and 2.3 per cent in 2009 underpinned by increasing investment, improved commodity prices and more favorable terms of trade (Table 1). The latter figure is of special significance given the global recession and financial crisis and shows that the country through careful financial management was able to firstly cushion the impact on its people as well as maintain macro-economic growth.<sup>13</sup>

32. Furthermore, Guyana's entrance into the CARICOM Single Market and Economy (CSME) in January 2006 has broadened the country's export market, primarily for raw materials. Strong performances have been registered in agriculture and in the extractive industries as well as in the construction and services sector. This renewed politico-economic vigour has also set the basis for the formulation of a new Poverty Reduction Strategy (PRS)<sup>14</sup> programme to build on the goals set out in the previous PRSP and the achievements made so far.

Table 1  
**Guyana – Gross Domestic Product (GDP)<sup>15</sup>**  
(Annual percentage change)

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
-1.345	2.260	1.149	-0.652	1.566	-1.942	5.127	7.0	2.0	3.3

Source: IMF – World Economic Outlook Database, Oct. 2009 (and subsequent IMF Article IV).

33. Guyana's approach to facing the uncertain economic environment was essentially two-pronged: maintaining macroeconomic stability while increasing spending on the social sector (education, health, water, sanitation and housing) and on the most vulnerable groups. In the process, social sector spending had increased steadily from 15.2% of GDP in 1997 to

<sup>10</sup> Figures from UNCTAD – World Investment Directory.

<sup>11</sup> Due to the International Arbitral Award of the Maritime Boundaries between Guyana and its neighbour Suriname.

<sup>12</sup> Figures from IMF & World Bank Guyana Country Brief; see Table 1.

<sup>13</sup> For instance, VAT was removed from all essential food items, baby food and milk, kerosene etc and reduced for gasoline. No new taxes were introduced.

<sup>14</sup> Guyana's PRSP-2 (2008–2012) builds on the objectives set out in 2001 with some amendments to policy focus, taking into consideration the important developments since 2001.

<sup>15</sup> At constant prices, base year 1988. It should be noted, however, that Guyana has rebased its national accounts as of 2010 to base year 2006, making projections more accurate.

22% of GDP in 2005. Guyana affirms that targeted assistance for the most vulnerable in society as well as those most impacted by the uncertain economic situation will be maintained. The 2009 budget continued to see an increase in social sector spending, a commitment that has been maintained in the 2010 budget.

34. Having established a strong macro-economic and structural reform track record, Guyana achieved debt relief under both the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative and the Multilateral Debt relief Initiative (MDRI). Given that Guyana has been a 'post-Completion Point'<sup>16</sup> country since 2005, it has received full and irrevocable debt relief available under the enhanced HIPC Initiative as well as under the MDRI.

35. These debt relief initiatives, coupled with prudent debt management by Guyana including through cautious and responsible borrowing policies, enabled the country to reduce its external debt from \$ 2 B USD in the 1990s to \$833 USD M in 2008 while continuing to access additional loans for further improvement of the country. This was achieved despite the fact that new borrowing had contracted internationally to finance critical social and infrastructural programmes. Due to improved and prudent fiscal and financial management Guyana's loan portfolio has been reduced with the international financial institutions as it has developed a greater capability to generate revenue for the expansion and development of the country. The European Union continues to provide budget support.

36. The GoG's national development strategy is premised on the Low Carbon Development Strategy<sup>17</sup> and the Poverty Reduction Strategy supported by a range of sectoral policies and programmes dedicated to the improvement in the quality of life and the reduction of poverty. The substantial and dedicated budgetary allocations to health and education sectors of 25 % of the annual budget, with housing and water, and social safety nets expending another 10% of the annual budget illustrate this point.

37. The Poverty Reduction Strategy Programme (2005–2008) and its successor PRSP 11(2008–2012) have contributed to the reduction of poverty and greater access and equity in access to services for the poor and vulnerable as well produced expanded social safety opportunities. The reduction in infant, child, maternal mortality, and malnutrition reflects the success in these anti-poverty interventions. Life expectancy has also increased from an average of 61 years in 1992 to 67 years in 2008. The "MDG Guyana Outlook 2007"<sup>18</sup> and more recent updates demonstrate that Guyana would be expected to meet 5 of the 8 goals in 2015.

38. Nevertheless, problems such as shortages of certain specialized skilled labour and a demanding infrastructural programme which must be consistently maintained (sea and river defense, irrigation and drainage) and will continue to assume a major portion of its expenditure based on climatic changes.

39. About US\$ 800 million of Guyana's debt has been written off by the IMF, the World Bank and the Inter-American Development Bank and in May 2009, the World Bank's Board of Directors endorsed the new Country Assistance Strategy (CAS) for Guyana between 2009 and 2012 to support its development agenda. This has enabled the freeing-up of resources for social spending, including spending for children.

---

<sup>16</sup> Countries are considered as having reached 'Completion Point' if they maintain macroeconomic stability under a PRGF-supported programme, have carried out key structural and social reforms, and have satisfactorily implemented a Poverty Reduction Strategy for a minimum of one year.

<sup>17</sup> Low Carbon Development Strategy is available on the [www.gina.gov.gy](http://www.gina.gov.gy).

<sup>18</sup> With UNDP support, the GOG is in the process of preparing an updated status report on the MDG Goals in 2010.

40. Challenges remain and Guyana will need to consider its priorities to sustain growth, continue its reforms and increase the effectiveness of its poverty reduction policies. Guyana remains vulnerable to external shocks and the uncertainty of the current global economic climate. To reduce its debt vulnerabilities decisively, Guyana will continue to pursue cautious borrowing policies and strengthen its public debt management. The Committee may wish to refer to Guyana's submission to the UPR March 2010 for further information on the economy and the challenges the country faces.

41. It should be noted that Guyana, located in the Amazon Basin and one of the six countries that comprise the Guiana Shield, contains one of four remaining intact rainforests in the world. The State Party's initiatives on climate change commencing with a history of careful and prudent management of its rainforest (only .01% is used), the 2008 Avoided Deforestation Policy and the 2009 Low Carbon Development Strategy set the framework for a new sustainable developmental pathway based on a low carbon model.

### C. Demography

42. Guyana's population has changed only marginally over the last 20 years. At 751,223 in 2001, it was actually 35,894 or 1.2 percent below the 1980 population level. Underlying what appears to be a minor change over the past 20 years, however, are major shifts in inter-census data and regional changes in population. Between 1980 and 1990, the population fell by 4.8 percent; this resulted not only from very high emigration rates due to the lack of democracy and the very harsh economic and social conditions but also due to very high infant, child and maternal mortality rates. With a natural rate of increase of one percent per year, this represented about a 15 percent decline in Guyana's population. Between 1990 and 2001, the population increased by 3.8 percent, much less than the cumulative natural rate of increase.

43. The trend of migration eased somewhat between 1990 and 2002, with the population showing an increase of about 27,000 people. Also contributing to the modest rise in the population was the reduction in infant and child mortality as well as remigration of Guyanese in the early 1990s. The outward migration trend has slowed down in the past decade as compared with the 1980s.<sup>19</sup>

44. The 2002 Census highlighted the following age structure in Guyana:

**Table 2**

	<i>Male</i>	<i>Female</i>	<i>Total</i>
0–14 years (35.5%)	135 629	131 518	<b>267 147</b>
15–64 years (66%)	226 058	226 551	<b>452 609</b>
65 years and over (4.2%)	14 347	17 120	<b>31 467</b>

*Source:* 2002 Population & Housing Census.

45. Since the 2002 Census was the last Population and Housing Census conducted in Guyana, consequently, only projected estimates of population figures are available for the subsequent years. Preparations are now underway for the 2010 round of population and housing censuses which will also be conducted as part of the United Nations 2010 round of global population and housing censuses (as was the case of 2002).

<sup>19</sup> UN Population and IOM data.

46. Guyana's population has been estimated at 764,000 persons in 2007.<sup>20</sup> *The population under 18 years of age is estimated to be approximately 267,000 in 2007, while the population under five years of age is estimated to be around 70,000.*<sup>21</sup> Guyana has a large rural population as only approximately 27 percent of its population is urbanized.<sup>22</sup> By law, children are required to attend school up to the age of 15. Above that age children are legally authorized to participate in certain labour force activities which do not jeopardise their health, safety or morals.

47. There are ten Administrative Regions in Guyana. In terms of the distribution, Region 4 is the most populated area in Guyana with about 41 percent of the population. The number of people living in this region has remained fairly constant over the last 20 years. Region 6 is the second highly populated region with about 17 percent of the Guyana population. But it is also the region, which experienced the highest level of internal out-migration over the two decades. The population in all the hinterland regions increased over the last 20 years, with Region 8 registering the highest increase as a result of internal migration.

48. Guyana is home to more than 50,000 Amerindian (indigenous) peoples settled in 134 tilted communities and belonging to nine different groups, living mainly in the hinterland and riverain areas of Guyana. The 2002 Census found that the Amerindian population was the fastest growing in comparison to other ethnic groups with a population increase of 47.3% from 1991 to 2002, which represents an annual growth rate of 3.5%. They now represent 9.2% of the Guyanese population.

49. Several factors account for the underlying changes in population within the regions. First, increased expansion of economic activities in Region 4, accompanied by the high level of distribution of the government housing programme for low income households in all the regions have contributed to the steady state of the population. Second, increased mining and forestry activities in the interior regions, and new call centre investments with concomitant job creation, may account for the increase in population of these regions. Third is the growth in population in Region 10 reflecting an increase in gold mining operations, forestry and agriculture.

#### **D. Implementation of the Convention**

50. Guyana upholds the right of the child and has worked constructively and consistently in the promotion and protection of child rights in all areas in response to its objective of ensuring that children are protected and have every opportunity to develop as well as its obligations arising out of the Convention and other Human Rights instruments to which it is a party. Guyana's unwavering commitment to the aims of the Convention is reflected in the significant measures made to meet its treaty obligations since the submission of its Initial Report in 2002.

51. These measures were pursued within the context of the overarching framework of the constitutional and legislative reforms and the government's people-centred developmental approach supported by national policies, strategies and programmes. Substantial and consistent investment over the last 17 years in resources has been made in key areas concerning children and many programmes in relation to children have been

---

<sup>20</sup> UN Economic Commission for Latin America and the Caribbean – Statistical Yearbook 2009.

<sup>21</sup> UN Population Division (in UNICEF Guyana Statistics), [http://www.unicef.org/infobycountry/guyana\\_statistics.html#57](http://www.unicef.org/infobycountry/guyana_statistics.html#57).

<sup>22</sup> UN Population Division (in UNICEF Guyana Statistics), [http://www.unicef.org/infobycountry/guyana\\_statistics.html#57](http://www.unicef.org/infobycountry/guyana_statistics.html#57).

initiated in collaboration with international and multilateral developmental agencies such as UNICEF and other local bodies.

52. Cognisant of the fact that children should be at the heart of policy and practice, the State Party has ensured that focused interventions to protect and provide for children form the basis of all programmes initiated in the country. Furthermore, these programmes are designed with a special focus on the poor and the most vulnerable. They include the Poverty Reduction Strategy Programme (PRSP), the National Development Strategy (NDS), the National Policy on HIV/AIDS, and the sector plans for Health, Education, Housing and Water as well as the Social Safety net programmes.

53. Guyana is also working towards achieving the *World Fit For Children* targets of 2002–2010, the *Education for All* target of 2015 as well as realising the *Millennium Development Goals (MDGs)*. At the regional level, Guyana is committed to the Regional Framework for Action for Children (2002–2015), which was developed during a CARICOM Special Meeting of the Council on Human and Social Development for Children in March 2008. Reflecting the provisions of the Convention, the Framework emphasizes specific strategies, priority actions and objectives for children, in parallel with the targets of the World Fit for Children and the Millennium Development Goals.

54. Guyana's Poverty Reduction Strategy Paper which was drawn up in 2001 outlined a comprehensive strategy to put Guyana on track to meet the MDG targets, and may be regarded as an "operational framework" to translate the global MDG targets into action. By the time the Second Poverty Reduction Strategy Progress (2005) report was published, considerable measures and reforms had been initiated within the framework of the strategy, with significant progress being achieved in maintaining macroeconomic stability and improving the lives of people and particularly children.

55. The 2007 MDG Status Report indicated that Guyana had made good progress with respect to the available baselines as well as the 2003 MDG Report. The most significant progress relates to targets that address hunger, primary education, environmental sustainability and empowerment of women. It also indicates that Guyana is on-track to meet them by 2015. A comparison of the assessment in the 2003 and 2007 reports is given below.<sup>23</sup>

**Table 3**

Goals	Targets	Likelihood of achievement by 2015	
		2006	2003
Goal 1	Target 1: Eradicate extreme poverty	Potentially	Potentially
Goal 1	Target 2: Eradicate extreme hunger	Probably	Potentially
Goal 2	Universal primary education	Probably	Probably
Goal 3	Promoting gender equality/empowerment of women	Probably	Probably
Goal 4	Reducing child mortality	Unlikely	Unlikely
Goal 5	Improving maternal health	Unlikely	Unlikely

<sup>23</sup> Adequate local indicators for monitoring were not developed for Goal 8 (Addressing the Global Partnership for Development).

Goals	Targets	Likelihood of achievement by 2015	
		2006	2003
Goal 6	Target 1: Combating HIV/AIDS	Potentially	Unlikely
Goal 6	Target 2: Combating Malaria and other major diseases	Unlikely	Unlikely
Goal 7	Ensuring environmental sustainability	Probably	Potentially
Goal 8	Not assessed	-	-

Source: Guyana MDG Report 2007.

56. Guyana faced significant hurdles in its efforts to make good on international commitments to protect and to achieve the realisation of the rights of the child, as well as to fulfil its MDG goals. These include:

(a) Limited resources and capacity stretched by the various challenges confronting Guyana.

(b) Protracted economic malaise between 2000 and 2006 due to political instability and a very violent crime wave which had widespread effect on household income, revenue generation and expenditure outlay, and slowed efforts across the sectors.

(c) Logistical and financial difficulties associated with meeting the needs of a small population spread out over a large area (approx. size of the United Kingdom).

(d) Developmental challenges arising from debt-service ratios; the State Party successfully reduced the public debt from 93.1% of GDP at the end of 2006 to 56.8% of GDP in 2009. The country still faces a sizable external debt against the urgent need for expanded public investment.

(e) Fluctuating world prices for its primary exports and competition in a liberalized global economy, compounded by the removal of preferential markets such as the European Union (EU) sugar regime – sugar being its primary export.

(f) Paucity of certain skills as well as the brain drain due to the sustained outward flow of skilled and semi-skilled human resources over two decades (1970s and 1980s) which cannot be replaced quickly.

(g) Vulnerability to natural disasters, particularly hazards of coastal hydro-meteorological origin such as flooding.

(h) A nascent culture of monitoring and evaluation and the (often) lack of available data to effectively monitor progress and development.<sup>24</sup>

57. The following sections outline the consideration given by the State Party to the recommendations of the Concluding Observations of the Committee and the key measures adopted in the process. The specific subject headings to qualify areas of concern used by the Committee in its Concluding Observations in the elaboration of its recommendations are retained where relevant. The State Party wishes to mention that copies<sup>25</sup> of children's

<sup>24</sup> This also placed some limitations to the compilation of certain parts of this report and other reports in keeping with Guyana's treaty obligations. Of note, however, is that the investments in information data systems in various agencies are beginning to show results.

<sup>25</sup> Soft copies of the legislations, wherever available, will also be submitted to the Committee.

statutes and those related statutes mentioned in this report will be made available to the Committee.

## **II. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

58. In accordance with article 4 of the Convention on the Rights of the Child, the State Party continues to reaffirm its commitment to harmonizing legislation for the implementation of the rights recognised in the Convention. This commitment is manifest in the legislative progress in jurisprudence dedicated to child welfare since the beginning of the 9th Parliamentary Session (2006–2011) at the National Assembly.

59. In essence, efforts have been made by the State Party to review existing legislation with the intention of reform and a significant number of bills which have a direct impact on matters related to children have been passed, while various existing legislations, whether directly or indirectly related to children, were amended and some are before parliamentary special select committees at the time of reporting.

### **A. Legislation (art. 4)**

60. The Committee, in its Concluding Observations on Guyana's Initial Report (para. 8–9), expressed concern about the process of approval and enactment of the Children's Bills and recommended that the State Party take all necessary measures to expedite its adoption.

61. The legislative framework for the protection of children and children's rights has been radically altered in the last 4 years; Parliament has passed the following modern progressive laws: The Criminal Law Offences Act No.16 2005 (Age of Consent); Marriage (Amendment) Act 2005; Childcare and Protection Agency Act No. 2 of 2009; Protection of Children Act No. 17 of 2009; The Adoption of Children Act No. 18 of 2009 and The Status of Children Act No. 19 of 2009. These laws now provide for the rights of children in consonance with the amendments to the constitution in 2003. (See Appendix 1)

62. The Children's Bills comprise a comprehensive package of five bills, some drafted in 2006, then redrafted and subjected to review by various stakeholders in 2007 and 2008. The Bills were with the technical assistance of UNICEF. The State Party wishes to elaborate that in 2009, four of the six children's bills after being sent to a Parliamentary Special Select Committee received the support of the National Assembly and became law after receiving Presidential assent. Two other bills are before a Parliamentary Special Select Committee and are expected to be enacted by mid-2010. A new Sexual Offences Bill that will repeal sections of the Criminal Offences Act Chapter 8:01 is also before a Parliamentary Special Select Committee and is expected to be enacted by mid-2010.<sup>26</sup>

63. The four new Acts are:

(a) *Child Care and Protection Agency Act No. 2 of 2009*

This Act establishes the Childcare and Protection Agency which is the umbrella Agency with the responsibility for the implementation of policies and decisions in relations to laws governing children including laws governing childcare and development services, foster homes and voluntary organizations; the status of children; adoption of children;

<sup>26</sup> At the time of reporting the Sexual offences Bill was unanimously passed in the National Assembly on April 22, 2010.

protection of; and custody, contact, guardianship and maintenance of children. The aim of this legislation is to make the Childcare and Protection Agency as the key body to deal with all matters relating to children thereby providing ease of access for citizens including. The functions of the Agency range from investigating allegations of abuse or neglect children; providing protection and counseling for children including making timely to prevent abuse of children; to educating parents on good parenting, parental and practices.

(b) *Protection of Children Act 2009 (Act No. 17 2009)*

The Act provides for the protection of children at risk, children in difficult circumstances and all children at large. It defines and serves to identify a child in need of protective intervention and considers the best interests of the child as the overriding and paramount consideration in any decision made under it (art. 3 (a)). The Act covers placement of children, confidentiality and disclosure of information, accountability provisions and protection from unsuitable individuals. The Act also abolishes status offences and instead interprets the commission of acts which are regarded in other jurisdictions as such, as a signal that a child is in need of care and protection.

(c) *Adoption of Children Act 2009 (Act No. 18 2009)*

In accordance with the umbrella principles of the Convention, and in particular with Article 21, this Act which revokes the previous Adoption Act, provides that in any decision about the adoption of a child, the best interests of the child shall be of “paramount consideration” (art. 2 (2) Adoption of Children Act). The Act lays down principles for making adoption orders and regulates the process to avoid arbitrary interference with the child’s right to privacy, family and home. Provision is made for the child’s voice to be heard in the course of proceedings to allow the child to express his/her views freely if he/she can form views on a matter concerning the adoption. Adoption is henceforth considered a service for the child and not for adults wishing to adopt a child.

(d) *Status of Children Act 2009 (Act No. 19 2009)*

In compliance with Article 2 of the CRC on non-discrimination, this Act unequivocally bestows equal rights on all children (Art. 4 (1) Status of Children Act 2009) irrespective of how they were conceived. By repealing and re-enacting the provisions of the 1983 Children Born Out of Wedlock (Removal of Discrimination) Act 1983, it removes the discrimination within the law, which historically existed against children born out of wedlock. It also complies with the other fundamental principles, including articles 3, 6 and 12, and its enactment will go a long way in ensuring the child’s enjoyment of other rights set out in closely related articles, such as articles 5, 7, 8, 9 and 18. The Act is both visionary and highly comprehensive since it also recognises ‘extra territorial declaration of parentage’ (which is appropriate for Guyana given its significant diaspora abroad), and it also takes into consideration advances in technology for assisted reproduction and eliminates areas of discrimination which persist in like legislations.

64. The remaining two of the Children’s Bills, the *Child Care and Development Services Bill* and the *Custody, Access, Guardianship and Maintenance Bill*, are currently under review by a Parliamentary Select Committee. This process is expected to be concluded before the end of 2010. The Child Care and Development Services Bill sets out the minimum standard of care each child in the homes should enjoy to live a healthy and productive life and will have responsibility for childcare and development services such as foster homes and voluntary organisations. It also strengthens the adoption process while setting minimum standards for orphanages and safe-homes. The Custody, Access, Guardianship and Maintenance Bill makes the best interests of a child the primary consideration when the Court is making any decision with respect to custody, contact, guardianship and maintenance claims in relation to a child.



65. These Children's statutes complement each other and have defined a new modern and progressive legal framework for the protection of children.

66. The passage of the Child Care and Protection Agency legislation is unprecedented in Guyana as it was the first legislation passed to create an agency that deals specifically with children, particularly those in vulnerable situations, and in which the welfare of the child is paramount (section 8 (1) of the Act). The Act complies with articles 2, 3, 6, 12, 18 and 19 of the CRC, and stipulates that the Agency is empowered to implement policies and decisions in relation to the laws governing children, monitor childcare facilities, intervene in cases where a child is abused or neglected and among others, to make proposals and recommendations on the enactment or improvement of laws relating to the welfare of children. The Agency will be the leading body and coordinator of all agencies which are involved in the management of child abuse and neglect cases.

67. The umbrella principles of the CRC — non-discrimination, best interest of the child, right to life and maximum possible survival and development and respect for the child's views — are henceforth enshrined in these pieces of legislation.

68. The regulations for the first 4 children's legislation to allow for speedier implementation of these new laws have been drafted and are expected to be laid in the National Assembly by mid-2010.

69. In view of these new enactments, the State Party recognises that it will need to take into consideration its capacity to provide for their full implementation from the point of view of financial, physical and human resources, within available resources.

70. Concurrently, the new Juvenile Justice Bill is in draft and is presently under review by the various stakeholders, while the Sexual Offences Bill as stated before has been before a Parliamentary Special Select Committee and is scheduled to be tabled in the National Assembly on April 22, 2010 for debate. When enacted as law, the Sexual Offences Bill will contribute to the development of an effective reporting system with timely and adequate investigations in order to bring perpetrators to justice.

71. In 2008, the Juvenile Offenders Act (1972) was amended to facilitate the expansion of the Minister's powers to designate and establish more Holding Centres for children in conflict with the law where required. Presently there is only one Juvenile Rehabilitation Centre for juveniles under the age of 17 who are sent there by the courts. This amendment allowed for an end to children under 16 being held in adult lock-ups or stations pending a decision of the Courts.

72. Prior to these enactments, the Education Act was amended in 2004 to increase the age of compulsory attendance in school to 15 years old. Correspondingly, the Employment of Persons Act was amended in the same year to increase the age of employment to 15 years. In 2007, the Ministry of Education established a task force to hold consultations for the comprehensive reform of the Education Act. This process is still ongoing. A draft is complete but still under review.<sup>27</sup>

73. In the foregoing, the State Party deems it essential to highlight other legislative changes which seek to enhance the protection of children although these pieces of legislation may not be exclusively related to children. These include:

- (a) The Trafficking in Persons Act No. 2 of 2005;

---

<sup>27</sup> Guyana's submission to UNESCO on the 1<sup>st</sup> Phase Implementation of the World Programme on Human Rights -based Education April 2010 may be of interest.

(b) The Prevention of Crimes (Amendment) Act No. 11 of 2008 which provides for mandatory supervision of persons convicted of crimes affecting children as victims – molestation, rape, incest, kidnapping and pornography;

(c) The Evidence (Amendment) Act No. 19 of 2008 and the Criminal Law (Procedures) (Amendment) Act No. 17 of 2008 allow in the first instance for video linked interviews in a court and the use of paper committals in criminal courts.

74. These legislative measures have brought Guyana's laws further in line with international human rights obligations not only in relation to the Convention on the Rights of the Child, but equally with other international instruments and declarations to which it is party including the Convention on the Elimination of Discrimination against Women (CEDAW) and the Riyadh Guidelines as well as the Millennium Development Goals.

## **B. Constitutional amendments**

75. Article 8 of the Constitution of Guyana declares the Constitution as the Supreme Law of the land and any other law that is inconsistent with it is void to the extent of the inconsistency. The Constitution<sup>28</sup> guarantees as constitutional rights, the human rights enshrined in the international instruments that Guyana is party to (article 154 A (1)). The article further ensures that such rights "shall be respected and upheld by the executive, legislature, judiciary and all organs and agencies of Government and, where applicable to them, by all natural and legal persons".

76. Article 40 (1) of Chapter III of the Constitution further provides for the fundamental rights and freedoms of individuals. It enacts that everyone in Guyana is entitled to the "basic right to a happy, creative and productive life, free from hunger, ignorance and want". In this regard, the State party wishes to highlight that the provision of human and fundamental rights as constitutional rights allows persons to seek redress directly to the courts.

77. Under the revised Constitution, provisions were made for the establishment of the 5 constitutional Human Rights Commissions- the Rights of the Child Commission, the Women and Gender Equality Commission, the Indigenous Peoples' Commission, the Ethnic Relations Commission and the umbrella Human Rights Commission which will be the secretariat to the four other commissions. The constitution also provided for a Parliamentary Standing Committee of Appointment of Members to Commissions which includes in their mandate the aforementioned 4 HR Commissions and the Judicial, Public and Police Service Commissions. This Parliamentary body guides the nomination process and consults with civil society through an agreed on consensual mechanism and a two-thirds majority vote.

78. The Rights of the Child Commission replaces the National Commission on Children which was an advisory body to the President from 1992–2009 on the status of children. The Rights of the Child Commission as provided for in article 212U stipulates the terms of reference of the Commission.

79. Of note to the Committee is that the first constitutional Rights of the Child Commission (ROCC) under the revised constitution was appointed in 2009 and is expected

---

<sup>28</sup> The 1980 Constitution of Guyana went through various amendments during the period 2001–2003 where the revised provisions were considered by a multi-sectoral multiparty multi-stakeholder Constitution Reform Commission process.

to be fully operational by the third quarter of 2010.<sup>29</sup> Through the consultative process with religious, labour, youth, non-governmental bodies, 15 members have been appointed of which 13 are female.

80. In 2003, in further compliance with article 3 of the Convention, the Constitution was amended<sup>30</sup> to reflect the best interests of the child. Henceforth, article 38B of the Constitution enacts that the best interest of the child be the primary consideration in all judicial proceedings and decisions and in all matters concerning children, whether undertaken by public or private social welfare institutions, administrative authorities or legislative bodies. Further to this, article 38C requires the State Party to ensure that the adoption of a child takes place only if would be in the best interest of the child.

### **C. Coordination and National Plans of Action**

81. Reference was made to Guyana's proposed new National Plan of Action for Children which was being drafted for the period until 2007, and which would be based on the core document of the General Assembly special session entitled "A World Fit for Children" (May 2002). In this regard, the Committee recommended that the Plan of Action cover all areas of the rights of the child and that an appropriate governmental body be identified to monitor the activities regarding the implementation of the Plan of Action with a strong mandate to carry out its coordinating role.

82. The Government of Guyana wishes to advise that given the capacity and resource limitations that it continues to face, the new national Plan of Action is still in its draft form at the moment of reporting. However, the Committee may wish to note that the draft plan is being consulted on with a view to reflecting all the very many changes made by the State Party in the last 4 years to law related to children and in the best interest of children. Once this process is of consultation and revision is complete, the Government will submit it to Parliament.

### **D. Coordination of policy related to children**

83. The Childcare and Protection Agency under the Ministry of Labour, Human Services and Social Security (MLHSS) which was established under the Child Care and Protection Agency Act 2009 (Act No. 2 2009) promotes a holistic approach to the overall protection for children. The Agency is mandated to function as an 'oversight and management committee' for the protection of children and the implementation of all legislation related to or affecting children, including the new legislation passed in 2009, and those pending approval by the National Assembly: the Child Care and Development Services Bill and the Custody Guardianship Maintenance and Access Bill.

84. The Agency assumes responsibility for the coordination and implementation of policies outlined in the laws governing children. The areas under its jurisdiction include childcare and development services, the status of children, adoption of children, protection of children and the custody, contact, guardianship and maintenance of children as well as foster homes and voluntary organisations. The Agency's Child Protection Policy supplements existing legislation and lends support to the landmark Children's laws passed in 2009.

<sup>29</sup> At the time of reporting the ROCC elected its chairperson and deputy chairperson and will be occupying their accommodation in May 2010.

<sup>30</sup> Constitution (Amendment) Act No. 10 of 2003.

85. The Childcare and Protection Agency is mandated under its Child Protection Policy (article 1.2 (ii)) to raise public awareness of its policies, roles and responsibilities with regard to Child Protection. Likewise the Agency is responsible for the dissemination of its policy to all staff, students on placements, partners, donors as well as the public at large in order that they are fully aware of the policy's central messages and responsibilities (Article 1.3 of the Child Protection Policy).

86. The Childcare and Protection Agency works closely with line ministries and agencies in adjacent areas related to children. While each line ministry or agency is responsible for its own policy coordination, the Childcare and Protection Agency will allow for the social services provided by Government through these Ministries to be harnessed by a single agency to provide a comprehensive service.

87. Concurrently, there are several overarching national development frameworks including:

- (a) The National Development Strategy (2001–2010);
- (b) The Poverty Reduction Strategy Programme II (2008–2012);
- (c) The National Strategic Plan on HIV/AIDS (2006–2010);
- (d) The Strategic Education Development Plan (2008–2012);
- (e) The National Rehabilitation Services Strategy 2009–2013;
- (f) The National Framework on Orphans and Vulnerable Children (2005-).

88. These frameworks incorporate their own policies with many areas relating to children's development. For example, the PRSP 2008-2012 provides information on government programmes towards the achievement of PRSP goals. While the PRSP does not specifically address the implementation of the Convention, it does identify policies and projects within sectors considered and serve as a guiding principle to improve the general quality of life and access to services in areas such as health, education, housing, water and sanitation.

89. The State Party is also committed to fulfilling child rights and the protection of children through policy development which target and reflect priority issues for certain groups of children, the quintessence of which would be the National Framework for Orphans and Vulnerable Children (OVC).

90. The recognition of the need to pay greater attention to orphans and vulnerable children (OVC) in Guyana has resulted in the development of the national framework to guide the formulation and implementation of appropriate strategies, activities and legislation for these children. The National Policy Framework for Orphans and Vulnerable Children strengthens the prospective Children's Bills and legislative mechanisms already in place for children. It seeks to make the delivery of services for children more effective through the following priority policy areas such as:

- (a) Establishment and monitoring of enforceable standards for the operation of residential care institutions for children;
- (b) Appropriate placement options for OVC without primary caregivers;
- (c) Protection of children's rights and future through succession planning;
- (d) Provision of psychosocial support to OVC;
- (e) Adequate identification, monitoring and evaluation of OVC.

91. The objectives outlined in the Framework pay special attention to gender inequality, geographical disparities and cultural diversity, and are informed by the Convention on the

Rights of the Child. Emphasis is also placed on appropriate training for staff in government agencies and civil society organizations.

92. Implementation of the framework is guided by a national plan of action on OVC and the Ministry of Human Services and Social Security (MHSSS) assumes the lead role in the coordination of multi-sectoral interventions on OVC. The responsibilities of the MHSSS, other ministries and national agencies, civil society organizations, parents, caregivers, communities and children are detailed in the framework.

93. In January 2007, a consultative programme saw stakeholders meeting to refine a number of initiatives to respond to the challenges facing the nation's youth, and to identify ways to ensure their participation in the country's development. The initiative, supported by Government and the Inter-American Development Bank (IDB), addresses the design of an overall policy and programme to address the specific needs of young people. Local stakeholders, including a number of youth organisations and several government ministries, are working together to craft the programme.

## **E. Independent monitoring**

94. The Committee, in the previous Concluding Observations, raised its concern about the absence of an independent mechanism with a mandate to regularly monitor and evaluate the progress of implementation. The Committee further encouraged the State party to look into establishing a mechanism/an institution which is easily accessible to children, deals with complaints from children and provides remedies for violations of their rights under the Convention.

95. The Government of Guyana subscribes firmly to the importance of independent monitoring and evaluation of its implementation of the Convention, and of all processes related to the human rights of children.

96. In this regard, the four Commissions guarantee Human Rights as mandated by the Constitutional Reform Commission and as provided for in article 212G of the revised Constitution. The four institutions include the Human Rights Commission, Women and Gender Equality Commission, Indigenous Peoples' Commission and the Rights of the Child Commission and the Ethnic Relations Commission. The Human Rights Commission will subsequently act as Secretariat and overarching Commission for the three other Commissions as well as the Ethnic Relations Commission, which was established under provision 212A of the Constitution.

97. By virtue of article 212G (2) and (3) of the Constitution, the Commissions will uphold human rights and be independent and impartial. The Commissions will be funded by a direct charge from the Consolidated Fund in accordance with article 222A of the Constitution.

98. As provided for in article 212J (2), the Commissions, other than the Human Rights Commission, will be responsible for monitoring and reviewing all existing legislation, policies and measures for compliance, and report the need for amendment to any legislation to the National Assembly. The Commissions will also be responsible for investigating abuses and complaints, initiating investigations into violations of rights, resolving disputes or rectifying acts or omissions by mediation, conciliation, or negotiation, and educating the public on the nature and content of matters under its purview.

99. The Rights of the Child Commission is responsible for the implementation of the CRC in Guyana's policy. The Commission will also be responsible for the preparation of Guyana's State Party reports to the Committee. The Commission is expected to be fully operational by mid-2010 once staffing is in place. The Commission will report directly to

the National Assembly with annual and special reports as is presently done by the Ethnic Relations Commission.<sup>31</sup>

100. The State Party has referred to the expanded parliamentary committee system earlier in this report. However, of special note, is the Parliamentary Sectoral Committee on Social Services, which oversees all aspects of the government policy and performance in relation to the social sector, including matters relating to children. This Committee, one of 4 sectoral committees which oversees government performance, is chaired by the government and the opposition on an annual rotational basis. No Minister of government can be a member of these sectoral committees but they are summoned to appear before them to answer questions, make presentations on policy etc. The National Assembly also has a robust question period where Ministers are called on by the Opposition to respond to their queries. As pointed out earlier, the children's bills and Sexual Offences bill after being subjected to a consultative process before being tabled in the National Assembly have then been sent to Parliamentary Special Select Committees for further scrutiny and consensus.

101. In May 2005, a programme was initiated in collaboration with UNICEF to facilitate the work of the then National Commission on Children in the area of Child Protection monitoring – the Child Protection Monitoring System (CPMS). The protection monitoring system will now be coordinated by the Rights of the Child Commission and is expected to be fully implemented in 2010. When fully functioning, it will monitor the services currently provided by the various agencies<sup>32</sup> in relation to children's protection and welfare, and will be responsible for the evaluation of the state of Guyana's children in general. At this juncture, the State Party recognizes that the process of capacity building will take time due to the limited human resources and the newness of this initiative.

102. UNICEF which has been the principal collaborator of the Government in areas related to children, further supports child rights and Poverty Reduction Strategy monitoring mechanisms in the 10 Administrative Regions of the country. There are the Regional Committees on the Rights of the Child and the Regional Poverty Reduction Strategy Committees in each of these regions. These bodies were put in place by the former National Commission on Children and the Office of the President of Guyana, respectively. A principal activity here is to develop capacity to monitor, analyse and influence budget preparation and social expenditure at the Regional level with the intention of stimulating popular participation in budget preparation and execution.

103. Parallel to this, a Health Information System (HIS) and a Monitoring and Evaluation system have been developed by the Ministry of Health to network clinics, laboratories and the National AIDS Programme Secretariat. This has resulted in an improvement in the quality, timeliness and efficiency of information routinely generated by the HIS in the maternity section of the GPHC and New Amsterdam.

104. A Prenatal Information System (PIS) in local Hospitals is included in the Guyana Strategic Plan for the Reduction of Maternal and Neonatal Mortality 2006–2010. The PIS is expected to contribute to standardised and improved capacity to undertake monitoring and surveillance of maternal, prenatal and neonatal events.

105. The State Party is confident that these new measures elaborated in this report will lead to qualitatively better monitoring systems and responsiveness from state agencies, the

---

<sup>31</sup> The ERC posts all reports, surveys etc on its website [www.ethnicrelations.org.gy](http://www.ethnicrelations.org.gy).

<sup>32</sup> The Child Care and Protection Agency at the Ministry of Labour, Human Services and Social Security (MLHSSS), the Ministry of Health, the Ministry of Housing and the Schools Welfare Division of the Ministry of Education (which act to investigate reports of maltreatment and neglect and which make social services more readily available to children).

Rights of the Child Commission, the National Assembly, civil society and communities in relation to children's rights and welfare.

## F. Resources for children

106. While noting the increased budget allocation in social services and infrastructure, the Committee was nevertheless concerned that budgetary allocations and international development assistance are insufficient to respond to national and local priorities for the protection and promotion of children's rights.

107. The Committee recommended that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular, those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation".

108. Efforts to promote children's rights have been elaborated on in this report and these are further enhanced in the various poverty alleviation measures and programmes in place where the wellbeing of children is central. Such measures include the provision of health care, safe water, free education, school uniform allowances, school feeding in targeted areas, housing, and are detailed in Guyana's Poverty Reduction Strategy Paper (PRSP 11 2008–2012).

109. While the PRSP does not specifically track child-related targets, it does identify programmes within sectors considered to improve general quality of life: the health, education, housing, water and sanitation sectors. The Monitoring and Evaluation Unit of the Office of the President (transferred to the Ministry of Finance in 2008) manages a network of monitoring and evaluation committees which function at the regional level to provide information on the implementation of PRSP programmes.

110. The Government of Guyana has steadily and consistently increased social sector spending, especially in the key areas of education, health, water, sanitation and housing. Two priority areas are very relevant to the implementation of the rights of children - health and education - and together with other social sector spending (social safety nets, housing and water) account for more than 20% of the GDP.

111. Table 4 below present a summary of social sector spending as a percentage of GDP in Guyana for the period 1997–2007. Table 5 provides a more detailed breakdown of budgetary allocations by social sector for years 2004–2009 and percentage of GDP.

Table 4

### Guyana – Selected socio-economic indicators

	1997	1999	2001	2003	2004	2005	2006	2007	2008
Social spending as a % of GDP	15.2	17.1	20.8	21.4	19.6	21.4	22.4	21.1	?

Source: Government of Guyana/IMF.

Table5  
Social sector spending

	2004 Act	2005 Act	2006 Act	2007 Act	2008 Act	2009 Rev	2010 B
<b>Total social sector spending</b>	<b>31 064.19</b>	<b>35 722.53</b>	<b>41 202.96</b>	<b>45 235.92</b>	<b>42 414.68</b>	<b>57 401.80</b>	<b>54 148.64</b>
HIPC-related spending	25 094.90	26 972.49	32 408.02	37 162.91	36 054.34	46 909.04	41 622.20
Education	12 780.58	13 990.87	15 521.95	16 824.21	18 161.67	20 174.37	20 825.34
Health	6 641.55	7 070.29	8 575.28	10 342.69	11 025.84	13 388.20	13 253.69
Housing and water	4 362.67	3 657.02	4 982.99	7 012.04	5 411.25	11 634.97	5 833.15
Poverty alleviation	1 205.11	2 254.31	3 327.81	2 983.98	1 455.58	1 711.49	1 720.01
Civil service reform	105.00						
Enhanced HIPC (other poverty related spending)	5 969.29	8 750.04	8 794.94	8 073.01	6 360.34	10 492.76	12 526.44
<b>Total spending (% of GDP)</b>	<b>19.87</b>	<b>22.74</b>	<b>22.85</b>	<b>20.79</b>	<b>10.83</b>	<b>13.89</b>	<b>12.08</b>
<b>Total spending (% of national budget)</b>	<b>41.08</b>	<b>41.33</b>	<b>40.03</b>	<b>45.25</b>	<b>35.57</b>	<b>44.54</b>	<b>37.93</b>
Education (% of national budget)	16.90	16.19	15.08	16.83	15.23	15.65	14.59
Health (% of national budget)	8.78	8.18	8.33	10.35	9.25	10.39	9.28
GDP @ current market prices	156 358.00	157 122.00	180 282.00	217 552.00	391 505.00	413 114.00	448 072.00
National budget	75 611.02	86 431.61	102 922.24	99 962.49	119 255.09	128 882.53	142 775.60

Source: MOF/GOG 2010 Statistics.

112. The share of education expenditure as a percentage of the national budget has risen since 2006. In nominal terms, education spending has increased in the past decade, reflecting the Government's commitment to improving coverage of primary and secondary schools and increasing the capacity in the education sector in general. This also reflects the Government's focus on the training of teachers to increase the number of trained and better qualified teachers in the teaching force.

113. In the past decade, the health sector has also achieved increases in allocation and currently it receives approximately 10% of total government expenditure, while education accounts for approximately 15%, figures which are impressive compared with other countries in the region.

114. It is also worth noting that there have been increases in the social expenditure budgets allocated to regions with high incidences of poverty such as Regions 1 and 9, where most of the Amerindian population is concentrated.

115. As there is currently no specific data available to track resources directed expressly towards children, data of the key priority areas and trends for the total spending of the social sectors will be considered as indicative of spending in favour of children and to have benefited the needs of children.

116. However there is data available to show the number of children who have benefitted from the school uniform programme and the school feeding programmes and this information is shared in other sections of this report.

117. It should also be noted that the Ministry of Finance and UNICEF will be collaborating towards the establishment of a Children's Budget. This approach to budget preparation focuses on ensuring that children are not overlooked and their rights and quality of life are kept in mind when the general budget is considered. The first step was the



development of a methodology to determine what aspects of the general budget address the rights of children.

118. Moreover, in cooperation with the Office of the President, the general budget literacy of technical staff in line ministries and of representatives of civil society is being enhanced. These initiatives shall contribute to making budget allocations more efficient and effective while at the same time specifically addressing the interests of children.

119. The State Party continues to focus on improving the quality of life of its people but more especially children and poor and vulnerable sections of the population.

## **G. Data collection**

120. Concerns were raised by the Committee at the lack of disaggregated data and adequate data on persons under the age of 18 years in all areas covered by the Convention in the Concluding Observations. The Committee recommended that the State party strengthen and modernize its system for collecting disaggregated data as a basis to assess progress achieved in its implementation of the Convention, and to seek the technical assistance of international agencies and regional mechanisms for this.

121. The State Party acknowledges that there are limitations in the area of data collection, particularly for disaggregated data. Whilst there has been some improvement in data collection, there are still weaknesses in the sectoral data collection systems including analysis and retrieval, which has hampered the monitoring of progress, including the Millennium Development Goals and other children's indicators, and evidence-based policy development analyses. The period 2006- to the present has seen greater attention, allocation of resources, and donor support for the provision of sectoral and national data collection and information based systems. Focus has been on the health, education, housing, labour and social security, and finance sectors, Guyana Revenue Authority, the Guyana Elections Commission, the Bureau of Statistics, the courts registries, and the security sector.

122. Reaffirming its commitment to improving the implementation of the Convention, the State Party wishes to assure the Committee that efforts continue to be made to improve the national data collection system and consultations continue to take place on this. In comparison with 1992, the State sector has developed greater capacity, skills and introduction of new technology in the Finance, security, housing, health, water, education sectors and the Bureau of Statistics to improve data collections, analysis and retrieval. These efforts have shown an improvement of the availability of some data. The State Party is confident that these efforts and investment will achieve the establishment of a comprehensive data collection system in place.

123. In this regard, UNICEF has been working with Guyana's Bureau of Statistics on the establishment of DevInfo,<sup>33</sup> as a national platform for data management. The project is now completed and training for agency staff on its utilization has been organized.

124. To monitor the incidence and issues of abuse against children, the Ministry of Labour, Human Services and Social Security's Child Care and Protection Agency has put in place a Child Protection Monitoring Information System (CPMIS) which is being expanded to all the Regions in Guyana with the support of UNICEF and the British High

<sup>33</sup> Guyana is one of the three pilot countries selected by CARICOM (together with St. Lucia and Barbados) for this project. DevInfo is a powerful, user-friendly database system for monitoring human development and a tool for organizing, storing and presenting data in a uniform way to facilitate data sharing at the country level across government departments, UN agencies and development partners ([www.devinfo.org](http://www.devinfo.org)).

Commission<sup>34</sup> The CPMIS is essentially a database that will enable the Ministry/Child Protection Agency to gather regular feedback and information and collate data on child abuse from all line agencies across Guyana. However, due to the lack of statisticians and other technical and capacity-related reasons, this online database is not fully operational at the moment of reporting.<sup>35</sup> Concurrently, a National Children's and Women's Rights Media Monitoring System (CWRMMS) is being set up as a contribution to the promotion of reporting respectful of human rights.

125. A report was prepared by the Bureau of Statistics (BOS) on the 2006 Household Income and Expenditure Survey (HIES) which provides updated data relevant to the situation of children. In collaboration with UNICEF, the BOS also completed a report on the third Multiple Indicator Cluster Survey (MICS3).<sup>36</sup> The survey provides information on the situation of children and women in Guyana, and was based, in large part, on the need to monitor and report on Guyana's international commitments, including the Millennium Development Goals (MDGs) and the targets set in the Plan of Action of a World Fit for Children (WFFC).

126. The MICS3 report contains a wealth of information indicating the progress in key areas related to children. Most importantly, the MICS3 sample design allows for the disaggregation of figures by region and ethnicity, sometimes showing significant disparities in indicators between urban coastal areas and interior areas where most of the indigenous population lives. In 2008, the results of the MICS3 data was disseminated using DevInfo, and through innovative media and IT approaches involving children. The data on social indicators, of which more than 20 indicators were used to measure the MDG's now form an important contribution to DevInfo national data base.

127. The Committee may wish to note that with technical support from the UNDP, a new report on Guyana's status vis a vis implementation of the MDGs is in progress.

128. Collaboration with UNICEF will continue in order to strengthen the availability, management and use of data in the development and monitoring of crucial policy documents and of Guyana's international obligations, including the Convention of the Rights of the Child.

129. The World Bank Poverty Assessment 2008 report illustrates the efforts that the State Party has made to reduce poverty and where the gaps still exist that require further investment of human, technical and financial resources.

130. The State Party remains confident that the initiatives and consistent commitment to a pro-poor approach ingrained in its developmental thrust has and will continue to bring benefits to Guyanese children. It has established the framework through all the reforms that have taken place at all levels and in various stages of implementation, the focus now is on attention to the gaps and areas of disparities and building capacity to ensure these gains are consolidated.

---

<sup>34</sup> Support from the British High commissions ends at the close of 2010.

<sup>35</sup> The Committee may wish to note that the entire country is not connected and efforts to improve this with the introduction of 2 fibre optic cables will undoubtedly enhance a range of activities such as data collection, distance learning for far flung communities, and increased and diversified investment.

<sup>36</sup> The MICS3 was conducted as part of the third round of MICS surveys around the world in more than 50 countries but is the second of its kind in Guyana, the first being in 2000; three sets of questionnaires, including one for children under five, were used in both coastal and interior areas on a sample of 2,500 children.

## H. Making the principles and provisions of the Convention widely known (art. 42) – Dissemination of the Convention

131. The Committee noted the efforts made by the State party in disseminating the Convention with appreciation. It nevertheless felt that additional efforts needed to be made with regard to raising awareness among children and adults in remote areas. In this regard, recommendations were made to the State party to strengthen efforts to ensure that the provisions of the Convention are widely known and understood by adults and children alike. Recommendations were also made to the State party to reinforce adequate and systematic training of all professional groups working for and with children.

132. The Government of Guyana reiterates its commitment to uphold children's rights and firmly believes that promoting the provisions of the Convention is key to educating the Guyanese people on the Convention. In keeping with Art. 42 of the Convention, the State Party continues to undertake measures involving the use of the print media, the electronic media and through other means to ensure a strong focus on human rights, including children's rights, at the national level, both in the coastal regions as well as the hinterland areas.

133. Awareness raising and sensitizing the public on the principles of the Convention is part of promoting the Convention and is mainly organized by the Ministry of Human Services and Social Security (MHSSS). The Child Care and Protection Agency of the Ministry which was established under the Child Care and Protection Agency Act (Act No. 2 2009) is now tasked with the promotion of the rights of the child and the promotion of public awareness of those rights as provided for in article 5 (1) (o) of the Act and includes familiarization with domestic legislation, particularly the new statutes, which protect children.

134. The Child Care and Protection Agency of Ministry of Human Services and Social Security is also tasked with providing training for persons engaged in the care and protection of children as provided for in article 5 (1) (l) of the Act, also ensures that its staff are well-versed in the Rights of the Child and the provisions of the Convention. Other government agencies which work on children's issues or which have an interest in children's affairs provide training for their staff and to stakeholders through their own programmes.

135. The State Party wishes to elaborate that the Ministry of Education has included the Convention on the Rights of the Child (CRC) in the school curricula at the nursery, primary and secondary levels.<sup>37</sup> There is however no special dispensation for schools in any particular location. The basic common programme to promote the Convention is designed to reach all schools, whether urban or hinterland, and this guides the process.

136. The Cyril Potter College of Education<sup>38</sup> has also included it in its education courses while the University of Guyana School of Education and Humanities has included it in a course entitled Issues in Education.

137. As part of the ongoing in-service training for teachers, workshop facilities make deliberate attempt to deal with issues related to the Convention. This is particularly

<sup>37</sup> Guyana submitted its response to the Implementation of the 1<sup>st</sup> Phase of the World Programme on Human Rights Education in April 2010.

<sup>38</sup> The Cyril Potter College of Education is a teacher training college in Guyana with the main institute in Turkeyen and branch colleges located in other regions; it also runs a robust in service teacher training programme in all regions. The College descended from the Teachers' Training Centre (TTC) which was Guyana's first teacher training college established in 1928.

noticeable in the workshops conducted for addressing Special Education Needs within the education system.

138. Up to 2008, the then National Commission on the Rights of the Child (NCRC) was responsible for sensitizing government agencies and the public about the provisions of the CRC. The NCRC played an important role in promoting the CRC organizing media infomercials as well as developing and distributing simple brochures at the community levels as well as community outreaches to familiarize parents and children with the CRC whilst ensuring children's births were registered. Every year, a number of initiatives continue to be undertaken in this regard including an annual celebration to mark the anniversary of the Convention. This annual CRC Celebrations and the Child Protection Week seeks to enhance the level of awareness among the population on the CRC and child rights.

139. This Commission annually organized a national children's concert to raise awareness of children about the CRC and to mark the anniversary of the Convention. In 2007, children's performances focused on the rights and responsibilities related to health, education, protection and recreation. These concerts provide an opportunity to promote a better understanding of the rights of children to a broad audience, primarily comprised of children. Other activities have included annual art competitions which require participants to illustrate the importance of one Article of the Convention on the Rights of the Child, and to explain how this Article has impacted their lives. These events have continued under the MHSSS. Several Children's Parliaments have also been organized over the last 8 years where specific issues decided by the children are debated by children.

140. In sum, key decision makers at the governmental level have now adopted practices and ways of working with children that respect and uphold children's rights and State collaboration with various organizations has enabled the State to work with professionals, care-givers, religious leaders and others and educate them about child rights, child protection and protection.

141. In the academic arena, UNICEF currently collaborates with the University of Guyana to include child rights as an integral part of public policy courses. In collaboration with UNICEF, the University has also set up a documentation centre which gives students and interested persons the tools to track the progress of the UN Millennium Development Goals (MDGs) as it relates to children and women.

142. Through the GOG/UNICEF Annual Work Programme in 2009, Youth Media Guyana,<sup>39</sup> a youth-led media group, produced and provided the television state media with a 30 minute youth panel discussion on Child Abuse, eight 30 second messages by children about child abuse and the 45 minute play about the rights of the child called "HOPE" where the cast and crew were children.

143. A handbook for journalists entitled "Children and the Media" has been developed to provide guidance on the ethical issues that must be considered when dealing with children and young people. It is a methodological handbook describing approaches to working with children and adolescents, and includes a summary of the articles in the Convention on the Rights of the Child.

---

<sup>39</sup> The group was officially launched in 2007 through the collaborative efforts of the National Communication Network (NCN), the then National Commission on the Rights of the Child (NCRC) and UNICEF, with the objective of empowering young people and providing an avenue to help them advocate for their rights.

## I. Collaboration with NGO's and civil society organisations

144. Worthy of mention is the training provided by the Guyana Police Force on human rights to its officers. Between 2005–2009, greater attention has been given to human rights training in the security sector. There have been several training workshops for Police on human rights and specialized training workshops on how to address children and domestic violence cases. In 2006, a training manual on human rights was prepared by the Guyana Human Rights Association funded under the GOG/UNDP country programme for use in the Felix Austin Police College. For example, in 2009 training was provided to 239 officers of the force. Areas covered in the training include an introduction to human rights, human rights and democracy, categories of human rights, rights of the child and women's rights, equality and non-discrimination and human rights in policing, among others.

145. The Ministry of Human Services and Social Security has over the years collaborated extensively with a number of NGOs in Guyana. These collaborations have led to a number of broad-based and long-term partnerships with NGOs working on children's issues which include providing foster care, psychosocial support for children, women and families, especially those who are victims of violence. NGOs with whom the Child Care and Protection Agency now partners with include, among others, EveryChild Guyana, Guyana Legal Aid Clinic Inc., Help and Shelter, Guyana Women Lawyers Association, Men of Purpose, Men Empowerment Network, all the religious bodies and a large collection of women's organizations across the country.

146. Examples of some prominent MHSSS/NGO collaborative efforts include:

(a) *On domestic violence*

Government Funds have been made available to Faith-based organizations to intensify the campaign to eliminate domestic violence. The organizations which are part of the National Stakeholders Forum initiated by the President agreed to develop policies to address domestic violence at the level of their respective organizations and implement programmes to assist victims and promote access to relevant services. Following this Forum, the Men Empowerment Network (MEN) was created to work with men and male youth in promoting non-violence and more responsible fatherhood and partners in the home and society, and, the National Assembly debated and passed a unanimous resolution in November 2008 agreeing to a non-partisan broad-based participation in ending all forms of violence against women.

(b) *On foster care*

Although foster care has been in existence for decades there is a weak foster care or kinship care consciousness and the State Party seeks to address this issue. In its absence, the State Party as well as mainly religious bodies has provided institutional care, whilst recognizing that placing children in institutional care should be a measure of last resort. The state holds that where possible, children should be allowed the opportunity to grow up in safe, secure family-type environments. The Ministry of Human Services and Social Security is collaborating with Everychild Guyana in a pilot foster care programme which is organized at the national level. The project aims to enhance potential family life for children by placing them in suitable foster/adoptive families promoting their safety and welfare.

(c) *On children and violence*

(i) The Children and Violence Project which was conceptualized in 2003 involves a tripartite collaboration between the Ministry of Human Services and Social Security, UNICEF, and an NGO – Red Thread. The first phase of the project

produced a Children and Violence Study Report which was published in 2005. The report exposed the impact of different forms of violence on the lives of children in Guyana.

Peace Education Initiatives were started in three communities whilst the establishment of a Child Protection Monitoring System to track and protect children at risk comprises the other two phases. As part of the Project a nation-wide education campaign, "Growing Up Without Violence", was also launched aimed at educating children and adults alike on all forms of violence. The campaign also educated children and adults on ways to protect and assist children who are at risk of violence.

(ii) In March 2010, through an initiative of the Guyana Hindu Dharmic Sabha, the largest Hindu organization in Guyana, a half way house to cater for children who have been abused, will be constructed with staff and facilities to care for 50 children. The GoG will assist with the construction of the facility and finances for staffing etc.

(d) *Access to justice (GOG/UNICEF Children's Legal Aid Project)*

In respect to access to the right to representation, the Guyana Legal Aid Clinic (GLAC) provides legal aid to the poor, disadvantaged and vulnerable persons who cannot afford the services of a private attorney. This body collaborates with Government Agencies and other NGOs in fulfilling its mandate. Since 2008, the government provides all the funding to support the work of the GLAC, which facilitated the expansion of its services to 4 additional regions in the country, thereby improving access to justice. Specifically in respect to children (persons below the age of 18), the GLAC manages the GoG/UNICEF Children's Legal Aid Project which provides free legal aid services directly to children. Under this project, children can approach the GLAC directly or be referred by Government agencies as well as NGOs.

147. Of significance since 1992 is the emergence of thousands of community based organizations and their involvement and participation of communities in decision-making; these organizations are active in a range of issues of importance to their communities such as crime, domestic violence, children not attending school, birth registration and developmental programmes such as roads, electricity, water, schools and health centres, playgrounds, to enhance their communities. This social movement has been integrated into government's developmental agenda and all policies and programmes; the GOG provides a Coordinator, office and budget to assist these groups and biennial conferences are held with representatives of all these community development groups from across the ten Administrative Regions. These organizations are critical to the design and implementation of all government policies and programmes.

## **J. Making the report widely available (art. 44, para. 6)**

148. Guyana's Initial Report was subjected to a consultative process with women's groups and sectoral Ministries and is available at the Ministry of Human Services and Social Security Documentation Centre and the former National Commission on the Rights of the Children.

149. Together with the Committee's Concluding Observations on Guyana's Initial Report, and other relevant documents, this combined Second, Third and Fourth Report of the Convention on the Rights of the Child will be distributed and tabled at a specially organized forum in Guyana in the last quarter of 2010. The forum will include representatives from government agencies, parliamentary political parties, civil society

organizations including faith-based organizations, labour and business and appropriate international agencies.

150. The newly created constitutional Rights of the Child Commission will also receive this report and use it as part of its oversight mandate under the constitution. The ROCC will be responsible for preparing the following State Party to the Committee.

### **III. Definition of the child**

151. The Committee raised its concern about the low minimum age of sexual consent (13 years) and the low minimum legal age of criminal responsibility (10 years) in Guyana and recommended that the State party:

- (a) Raise the minimum age of sexual consent;
- (b) Raise the minimum age of criminal responsibility to an internationally acceptable level.

#### **A. Age of consent**

152. Guyana's statutes provide that a "child" is a person under the age of eighteen. In 2005, consultations were held on the Age of Consent across Guyana, after which, the Age of Consent Bill was submitted to a Parliamentary Special Select Committee in the National Assembly for review and it was subsequently enacted in 2006. As a result the age of consent has been raised from 10 years old to 16 years. The Criminal Law Offences Act No. 16 (2005) was approved in November 2005, amending the age of sexual consent to 16 years. Concomitantly the Marriage Act was also amended to reflect the change in the age of consent. Children below the age of 16 cannot get married and those at the age of 16 or 17 can get married with the consent of their parents or with the leave from the Chief Justice. No child can be forced into marriage and if any such marriage is celebrated, then it's null and void. Guyana has therefore complied with the recommendations of the Committee in relation to (a).

153. Further in respect to access to contraceptive advice, although the age of consent to sex and marriage is 16, no parental consent is required for children to obtain treatment against HIV/AIDS or any other sexually transmitted disease. Any child can also get tested for HIV without the consent of their parents and they have a right to confidentiality.

154. Under the Medical Termination of Pregnancy Act parental permission is not required by the medical professionals.

155. In respect to criminal liability, a child under the age of 10 cannot commit a crime. The Laws of Guyana do not impose the death penalty on juvenile offenders.

156. The State Party is therefore in compliance with the Committee's recommendation on raising the age of sexual consent but it is not in agreement with the recommendation to raise the age of criminal responsibility.

#### **B. Criminal responsibility**

157. The Committee is referred to Part IX of the present report.

## IV. General principles

### A. Non-discrimination (art. 2)

158. The Committee raised its concern that, as noted by the State party, societal discrimination persists against girls and vulnerable groups of children, including children living in poverty, Amerindian children and children with disabilities, and that the Constitution does not prohibit discrimination on the grounds of disability.

159. The Committee recommended that the State party increase its efforts to adopt appropriate legislation to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

160. The principle of non-discrimination and equality is enshrined in article 149 of the revised 2003 Constitution and in other legislations. Article 149 (2) of the Constitution clearly qualifies the meaning of “discriminatory” as:

“affording different treatment to different persons attributable wholly or mainly to their or their parents’ or guardians’ respective descriptions by race, place of origin, political opinion, colour, creed, age, disability, marital status, sex, gender, language, birth, social class, pregnancy, religion, conscience, belief or culture whereby persons of one such description are subjected to disabilities or restrictions to which other persons of the same or another such description are not made subject or are accorded privileges or advantages which are not afforded to other persons of the same or another such description”.

Article 149 (D) of the Constitution provides for equality of persons before the law.

Guyana is in compliance with the Committee’s recommendation.

161. Guyana is a country with a rich tradition of cultural and racial diversity. While it cannot be denied that occasions may have arisen where discrimination takes place, the Government continues to stand firmly against these practices and takes a proactive stance to preserve the principles of equality and non-discrimination as central pillars of Guyanese society in accordance with article 2 of the Convention.

162. In this consideration, the Constitutional Reform Commission mandated that a Human Rights Commission, comprising a Chairperson and the four chairpersons of the Women and Gender Equality Commission, Rights of the Child Commission, Indigenous People’s Commission and Ethnic Relations Commissions be constituted. This is now in order and the Commissions are expected to be fully operational by the end of 2010. (The Committee is referred to other sections in this report for further information on the Commissions). These Commissions are expected to oversee and guarantee equality and justice to all persons under the Constitution.

163. While the Amerindian Act of 2006 fully recognises the rights of the Amerindian peoples, article 212D of the Constitution mandates the Ethnic Relations Commission to provide for equality of opportunity between persons of different ethnic groups and to promote the elimination of all forms of discrimination on the basis of ethnicity. It also discourages and prohibits all parties from indulging in, advocating or promoting discriminatory practices on the ground of ethnicity.



164. The Committee is asked to take note of additional statutes that prohibit discrimination as outlined in the revised constitution- the Prevention of Discrimination Act, the Racial Hostility Act and amendment, the labour laws, the Amerindian Act.<sup>40</sup>

165. Further to this, Guyana became party to the Convention on the Rights of Persons with Disabilities (PLWD) in 2007. The Persons with Disabilities Bill (No. 44 of 2009) was tabled in the National Assembly on 26 November 2009 and has been sent to a Parliamentary Special Select Committee for review.<sup>41</sup> It is anticipated that the process leading to enactment will conclude by August 2010. When enacted, this law will provide for the promotion and protection of equal rights for persons living with disabilities and serve to eliminate discrimination on the basis of disability.

166. The National Commission on Disability (NCD) which was established in 1996 is a President-appointed advisory body promoting the rights of people living with disabilities, and influences policy changes and the enforcement of laws that protect the rights of persons with disabilities in Guyana. This Commission is comprised of representatives of the various organizations of and for persons with disabilities. The State Party through the Ministry of Health provides budgetary, office and technical support to the Commission.

167. On the enactment of the Persons with Disabilities Bill, the National Commission on Disabilities will be enshrined in statute, with clearly defined mandate, terms of reference, role and functions.

168. The State Party is of the opinion that legislation alone may not be enough to deter or eliminate prejudices and discrimination. However, there is no state institutionalized discrimination. To complement legislation, Government agencies and other national bodies have conceived and implemented educational strategies and awareness-raising programmes that promote tolerance and ignorance and heighten awareness of the negative impact of discrimination thus changing perceptions through both an extensive and intensive process of education and sensitization.

169. One such programme was the Disability Rights Sensitisation Workshop organized by the National Commission on Disability in December 2009 for officers in the Ministry of Labour, in which the participants produced action plans on how they intended to incorporate disability rights into their work plans.

170. Others include regular debates on topics relevant to ethnic relations and peaceful non-violent approaches to conflict organized by the Ethnic Relations Commission.

171. Of note, any citizen can go to the courts on a constitutional motion on any violation of their human rights and can use the international treaties that Guyana has acceded to, including the Convention on the Rights of the Child.<sup>42</sup>

172. The Committee also requested that specific information be included, in the following periodic report, on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No. 1 (2001) on article 29 (1) of the Convention (aims of education). The Committee is directed to Part VIII – Education, leisure and cultural activities and Part IX of the said Report for

---

<sup>40</sup> The Committee may wish to refer to Guyana's reports to UN CERD 2006, Interim 2008 and 2010: Guyana's official response to the UN Expert on Minorities March 2009.

<sup>41</sup> This Bill is scheduled for debate in May 2010 and is expected to be passed in the National Assembly.

<sup>42</sup> The Committee may wish to refer to Guyana's submission to the UN UPR 2010 where this is further amplified.

more detailed information on the measures and programmes in light of the Durban Declaration and Programme of Action. The State Party fully supports General Comment No. 1 (2001) and more specifically where it is stated that ‘the child’s right to education is not only a matter of access but also of content’, which is reflective in the Education Strategic Plan 2008–2013. To this end the Ministry of Education in March 2010 held a multi-sectoral workshop to deal with the issue of violence in schools and measures in promoting safe, acceptable behaviour and positive values in schools. The State Party does not support any form of racism, racial discrimination, xenophobia and related intolerance. The Committee may wish to refer to the relevant section of Guyana’s report to the UPR March 2010.

## **B. Best interests of the child (art. 3)**

173. In the Concluding Observations on Guyana’s Initial Report, the Committee recommended that the State Party take action to explicitly include the principle of best interests of the child in the draft Children’s Bill and to take it into consideration in policy-making processes and programmes relevant to children.

174. Guyana’s holistic approach to child protection is underscored by its efforts to ensure best practice and that the best interests of the child are of primary consideration in all areas of policy-making and programmes related to children. The Government of Guyana wishes to elaborate that the revised Constitution, which is the supreme law of the country, has been amended and various legislations enacted to reflect this.

175. The Committee is referred to earlier sections of the present report concerning these amendments and enactments.

176. Further to this, the Juvenile Offenders Act (art. 9 (7)) recognizes the fundamentals of the best interests of the child in decisions to be made on how to deal with a child who has admitted to an offence or if the court is satisfied that it is proved.

## **C. Respect for the views of the child (art. 12)**

177. The Committee took note of the establishment of Children and Youth Parliaments. However, given the strong traditional views, the Committee remains concerned that children have limited opportunities freely to express their views in schools, courts or within the family.

178. The Committee welcomed the information that the right of the child to express his or her views freely (art. 12 of the Convention) will be included in the draft Children’s Bill (art. 25) and recommends that the State party ensure that children’s views are given due consideration in the family, schools, courts, and relevant administrative and other processes through, inter alia:

(a) Expanding further the Child-friendly Classroom Programmes, the student councils and other forms of child participation;

(b) Training professionals working with and for children as well as the use of information campaigns.

179. Traditionally, participation of children in decision-making is not common in Guyana, nor has it been considered a priority. However, trends have been changing and the inclusion of children’s views in decision and policy-making, particularly policy related to children, is gaining wider acceptance as part of the broader participatory process.

180. The State Party subscribes to this broader participatory process of children in keeping with article 12 of the Convention and observations indicate that space is rapidly opening up for children's participation and for their voices to be heard in numerous processes beyond the National Children and Youth Parliaments which are held on a regular basis. The manifestations listed below attest to this.

181. Given that the population under 18 years accounts for approximately 35 percent of Guyana's population according to estimates for 2007 provided by the UN Economic Commission for Latin America and the Caribbean,<sup>43</sup> the focus on children and youth participation is very pertinent in relation to the Millennium Development Goals (MDGs) of which six relate directly to children.

182. Though the views of the child are adequately provided for in legislation on adoption proceedings, article 12 of the CRC has not been widely implemented in legislation until recent times. Until recently, the only section of law providing for children's participation in proceedings is the Domestic Violence Act, which allows a child over 16 to apply for an order of protection for herself if, "the court is satisfied that the child has sufficient understanding to make the proposed application."

183. It is therefore exemplary that the Children's Bills that were enacted in 2009 explicitly or implicitly provide for the views of the child to be heard and taken into consideration: section 3(h)–(j) and art. 4 (c) of the Protection of Children Act; section 18 (3, 4 and 5) of the Adoption of Children Act; section 33 (3, 4) and section 35 of the Status of Children Act. This is the primary and the only reason for the Protection of Children Act and the Child Care and Protection Agency Act.

184. In preparing for the new round of the PRSP (2008–2012) planning, UNICEF had placed a focus on youth including children and adolescents in collaboration with UNFPA and UNDP and in close collaboration with the Project Coordination and Policy Management Unit (PCPMU) of the Office of the President. In the process, UNICEF and its sister UN Agencies with the PCPMU had undertaken a consultation with children and young people in Guyana's ten administrative regions, by collecting opinions and views on the rights and needs of children and adolescents by children and adolescents as input for the new PRSP. Through the PRSP Steering Committee, and with the support of the UN Multi-Agency Country team (UNICEF, UNFPA & UNDP) children, adolescents and other key stakeholders were involved and contributed to the poverty reduction strategy. These consultations no doubt also contributed to the design of the GOG/UNDP Enhanced Public Trust, Security and Inclusion programme (2009–2011).

185. Consultations on the development of the National Framework for Orphans and Vulnerable Children also included discussions with children in all ten administrative regions. A two-day National Conference for Orphans and Vulnerable Children was held in August 2007, with a parallel conference for children, including those from residential institutions, providing a forum for them to contribute.

186. It is expected that these consultations, in addition to the availability of data from the MICS-3 results will contribute to strengthening efforts to put children at the centre of socio-economic policy agendas and decision-making. In support of this, UNICEF is partnering with the GOG with implementing a programme on Public Policy and Promotion of Child Rights which addresses strategic information, policy research and analysis as well as advocacy and dissemination of public information in relation to children and women.

---

<sup>43</sup> UN Economic Commission for Latin America and the Caribbean – Statistical Yearbook 2009; see para. 25 of the present report.

187. One very prominent initiative is the establishment of Student Councils in schools, as part of the “child-friendly” initiative of the Ministry of Education. These Councils have enabled and promoted children’s participation in decisions affecting them. The introduction of child-friendly classroom programmes has therefore fostered the participation of children in decision-making. Anecdotal evidence is now showing that a framework of rights-based, child-friendly schools in Guyana can become a powerful tool for both helping to fulfill the rights of children and providing them with an inclusive education of quality.

188. Building the capacity of young people has been recognised as an essential element in the drive to ensure that they are equipped to express their thoughts, including through the use of various media. NCRC’s Secondary Schools News Letter Project is an initial attempt to introduce students to the development of newsletters as a tool for human rights advocacy. Ultimately, students will be trained in television production. The project has been launched in four regions: 2, 4, 5, and 6.

189. In 2007, Youth Media Guyana was launched to provide an avenue to advocate for the rights of the child while empowering young people through media. Youth Media Guyana aims to enable young people to express themselves in various ways and provide a platform to have their voices heard, particularly through a monthly television newscast, radio and print media. Youth Media Guyana has produced a series of short episodes for television on various issues affecting young people.

190. In the same year, International Children’s Day of Broadcasting was commemorated with the production of a 40-minute television feature: “The World We Want – A World Fit For Children-Guyana”. The programme was aired nationally and sought to capture and understand the views of Guyanese children of the world they would like to live in. The children interviewed were drawn from a number of schools including the David Rose School for “differently-abled” children.

191. In 2005, the study: “Voices of Children: Experiences with Violence” was released as a component of the Children and Violence Project.<sup>44</sup> The aim of the study was to obtain first hand accounts from Guyanese children and adolescents about their experiences of violence, how it impacted them and their views about violence, and provide information on the incidence and impact of all forms of violence on children and adolescents (under 18 years) in the country.

192. In order to build on and sustain initiatives to promote children’s participation, there continues to be a need for increased efforts to educate the public, and especially children, on issues relevant to the well-being of children, including the provisions of the CRC. The State Party is of the view that careful consideration to the means and methods used to impart public awareness is critical: firstly, information must actually reach children and secondly, it must arrive in a child-friendly format. Meaningful child participation can only occur when children are provided with the necessary information to understand their rights and responsibilities and the issues affecting them, and with the means to respond. These prerequisites do pose challenges to their fulfilment based on limited resources and competing demands.

---

<sup>44</sup> The project was coordinated by the Ministry of Labour, Human Services and Social Security and UNICEF-Guyana in collaboration with Red Thread Women’s Development Programme.

## V. Civil rights and freedom

### A. Birth registration (art. 7)

193. The Committee raised its concern that although parents were required by law to register the birth of their children, the number of children who are not registered at birth is significant, particularly in remote areas and among Amerindians.

194. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts, including awareness-raising campaigns, to ensure the registration of all children at birth.

195. The 2006 MICS3 Survey reported that the births of 93 percent of children under five years old have been registered. However, the figures reflect lower percentages for children in the hinterland areas with 86 percent registered compared to 95 percent in the coastal regions. In general, the percentages for Amerindian children, living mostly in the interior regions, are lower than other groups.

196. Furthermore, the report linked a lower level of birth registration to the poorest 20 percent of households and those born to mothers who have only a primary school education. The proportion of children under one year (0–11 months) who are registered is 4 to 9 percent lower than the other age groups, suggesting that registration takes place after this period.

197. The main reasons given for non-registration of births were access- travel distance and lack of knowledge of how to register. Analysis of the MICS3 also concludes that mothers who do not register the births of their babies do not understand the importance and benefits of registration.

198. In order to address birth registration issues, a national birth registration campaign has been in progress since 2002. It is important to highlight that measures have been undertaken in response to persons living in the hinterland regions with difficulty in acquiring birth certificates (for children and adults), due to the absence of the relevant officials resulting in persons having to travel long distances or to the capital. The situation resulted in a backlog of birth certificates to be issued.

199. In 2003–6, through a collaboration between the Ministry of Home Affairs and the General Registrar's Office (GRO), and the Ministry of Amerindian Affairs a programme to remedy this situation was executed. This was accelerated in 2006. Outreaches were conducted in Regions One, Seven, Eight and Nine (the 4 hinterland regions). In February 2007 the Minister of Amerindian Affairs announced that the Government had cleared the backlog of birth certificates for hinterland residents over the age of 18 years old with more than 10,000 documents issued since the exercise commenced. Presently, Community Development Officers (CDO) assigned to Amerindian villages with the Amerindian Village councils continue the process.

200. Activities and efforts include a television series aimed at encouraging pregnant women and mothers of young babies to register the birth of their children, printing of awareness and information posters which were put up in hinterland communities and villages, and leaflets which were distributed through Guyana.

201. The then National Commission on the Rights of the Child (NCRC) played a prominent advocacy and awareness-raising role on birth registration. UNICEF supported NCRC in the implementation of the Birth Registration Campaign as well as the coordination of initiatives to raise awareness on child rights. Additionally, there are six regional committees on the rights of the child. They serve as monitoring bodies and

advocates on child rights and link with the Ministry of Human Services and Social Security and the Guyana Registration Office to represent cases of children whose birth is not registered.

Table 6  
**Birth registration**

<i>Characteristics</i>	<i>% of respondents with births registered*</i>
Sex	
Male	92.1
Female	94.5
Age	
0–11 months	88.1
12–23 months	95.0
24–35 months	94.3
36–47 months	95.9
48–59 months	92.9
Regional grouping	
1, 7, 8, 9	85.4
2, 3	93.4
5, 6	96.0
4	95.4
10	90.3
Region/Area	
Coastal	95.0
Urban Coastal	95.9
Rural Coastal	94.5
Interior	85.7
Ethnicity of Individual**	
African/Black	95.7
Amerindian	87.2
East Indian	97.0
Mixed	90.7

*Source:* 2006 MICS Report.

\* Ages 0–59 months.

\*\* Excludes: 13 cases with ethnicities other than those stated and include Chinese, White and Portuguese; 19 cases with ethnicities not stated.

202. In 2007, through the GoG/UNICEF Country programme the NCRC was given additional support in the implementation of the following activities designed to promote awareness of the importance of, and to encourage timely birth registration:

(a) Printing of 35,000 Immunisation/Maternal Discharge Cards with messages aimed at young mothers;

(b) Production of special maps to facilitate registration in Amerindian communities in hinterland regions. Through collaboration with the Ministry of Amerindian

Affairs and the General Registrar's Office, this has helped to address a backlog of late registration in these communities;

(c) Development of video step-by-step guide to obtaining a birth certificate which was aired on television and radio to coincide with the house to house registration of voters exercise.

203. Subsequently, monitoring the progress of programmes organized and efforts undertaken for birth registration will be assumed by the Child Protection Monitoring System (CPMS) with the oversight of the new Rights of the Child Commission which will also monitor all services related to children for all stakeholder agencies.

## **B. Corporal punishment (art. 37)**

204. In its Concluding Observations, the Committee expressed its concern at the fact that corporal punishment is still widely practiced in the family, in schools and in institutions, and that domestic legislation does not prohibit its use. The Committee recommended that the State party:

(a) Expressly prohibit corporal punishment by law in the family, schools and other institutions;

(b) Conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28 (2);

(c) Seek international technical assistance from, among others, UNICEF in this.

205. Corporal punishment remains an ongoing subject of debate in Guyana. In 2007, a parliamentary motion to abolish corporal punishment in schools was introduced. Following the debate in Parliament consensus was reached to allow the consultations on the new Education Bill to continue in anticipation that this process would bring greater consensus among the various stakeholder groups.

206. Corporate punishment currently remains lawful as laid out in various legislations including the Education Act (Cap. 39:01, part XII, Education Code Regulations 93 and 94), Section 9 of the Criminal Law (Offences) Act (1894), Section 7 of the Summary Jurisdiction (Offences) Act (1894), among others, for specific situations. While corporal punishment remains lawful at school and in the home, it is not administered within the juvenile justice system following a ministerial directive in 2001.

207. The provision in the Education Act lays out that corporate punishment is to be carried out for serious or repeated offences **only** and it is to be "administered by the headteacher or by an assistant teacher over twenty years of age and authorised by him." It also states that whenever a headteacher authorises an assistant teacher to administer corporal punishment, it shall be administered in the presence of the head teacher and under his direction and on his responsibility.

208. To ensure that there is no abuse, there is a manual of guidelines for the maintenance of order and discipline in schools, which was distributed in 2002 for teachers to use before resorting to physical punishment. This means that corporal punishment cannot be meted out without authorization from the headteacher. Furthermore, the provision in the Education Act also clearly states that whenever corporal punishment is administered, an entry shall be made on the same day in the punishment book, with a statement of the nature and extent of the punishment and the reason for infliction.

209. Nevertheless, there may have been occasions where students have been punished without authorization. The Ministry of Education does not condone the breaking of regulations. All reports on incidents of corporal punishment outside of the framework of the regulations are investigated immediately and teachers have been sent before the disciplinary committee of the Teaching Service Commission for physically punishing students without permission from the head teacher.

210. A report released in 2008 entitled “Removing corporal punishment from schools: Integrating partner efforts” which was the fruit of a collaboration between UNICEF, Red Thread and Help and Shelter indicated that seventy-four percent of parents who were interviewed felt that without corporal punishment “there would be chaos in classrooms” and only eight percent felt that corporal punishment should be abolished. The report indicated that the “major challenge to changing parental attitudes and beliefs is breaking through their deeply ingrained belief in corporal punishment”.

211. Nevertheless, the report also quoted parents as saying that they would support a ban on corporal punishment “if schools were given the resources to train teachers in alternative forms of discipline and teachers were supported by other professionals such as guidance counselors, social workers and School Welfare Officers”. The parents also supported more parental involvement in schools and counseling as well as parenting programmes for families with children displaying behavioural problems.

212. There are occasions where alternative forms of discipline were brought up and discussed, but admittedly, for lack of resources and capacity, there is presently insufficient infrastructure to support caregivers in learning and practicing alternative forms of discipline and these sessions remain ad hoc. In this regard, the National Commission on the Rights of the Child hosted a workshop on ‘Creative Ways of Managing Behaviour’ in 2007 to provide information and approaches to discipline children which do not involve hitting them. The content of the workshop was reproduced in the form of a guide for distribution to schools and other institutions.

213. The State Party, whilst recognizing those rights of children as defined in articles 37 and 19 of the Convention on the Rights of the Child, continues to believe that democracy in decision-making is also upheld. With much discourse going on, this issue continues to receive attention even though some time has lapsed following the 2007 Parliamentary debate of the motion to end school corporal punishment. The Education Act is in draft form and consultations to solicit public opinion on corporal punishment among others have been completed. The Government of Guyana and the Parliamentary parties will continue to collaborate with civil society and other interested parties to study this issue in depth, and attempt to come to a consensus on corporal punishment in the near future.

## **VI. Family environment and alternative care**

### **A. Parental guidance (art. 5) and parental responsibilities (art. 18, paras. 1 and 2)**

214. The Committee raised its concern over the large number of female heads of households and the often limited degree to which fathers assume their parental responsibilities. The Committee is also concerned that a substantial number of parents emigrate to other countries, leaving children behind with relatives or in institutions.

215. In view of this, the Committee recommended that the State party undertake measures with a view to strengthening the capacities of families, nuclear and extended, to take care of their children and pay particular attention to strengthening the role of fathers.



The Committee also recommended that the State party collaborate with NGOs in this regard.

216. Guyana's constitution and laws recognize the role and functions of the family. Family, however, is not always the nuclear unit; arising out of historical and cultural factors the extended family is more culturally and socially acceptable.<sup>45</sup> Absentee or transient fathers pose serious social problems.

217. The MICS3 survey reported that 9.5% of male children and 10.9% of female children are not living with any biological parent. Over 10% of children aged 0–17 years are not living with a biological parent. In fact, if the age groups (0–4 years right up to 15–17 years) were to be observed, the percentage rises with every higher age group. Over 16% of those in the 15–17 age bracket are not living with biological parents as compared to the 0–4 year age group which is at 3.6% and African children outnumber other children by several percentage points. It is also observed that the older the child, the more chances he or she will suffer the loss of one or both parents. More pre-occupying is the fact that a fifth of the children are living with their mothers only although their fathers are still alive.

Table 7  
Percentage distribution of children aged 0–17 according to living arrangements

	<i>Living with mother only</i>			<i>Living with father only</i>		<i>Not living with any biological parent</i>	<i>One or both parents dead</i>
	<i>Both parents</i>	<i>Father alive</i>	<i>Father dead</i>	<i>Mother alive</i>	<i>Mother dead</i>		
<b>Sex</b>							
Male	63.2	20.1	2.8	2.2	0.5	9.5	5.8
Female	60.0	21.6	2.5	1.6	0.6	10.9	6.0
<b>Age</b>							
0–4 years	69.4	21.8	1.4	1.2	0.5	3.6	2.6
5–9 years	62.7	21.0	2.0	2.2	0.5	10.0	4.4
10–14 years	58.9	20.9	3.6	2.1	0.4	12.5	7.6
15–17 years	52.4	18.5	4.4	2.1	1.2	16.1	10.9
<b>Regions</b>							
Coastal	59.7	22.0	2.9	2.1	0.6	10.3	6.2
Urban coastal	46.9	33.1	3.6	2.7	0.7	10.9	6.9
Rural coastal	65.3	17.2	2.6	1.9	0.5	10.0	5.9
Interior	72.4	13.7	1.5	0.7	0.4	9.5	4.4
<b>Ethnicity</b>							
African/Black	41.6	34.7	2.8	3.0	0.5	14.4	6.1
Amerindian	75.7	11.8	1.7	0.7	0.4	8.7	4.0
East Indian	74.7	10.7	3.4	1.8	0.4	7.6	6.2
Mixed	56.6	25.4	2.2	1.5	1.0	10.3	6.3

*Source:* Adapted from the Multiple Indicator Cluster Survey (MICS3) 2006.

<sup>45</sup> According to Guyana Census 2002, 36% of the marriageable population is married; 20.7% lives in a common law relationship; 1.5% divorced; 0.4% separated; 4.7% widowed; 2.0% married but not in a union; 6.8% was in a common law union and 27.8% never in a union.

218. An assessment of the situation of children made vulnerable or orphaned in Guyana<sup>46</sup> published in 2004 indicated that the majority of OVC live with a single parent, elderly grandparents or members of their extended family. In all cases resources are stretched and this increases the vulnerability of the children. Migration of parents is a major reason for female-headed households but there are other causes including abuse, death due to HIV/AIDS, family breakdown, absentee fathers, transient fathers, etc. which lead to children living without parental care or without fathers. There is also a clear connection between children living without parental care and supervision and family violence.

219. The Government of Guyana views with great preoccupation that such trends leave children vulnerable, marginalised, voiceless and without vital care or support and access to opportunities. The Government places high priority on the protection of children as evidenced by the passing of the children's bills in Parliament in 2009, and with reference to article 5 of the Convention, has underscored and taken more initiatives for more collaborative efforts with civil society and other stakeholder organizations to seek solutions to address this issue as well as the root causes that lead to this issue.

220. The Child Care and Protection Agency Act 2009 now mandates the Protection Agency under MLHSSS to promote good parenting education, parental responsibility and practices. Various programmes for single parents and on parenting skills have been initiated and the level of awareness regarding the plight of vulnerable children and the roles of fathers continue to be raised. The Government's actions and programmes are also guided by the strategies of the National Policy for Orphans and Other Vulnerable Children, which call for the strengthening of family capacity to protect and care for orphans and vulnerable children (OVC's) by increasing parenting and relationship knowledge skills, by providing economic, psychosocial and child care support and by promoting participation of children.

221. In 2008, the MLHSSS organized a campaign to encourage single headed households (male and female) to be registered with that Ministry. Arising out of this response approximately 32,000 persons responded, the majority of the responses coming from female biological parents. This exercise showed that approximately 29 % of the households are headed by a single parent/care giver. As a result of this exercise, the Single Parent Assistance Programme (SPAP) was launched which has contains a three pronged approach – financial support for day care, training or retraining to make employable, and start up micro funds for self employment.

222. In 2009, approximately 300 persons received training. Under this initiative, \$25 M GY was allocated in the 2009 budget to start up the SPAP<sup>47</sup> to empower and equip single parents with skills. The objective is not only to help single parents with a day care allowance and skills training but it helps to reduce unemployment and vulnerability of this particular set of families. A single parent database has been set up to identify the most vulnerable and approximately 18,000 single parents have been registered countrywide. Assistance is available to vulnerable women and biological parents and also to men and all persons who are primarily responsible for the financial upkeep and well-being of children.

223. From 2009, the SPAP training programme managed by the Board of Industrial Training (BIT) through the MLHSSS, in collaboration with NGOs, community based organizations and Regional Administrations and local authorities is funded and benefits single parents across the country.

---

<sup>46</sup> "An Assessment: The Situation of Children Made Vulnerable or Orphaned in Guyana" initiated by MLHSSS and UNICEF, October 2004.

<sup>47</sup> Programmes include day care services, grants for special economic ventures (small business start-ups) and assistance for those who wish to be involved in areas such as catering, garment construction, office procedure and cosmetology, as well as English language and mathematics.

224. In 2005, the Women's Affairs Bureau (WAB) of the Ministry of Labour, Human Services and Social Security (MLHSS) held its annual pre-father's day symposium in collaboration with its Inter-Ministry Committee (IMC) and the NGO 'Men of Purpose'. The symposium's theme was "Reasoning positively together in promoting a stronger family relationship", focusing on recognising the role played by fathers in the upbringing of children. The aims were to promote positive relationships within the family institution and to improve communication skills among family members through discussion on the causes of abusive relationships and seek possible solutions.

225. Two Guyanese NGOs, Men of Purpose (MOP) and Men Empowerment Network (MEN) work to raise men's awareness on taking responsibility for the well-being of their families and the importance of developing the skills needed to form healthy, happy family relationships. They also endeavour to sensitise men and boys on domestic violence and the abuse of women and girls by males and mobilise men and boys to promote the cause nationally through educational sessions, seminars, workshops and radio and television discussion fora.

226. Guyana has a National Commission for the Family which was launched in 1998. It works in collaboration with relevant Ministries, Agencies and NGOs in matters relating to the family, and also matters related to special groups such as persons with disabilities and the elderly. The Commission covers areas including education and guidance for the family and sensitizing the public to the services and programmes relating to family life which are available from relevant organisations or agencies. The Commission has developed a DRAFT Family Code for Guyana, which has been submitted to public consultations in three Regions on which said consultations are ongoing.

227. In Georgetown, a project run by an NGO EveryChild called "Every Child Counts" has provided parenting skills education sessions that equip parents and other caregivers with the skills to better care for their children in non-violent ways. In the project, parenting skills educators work to strengthen parent and teachers' associations and encourage parents, teachers and children to take ownership of developing their community and increasing the levels of literacy and protection of children. The project also provides direct support to children experiencing or are at risk of being abused and promotes children's rights and educational opportunities and teachers are trained in child protection, child-centred approaches for effectively engaging with children.

228. Again linking abuse with loss of parental care, another project run by EveryChild (known as "OneLife") in Linden and in Georgetown, two urban centres, in partnership with national and local government agencies and other local Guyanese organizations allows parents and caregivers to be equipped with skills to care for their children without the use of violence and in ways that considers the child's best interest. This project provides all inclusive, professional psychosocial support to orphans and vulnerable children, particularly those who experience violence, stigmatisation and abuse.

229. In continued collaboration with the Ministry of Health, the non-profit organization Guyana Responsible Parenthood Association (GRPA) promotes Family Life Education highlighting the importance of an improved quality of family life in addition to the Family Planning and sexual and reproductive health services it offers.

230. Guyana widely recognizes the fact that collaborative efforts among government agencies, communities, NGOs, civil society and families is critical to creating a positive impact on the problems faced by children living in single-parent families or those living without any biological parents, and without parental care. Given this, it underscores broad participation and collaboration with all stakeholders in order to support and strengthen the family institution.

231. The Committee is asked to refer to the Custody, Care, Guardianship and Maintenance Bill before a Parliamentary Special Select referred to in this report which once enacted will enhance previous legislation on child care and maintenance.

232. The Committee is also referred to paras. 163–165 of Guyana’s Initial report.

## **B. Separation from parents (art. 9)**

233. The State Party regards the family as the basic unit of society responsible for the safety, health and well-being of the child and that every child is entitled to be assured of his or her personal safety, health and well-being as provided for in Guyana’s Protection of Children Act 2009 (Section 3 (c) and (b)).

234. The Act clearly states the best interests of the child is the overriding and paramount consideration in any decision made (Section 3 (a)) and that the removal of a child from home and familiar surroundings shall be a measure of last resort after due considerations had been given (Section 3 (j)), while Section 6 of the Act defines ‘a child in need of protective intervention’.

235. Under such circumstances, article 41 (1) of the Protection of Children Act 2009 mandates that the placement of the child be carried out in a manner which is least disruptive to the child. It also recognizes the “importance of placement with siblings, wherever possible and contact with family, or other persons significant to the child including godparents or close family friends”.

236. If there is no possibility of placing the child with a relative or person with whom the child has a significant relationship, or if the child is removed from a custodial parent and the non-custodial parent is considered to be suitable to provide care, the child may be placed with the non-custodial parent pending final determination of the application before the Court.

237. Should placing the child not be possible, the child may then be placed with a caregiver voluntary home, foster home or another organization (Section 41 (4)). However, Section 3 (k) of the Act mandates that there should be a review of the situation of any child removed from his home to a foster home every six months to evaluate the need to continue the arrangement.

238. In keeping with article 9.3 of the Convention, a child who is placed in a home or institution is encouraged to maintain close relations and contact with his or her “family, significant others and community” through regular visits by parents, relatives and friends, except when it is not in his or her best interests. This is provided for in the Minimum Operational Standards and Regulations for Children’s Homes under the MLHSSS (Standard no. 4).

## **C. Children deprived of family environment (art. 20)**

239. In keeping with article 20 of the Convention, special protection is accorded to children who are temporarily or permanently deprived of his or her family environment, or in whose best interests cannot be allowed to remain in that environment.

240. As stipulated in the Protection of Children Act 2009, placement of a child with a caregiver or home shall be a measure of last resort and only in the best interests of the child. This notwithstanding, the Child Care and Protection Agency of the Ministry of Labour, Human Services and Social Security (MLHSSS) may arrange for foster or other alternative

care for children where assessments indicate that there is little hope for them to return home or where there is no home.

241. In view of the principle that children are better placed within a family environment, recommendations are that residential care should be for as short a time as possible and with assistance to households and family members, reintegration of children should be of priority.

242. Counseling, psychosocial support and other services (which may include support and counseling for the parent(s)) for children who reside in foster homes and institutions are provided by the MLHSS's Child Protection Officers. The Officers also develop case plans, monitor the progress of children and provide additional support as needed. The Ministry also collaborates with civil society, community and faith-based organizations to provide these services.

#### **D. Alternative care**

243. The Committee raised concerns over lack of standards for minimum care in institutions and of systematic supervision and oversight, particularly in private institutions. In this regard, the Committee recommends that the State party:

(a) Strengthen the role of the Visiting Committee, e.g. by assigning to it a standard-setting role, and provide it with sufficient human and financial resources;

(b) Provide institutions run by NGOs with adequate financial and other support and bring them under the inspection and standard-setting role of the Visiting Committee.

244. The Government of Guyana has undertaken to provide alternative care for vulnerable children. It subscribes to the importance of maintaining the most conducive environment for children residing in institutions and ensuring that all children in these institutions are claiming their rights to care and protection.

245. In 2008, MLHSS's Minimum Operational Standards and Regulations for Children's Homes were put in place as a commitment to providing protection and quality care to children in homes, including orphanages and other child-care institutions. The published operational standards comprise 25 rules (standards) as well as regulations, guided by the Convention on the Rights of the Child, and formulated and consulted with Managers of Children's homes in collaboration with the Human Services Ministry.

246. The 25 standards include standards covering codes of conduct for staff, human resources, registration and inspection, monitoring, nutrition and others, besides the relevant areas related to the child and the Convention. One of the standards suggests that each home maintain a Management Board to oversee and carry out the functions of each standard effectively. Registration of all homes and institutions with MLHSS is now a requirement under the Minimum Operational Standards.

247. During the development of the Standards, a consensus was formed between the Government and private providers for homes and institutions to be supervised by the Inspector and the Visiting Committee. The Government of Guyana recognises that there are many challenges to overcome in bringing all of the homes in line with the Minimum Standards.

248. The Visiting Committees currently operate through the Child Care and Protection Agency following the development and approval of the Standards and the drafting of the Regulations. The Visiting Committees will be supported with Monitoring and Evaluation training as part of the general intervention to improve the capacity of service providers.

249. The Committee is asked to refer to the Child Care and Services Development Bill Referred to earlier in the report which once enacted will strengthen the regulation, supervision and oversight of these child care services entities.

### **E. Adoption (art. 21)**

250. The Adoption of Children Act 2009 was enacted to reform the legislation for the adoption of children and to safeguard the rights of adopted children and those who may be eligible for adoption.

251. The revised Act provides for the Adoption Board to work in collaboration with the Child Care and Protection Agency of MLHSSS in matters related to adoption. Applications are first to be made to the Agency as prescribed by the Rules pursuant to the Act.<sup>48</sup> Recommendations are made by the Board to the Agency which in turn will make the arrangements for the adoption of a child where required. In keeping with art. 21 (d) of the Convention, the present Act makes it a criminal offence for persons involved in any process of adoption to receive payment (Section (6.2)).

252. A child eligible for adoption would be any child who is under 18 years of age, has never been married and is residing in Guyana and the Act provides that an application for adoption can be made by:

- (a) A Guyanese national resident in Guyana;
- (b) A Guyanese national resident outside of Guyana;
- (c) A former Guyanese national who has acquired the citizenship of another country;
- (d) A non-Guyanese.

253. However, if the applicant is not domiciled in Guyana, he or she would be required to provide the Child Care and Protection Agency with sufficient evidence from an agency or body prescribed, attesting to his or her suitability to be entrusted with a child. In the best interests of a child, inter-country adoption is thus authorized through an order of the court.

254. Guyana is not a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (Hague Adoption Convention) and does not enjoy the facilitation and protection that come with it.

### **F. Child abuse and neglect (art. 19)**

255. The Committee took note of the study addressing violence and children in Guyana, conducted and developed in collaboration with UNICEF, and voiced its deep concern about the generally violent environment where Guyanese children are living and the increased reporting of ill-treatment and abuse of children, including sexual abuse.

256. The Committee was also deeply concerned that section 67 of the Criminal Law (Offences) Act (chapter 8:01) criminalizes a girl of 16 years or older for having sexual intercourse with a relative like a grandfather or brother and makes her liable to imprisonment for a period of seven years.

---

<sup>48</sup> Regulations to support the speedy implementation of the 4 new Children's bills enacted in 2009 are drafted and will be become operational in mid-2010).

257. The Committee recommended the State party to pay particular attention to child abuse and neglect in and outside the family by, inter alia:

(a) Abolishing, as a matter of priority, the provision mentioned above (para. 37) by taking the necessary measures to prevent incest

(b) Developing an effective reporting system with timely and adequate investigations and child-sensitive protection in order to bring perpetrators to justice

(c) Ensuring that victims of violence have access to counselling and assistance with recovery and reintegration

(d) Developing awareness-raising campaigns with the involvement of children in order to prevent and combat child abuse

258. Violence against and abuse of children remain key areas of concern for Guyana. According to the MICS 2006, a large percent of children are subject to at least one form of psychological or physical punishment by their mothers, caretakers or other adult household members, and eight percent are subject to severe physical punishment.

259. Data on child abuse collected and collated by an NGO, Help & Shelter, which specializes in combating all forms of abuse and violence reveals that this NGO received 8,066 cases of abuse (of all forms and for all ages and gender) reported to it over a 13 year period (November 1995–December 2008). Of these cases 942 cases involved children (approx 6% of all cases reported) (See Table 8 below); 664 of the total number were recorded as ‘pupil (school-going child)’ and there were 48 cases related to delinquency. Rape and other forms of sexual abuse as well as physical abuse constitute the highest number of cases over this period. The majority of the child victims belong to the 12–14 age group. These statistics are indicative of the situation in general.

260. Cognisant of this fact, the State Party has implemented a combination of legislative, judicial, policy, administrative measures and programmatic interventions to ensure a comprehensive and more coherent approach to protecting children from abuse, exploitation and violence. Improved public awareness concerning issues related to the protection of children is substantiated by the 50% increase in the number of reported child abuse cases from Y 2004. An inter-sectoral steering committee, the National Domestic Violence Policy Committee was also established. The report and campaign were the first steps to understanding the magnitude, causes and impact of violence on children in Guyana.

261. A national public education campaign, Growing up without Violence promoted violence prevention and provided information on support services for child victims. In September 2006, the Ministry of Human Services & Social Security established a Child Protection Unit (CPU) charged with developing and implementing a holistic approach to major child protection issues. The CPU worked closely with the Probation and Welfare Department of the MHSSS, the Police and other agencies to promote policies, initiatives to protect children who are at risk of abuse, or who are currently being abused and to take protective action.

262. The CPU played a critical role in ensuring that the system for reporting child abuse or neglect is effective by assisting the Guyana Police Force in conducting timely and adequate investigations, and by providing reports in court. A Child Protection Monitoring and Information System (CPMIS) was also developed to register and monitor cases of neglect, abuse and exploitation. Information generated from the CPMIS became an important tool to be used for immediate follow up care, reporting, and for evidence based planning by the MHSSS.

Table 8  
**Help & Shelter Child abuse cumulative client data**  
 25 Nov 1995–31 Dec 2008

Type of abuse	
Rape	335
Incest	17
Abandonment	0
Sexual (excluding rape)	179
Sodomy	14
Psychological, etc.	55
Alcohol-related	12
Physical	241
Non-physical	76
TIPs	4
Not-stated	9
<b>Total</b>	<b>942</b>
Age	
Under 6 years	80
6–8 years	126
9–11 years	167
12–14 years	322
15–17 years	286
Not stated	6
Gender	
Female	825
Male	159
Not stated	6
Ethnicity	
Afro-Guyanese	425
Indo-Guyanese	254
Amerindian	21
Portuguese Guyanese	3
Chinese Guyanese	-
Mixed Guyanese	253
Other (non-Guyanese)	3
Not stated	30



Level of education	
Nursery	55
Primary	275
Secondary	494
Tertiary/University	2
Community High	45
Technical/Vocational	8
Other	48
None (including toddlers)	19
Not stated	43

*Source:* Help & Shelter 2009.

263. In September 2009, the Childcare and Protection Agency (CCPA) established by the Child Care and Protection Agency Act 2009 (Act No.2 2009) has assumed and further expanded the responsibilities of the earlier CPU.

264. While the CPU relied on the Police to remove children from dangerous situations, the passage of the Child Care and Protection Agency Act and the Protection of Children Act conferred this authority on the newly set-up CCPA. This will improve the effectiveness of the system. It also advocates a policy to prioritise community care interventions which promote, support and assist both the family and the child, so that the child can remain with the family where possible or in alternative family care.

265. Training programmes with the goal of supporting a professional and efficient workforce to respond to the needs of children continue to be developed and implemented under the CCPA. The objectives of the CCPA which include implementing prevention measures, rehabilitation programmes and counselling for victims and families is supported by a number of international partners, including UNICEF, the Global Fund to fight AIDS, TB and Malaria, Every Child Guyana, the Guyana HIV/AIDS Reduction Programme (GHARP), and various local non-governmental organizations.

266. A National Child Protection Week was launched in 2004 and continues to date with the aim of sensitizing the nation on child protection issues and advocating for support for the prevention of violence against children. Activities include children's rallies; television panel discussions; open discussions in schools for students, teachers and parents; workshops on child abuse; community outreach programmes; and seminars on good parenting.

267. The Peace Education Initiatives, a component of the "Children and Violence Project" carried out with GOG/UNICEF collaboration, mentioned earlier in this report set out to develop peace education and non-violent conflict resolution interventions with children, their families and communities in three communities. These initiatives worked through governmental and non-governmental channels to improve access, at the community level, to essential social services that reduce children's vulnerability to violence, abuse and exploitation.

268. Through the GOG/UNICEF Country Programme, support was provided to the National Commission on the Rights of the Child (NCRC) and the Ministry of Education to promote non-violent ways to discipline children. Initiatives implemented by the NCRC included a television series on child abuse geared towards children between the ages of 5 and 12 years. The series aimed to increase children's understanding and awareness of different types of child abuse. The NCRC also organized a high-profile event to launch the

Secretary General's Report on Violence against Children. The programme included the participation of children in a discussion of various sections of the report.

269. Guyana has enacted laws that punish and redress wrongs done to women and girls at home, workplace or any other place. Guyana enacted the Domestic Violence Act (1996) that provides provisional measures for those affected by domestic violence. The Act is gender neutral. Additionally domestic violence is also prosecuted under the Criminal Offences Act and includes offences such as murder, rape, assault occasional bodily harm.

270. The State Party is fully aware that child abuse and neglect contribute to the likelihood of delinquency, anti-social behavior, criminality and sometimes violent criminal behaviour and is committed to the fight against this scourge through prevention, training, enforcement of laws, rehabilitation and all other means at its disposal and within its available resources.

271. Due to the level of domestic and sexual violence, the Government introduced a more aggressive and comprehensive policy in 2007 entitled "STAMP IT OUT" which was subjected to countrywide consultations. Several mechanisms have been put in place including counseling and hotlines, support to one NGO that offers a safe haven, extensive and consistent awareness programmes on domestic violence and interventions at the highest levels in matters of domestic violence. The National Domestic Violence Policy Committee coordinates the implementation of the National Policy on Domestic Violence.

272. In respect to sexual violence, the Government of Guyana recognises that, females are disproportionately affected.<sup>49</sup> According to police records of reported cases and research, 92% of victims of sexual violence examined were females. The girl child is more vulnerable to sexual violence. To assist the Police Force to effectively prosecute sexual crimes, specialized training programmes in handling Sexual Offences cases have been organized with assistance through GOG/UNICEF and GOG/USAID programmes on a regular basis for Police and Police Prosecutors.

273. In relation to the Committee's concern and recommendation in relation to Section 67 of the Criminal Law Offences Act, the new Sexual Offences Bill removes this section. In the first instance the Bill is gender neutral recognizing that the victim can be either male or female. Clause 17 of the Bill prohibits sexual activity with a child family member (a child being a person under the age of 18 years).

274. Concern for the levels of domestic and sexual violence has received the personal intervention of the President who through the National Stakeholders Forum in 2008 held an extensive consultation with all the parliamentary political parties, the private sector, all the religious leaders, trade unionists, representatives of the legal profession, women's organizations, and other members of civil society, to foster greater collaboration and develop a comprehensive public/private/civil society partnership to fight this type of violence.

275. The Committee may also want to take note that the national issue of domestic and sexual violence was debated in the National Assembly in November 2008 and consensus was reached that this issue must be treated in a non-partisan manner and involve the parliamentary political parties, faith-based organizations, the labour movement and the business community in the fight to end violence against women and children.

---

<sup>49</sup> Guyana State Party report to CEDAW 2010 amplifies on this issue in greater detail.

## VII. Basic health and welfare

### A. Children with disabilities (art. 23)

276. The Committee noted the formulation of a National Policy on the Rights of People with Disabilities in 1997 and the establishment of its monitoring body, the Commission on Persons with Disabilities. However, the Committee remained concerned at the societal discrimination experienced by children with disabilities, the inaccessibility of buildings and transportation for them, the absence of an inclusive policy and the situation of children with disabilities in remote areas who are doubly disadvantaged.

277. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of the children with disabilities (CRC/C/69, paras. 310–339), the Committee recommends that the State party ensure that the National Policy on the Rights of People with Disabilities addresses children's rights, taking into account the provision for non-discrimination, accessibility to all services, including public buildings and transportation, and integration into mainstream education and that it specifically addresses the situation of children in remote areas.

278. The principle of non-discrimination is clearly enshrined in the 2003 Constitution of Guyana and is stated in its preamble and Article 149. The Committee is also referred to the section on non-discrimination in this report. Article 24 of the Constitution explicitly states that "every citizen has the right to free medical attention and also to social care in case of old age and disability" and the constitution further mandates that the "State shall, for the purpose of promoting equality, take legislative and other measures designed to protect disadvantaged persons and persons with disabilities – art. 149D(2).

279. The Prevention of Discrimination Act 1997 also prohibits discrimination in employment practices based disabilities.

280. In keeping with Guyana's ratification of the United Nations Convention on the Rights of Persons with Disabilities in 2007, and with respect to the provisions on non-discrimination enshrined in the Constitution, Guyana is committed to upholding the human and fundamental rights of all persons, including children, living with disabilities.

281. The National Health Plan of 2004–2007 included rehabilitation and disability as an integral part of the health development agenda. With this in perspective, the Division of Disability and Rehabilitation Services of the Ministry of Health developed the 2004–2008 Strategic Plan and its recent update, with the participation of key stakeholders. The strategic plan aimed to develop strategies for the provision of preventative, therapeutic and rehabilitative services to children and adults in need of these services. Under the umbrella of the National Health Plan, the Strategic Plan facilitated the achievement of the health-related objectives of the Poverty Reduction Strategy and the MDG's with respect to increasing accessibility to disability and rehabilitation services for persons with disabilities in Guyana.

282. The 2002 census reported that a significant proportion of children and adolescents in Guyana were living with various types of disabilities. It also reported that the number of citizens living with some form of disability in Guyana was 48,419, or about 6.4 percent of the total population. Women outnumber men with 51.1 percent (24,767) of them compared to 48.8 percent (23,652) of men and there were 5,842 disabled children (below 15 years) in Guyana. Within the disabled group, 12 percent of children below 15 years and 8 percent of youth (15–24 years) were impaired.

283. The status and circumstances of people with disabilities have historically been given low priority and this may be due to the lack of data regarding their actual numbers as well as the difficulties experienced in their social and economic circumstances. In an attempt to correct this, in 2005, the National Commission on Disability (NCD)<sup>50</sup> conducted a nationwide survey designed to create a detailed profile of people with disabilities in Guyana. The results of the survey have enabled the development of an action plan which identifies immediate priorities for adults and children living with disabilities.

284. The State Party with technical and financial support from Pan American Health Organization and the World Health Organization launched in March 2010 the Ministry of Health National Rehabilitation Services Strategy (NHSS) 2009–2013, which is a derivative of the National Health Sector Strategy 2009–2013 and a continuation of the 2004–2008 Strategic Plan. The overall goal of the NHSS is “all preventable disabilities are reduced and all persons with disabilities are receiving equitable and high quality services that enable them to function as equal citizens” and to create a multi-sectoral approach to disability and rehabilitation issues. One of the key strategic objectives is to ‘safeguard persons with disabilities inclusive of children with disabilities against discrimination and marginalization’.

285. The Persons with Disabilities Bill was subjected to widespread consultations and thoroughly examined by the organizations of and for persons with disabilities before its submission to the National Assembly.

286. The Persons with Disabilities Bill was tabled in December 2009 and sent to Parliamentary Special Select Committee. This bill is expected to be enacted in latter half of 2010. The Bill is designed to guarantee the rights of persons with disabilities, including the promotion, protection and full equal enjoyment of those rights in keeping with Guyana’s international treaty obligations.

287. Once enacted, the Bill will strengthen the capacity and the role of the NCD, including investigating/acting on allegations of discrimination and facilitating redress for victims. The NCD would monitor the implementation of, and make recommendations for compliance with, international instruments to which the State is a party, for the benefit of people with disabilities. Offences and penalties for acts of discrimination against disabled people are also detailed.

288. With regard specifically to children with disabilities, and in keeping with article 23 of the Convention, Sub-Part II of the Bill addresses issues of access to free and compulsory quality education, the integration of children with disabilities into schools, assistance to students with disabilities, special education, and the provision of rehabilitation services within the available resources of the country.

289. The Bill also provides for training programmes to be developed and implemented for teachers specializing in disabilities to ensure there is personnel trained for special schools and integrated schools for children with disabilities. Under the provisions of the Bill, special education is to be made a compulsory component of the teachers’ training curriculum offered by institutions established to train teachers.

290. The Bill mandates that every person with disability shall register with the already established National Commission on Disabilities. This, in part, was designed with a view to improving statistical compilation on the number of persons living with disabilities. Organisations of persons living with disabilities at present register with the Commission.

---

<sup>50</sup> The National Commission on Disability comprises 15 Cabinet-appointed members, representing organizations of persons with disabilities, who advise the government and act as a coordinating body on issues concerning persons living with disabilities.

291. It also mandates the Commission to collaborate with public or private sector agencies to work towards creating a barrier-free environment that will enable persons with disabilities to have easy access to public or private buildings and establishments, as well as to public transportation on an incremental basis.

292. There are two (2) special needs schools both based in the capital city. However, the Community-Based Rehabilitation Programme is an NGO which offers training programmes for families with children and/or relatives with disabilities as well as teachers.

293. There are 26 disabled peoples' organizations in Guyana. In addition to advocating for the rights of those living with disabilities, these organizations provide access to rehabilitation services, sport, cultural and social activities.

294. The Para-Olympic Committee of Guyana has organized biennial Para Olympic Games since 2003 for persons with disabilities which is well supported by the public and sport organizations working with persons with disabilities. This event has helped to reduce many prejudices or preconceptions the general public held about persons with disabilities. Guyana has also sent junior and senior athletes to the Para Olympic Games as well as Regional athletic events in USA, Canada and the Caribbean.

295. While important progress continues to be made in the expansion of policy, programmes and support services for people with disabilities, significant challenges remain, not the least of which are attitudes towards disability. It is therefore recognized that there is need to constantly challenge these prejudices faced by people with disabilities. This is an area which government agencies and civil society continue to play a key role.

## **B. Health and health services (art. 24)**

296. The Government of Guyana recognises that the obligation to fulfill the right to health involves the adoption of a national health strategy,<sup>51</sup> and the devotion of a sufficient percentage of the available budget to health.<sup>52</sup> Since 1992 with a paltry budgetary allocation of \$ 200 G M, the GoG has invested heavily annually in the public health sector to reconstruct a collapsed sector and extend the benefits of a modern health care delivery system to all Guyanese. To this end, the 2009 budget allocated \$ 12.1 G Billion. This represented 9.3% of the 2009 Budget and 4.7% of the GDP. In the 2010 Budget the allocation for health accounted for 9.9% of the budget.

297. In comparison in 1992, per capita investment in Health was less than \$7 USD versus a per capita investment of \$ 81 USD in 2009.

298. The architecture of the public health sector is based on a free public health care delivery approach with a pyramid from the lowest rung of health huts in the far interior leading to the main tertiary care referral and teaching hospital in which access to Maternal and Child Health services, communicable diseases, chronic diseases, vector control, HIV/AIDS and sexually transmitted diseases, dental care and rehabilitation services, intertwine and are offered at various levels and across all ten Administrative Regions. The system is managed by the central Ministry of Health with 2 Regional Health Authorities, Regional Democratic Councils Health Departments and various programme heads. The various levels of the system are apportioned health care staff appropriate to the services and

<sup>51</sup> Under the NHSS 2008-12 Guyana is working actively and energetically to integrate health services delivery system into the comprehensive package of publicly guaranteed health services, and complete reforms to the health services delivery system. The report is available at [http://www.health.gov.gy/pub/moh\\_nhss\\_0804.pdf](http://www.health.gov.gy/pub/moh_nhss_0804.pdf).

<sup>52</sup> For the full details of the plan see [http://www.health.gov.gy/pub/moh\\_nhss\\_0804.pdf](http://www.health.gov.gy/pub/moh_nhss_0804.pdf).

programmes offered at the given level. Emerging diseases, environmental health and health consequences of emergencies, disasters and climate change are all taken into consideration.

299. Guyana's health care system comprises of public as well as private delivery. Both nationals and non nationals residing in Guyana have access to free medical attention at the main tertiary care and city referral hospital (the Georgetown Public Hospital Corporation), nine (9) regional Public hospitals, 21 secondary/district hospitals, 2 specialist hospitals, and 342 primary health care facilities, one geriatric Hospital, and one rehabilitation centre for children, as well as a range of programmes. There is one state run Psychiatric hospital that provides residential psychiatric care and treatment for those who have been institutionalized. See [http://www.health.gov.gy/pub/moh\\_stats\\_bulletin\\_07.pdf](http://www.health.gov.gy/pub/moh_stats_bulletin_07.pdf). There are also seven private hospitals. The Ministry of Health is responsible for the quality of care in both the public and private sectors.

300. Medicine and treatment in the public sector is also free. Dental care is offered free in the public sector.

301. Immunisation of all children is free and provided at the primary health care facilities which is comprised of health centres as well as health posts in the interior and private health facilities. The Immunisation rate of the under one year old population is high at approx 95%.<sup>53</sup>

302. The Ministry of Health (MoH) introduced a number of measures promoting the achievement of national and international goals and targets relating to child and maternal health. The 2003–2007 National Health Plan (NHP) was developed to build the sector's capacity to deliver quality health care to the entire population. This was continued in the 2008–2012 National Health Sector Strategy and in the Package of Publicly Guaranteed Health Care Services 2008–2012.

303. A number of overarching measures, however, directly impact on the quality of life and health care provided to children, including:

- (a) Reduction in poverty levels from 67% of the population in 1992 to 35 % in 2006
- (b) Expansion and strengthening of primary health care, particularly for communities in interior areas
- (c) Availability of water from 50% of the population in 1991 to 86% in 2009
- (d) Reduction of anemia and malnutrition among children and women
- (e) Construction of new nursery and primary schools across the country and rehabilitation and modernization of existing school facilities
- (f) Massive housing programme for low income households at concessional prices and access to loans at low interest rates

Including specific interventions in the health sector:

- (g) The empowerment of communities to take greater responsibility for their health and to provide a safe environment through the Health Promoting Schools initiative
- (h) The initiation of an Adolescent and Youth Health and Wellness programme in 2004

<sup>53</sup> Immunization figures for the following vaccine s– DPT if 95%, MMR/Yellow fever if 96%, Polio if 95% and TB/BCG is 97%.

(i) The development of guidelines for health providers in the management of children in national flood emergencies and the management of children, women and pregnant women in shelters during floods

304. The follow-up to the National Health Plan, the National Health Sector Strategy-NHSS (2008–2012) is expected to further strengthen the efforts of the predecessor NHP in achieving harmonization, impact and reform in the health sector through a policy of greater autonomy among regional health entities and a strengthening of skilled workforce.

305. This new Strategy will be guided by the principles outlined in the National Development Strategy and the Poverty Reduction Strategy Programme.

306. The key priority issues to be addressed by the NHSS are related to primary health care including maternal and child health, the management and treatment of communicable (HIV/AIDS, malaria, tuberculosis and other infectious diseases) and non-communicable diseases. In essence, the NHSS 2008–2012 focuses on reducing morbidity and mortality by ensuring universal access to effective interventions for the newborn, children, adolescents, and young adults. This has been considered a priority area and is especially significant in that it is vital to improve national health status, and at the same time to attain the Millennium Development Goals (MDG) 4 and 5.

307. In keeping with the objective of improving and guaranteeing health services, with family health, chronic and communicable diseases, mental health and health promotion being among the priorities, the Government of Guyana increased its budgetary allocation for health services from \$12.1 G billion in the 2008 budget to \$12.8 G billion for 2009 to \$13.3 G B.

308. In the Concluding Observations to Guyana's Initial Report, the Committee welcomed the implementation of the Integrated Management of Childhood Illness (IMCI) and the marked improvement in immunisation coverage. However, the Committee remained concerned at the high infant and under-5 mortality rates, the high incidence of malaria, especially among the Amerindian children, as well as the high incidence of malnutrition, including iron deficiency anaemia and stunting of growth.

309. The Committee recommended that the State party:

(a) Take all necessary measures to reduce mortality rates by improving prenatal care and preventing communicable diseases;

(b) Continue to combat malaria and address environmental causes and strengthen availability of nets and insecticides, especially in areas where malaria is most prevalent;

(c) Address the issue of malnutrition by education and ensuring availability of adequate nutrition among mothers and children;

(d) Continue to encourage exclusive breastfeeding for six months with appropriate introduction of infant diet thereafter, taking into account the support needed for working mothers.

## **1. Maternal and child health**

310. The GoG recognises that the right to life extends to taking steps to preventing maternal death. Maternal mortality rates in Guyana are on the decline with a Maternal Mortality Ratio (MMR) of 320/100,000 live births in 1991 declining to 113/100,000 in 2006 and 98/100,000 in 2009. The GoG has taken steps to improve on the level of safe pregnancies, childbirth and post-partum complications. A national strategic plan for the reduction of maternal and neonatal mortality has been developed by the Ministry of Health with technical support from PAHO.

311. Initiatives specific to maternal and child health were implemented within the framework of the 2006–2010 Maternal and Neonatal Mortality Reduction Strategic Plan. These include the consolidation of the Integrated Management of Childhood Illnesses (IMCI) strategy, introduced in 2000, to address the overall health and well-being of the child. Based on the initial success of the strategy, the National IMCI Committee is now promoting community-based IMCI centres to promote key evidence-based practices for child health.

312. The Ministry of Health has developed Safe Motherhood Policies with the aim of ensuring that hospitals and health centres have the capacity to help women give birth to healthy children and to provide family planning information. Maternity facilities at the New Amsterdam and Georgetown Public hospitals (the majority of the babies are born at these 2 facilities) have been improved, and health care programmes providing gynaecological training have been expanded to improve the safety of labour and delivery. The Ministry of Health also established since 2005 a National Maternal Mortality Audit Committee to investigate all maternal deaths and the Ministry has mandated that all maternal deaths must be reported to the Chief Medical Officer within 24 hours. Guidelines are also being developed for the Maternal Mortality Epidemiological Surveillance and a training programme prepared to reduce maternal deaths.

313. The Integrated Management of Childhood Illnesses (IMCI) targets the reduction of morbidity and mortality associated with the major causes of childhood illnesses. The estimates of child mortality are lower than earlier estimates and highlight the change in a positive direction. For example IMR and U5MR fell by 17 and 25 percentage points between 2000 and 2006 respectively. The U5MR has fallen from approximately 100 in 1991 to about 34 in 2006 and approximately 20 in 2009. These figures for U5MR, it is important to note, were verified by the MICS surveys in 2000 and 2006 which reported that U5MR dropped from 72.0 per thousand to 47.0 per thousand in 2006. Additionally infant mortality rate dropped from 426 deaths in 2004 to 339 in 2007. This trend is also verified by the MICS of 2000 and 2006 which reported the numbers as dropping from 54.0 to 37.0 per thousand in 2006. It should be noted that since Guyana has improved its data collection, particularly since 2005, the MICS data is used only to verify trends.

314. As a signatory to the Millennium Development Goals, Guyana has made important strides in meeting some of the targets. Specifically in respect to MDG 4 –Reducing child mortality, it is submitted that according to the MDG Guyana Report 2007, Guyana will meet its targets of reducing child and infant mortality rates.<sup>54</sup>

315. The GoG, with its partners the World Bank, Global Fund, PEPFAR, UNICEF and PAHO, offers free Prevention of Mother to Child Transmission of HIV/AIDS Treatment (PMTCT). By the end of 2006, there were more than 100 public sector PMTCT sites. These sites provide access to PMTCT for almost 80% of pregnant women in Guyana.

316. Guyana also offers free Anti-Retroviral Treatment (ART) for HIV/Aids patients. Through an incremental approach commencing in 2004, approximately 7300 patients have received treatment with 2,300 new patients being treated in 2009. The results are encouraging with HIV prevalence among pregnant women having fallen from more than 5% before 2000 to about 1.4% in 2008.

317. Guyana is taking steps to reduce morbidity and mortality rates associated with tuberculosis and malaria, particularly among children.

---

<sup>54</sup> The report is available online at [http://www.undp.org.gy/documents/bk/MDG\\_Guyana\\_Report2007.pdf](http://www.undp.org.gy/documents/bk/MDG_Guyana_Report2007.pdf).



318. The GoG benefits from technical and financial support from its partners in the health sector – PAHO/WHO, UNICEF and the President’s Emergency Plan for AIDS Relief (PEPFAR), recently renamed the United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria in July 2008. Guyana also benefits from The Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM).

319. Clearly, Guyana has made significant improvement in child health, with laudable improvements in the U5MR and the IMR. These trends have been verified by the MICS surveys<sup>55</sup> in Guyana. By the end of 2006, data from the Multiple Indicator Cluster Survey (MICS3) showed that the Under-five Mortality Rate (U5MR) and the Infant Mortality Rate (IMR) fell by 17 and 25 percentage points between 2000 and 2006. The U5MR and IMR are higher in the comparatively underdeveloped hinterland, in rural areas and among vulnerable sub-groups. In addition to improved immunisation levels, the indicators also reflect positive outcomes from interventions addressing the major causes of mortality in children under 5 years: acute respiratory infections, diarrhoea and worm infestations.

320. Data also indicated that 81 percent of women before 2006 and greater than 90% since 2008 surveyed received antenatal care from skilled personnel at least once during their pregnancy. However, a higher percentage of women from the coastal areas were attended to by skilled personnel compared with women from hinterland regions.

321. Exclusive breastfeeding and adequate infant feeding rates for six months by mothers living along the coastal belt are still low emphasizing the need to accelerate appropriate caring and feeding practices for children aged 0–3 years.

Table 9

**Percentage of breastfed children**  
(2000–2007)

Exclusively breastfed	< 6 months	11%
Breastfed with complementary food	6–9 months	42%
Still breastfeeding	20–23 months	31%

*Source:* UNICEF Basic Indicators.

322. Anaemia in pregnant women has also been an ongoing concern which is being addressed. The IDB-funded Basic Nutrition Programme (BNP) addresses the situation through the provision of a novel form of iron supplement, known as Sprinkles, and free food coupons for pregnant women and mothers of children under two years old. The programme has been piloted in 50 health centres and is expected to be scaled-up following a positive impact evaluation. The BNP has also incorporated a national information and education campaign disseminating messages designed to build awareness of anaemia, to encourage pregnant women to register at health centres as soon as they think they are pregnant, and to promote exclusive breastfeeding and good young child feeding practices.

323. The Basic Nutrition Programme (BNP) Nutritional Sprinkles Programme, benefits 20,000 women and children. Recent evaluation of this programme has shown a reduction in anemia by 34% and a 45% reduction in under nutrition.

<sup>55</sup> It should be noted that MICS traditionally give higher numbers in all countries where it is used.

Table 10  
**Maternal and child health indicators and values**

<i>Field</i>	<i>Indicator</i>	<i>Value</i>
Maternal health	Antenatal care	92.1% (DHS 2009) 95% (MOH 2009)
	Skilled attendant at delivery	96% (MOH 2008)
	Institutional deliveries	97% (MOH 2008)
Child mortality	Under-five mortality rate	17.3 per thousand (MOH 2008)
	Infant mortality rate	13.9 per thousand (MOH 2008)
Nutritional status	Exclusive breastfeeding rate	46% (MOH 2009)
	Adequately fed infants	20.3 per cent (MICS 2006)
	Underweight prevalence	9.2% (MOH 2009)
	Stunting prevalence	13.7 % (MICS 2006)
	Wasting prevalence	7.6 % (MICS 2006)
Low birth weight	Low birth weight infants	11% (MOH 2008)
	Infants weighed at birth	77.8%
Immunization	BCG immunization coverage	98% (MOH 2009)
	Polio immunization coverage	97% (MOH 2009)
	MMR immunization coverage	97% (MOH 2009)
	Yellow fever immunization coverage	97% (MOH 2009)

*Source:* MICS 2006 Report and MOH data.

324. In the hinterland regions, the Ministry of Amerindian Affairs (MAA) and the Ministry of Education jointly manage the school feeding programme for children attending nursery and primary schools in Amerindian communities. Children who are poor from rural and coastal villages also benefit. Meals may comprise a high-protein peanut butter and cassava bread produced by the communities themselves in the interior areas in turn creating work for people in these communities to produce the items which comprise the children's meals.

325. The new NHSS targets the transformation of maternal and child health into an integrated family health programme which will include women's health (excluding safer motherhood initiatives), neonatal and child care, expanded immunisation programme, integrated management of common childhood illnesses (IMCI) and integrated management of adolescent and adult illnesses (IMAI), and adolescent health and family planning.

## 2. Immunisation

326. Collaboration with the Pan-American Health Organization (PAHO) has strengthened the capacity of the MOH to protect the population from vaccine-preventable diseases. In 1996, the Measles, Mumps, Rubella (MMR) was added to the immunization regime at the Maternal and Child Health clinics. In addition to the immunization programmes in the MCH clinics, the MOH from time to time also carries out vaccination campaigns for diseases such as Measles, Mumps, Rubella and Yellow-Fever in the older population and these are very successful with over 88% coverage.

327. Special emphasis has been placed on low-coverage areas with campaign activities to encourage previous defaulters to have their children vaccinated. The Regional Health

Services programme of the Ministry of Health provides primary and secondary health coverage and monitoring of the health situation in the hinterland areas.

328. The objectives of an expanded immunisation programme are to maintain vaccination coverage of over 90% in each sub-district and region and to achieve zero cases of vaccine-preventable diseases. Already underway is a programme immunising all risk groups against DT, MMR, Yellow Fever and Hepatitis B. The immunisation programme aims to achieve a measles and rubella free country by 2015.

329. Guyana has organised health promotion campaigns with successes in the Expanded Programme on Immunisation, for example during the promotion of National Immunisation Week. The new NHSS now hopes to achieve and maintain 90% immunisation national coverage for all routine antigens, with no region under 85%, and to introduce selected new vaccines into routine immunisation.

### 3. Malaria

330. Malaria is not a major cause of death in Guyana but becomes a potent threat when combined with malnutrition, or if repeated episodes occur. However, malaria does contribute to anaemia, which is among one of the 10 leading causes of death of children under five years of age in Guyana. It is listed as #9 in terms of prevalence of the ten mortality causes.

331. The coastal areas of Guyana are now considered to be free of malaria. The majority of infections occur in the hinterland regions and one major cause that has been identified is the rise in mining and logging in more remote areas of the forests over the last 15 years as well as major changes in cultural habits and practices in Amerindian communities with the availability of electricity and better transportation and communication.

332. Guyana recognises that malaria continues to pose a major threat to global health especially for those living in the isolated and poverty stricken areas and to economic development. Intensive efforts to eradicate the disease have been ongoing in Guyana and various measures have been introduced. Guided by a national plan, the Guyana Vector Control Services Department is responsible for surveillance and disease prevention activities and the management and control of the major vector-borne diseases such as Malaria, Dengue fever, Filariasis and Leishmaniasis (Bush Yaws).

333. Guyana works in close collaboration with the Pan-American Health Organisation (PAHO) in its efforts to eradicate malaria. PAHO also provides assistance to Guyana in developing and implementing projects financed by the Global Fund to fight AIDS, Tuberculosis and Malaria and foster and support research to develop vaccines, new insecticides and more effective drugs to fight malaria.

334. Under Guyana's Vector Control Programme, active work has been ongoing especially in the interior regions. Enormous progress has been made in the effective diagnosis of malaria infection. Rapid response teams have been put in place in 'hot spot' areas which are identified on a weekly basis. Training programmes in malaria microscopy and treatment are held regularly with the technical support of PAHO for health workers and efforts have been made to improve laboratory services and quality control in microscopy.

335. Impregnated bed nets were introduced experimentally in 1996–1997. This has been found to be an effective intervention to reduce the number of malaria cases in the interior regions among Amerindian communities and workers in mining and logging industries. Under a Ministry of Amerindian Affairs (MAA) programme supported by PAHO, more than 8,400 mosquito nets were distributed free of cost in all interior villages in Guyana between 2007 and 2009. Global Fund has also made these impregnated mosquito nets and anti-malaria drugs readily available in the interior regions. Insect repellents were also made

available to villagers. The MAA with the Regional Health Services (RHS) of the Ministry of Health collaborate on these interventions in Amerindian communities. Individuals from each community are selected and trained as Community Health Workers to service their community at the primary care level. See Table 11 below for the number of impregnated bednets distributed as of 2009.

**Table 11**

<i>Contributing agencies</i>	<i>No. of impregnated bednets distributed</i>	<i>Distribution by regions</i>
PAHO	8 480	1, 2, 3, 4, 6, 7, 8, 9 & 10
GF & MOH	16 588	1, 2, 3, 4, 6, & 10
GF	39 002	7 & 8
GF	3 951	9
<b>Total</b>	<b>68 021</b>	

*Source:* Ministry of Health Guyana statistics, 2010.

336. In the hinterland areas medivac services are available and most communities have access to radios to call for help (Police, health, or the Village Council).

337. These efforts have been complemented by intensive awareness-raising especially in the hinterland regions. In 2009, the Ministry of Health continued its efforts to raise awareness of the pandemic and the importance of fighting the spread of malaria through partnerships formed with various groups, including faith-based institutions, NGOs and the private sector in both the mining and forestry sectors.

338. The efforts undertaken have led to some success as the incidence of malaria has declined to approximately 11,800 cases in 2008 compared to the high of 84,000 cases in 1995.<sup>56</sup> The Ministry of Health targets to further reduce the incidence to around 8,000 by 2010 and ensure that malaria becomes totally eliminated as a public health problem in Guyana by 2015.

339. The Committee may wish to refer to Table 12 herein.

Table 12

**New cases of malaria in Children – 5 years**

<i>Age</i>	<i>2008</i>	<i>2009</i>
1	84 (0.6%)	92 (0.7%)
1–4	435 (3.7%)	609 (4.45%)

*Source:* Ministry of Health Guyana 2010.

**4. Tuberculosis**

340. Tuberculosis (TB) is still considered a major cause of death in Guyana and is included in the Communicable Diseases National Priority Programme. The State Party's commitment to focus on TB as a national concern is outlined in the National Developmental Strategy and under the Poverty Reduction Strategy Paper. Significant gains in eliminating deaths due to the main forms of killer TB conditions for children (Miliary TB

<sup>56</sup> VCS, Ministry of Health of Guyana.

and TB meningitis) in Guyana was achieved by maintaining BCG coverage to 95% for the last 5 years. Expansion of the DOTS strategy has improved access of all children to vital TB medication but more importantly reduce the risk of TB within their homes posed by adult TB patients not on treatment.

341. According to WHO estimates, the incidence of TB in Guyana is among the highest in the region of the Americas. In 2007, the reported incidence was approximately 93 per 100,000 inhabitants and the incidence of smear-positive cases was 47 per 100,000 inhabitants with increasing trends of 10% per year. 701 cases (all forms) were notified in 2007 and 54% were smear-positive. Out of those 701 cases, 198 were co-infected. That means an estimated prevalence of HIV among TB patients of around 28%.

342. The table below shows new tuberculosis cases in the 'less than and equal to fifteen years old' age group stratified by hinterland regions and all regions for 2008 and 2009.

**Table 13**

<i>New tuberculosis cases less than and equal to 15 years old</i>	2008	2009
All regions	38	19
Hinterland regions (1, 7, 8 & 9)	5	3
<b>Total</b>	<b>43</b>	<b>22</b>

*Source:* Ministry of Health, Guyana, 2010.

343. TB control in Guyana is facing some challenges due to the levels of HIV epidemic within the population. This has been identified as among the biggest concerns. It is also one of the most important causes underlying the increase in both TB morbidity and mortality.

344. The National Tuberculosis Strategic Plan of Guyana (2008 to 2012) links the objective of the MDG's, the National Development Strategy (NDS) of Guyana and the Poverty Reduction Strategy Paper with the National Health Sector Strategy for 2008–2012. The plan's main objective is to maintain and expand quality TB services down to the peripheral levels of the health system while addressing cross cutting social, demographic and economic challenges to control TB in Guyana. This national TB strategic plan has been conceived with the support from the Canadian International Development Agency (CIDA).

### **C. Adolescent health**

345. The Committee raised its concern at the high rate of teenage pregnancies and drug abuse among adolescents and recommended the State party to set up adequate services for adolescents, including mental health and reproductive health services. It also recommends that the State party take all necessary measures to prevent drug abuse and provide therapeutic and rehabilitative services for drug abusers.

346. In recognition of the needs and issues specific to young people in Guyana, the Ministry of Health (MoH) has prioritised actions to improve health and wellness of adolescents and young people. The Adolescent and Young Adult Health and Wellness Unit (AHU) was created in 2005 to address the broad developmental needs of young people aged 10–24.

347. The AHU is guided by a strategic plan that was developed based on the results of national baseline surveys and with the input of young people. It is a dedicated programme within the MoH, the goals of which are consonant with the CRC, Guyana's Poverty

Reduction Strategy Paper and the Millennium Development Goals. As such, in addition to enhancing reproductive health services, initiatives are geared towards youth and gender empowerment, skill development and increasing job opportunities at the community level through programmes managed by other sectoral Ministries such as Culture, Youth and Sport, Labour and Human Services and Social Security, Education and Amerindian Affairs. The objectives of the programme are to:

- (a) Increase access to youth friendly health services
- (b) Increase knowledge, skills and healthy behaviours of adolescents and young people
- (c) Create an enabling environment in which adolescents and young adults can make healthy choices and improve their own health outcomes
- (d) Increase capacity of the AHU to manage and evaluate its programmes

348. The MoH has developed a set of essential criteria for the provision of youth-friendly services, based on international good practice and consultation with Guyanese youth. These include: service providers trained in youth friendly service provision; a focus on communication and counseling for young people; health facilities with separate space and times set aside for youth; appropriate programme design with the involvement of youth; and an appropriate policy and legal environment.

349. The Youth Friendly Health Services Initiative, created in 2005, was consolidated in 2007 with enhanced staff capacity and the provision of equipment to the eight sites in regions 4, 6 and 10. An additional 10 health centres in Region 3, 4 and 5 are in the process of being launched.

350. The Health-Promoting Schools Initiative encourages the school community to provide students with integrated and positive experiences, and structures that promote and protect their health. These include both the formal and informal curricula in health; the creation of a safe and healthy school environment; the provision of appropriate health services; and the involvement of the family and the wider community in efforts to promote health. The Guyana Health and Family Life Education is a component of the curriculum which integrates life skills into the mainstream primary school curriculum from grades 1 through 9. The MOH works with the Ministry of Education to ensure the success of this project by addressing barriers to its implementation.

351. The AHU has worked to enhance age-sensitive discussion on sexual behavior and reproductive health at schools through the inclusion of Sexual and Reproductive Health and an HIV/AIDS component in the Health and Family Life Education curriculum; teacher training; and by enhancing collaboration between schools and youth-friendly health centres. Out-of-school youth are engaged through outreach campaigns, youth-friendly services and youth-friendly communities.

352. A model of a Youth Friendly Community was implemented in one rural community, Vergenoegen, with the aim of strengthening the community's capacity to understand, empower and help their youth. Activities include capacity building workshops and the creation of a youth-friendly space.

353. Recognizing that young people with an awareness of their own health and risks can make informed choices that affect their lives. As an example, the creation of school health clubs has improved knowledge, awareness and advocacy by school-aged children. Peer educators are actively involved in outreach and the development of advocacy strategies for adolescents began in 2006 in partnership with UNICEF, USAID and UNFPA. 78 school health clubs were launched by 2007 in secondary schools in all Regions except one. They

are actively monitored by the School Health Coordinator, Ministry of Health, and are supervised by Regional Representatives who meet once per quarter.

354. In addition to the interventions at the health level, the State Party addresses adolescent and youth issues comprehensively. The state managed Youth skills training programmes offer job and economic opportunities through training and empowerment. There are special youth skills training programmes offered by the Ministry of Culture, Youth and Sport and the Ministry of Labour, both residential and non-residential, for drop-outs and low achievers from across the 10 regions. The National Youth Training Programme (launched in 2005) has trained and placed 2200 youth in the last 3 years and the Youth Entrepreneurial Skills Training Programme annually trains approximately 500 youth from across the 10 regions, with emphasis on male youth and poor and interior areas. There are also several non-governmental organisations which offer skills training and life skills programmes to youth.

355. The President of Guyana Youth Award Programme (a licensed operator of the Duke of Edinburgh International Youth Award Scheme) attracts over 6000 youth from across the country.

356. The National Drug Master Plan (2005–2010) was launched in June 2005. This is a comprehensive plan to address the problem of narco-trafficking and drug abuse in the society. It embodies a five pronged approach – preventive, enforcement, restorative, rehabilitation, and curative through a broad based partnership of government, security sector, and civil society such as the Salvation Army and communities. Through improved law enforcement, prosecutorial services and administration of judiciary in the fight against drug trafficking and its ancillary criminal activities; new legislative instruments – the Anti-Money Laundering and Countering the Financing of Terrorism Act 2009 and the Money Transfer Licensing Agencies Act 2009; substance abuse awareness programmes, community programmes for youth supported by poverty reduction programmes, rehabilitation services amongst the prison population and the general society, the Drug plan has begun to make an impact.

357. However, Guyana's long mostly unmanned open borders pose serious challenges to putting an end to Guyana's status as an intransit transshipment point.

358. It should be noted that it is very unusual for children under the age of 15 to be exposed to narcotics and cigarettes, however, alcohol use is the primary substance abused and culturally and socially acceptable especially in the rural and interior regions.

#### **D. HIV/AIDS**

359. The Committee raised concerns about the rapid spread of HIV/AIDS within the State party causing a large number of children to be infected or affected by HIV/AIDS.

360. It recommends that the State party integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, in accordance with the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child (CRC/GC/2003/3).

361. Combating HIV remains a challenge for Guyana, but substantial improvements have been made in providing testing, treatment and care, in promoting effective prevention strategies and in addressing stigma and discrimination. HIV/AIDS is no longer just a human and health issue, but a developmental issue. Consequently, the Government of Guyana recognizes that constant attention to building greater multi-sectoral collaboration between Government and its agencies, civil society organizations, community-based organizations

and the private sector, as well as persons living with HIV/AIDS and their families, remain an ongoing requirement in reducing levels of infections.

362. The 2008 UNAIDS Report on the Global AIDS Epidemic estimated that 13,000 people (children and adults) in Guyana were living with HIV/AIDS in 2007, out of which 7,000 were estimated to be women. The estimated figure of children living with HIV/AIDS (aged 0 to 14 years) was under 1,000 in 2007.

363. The Committee may wish to note that Guyana submitted its progress report on HIV/AIDS for 2009 was recently submitted in April 2010 to UNAIDS and informs that 83.5 % of eligible adults and children with advanced HIV infection are receiving antiretroviral therapy at the end of 2009 and that 72.17% are known to be alive and still on treatment 12 months after initiation.

364. Implementation of a five-year National Strategic Plan (NSP) for HIV/AIDS began in 2002, and in 2003, a national HIV/AIDS policy paper (originally passed in the National Assembly in 1999) was revised to reflect changes in coordinating mechanisms and to provide a policy framework delineating access to free care and treatment for all people living with HIV. Following on from the success of the 2002–2006 NSP, and taking into account greater levels of funding available for HIV/AIDS, the 2007–11 NSP is currently being implemented.

365. The 2007–2011 NSP seeks to harmonise and align the resources and responses of its partners to strategically guide the future direction of Guyana's multi-sectoral National HIV/AIDS Response. The formulation of the Plan is aligned with the National Monitoring and Evaluation Plan 2007–2011 (for the Multi-Sectoral Response to HIV/AIDS in Guyana). This will enable capacity-building for a monitoring and evaluating system so that the Government can measure the impact of its interventions.

366. While there is no specific policy or legislation on HIV/AIDS that is exclusive to children and families, protection for children living with or exposed to HIV/AIDS is a critical component in national frameworks and plans on children and on HIV/AIDS. For example, the Revised National Policy Document on HIV/AIDS in Guyana recognises the vulnerability of children to HIV/AIDS and considers a planned response to the effects of the epidemic on children and youth as a critical priority. The National Policy Framework (2006) on Orphans and Vulnerable Children provides a guiding framework specifically for orphans and vulnerable children and recognises that HIV/AIDS transmission levels increase the vulnerability of children.

367. One of the objectives of this OVC National Framework is to ensure that all children are protected from all forms of stigmatisation and discrimination including those related to HIV/AIDS. The operational framework on OVC is aligned to the National Strategic Plan 2007–2011 on HIV/AIDS and OVCs are targeted in the NSP 2007–2011 with the objective of reducing the socio-economic impact of HIV/AIDS on children and increasing the protection of OVCs.

368. The National Policy Framework on OVC outlines a comprehensive response, coordinated by the MHSSS, which addresses socio-economic security, protection, care and support, education, health and nutrition, psychosocial support, and conflict resolution. Staff in residential facilities has been trained by the MoH to provide care for OVC and HIV-positive children. With support from the Clinton Foundation and the National AIDS Programme Secretariat, the Child Care and Protection Agency of the MHSSS has established a system which facilitates HIV testing for every child that is enrolled in registered residential care institutions. Those children who test positive are enrolled in clinics where they receive free treatment and care.



369. It is the Government's practice to ensure that the interests of children living with HIV/AIDS lie at the core of its work on HIV/AIDS in all sectors. In response to this and in line with the revised National Policy Document on HIV/AIDS, the Ministry of Education undertook a situation analysis of the education sector's response to HIV/AIDS in Guyana with the support of UNESCO, the World Bank and the Partnership for Child Development (PCD)<sup>57</sup> between October and November 2007.

370. This culminated in a two-day workshop in December 2007 to engage broad stakeholder input into the finalisation of an education sector policy on HIV/AIDS, School Health and Nutrition (SHN/HIV) for incorporation within the Guyana Education Sector Strategic Plan 2008–2012. This was carried out with the premise that the education sector's responses to HIV be a fundamental component of an integrated and holistic programme of school health and nutrition activities. At the same time, this will allow the education sector to establish a stronger presence in the Government's multi-sectoral response to HIV/AIDS as outlined in the Guyana National HIV/AIDS Strategy 2007–2011.

371. In terms of programmes, children, young people and pregnant women who are HIV positive have benefited from the free distribution of antiretroviral drugs (ARVs) since 2002. By the end of 2005, the national treatment network expanded to include nine treatment sites across the country. Antiretroviral treatment (ART) has been scaled up and national treatment guidelines for the management of adult and paediatric HIV infections were updated and improved in 2005. Specialist paediatric management for HIV/AIDS and related infections was introduced, and paediatric first and second line ARVs are available.

372. Components of a Behavioural Change Communication campaign, launched in 2005, target young people and women to promote safer sex practices, and encourage early testing. The campaign also seeks to increase community involvement in treatment and care, and to reduce the stigma and discrimination associated with AIDS. The campaign was informed by the findings of a biological and behavioural surveillance survey that targeted young people.

373. A national Prevention of Mother-to-Child Transmission (PMTCT) programme was developed in 2002. Since then, the PMTCT services offered at antenatal care clinics and labour and delivery wards of select hospitals have been expanded and strengthened. These services have also been established in hinterland areas. By 2008, 135 service centres were established that provided the minimum package of PMTCT services according to national or international standards. By 2009, an extra 11 service outlets were added. At these facilities, mothers are routinely screened for syphilis and HIV. Counselling and testing is provided to pregnant women and those who test positive receive a complete course of antiretroviral prophylaxis. In the same year 101 health workers were trained in the provision of PMTCT according to national guidelines.

**Table 14**

<i>Category</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
No. of sites with PMTCT	23	37	57	92	110	135	157
<b>Total births</b>	<b>17 209</b>	<b>16 676</b>	<b>15 123</b>	<b>14 990</b>	<b>15 114</b>	<b>15 076</b>	<b>NA</b>
ANC mothers tested for HIV	3 279	4 741	9 675	13 041	12 004	12 587	11 776
Uptake of VCT among pregnant	84.9	86.3	93.8	97.8	97.6	95.5	89.8*

<sup>57</sup> This initiative is part of the efforts to support the Caricom Education Ministers' call for continuing dialogue and action towards accelerating the education sector response to HIV/AIDS in the region.

women (%)							
No. of HIV positive mothers	103	118	212	215	176	189	130
Prevalence of HIV (%)	3.1	2.5	2.2	1.6	1.3	1.12	1.11
Exposed live infants who received ARVs	71	99	148	174	210	222	206

*Source:* Ministry of Health Guyana 2010.

374. Other care and support services, including counselling, economic and psychosocial assistance, are now available through the National Home Based Care Programme. This is provided in collaboration with local NGOs which receive funding from the US President's Emergency Plan for AIDS Relief (PEPFAR) and the MOH with support from the Global Fund.

375. Significant efforts have been made to ensure that the national HIV/AIDS response is monitored and assessed transparently and on a routine basis. Before 2004, monitoring was limited to HIV/AIDS case reporting and several small surveys. Since then, a strategy including surveillance, Health Information Systems (HIS), targeted evaluations, and monitoring and evaluation, has been developed to guide a more coherent approach. The National Monitoring and Evaluation Plan provides the framework for monitoring the implementation of the National Strategic Plan for HIV/AIDS 2007–2011.

376. The following table indicates various HIV indicators published by the Multiple Indicator Cluster Survey of 2006:

**Table 15**

<i>Field</i>	<i>Indicator</i>	<i>Value</i>
HIV/AIDS knowledge and attitudes	Knowledge of mother-to-child transmission of HIV	57.7 per cent
	Women who know where to be tested for HIV	80.6 per cent
	Women who have been tested for HIV	31.8 per cent
	Counselling coverage for the prevention of mother-to-child transmission of HIV	67 per cent
	Testing coverage for the prevention of mother-to-child transmission of HIV	64.9 per cent
Malaria	Under-fives sleeping under insecticide-treated nets	32.2 per cent

*Source:* MICS 2006 Report.

## **E. Social security and childcare services and facilities (arts. 26 and 18)**

377. The MLHSSS is responsible for administering various assistance programmes for the poor and vulnerable, with special priority for children. Targeted assistance for vulnerable children is available through these and other programmes.

378. They include funding for children in difficult circumstances whose parents cannot find work and/or where children and/or women have been abandoned, Public Assistance for women and children up to the age of 16, arrangement for placement in children's homes for abandoned children, Drop-in Centres for street children, subsidies for orphanages, assistance for medical emergencies, single parent assistance programme, provision of school uniforms and school feeding programmes for the poor and vulnerable.

379. Due to the level of households headed by females (approx 29%), the Single Parent Assistance Programme was introduced in 2009. This programme has been elaborated on in an earlier section of this report. In its first year of implementation, 700 single parent-headed households (majority female) benefitted from across the ten administrative regions.

380. The School Uniform Voucher Programme was introduced in 2003 to boost school enrollment and attendance in the public educational sector, particularly in the rural and hinterland regions through the removal of this impediment to many poor families. This means that no school-age child should be out of school because the family cannot afford his/her uniform (includes, a pair of shoes, satchel and uniform).

381. This programme managed and coordinated by the Ministry of Human Services and Social Security provides uniform vouchers for children in nursery, primary and secondary education who are poor along the coastal communities and all children living in Amerindian communities. As of 2009 18% of the school population (100% of students from riverain and interior schools and 10% from coastal areas) are beneficiaries. In 2009, \$55 M GY was dedicated to the programme and 26,000 school children benefited from this programme, 7,100 of whom were Amerindian children in the interior regions. This programme has also created more economic activity as women are employed in the garment industry to supply the uniforms.

382. In January 2010, the President announced that every child attending school at the nursery and primary levels in the public educational system would receive a school uniform allowance in the new school year (September 2010).

383. School feeding programmes are offered in primary schools in all ten Administrative Regions to poor and vulnerable children, but more extensively in the hinterland and riverain areas. This programme not only improves the children's nutritional status but also has contributed to improved attendance and performance levels whilst creating employment and income for women's and farmers' groups.

## **VIII. Education, leisure and cultural activities**

### **A. Education, including vocational training and guidance (art. 28)**

384. The Committee noted the State party's efforts to increase enrolment rates at both primary and secondary schools and the programme established to bring dropout children back into educational settings. However, the Committee was still concerned at the high dropout rates, especially among boys, which are influenced by the economic situation of the families. Concern was also raised Committee at the decrease in the quality of education, teacher availability and training and at the widening of educational disparities in the hinterland regions.

385. The Committee recommends that the State party:

- (a) Continue to strengthen measures aimed at increasing enrolment rates in primary and secondary education and to further increase attempts to bring dropouts back to school and other training programmes;
- (b) Ensure that pregnant teenagers are given an opportunity to complete their education;
- (c) Develop and use indicators for quality education, especially in the hinterland regions;
- (d) Include human rights education as part of the curriculum.

386. The Government of Guyana recognises the right of every child to education and places great emphasis on education as a principal means of achieving socio-economic development and reducing poverty. Reflecting this, the Constitution provides that every citizen has the right to free education from nursery to university (art. 27). Education is compulsory between the ages of five years nine months and 15 years.

387. The Government is committed to ensuring that no child is denied education and that every child is provided with quality education that is relevant to the development aspirations of the individual as well as the community as a whole. It is mandatory that children from age 5 to 15 attend school, and failure on the part of parents or caregivers is punishable by law. Noteworthy is that nursery or kindergarten education (3 years and 9 months) is not compulsory, nevertheless, 70% of the relevant age cohort attends nursery schools. In the new Education Act it is proposed that this level of education becomes compulsory.

388. The Government remains committed to investment in education as critical and primary focus of the poverty reduction strategy, its developmental imperative and a rights driven requirement. Its expansion and improvement of the education sector and its investment in this sector have been consistent over the last 17 years with its available resources.

389. Education remains a national priority in Guyana. The share of expenditure for education has remained at around 8% of GDP between the 2002/2003 and 2007/2008 periods and is targeted to remain at this level through 2015.

390. This share of expenditure is considered among the highest in the Latin American and Caribbean region. Education expenditure as a percentage of the national budget has also been consistent and hovers at approximately 18.5% of the budget during the same periods. \$19 Billion GD was allocated to the education sector in the 2008 national budget of which \$115 million GY was allocated for the implementation of a nationwide literacy programme under the Fast Track Initiative and \$90 million was spent on the Numeracy Programme.

391. The share of expenditure as a percentage of budget is projected to increase in 2010 through 2015 and this is in line with the Government's commitment to strengthen, modernize and improve the capacity of the education system. In 2009, the public Education sector represented 15.1 % of the Budget and 7.3% of the GDP.

Table 16  
**Education as percentage of GDP**

Year	Actual values						Targeted values	
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2010	2015
Education as % of GDP	8.9	7.9	7.7	8.1	7.9	7.6	8.0	8.0
Education share of budget (%)	18.9	18.4	19.8	18.1	17.3	17.9	20.0	20.0

Source: FTI Country Information.

392. As a result of additional, consistent and dedicated resources to the education sector, the GoG over the last 17 years reconstructed the physical plant of a collapsed sector and has rehabilitated, extended and constructed hundreds of schools throughout the country, most evident in the Amerindian communities. There are 339 discrete nursery schools, 88 nursery

classes in primary schools, 440 primary schools, 109 secondary schools and 14 practical instruction centres in the public education sector in 2009.

393. With respect to access to education in the Amerindian communities (2009), there are over 200 nursery, primary and secondary schools maintained by the GoG in Amerindian communities. The Government has built a primary school in every Amerindian community over the last ten years as well as built 12 secondary schools with dormitories in the interior regions; in 1992 there was only one.

394. Public school enrollment at the primary level was 104,440 in 2008–9 academic school year, an improvement from 70% enrollment of the child population in 1992.

395. In 2009/10 academic year, based on the Bureau of Statistic population projections, it is estimated that 90 % of the relevant age cohort is enrolled in primary schools in the public sector. Repetition and drop out rates at the primary level is 1% and 3% respectively, therefore the completion rate at primary level is now over 90%. Guyana is expected to reach MDG #2 by 2015.

396. In the same academic year 68,163 students were enrolled at the secondary level in the public educational sector. This demonstrates an improvement from 45% enrollment in 1992 to 75 % while completion rate in 2008 for secondary schools rose to 60%.

397. There was a total enrolment of 203,205 children of which 102,576 were boys and 100,629 were girls. Government provides tuition free education which includes the provision of text books, from primary to secondary levels in the public sector.

398. Guyana has achieved gender parity in primary education at the national level with near universal access to primary education. In the hinterland areas and in the Amerindian communities, increased budgetary support for the school-feeding programmes and the provision of free uniforms have had a tremendous impact on enrollment, attendance and performance levels.

399. Consistent focus is on reaching students in remote areas<sup>58</sup> where the level of poverty, geographic location, cultural traditions, distance and transportation presents serious challenges to education. Meals are provided, a “Milk and Biscuit Programme” which seek to address short-term hunger and improve performance in the classroom, and textbooks and school uniforms are distributed free to encourage attendance. Teachers working in remote areas also receive incentives, and the Teacher Training Certificate Programme is now being delivered by distance education.

400. Guyana’s attempts to close the gap in primary education between coastal and rural/hinterland areas is reflected in the MICS3 net primary attendance ratio with an average of 95%, and a difference of no more than two percentage points in favour of coastal areas. This reflects the interventions of the Education for All–Fast Track Initiative (EFA-FTI) programme which includes remote area incentives, provision of core texts, satellite learning centres targeting the unqualified teachers in the hinterland, multi-grade programming and child friendly methodologies for the riverain and hinterland locations.

401. With the combined support from the World Bank, CIDA, EU, IDB and UNICEF, the Basic Education Access and Management Support (BEAMS) project and the (EFA-FTI) aim, in part, brought 40% of all hinterland schools up to the national standard by 2007.

402. Technical and financial support is also received from UNICEF for the Child Friendly Schools and Escuela Nueva initiatives, for the Ministry of Education’s reform

<sup>58</sup> All secondary schools in the interior regions include dormitory facilities due to the long distances in order to access these schools.

process centered around the National Strategic Plan as well as the goals of the Education for All (EFA), the MDGs and the UNDAF. The project aims to have 80% of girls and boys in Guyana complete quality education in gender sensitive and child friendly environments and addresses regional and gender disparities in learning achievements and dropout rates.

403. At the primary level, initiatives have been taken to reduce illiteracy, and to target repetition and dropout rates. This has included the development of literacy and numerical standards, and the design and piloting of a new methodology to improve the teaching of reading. In addition, an OAS-supported project “Meeting Special Needs in the Classroom” is being implemented to specifically target children with learning or physical disabilities.

404. Simultaneously, the goal of providing universal access to secondary-level education is being pursued through various measures which include:

(a) Provision of scholarships and subsidies for textbooks and fees for the Caribbean Secondary Education Certification Examination (secondary school exit examination)

(b) Provision of additional scholarships for students from hinterland areas

(c) Support for Parent Teacher Associations to help increase the level of commitment of students, parents and communities, and

(d) Construction, extension and repair of schools under the Basic Education Access and Management Support (BEAMS) programme

405. The State Party is aware of the fact and is concerned that young people continue to drop out of the education system, particularly at the secondary level, and are inadequately prepared for the challenges of adult life. One of the reasons forwarded for this is the inability of the students to cope with the curriculum. Initiatives have therefore been taken to resolve this.

406. To ensure that secondary school dropouts are given a fair chance in life, various initiatives are undertaken to equip them with basic education skills, reintegrate them into the educational system and provide opportunities for a second chance to continue formal education, or an alternative education in a more vocational stream. Thus the premise of inclusion, transition and integration within a flexible framework is used to aid life long learning and continuity for the less academically-inclined. Three main initiatives may be highlighted:

(a) One such initiative is the Basic Competency Certificate Programme whereby students who are more skills-inclined are given an opportunity to pursue the programme after the third form of Secondary School to motivate them to stay in schools.

(b) Another initiative includes the skills training programmes offered by the Ministry of Labour and the Ministry of Culture, Youth and Sport which involves engaging dropouts and low achievers. These youth are given a stipend, training in various vocational skills at pre-technical institute levels and then assigned for specific periods with various business houses to gain work experience. Upon successful completion of the programme a Competency Certificate is issued that would allow them to re-enter the formal education system at the level of one of the four government run Technical Institutes/Carnegie School of Home Economics after which they can continue on to University Education if they so wish.

(c) The third initiative is the introduction of the Skills For Life Programme whereby dropouts and young adults can develop basic literacy and numeracy skills in addition to a life skill which is vocational in nature.

407. In 2005, the Ministry of Labour launched the National Training Programme for Youth Empowerment (NTPYE), a \$350 million, three-year project, to provide training for early school leavers and out-of-school youth in skills such as carpentry, welding, plumbing, surveying, refrigeration and air-conditioning and in clerical skills. This Programme has been extended and has catered to 2200 students in the last 5 years.

408. The Ministry of Culture, Youth and Sport (MCYS)'s Youth Entrepreneurial Skills Training Programme (YESTP) train young people from across the 10 regions in a variety of skills, approximately 500 are beneficiaries of this programme. It also coordinates the President's Youth Award, Republic of Guyana programme, a licensed operator of the Duke of Edinburgh International Youth Award Scheme, which has reached over 6,000 youth between the ages of 14–25 years since its inception in 1998.

409. Vocational education for out-of-school adolescents from disadvantaged communities has been a major area of focus of the Ministry of Culture, Youth and Sport. With increased financial support it was given additional impetus, through improved coordination between the MOE and the Ministry of Culture, Youth and Sport (MCYS), drama and life skills education are being incorporated into the curriculum at the main vocational education training centre. Drama is now being used to raise awareness around sexual and reproductive health, substance abuse, and other social issues.

410. It should be noted that these programmes referred to not only offer vocational skills training but life skills including gender relations, violence against women, drug awareness and sexual and reproductive health. The majority of these programmes are specifically focused on involving young males between the ages of 16 and 25 in recognition of their higher levels of drop outs and under achievement as well as perpetrators of anti-social behavior.

411. With regard to pregnant teenage girls, the Ministry has not to date articulated a clear policy with reference to ensuring that teenage mothers complete their education, however, the GOG publicly calls on teenage mothers to return to complete their education. However, the response has generally been very individually-based and dependent on the Heads of schools. This is expected to change in the future as the Ministry of Education, in collaboration with UNICEF, has piloted a project aimed at reintegrating teenage mothers into the education system so that they can complete their secondary education. This issue is being addressed in the new Education Act.

412. At the post-secondary level, there has been an expansion in continuing education particularly in the coastal regions 2, 4, 6, and 10. This, in a way presents opportunities for school dropouts and slow learners to access technical and other types of programmes.

413. In collaboration with UNICEF, there has been a recent concerted effort to focus on gender issues. For example, in the Magnet schools programme, gender roles and responsibilities are discussed at staff development sessions, parent education programmes including special fora for fathers are supported and non-traditional skills programmes for out of school girls provided. Through home and community visits and special learning sessions, this programme has resulted in increased parent participation in all Magnet schools in the depressed areas in Georgetown, with parents initiating their own advocacy groups for better teacher-parent interaction and school improvement. The BoS/UNICEF MICS3 survey, however, suggests a need to further focus on boys' participation and retention in education.

414. The Ministry of Education has identified quality indicators to meet the defined standard in Literacy (Reading). At the outcome level these indicators have to do with improvement in students' performance at major national assessments. For example, indicators for the primary level state that "The number of children attaining 50% or more at the Grades 2, 4, and 6 National Assessments would increase from 30 to 60 percent"; "By

the end of the period (2013) 80% of students in Grades 1 to 4 will meet the defined standard in Literacy (Reading). Another indicator is that the number of grades 1 to 3 passes at the Caribbean Examination Councils (CXC) examinations will increase from 56 to 70 percent. These indicators apply nationally but each region might have a different regional goal depending on where they were at the start of the plan.

415. The MOE has reported on improved performance levels at the primary levels and an increase in the percentage of pass rates among students at secondary levels writing the Caribbean Secondary Examination (CXC) particularly in Mathematics and English.

416. The State Party also wishes to highlight various facts regarding the Committee's concern about teacher availability at the various levels of schooling (the nursery, primary and secondary levels). Currently, the teacher/pupil ratios at the various levels are:

- (a) 1:15 at nursery/preschool level;
- (b) 1:26 at primary level; and
- (c) 1:21 at the secondary level.

These ratios are in fact very reasonable for a developing country. However, where it concerns the proportion of trained teachers to students, then the teacher to pupil ratios would be:

- (a) 1:27 at nursery level;
- (b) 1:44 at primary level; and
- (c) 1:36 in secondary schools.

417. The State Party acknowledges that, while the situation is much better than in many developing countries, it needs to be improved. It is thus noteworthy that the proportion of trained teachers at all levels has been increasing slowly over the last four years and the Ministry of Education is working to accelerate the increase in its current plan period.

418. The Ministry of Education has invested in teacher training at all levels including those with remedial skills. Due to the shortage of teachers, distance learning and in-service teacher training programmes have been introduced and or expanded in various regions to allow for teachers to work in the classrooms while receiving training at special centres after hours. It should be noted that the teaching profession is heavily dominated by females.

419. The problem at the secondary level in Guyana is a chronic shortage of teachers with particular skills e.g. science, mathematics and modern languages and some technical areas. This means that in some instances, teachers are teaching subjects that they are not well qualified to teach. The Ministry has responded to this shortage of trained teachers in several ways. In the more general sense, the Ministry has doubled its intake of trainees into the teacher training programme. This intake comprises persons who are already teaching (in-service) and those who wish to be trained before teaching (pre-service). In addition, preference has been given to applicants who applied to do the secondary teaching programme and more so to those who wish to specialise in fields of great scarcity.

420. Programmes have also been introduced to give greater content to teachers who are specialising in areas for which they were not trained. A start has been made with teachers of English and Mathematics and the programme will soon be extended to those who teach Science. The measures cited above are in addition to the on-going negotiations between the Government and the Teachers Union to improve the salaries and conditions of work of teachers.

421. The Ministry is also very aware of the disparity between the hinterland and coastal regions, in terms of the proportion of trained teachers, access to a wide range of supportive



material and technology etc. It is for this reason that Guyana's Education for All Fast Track Initiative (EFA-FTI) plan focuses mainly on the hinterland regions.

422. The GoG/UNDP Enhanced Public Trust, Security and Inclusion programme designed to address social cohesion and reduce vulnerability to violence focuses in at risk communities lead by their own community based organizations in working with youth, single parents and other vulnerable groups with the police and local authority bodies in trying to find answers to their problems and to offer training, retraining and job creation.<sup>59</sup>

423. The Community Action Component (CAC), which is an important aspect of the Citizen Security Programme (CSP), is being relaunched<sup>60</sup> by the Ministry of Home Affairs in 2010 to engage youth in 10 communities in community-building projects and to establish safer neighbourhoods. The aim is to deter youth from turning to idleness and crime. The restructured programme targets school dropouts between the ages of 14 and 25 and will comprise training that will be delivered in two components – skills training as well as building entrepreneurial/business capacities. The youths will also be able to benefit from literacy and numeracy classes.

## **B. Aims of education (art. 29)**

424. The Government of Guyana is committed to ensuring that all citizens of Guyana, regardless of age, race, gender, creed, physical or mental ability, or socio-economic status are availed with the best opportunity to achieve their full potential through equal access to quality education.

425. As part of its commitment to the Education for All Initiative, Guyana seeks to ensure that by 2015, all children, particularly girls, those belonging to ethnic minorities, those who are differently-abled and those in difficult circumstances will have access to and complete, free and compulsory primary education of good quality.

426. Education is more than a means to self-development or an instrument to greater national development and poverty reduction. Guyana regards education as the basis for Guyanese to learn and adhere to the ideals and practice of peace, democracy, justice, diversity and accountability.

427. Education sector-based activities within the context of the 2003–2007 Strategic Plan for Education aimed to establish child friendly schools, called “effective schools”. The plan was built around the following core concepts:

1. Better Early Childhood Education as the starting point of the educational effort and a necessity for achieving higher levels of literacy and numerical skills;
2. Universal Secondary Education will help raise literacy and numerical standards. Today, basic education includes some secondary education (for the Caribbean it is defined as five years);
3. A more relevant curriculum at all levels, including tertiary, is a necessary component to achieve all other goals;
4. Increased respect of diversity as a mandatory part of a more relevant curriculum to help face the current problems of intolerance; and

<sup>59</sup> This programme conducted a Baseline Survey in 2009 of 1090 persons in 54 communities in 5 Administrative regions to assess the skills needs, attitudes to crime, violence and police.

<sup>60</sup> First launched in 2007, it was suspended from 2008-2009 to review its structure.

5. Improved education in the hinterland and riverain regions and mainstreaming students with special needs, where possible, as major aspects of equity related to the other quality issues.

428. In the past 15 years the focus was to reconstruct a collapsed education sector's infrastructure – the majority of the schools were in a deplorable state, lack of schools and basic supplies such as text books, chairs and desks and insufficient numbers of teachers. Over this period, hundreds of nursery, primary and secondary schools have been built especially in the interior regions where the Amerindian communities live. This focus concentrated on improving access to education to ensure that all children would be able to attend school, initially, through compulsory universal education at the primary level, followed by the secondary level. In more recent times greater attention has shifted to quality even while efforts are ongoing in improving literacy and numeracy at the basic level to ensure a good foundation for the future.

429. One avenue through which this is being pursued is the provision of improved training for teachers, including the management of social and sensitive issues in the learning environment. A Council for Teacher Education was established to coordinate teacher training with the National Centre for Educational Resource Development programme. This is geared to train head teachers and other senior administrators. An innovative programme to provide pedagogical training for instructors of technical and vocational education/training has also been put in place.

430. Day care centres have moved towards compliance with agreed Early Childhood Development (ECD) minimum standards developed for the Caribbean. A standardized training programme for ECD practitioners has been finalized with new inputs on HIV, nutrition for the young child, emergency preparedness and planning and special needs, and implemented in 2008.

431. Primary education emphasises the acquisition of numeracy and literacy skills, while the secondary level concentrates on preparation for further studies, gaining professional skills or the development of practical skills for employment. The subsequent inclusion of health and family life issues in the secondary school curriculum is geared towards equipping the young to make informed choices regarding life in general.

432. The 2008–2013 Education Strategic Plan, the fourth in a series of education plans in the last two decades, is currently being implemented. While the core values of education remain generally what they were in the last Strategic Plan, the new Plan takes the aims further to identify the priority policies and strategies Guyana intends to pursue to significantly improve the quality of output and help Guyana to meet the challenges posed by globalization and the rapid technological changes taking place in the world.

433. The new Plan intends to ensure that the system of education contributes to raising the standard of living in Guyana through an improvement in the overall effectiveness of education. It seeks to provide an education system that delivers quality education and training at all levels and in particular:

- (a) To eliminate illiteracy
- (b) To modernise education to face new challenges and needs of the society
- (c) To strengthen tolerance

434. This Strategic Plan, like earlier ones, was developed through a participatory approach involving consultations with multi-stakeholders, including development partners. The Plan also identifies and explains the major issues, challenges and limitations, and proposes strategies to strengthen education in Guyana.

435. The Committee may wish to note Guyana has submitted its response to the Evaluation of the First Phase of the World Programme for Human Rights Education in April 2010.

### **C. Leisure, recreation and cultural activities (art. 31)**

436. The State Party recognises and assures the right of the child to rest and leisure and to engage in play and recreation appropriate to the age of the child and to participate freely in cultural activities and the arts.

437. Students at the National Opportunity Corps (the only co-ed juvenile offenders centre), in orphanages and in other homes enjoy leisure time for games, sports and other activities, which may include talks and lectures. During major festivals such as Christmas, social events are organised for the students.

438. Various programmes have been organised or initiated through the GOG/UNICEF country programme with other agencies to promote the rights of the child. A prominent example would be the way in which cricket (a national sport) has been utilised as an entry point for raising HIV awareness and education among children and young people. Cricket was also the opportunity for the ground laying event in 2006 for the launch of the Global Campaign on Children and AIDS promoting sport as a healthy lifestyle option for young people. This was followed by the signing of an MOU with the West Indian (Cricket) Players Association.

439. In 2007, the creation of a new partnership with the Guyana Cricket Board, the Local Organizing Committee for WI CWC and Scotia Bank, along with their Kiddies Cricket Programme, helped set the stage for during the 2007 Cricket World Cup to publicize the initiative. HIV education has been mainstreamed into the training of coaches and programming for children at the national and county cricket levels. A coaches' manual on HIV prevention through cricket was developed, along with coaches' cue cards to help integrate HIV awareness directly into coaching techniques and practices.

440. The President's Youth Award: Republic of Guyana (PYARG) administers a programme which aims to promote good citizenship by young people for the public benefit. The Award concept is one of individual challenge which presents young people with a balanced, non-competitive programme of voluntary activities to encourage self-discovery and growth, self reliance, personal responsibility and service to the community. The programme works with thousands of participants on activities which focus on youth issues. These activities include leadership development courses, music and language development, environmental and community-based projects, and expeditions.

441. Under the GOG/UNICEF country programme the Adolescent Development and Empowerment project aims at providing children and adolescents with opportunities of participating in cultural and community activities. The objective of this is to promote human rights in a non-violent and peaceful society. It also provides the space for adolescent girls and boys in school to have access to gender sensitive life skills, education and peace education programmes.

442. Guyana, a multicultural, multi ethnic and multi-religious country, is rich in its diversity and this is reflected in the cultural traditions, customs and practices. National holidays reflect this diversity and provide opportunities for expressions of the religious and cultural traditions of all the various groups.

443. The educational system incorporates this cultural and religious diversity in the curricula at all levels so that students will develop a culture of tolerance and understanding of differences and a sense of national pride and dignity.

444. The annual Mashramani celebrations, Guyana's cultural festival, provide an opportunity across Guyana for children to compete in the various children's competitions in song, dance and participate in the Children's Parade. Thousands of children from their schools and regions compete and participate annually.

445. The indigenous peoples (Amerindians) of Guyana represent 9.2 % of the population and is the fastest growing among the various ethnic groups. There are 9 distinct cultural and linguistic groups mainly occupying the interior with communal land titles to 14 % of Guyana's land mass. Since 1993, the month of September has been dedicated nationally to recognizing and celebrating the Amerindian heritage of Guyana and this is looked forward to by the 134 communities to showcase their art, culture, craft, history, language, innovations and economic activities, etc. Guyana is the only country that has done so in the region.

## **IX. Special protection measures**

### **A. Economic exploitation of children, including child labour (art. 32)**

446. The Committee expressed its concern at the increasing prevalence of child labour in the State party and recommended that the State party take the necessary measures for improving the effectiveness of labour inspectorate and other forms of monitoring child labour.

447. Guyana ratified the International Labour Organization (ILO) Minimum Age Convention No. 138 in 1998, and Convention No. 182 on the Worst Forms of Child Labour in 2001. Guyana rejects the notion that there is "increasing prevalence of child labour" in Guyana. No study, survey or inspection can so establish because there is no such trend. In fact, the trend is in the opposite direction; this is substantiated by greater school enrolment especially at the primary school levels and more children staying longer in school which have been adumbrated in earlier sections of this report. Of note, the Ministry of Labour's labour inspectorate has had to prosecute only 1 case in the last two years.

448. The Employment of Young Persons and Children Act (Section 2–3) addresses the employment of young persons, providing for employment from the age of fifteen only under certain conditions in which the work carried out does not compromise health, safety, and morals of young people. These restrictions are imposed on young persons<sup>61</sup> who are under 16 years of age. Under the Act, a child is defined as a person under fifteen years of age and is not allowed to work. The Committee is also referred to paras. 107–109, 406–407 of the Initial Report.

449. Forced labour, including by children, is prohibited by the Constitution (art. 140) and the Education Act restricts the employment of children<sup>62</sup> and includes penalties for parents who do not ensure that their children attend school, as well as for employers directly involved with child labour. While the Ministry of Labour (MLHSS) has principal responsibility for enforcing legislation relating to child labour, the Ministry of Education has responsibility for enforcing the truancy provisions of the Education Act. Protecting children from exploitative child labour is also reflected in Objective no. 12 of the National Policy for Orphans and Vulnerable Children.

---

<sup>61</sup> In the Principal Act a 'young person' is a person who has attained the age of fifteen and is no longer a child in the Act's definition but is below the age of sixteen years.

<sup>62</sup> Guyana amended its Education Act to make 15 years the compulsory school age.

450. A National Steering Committee on Child Labour (NSCCL) was established in 2003, as a sub-committee within the Ministry of Labour, to recommend policies and programmes for the elimination of child labour in all its forms. A unit has also been established in the Ministry to enforce anti-trafficking laws.

451. There have been three studies in the past decade which investigated child labour in Guyana. The most recent of these, MICS3 (2006), reports almost one in seven children (16%) involved in child labour activities. The prevalence is slightly higher among males (17%) than among females (16%). Children in the hinterland regions (1, 7, 8, 9) are almost four times more likely to be involved in child labour than those in Region 4. The prevalence of child labour activities is more than four times higher among younger children (5–11) than among older (12–14).<sup>63</sup> The report also stated that education and wealth seem to play important roles in whether or not a child is involved in child labour.

452. A survey to determine the extent and nature of worst forms of child labour (WFCL) was carried out in 2005, by the Bureau of Statistics, in collaboration with the International Labour Organization (ILO) and the Canadian Institute for Development Assistance (CIDA) Regional Child Labour Project Office. The survey focused on children under 18 in the community of Parika, who were involved in WFCL injurious to their health, social or academic development. Of 133 working children, 32% worked in vending, 17% in agriculture, 10% as shop assistants, 7% as freight handlers, and 19% at a variety of other tasks. Each had attended local schools and 66% had attended secondary school. However, 89% had not attended school during the term prior to the study and 37% were unable to read.

453. In 2005, the EDUCARE Guyana project, implemented by Partners of the Americas with funding from the United States Department of Labour, came on stream with the aim of reducing the incidence of child labour in Guyana and of withdrawing and preventing the entry of children into the exploitative or hazardous child labour. Activities under the project fell under three objectives:

- (a) Raising public awareness of the threat of child labour at both the national and community levels
- (b) Strengthening policies and institutions to support direct interventions
- (c) Strengthen educational systems at both the primary and secondary levels

454. As a means of informing these interventions, baseline research was conducted to establish the nature and incidence of child labour, as well as the profiles of affected children. Regional education authorities, teachers and NGO community interviewed more than 5,000 children from six regions and the capital city, Georgetown.

455. The EDUCARE project worked in close collaboration with the NSCCL and the Labour Department of the Ministry of Labour. Specific areas of collaboration include a public awareness campaign and a series of national and regional consultative workshops in 2008. School Attendance Programmes (SAPs) and Teenage Re-engagement Programs (TREPs) were designed to offer services to vulnerable children in primary schools and to older children who have dropped out of the formal education system. These SAPs and TREPs were initiated by Parent-Teacher Associations, Adult Education Associations, community and faith-based groups, the YWCA and public or private educational institutions.

---

<sup>63</sup> It should be noted that the majority of these children in the rural and hinterland communities assist their families in their farms and in household chores.

456. The GoG has a \$1M Euro 3 year programme (2009–2012) with the ILO, to eliminate child labour and this follows on the heels of a \$2M USD programme (2005–2008). The initiative aims at tackling and eliminating child labour through education. The key aims are to:

- (a) Reduce poverty by providing access to basic education and skills training for disadvantaged children and youth;
- (b) Strengthen the capacity of national and local authorities in the formulation, implementation and enforcement of policies and legal framework to tackle child labour;
- (c) Design and put into place targeted actions to combat child labour and initiate awareness-raising, sensitization and public advocacy on this issue.

457. The project will also look at child labour in the informal sector and link the issue of school dropouts in Guyana and the vulnerability faced by these children. There will be a focus on skills training and the involvement of the Ministries concerned in this area, and on keeping children in the school system. The reason for this is the labour-education nexus – since a child who enters the labour market will not likely return to obtain or complete their education. This is particularly true in relation to girls.

458. The initiative is being implemented with the collaboration of MLHSS, the MOE, MCYS as well as civil society partners.

459. A national initiative, the “Mission Child Protection” programme was launched by the Child Protection Unit in 2007 to remove children from unsafe and exploitative environments and to investigate complaints of cases of child labour. Since the commencement of the programme, the Ministry has intervened in the lives of about 1500 children and 200 of them have been placed in protective care.

460. Children who are picked up on the streets are placed at the Drop in Centre, whilst their parents are contacted. Welfare Officers at MHLSS will investigate the cases and determine whether it is in the children’s best interest to return them to their parents or to place them with a close family member. If this is not feasible, then they are placed in a suitable child care facility. The Ministry has intensified its actions since the new Children’s legislation was passed in 2009 to ensure that children’s rights are protected.

461. While much has been achieved towards understanding the nature and extent of child labour and in developing programmes to reach vulnerable children, the State Party recognizes that the focus on promoting and building a multi-sectoral approach in order to ensure that Guyana is able fulfill its obligations under the ILO Convention 182 must continue.

462. This includes public awareness and educational programmes to assist parents in developing parenting skills, to help them to identify ways to support and encourage their children’s progress and development. The State Party remains convinced that its interventions to reduce poverty and move the country further along its developmental path have played a critical role in the reduction of child labour.

## **B. Street children**

463. The Committee expressed its concern about the situation of street children and the lack of adequate measures to address this situation. It recommended the State party to continue and strengthen its efforts to assist street children, including reintegration into their families as well as taking preventive measures. It also recommended the State party to continue to seek international assistance from, inter alia, UNICEF and ILO in this regard.

464. The Government of Guyana recognizes that this problem exists and has taken action to address it as an integral component of its focus on vulnerable children and the family, key aspects of its policies and programmes towards the protection of children. The MLHSSS recognizes that poor families face many hardships due to poverty, death of parents due to sicknesses and other reasons, and single parent headed homes and that street children and street-involved children (those who are not living on the street full time) in particular are more vulnerable to risks that include sexual abuse, prostitution, health and psychosocial problems. These interventions have had some success as there is a reduction in the number of street children. In March 2007, MLHSSS implemented “Mission Child Protection” (see section on child labour), a programme which places children who have been living on the streets in protective care.

465. Through this programme, welfare officers from the MLHSSS and ranks of the Guyana Police Force work to remove wandering children from the streets and those in risky situations and take them to safer environments. Under the programme, the Ministry also endeavours to help trace the families of these children and reunite the families.

466. The Sophia Care Centre has been established to provide temporary accommodation, care and rehabilitation for the children involuntarily removed from life on the streets. The Centre is managed by the Agency and the Probation and Social Services Departments of the MHSSS. Social work interventions are provided by officers of these departments, and services are provided, as needed, by the Ministry of Health and the Schools’ Welfare Department. The Centre provides psychosocial counselling and other support to the children and families that have been traced, with the goal of facilitating the reintegration of the children into their homes and into the school system. Continued support, which includes counselling and various programmes, is provided after the children have been reunified with their families.

467. The approach of the Centre’s staff is to provide an environment where children are able to learn life skills in an environment which promotes discipline and nurtures the child’s self-esteem. Parents are also exposed to parenting skills training and provided with the support needed to improve their home environment.

468. The programme has seen a good success rate and approximately 1300 children have been rehabilitated and reunited with their families since its inception. However, there are cases where children have been either ingrained into the “freedom” of the street culture and or due to the abuse and violence in their homes or the dysfunctionality of their family situations, are disinclined to return to their families. These children are placed in foster care; those aged 16 or 17 are placed in halfway homes and given counselling and a full programme of training for independent living until they reach 18 years after which they will be on their own.

469. Before children are placed in any foster or residential care facility, welfare officers of the Child Protection Agency of the MHSSS undertake a thorough investigation to ensure that institutional care is the last resort and that all other options for the provision of kinship care, in a safe environment, are exhausted. The MHSSS also provides financial and other forms of support to enable the child to remain with and be cared for by family members. Children are monitored by case workers from the Agency.

470. There are also several “Drop-in Centres” which provide basic services to street children. An example is the Drop in Centre for street children in the capital city, Georgetown, which provides several training programmes aimed at building self-esteem and equipping children with life skills.

471. While good measures have been undertaken, the Government of Guyana continues to commit itself to ensuring continuity, progress and strengthening multi-sectoral

complementary programmes to better utilize available human and technical resources in the face of capacity and resource limitations.

### **C. Sexual exploitation and sexual abuse (art. 34)**

472. The Committee noted the results of the studies on the problem of sexual exploitation in the State party and expressed concern at the lack of specific data on this issue and of targeted measures to address it. The Committee recommends that the State party:

(a) Undertake a comprehensive study on children involved in the commercial sex industry and use the data to design policies and programmes to prevent commercial sexual exploitation of children, including through the development of a national plan of action on commercial sexual exploitation of children as agreed at the First and Second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001;

(b) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner that respects the privacy of the victim.

473. The State Party views all forms of abuse and exploitation of children and women as a scourge of humanity and continues to intervene and to work tirelessly at all levels to eliminate it.

474. A comprehensive review of laws addressing sexual offences in 2007 led to the development of a Consultation Paper on the reform of sexual offences legislation, "Stamp It Out", which was published by the Ministry of Human Services & Social Security in May 2007. The "Stamp it Out" paper and campaign was taken to all the 10 Administrative Regions and scrutinized at community and civil society consultations over a ten month period. The "Stamp It Out" paper was made accessible to all Guyanese citizens, including children.

475. Following the finalisation of the proposals for law reform, a Sexual Offences Bill was drafted and submitted to public consultations and then submitted to the National Assembly and sent to a Parliamentary Special Select Committee. The enactment of the Sexual Offences Bill referred to in earlier sections of the report will introduce modern and progressive legislation in relation to sexual exploitation of children (including grooming, voyeurism) and pornography. This statute will also contribute to the development of an effective reporting system with timely and adequate investigations in order to bring perpetrators to justice. Offences of a sexual nature and its related areas are also governed by various legislations<sup>64</sup> currently in place for example, the Criminal Law Offences Act, the Trafficking in Persons Act, the Summary Jurisdiction Offences Act and the Protection of Children Act 2009.

476. While Guyana has not yet developed a specific National Plan of Action on Commercial Sexual Exploitation of Children, prevention of child sex abuse and conviction of offenders is a very high priority for the Government as evidenced by the new package of children's legislation, The law sets the age of sexual consent at 16, thus prohibiting sex with children younger than 16, regardless of profession of consent. Although child pornography or prostitution is not specifically mentioned in law, the laws prohibit the

---

<sup>64</sup> The Criminal Law Offences Act covers rape, attempted rape, incest (Cap. 8:01 TITLE 7), 'buggery' (section. 53), abduction of unmarried girls (section. 84-86), detention of females with intent to have carnal knowledge (section. 87) while art. 350 of the Act regulates selling, publishing or exhibiting an obscene matter; 'Indecent assault on females' is governed by the Summary Jurisdiction Offences (Cap. 8:02, Sect. 24 & 45) while prostitution may come under the Trafficking in Persons Act.



selling, publishing or exhibiting of any obscene matter and the abduction of a girl under 18 year for “unlawful carnal knowledge”.

477. Recent legislation, the Prevention of Crime Act 2008, provides for mandatory life supervision of persons convicted of crimes against children- rape, sexual exploitation, molestation, incest and pornography.

478. Further to this, the Protection of Children Act passed in 2009 provides for cases in which protection interventions need to be applied in relation to a child who is at the risk of being, among other things, “sexually or emotionally abused or exploited by the child’s parent, guardian, person in whose care the child is left or other persons living in or visiting the household”. The Act also obliges reporting of suspected child abuse, the investigation of allegations of child abuse, and the registration of people unfit to work with children.

479. Complementing this is the Child Care Protection Agency Act 2009, stipulating that the Agency is empowered to, among other things, intervene in cases where a child is abused or neglected, and to provide services for the recovery and rehabilitation of children who have suffered abuse.<sup>65</sup>

480. The Agency is also mandated to ensure that all of its staff are trained and are well-versed with child protection and the rights of the child as well as in working with children. In-house training is carried out by the Agency, and personnel in other agencies are also given instruction in human and child rights and handling children.

481. As regards data collection, the Child Care and Protection Agency at the MHLSSS has put in place a Child Protection Monitoring Information System (CPMIS) under a joint GOG/UNICEF/UK government programme to enable the Ministry/Child Protection Agency to receive regular feedback and information and to collate data on child abuse from all line agencies across Guyana. This will allow the Agency to monitor the situation of child abuse and exploitation in Guyana in a more effective manner.

482. The “Stamp It Out” paper recognized the need to expand and strengthen programmes in Amerindian and isolated rural communities who due to geographic location, cultural practices, familiarity and size may be vulnerable and to identify possible interventions by the central and local governments, NGOs and the communities.

483. “Stamp it OUT” acknowledged the need to adapt reforms to local conditions to make them more effective. Initial proposals included the recruitment of local female police officers, and the establishment of independent and representative community bodies to ensure that complaints are properly addressed and to support victims. It also proposed the development of educational programmes to promote awareness of the rights of women and children in the communities, and of state-provided services, including free translation and interpretation throughout the legal process.

484. The Committee may also wish to know that wherever there are reports emanating from Amerindian areas, the Ministry of Amerindian Affairs (MOAA) has taken action to investigate these allegations including those relating to prostitution. The MOAA and the MHSSS collaborate on these matters with the Amerindian Village Council, the MOH and the Police.

485. The Government of Guyana advises that it has not undertaken a comprehensive study on children involved in the commercial sex industry, as recommended by the

---

<sup>65</sup> Abuse includes sexual exploitation and molestation of a child or the involvement of a child in unlawful sexual activity, prostitution or pornography.

Committee, but anticipates that this will be carried out in collaboration with national and/or international stakeholder agencies in the near future.

486. The Guyana Human Rights Association (GHRA), report on sexual violence, “Getting Serious: Detecting & Protecting Against Crimes of Sexual Violence in Guyana” attempted to find out if it was possible to develop characteristics of potential victims and likely predators in sexual violence crimes by analysing information contained in police files. The study was carried out with the collaboration of the Guyana Police Force (GPF) and the Office of the Director of Public Prosecutions (DPP) and it was able to determine that with the appropriate computer software, a national programme could be developed to systematically record such information and if applied appropriately, the information generated may raise levels of detection in crimes of sexual violence.<sup>66</sup>

487. The GHRA was also involved in another study which explored the feasibility of integrating the provision of services to victims of sexual violence in the form of a “One Stop Crisis Centre” in order to avoid victims of sexual violence having to locate five or six unrelated service providers to attend to their legal, medical welfare, and psychological needs. This was implemented through the new Child Care Protection Agency which is now the “one stop shop” for all children’s matters including sexual exploitation, abuse etc.

488. The Government commits to remain very vigilant and push for continued measures to be undertaken to protect children against sexual abuse and exploitation.

489. In order to support the new legislation reforms, and the provision other protective services, the State Party firmly believes that all these interventions will continue to require constant public education to address societal attitudes towards young children in order for sexual offenders are to be brought to justice. In light of this, the relevant agencies will continue to intensify the undertaking of preventive measures, and the organisation of awareness-raising and educational campaigns in schools, communities, faith based organizations and the public at large.

#### **D. The administration of juvenile justice (art. 40)**

490. The Committee raised concern at the incompatibility of the juvenile system with the provisions and principles of the Convention. It is especially concerned at the fact that the age of criminal responsibility, fixed at 10 years, is too low and that 17-years-olds are tried as adults. Furthermore, the Committee is concerned at the lack of remand homes for male and female juveniles and at the very harsh conditions of detention.

491. The Committee recommended the State party to raise the age of criminal responsibility and ensure that 17-years-olds are given adequate special protection so that they may not be tried as adults.

492. The age of criminal responsibility is 10 years in Guyana (Juvenile Offenders Act, Cap 10:03, Section 3). A juvenile is a person under the age of seventeen years and children remain within the juvenile justice system until 17 years. There is a draft Juvenile Justice Bill which is presently in its consultation phase and it is anticipated that this will reach the Parliament before the end of 2010.

493. The Committee also recommended the State party to ensure that the amendment to the Juvenile Offenders Act reflects the international juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations

---

<sup>66</sup> The State Party recognizes that this process must not deteriorate into stereotyping or discrimination.

Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice.

494. Efforts to incorporate international justice standards in Guyana's legislation to protect the rights of children in conflict with the law have led to the revision of the Juvenile Offenders Act, the development of the draft Juvenile Justice Bill, and the establishment of Legal Aid services for children.

495. In 2005, the Ministry of Culture, Youth and Sport, with support from UNICEF conducted a review of the juvenile justice system in Guyana. The following year, a national consultation led to the recommendation that existing legislation be revised and institutions strengthened so that the judiciary, social work services, correctional services and other professionals working with children in conflict with the law use detention facilities for children as last resort.

496. The draft Juvenile Justice Bill which was developed is a major step towards bringing Guyana in accord with the CRC, the United Nations Standard Rules for the Administration of Juvenile Justice, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Passage of the Bill would repeal the Juvenile Offenders Act and the Training Schools Act.

497. The Bill establishes the following policy with respect to juveniles within the justice system:

(a) The administration of juvenile justice must emphasize rehabilitation and reintegration

(b) It must ensure that a juvenile is subject to meaningful consequences proportionate to his or her offence and circumstances, recognizing their greater dependency and reduced level of maturity

(c) Interventions must be timely and reinforce the link between the offending behavior and its consequences

(d) Parents must be informed of and involved in measures or proceedings against their children

(e) Juveniles must be held separately from adults

(f) Victims are to be provided with information about the proceedings and given an opportunity to participate and be heard and, wherever possible, to contribute to the rehabilitation and re-integration of the juvenile offender

498. It is also useful to elaborate that Guyana's Justice Sector Reform Strategy 2006–2010 (GoG/IDB) identifies four outputs, one of which is "improved access to justice, especially for the poor and vulnerable." To further improve services provided, one of its activity areas to be undertaken includes the provision of treatment for young offenders at the New Opportunity Corps detention/rehabilitation centre<sup>67</sup> to ensure that children who have come into conflict with the law are given more specialist care, and that they are separated from children suffering from neglect or behavioural problems.

499. The Committee may find it useful to examine Guyana's submission to the Inter-American Commission on Human Rights Questionnaire on Juvenile Justice System in December 2008 (attached) which answers some of the Committee's concerns in this section.

<sup>67</sup> The only juvenile detention and rehabilitation centre for children in conflict with the law who are sent there by the court.

500. The Committee may also be interested in noting that the State party is constructing a new Holding Centre for juveniles under the age of 16 who have been apprehended and who are waiting to go before the court. This will put an end to holding juveniles in police stations (separated from adults) while waiting to go before the court. The Centre will also be treated as a Half-way home for juvenile offenders waiting to be discharged.

501. The Ministry of Home Affairs and the Guyana Prison Service in 2009 relocated first offenders (some of these would have been persons 16 years of age and above) to a separate prison from the rest of the prison population.

502. Recommendations to the State party to provide children with legal assistance at an early stage of the proceedings were also made by the Committee.

503. In addition to the drafting of the Bill, several important reforms have taken place within the juvenile justice system. In collaboration with the Guyana Legal Aid Clinic,<sup>68</sup> UNICEF and the Ministry of Culture, Youth and Sport launched the Children's Legal Aid pilot project in September 2007 to provide adequate legal protection for vulnerable children who come into conflict with the law or who need any legal help with a civil matter.

504. This initiative availed and improved access to free legal aid for children as well as their parents. It also provides community-based mediation and alternative dispute resolution and assistance to strengthen the capacity of caregivers and the community to facilitate reintegration of children in conflict with the law.

505. Children may approach the Clinic directly or be referred by government ministries, agencies, and NGOs that provide non-legal assistance. Initially planned to run for a one-year period as a pilot project, it has been extended under the GOG/UNICEF Country Programme. This project will now be part and parcel of the reformed juvenile justice system once the new Juvenile Justice legislation is passed.

506. Complementing this initiative, the MLHSSS has launched a children's hotline to enable children to call and seek counselling and make reports about abuse and issues affecting them.

507. The mass media (posters, radio and television campaigns) has played a role in making the services of the Clinic more widely known. Statistics published by the Guyana Legal Aid Clinic showed that between September 2007 and December 2009, 158 client children and young persons were interviewed under criminal matters, while 56 clients were interviewed under civil matters. There were a further 30 clients who were interviewed under 'assistance to victims of crime'. Out of the total number of clients, 155 received both advice and representation from the Clinic while the remainder received advice.<sup>69</sup>

508. The Committee recommended the State Party to establish separate remand homes for boys and girls.

509. There is only one juvenile detention/rehabilitation centre in Guyana – the *New Opportunity Corps* (NOC)<sup>70</sup> which is also the only co-ed detention/rehabilitation centre in the Caribbean region. It provides guidance, services and the necessary support to children in conflict with the law for them to be fully reintegrated into their communities. The NOC which is located in the countryside in Administrative Region #2 comes under the purview

<sup>68</sup> The Legal Aid Clinic now operates five offices including four in other regions outside of Georgetown.

<sup>69</sup> Guyana Legal Aid Clinic 2010 report, see Appendix 1 for website.

<sup>70</sup> This institution known as the Essequibo Boys School was established in 1878 under British colonial rule.

of the Ministry of Culture, Youth and Sport. It is governed by the Training School Act of 1972 (Cap 11:06) and children are admitted only with a Court Order.

510. At the NOC, the juveniles are not referred to as “juveniles offenders” or “prisoners” but as “students”. The students are not given an identification number and their files are expunged once they complete their term at the NOC.

511. The NOC has a capacity for 200 students and at the time of reporting, there were 172 students between the ages of 12 years and 17 plus years. Girls account for 47% (81) of the current population at the institution. There are no cells, partitions or barred windows and doors at the NOC. The children live in different dormitories, *with the boys being housed separately from the girls and segregated by age groups*. However, they share common areas such as recreation areas, classrooms and skills training workshops. During meal times, the students return to their respective dormitories and eat with students of their own age groups and gender.

512. Due to the crime wave in 2002–2008 Guyana was confronted for the first time with violent criminal gangs using high powered weapons, who mercilessly and senselessly murdered citizens, including children. A number of these gang members were young males between the ages of 15–17. Several were apprehended and sent to NOC for violent crimes in the 2004–2006 period and posed serious challenges to the institution’s capacity to handle this new type of young criminal.

513. Children at NOC who were attending school prior to the Court order are sent to attend schools in the institution’s neighbourhood so that they can continue their educational development. Children who have irregularly attended school or not at all are placed in the NOC’s remedial school system at the primary level and vocational and technical skills programme if they are over 14 years of age.

514. The majority of offences by children are wandering, petty larceny, robbery, possession of narcotics and assault.

515. The Committee also recommended the State party to improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice.

516. The relevant sectoral Ministries provide regular training to stakeholders including teachers, law enforcement personnel and caregivers at the institutions on child rights and the provisions of the instruments it is party to as well as on best practices. Under the GOG/UNICEF Country Programme, social workers have been engaged to provide on-going training to upgrade the skills of the staff at the NOC and other institutions providing services related to the protection of the child. Staff at the NOC is continuously monitored and assessed and provided with support for dealing with difficult situations.

#### **E. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)–(d))**

517. In keeping with article 37 of the Convention, juveniles apprehended by the Police in Guyana are kept in the police precinct separate from adults prior to being taken before a Magistrate and there are no juveniles in custody in the adult prison system.

518. It is also Guyana’s policy that juveniles who are arrested be brought before the courts at the earliest date or released into the custody of their parents or guardian who enter into a recognisance, until the hearing of the case. It is then up to the Magistrate to determine whether the juvenile should be committed to a juvenile centre, or the custody of their family

or a guardian. In some cases the Magistrate may commit the juvenile to an orphanage if no family can be found.

519. The right to education is enshrined in a range of international conventions, that Guyana is party to including the International Covenant on Economic, Social And Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) and children in detention enjoy the same social rights as any other child without distinction or discrimination as provided for in article 2 of the Convention.

520. In view of this, formal academic education is provided for NOC students under 14 in the formal school system prior. As many of the juveniles at the NOC have not attended school on a consistent basis, the Centre runs a remedial programme for these students. Extra-curricula activities and various skills training including carpentry, tailoring, home economics, joinery and metal work are provided to complement the programme. Programmes are also in place to provide counselling on self-awareness and self esteem for the students, and for parents so that they can provide the necessary support to their children when they return home. No child stays longer than 3 years at the NOC and therefore it is important that the family is involved in the child's reintegration. This has posed many challenges as many of the families of the students are dysfunctional and negligent of their responsibilities.

521. As part of the NOC's programme, students are exposed to weekly activities, programmes and talks such as "health and family", "life skills", "HIV/AIDS Awareness", etc. Every six months non-violent communication and anger management programmes are conducted for the staff and students.

522. Similarly, any child deprived of liberty enjoys the right to legal and other social assistance provided for by the State or other care and service providers. This has been elaborated on an earlier section.

523. As regards health care, the NOC has its own health centre with a full time trained nurse and nursing assistants. This health centre may accommodate a maximum of 12 patients as it doubles as an infirmary. Every week, a doctor visits the Centre and there is a special arrangement with the nearest regional hospital, the Suddie Public Hospital, for emergencies and clinical services.

524. In such an event, an ambulance is made available and priority is given to the student. If the need arises, arrangements are also made for students to be taken to the Georgetown Public Hospital in the capital for specialised or emergency care. Children also attend specialised clinics if and when required in the region and benefit from the immunization programme run by the Ministry of Health through the nearest primary health centre.

525. The students at NOC compete at the annual steel pan competitions for Mashramani and at different sport events as well as put on concerts for the surrounding communities in their region. The NOC has a Visiting Committee as it required by the Prison Rules comprised of civil society representatives.

#### **F. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))**

526. The draft Juvenile Justice Bill which is expected to be tabled in the Parliament in 2010 sets out the following principles for the sentencing of juveniles:

(a) The sentence must not result in a punishment that is greater than the punishment that would be appropriate for an adult who has been convicted of the same offence committed in similar circumstances;

(b) The sentence must be similar to the sentences imposed on similar juveniles found guilty of the same offence and the degree of responsibility of the juvenile for that offence;

(c) All available sanctions other than custody that are reasonable in the circumstances should be considered for all juveniles; and,

The sentence must:

(a) Be the least restrictive sentence that is capable of achieving the purpose of holding a juvenile accountable for an offence through the imposition of meaningful consequences and that promote rehabilitation and reintegration into society;

(b) Be the one that is most likely to rehabilitate the juvenile and reintegrate him or her into society; and

(c) Promote a sense of responsibility in the juvenile and an acknowledgement of the harm done to victims and the community.

527. The Bill includes diversionary measures which allow for effective and timely interventions focused on correcting offending behaviour outside the bounds of judicial measures. The Committee may wish to refer to earlier sections which inform that juveniles are not sentenced to more than 3 years nor do they face capital punishment and that juveniles 16 years of age and older can be tried as adults based on the severity of the crime, murder.

#### **G. Children belonging to a minority or an indigenous group (art. 30) (Amerindian children)**

528. The Committee raised concerns at the living conditions of Amerindian children with regard to the full enjoyment of all rights enshrined in the Convention, especially the degradation of their natural environment and the fact that they are not taught in their own languages.

529. In light of articles 2 and 30 of the Convention and the recommendations adopted by the Committee at its day of general discussion on the rights of indigenous children in September 2003, the Committee recommends that the State party take all necessary measures to protect Amerindian children against discrimination and to guarantee their enjoyment of all the rights recognized in the Convention. The Committee also recommends that the current revision of the Amerindian Act reflect the provisions and principles of the Convention.

530. The State Party, being a multi-ethnic, multi-cultural, and multi-religious society, condemns all forms of discrimination as reflected in its Constitution and other legislations. It does not have any special policy on minorities although statistically, some ethnic groups are recognized as minorities in the country. However, the Constitution of Guyana (art.149 (6)(c)) and the Amerindian Act 2006 make special provisions to guarantee the cultural, social, economic and land rights of the Amerindian people.<sup>71</sup>

<sup>71</sup> The Committee may wish to refer to Guyana's 2006 report and interim report 2007 to CERD as well as its report to the UPR.

531. As the earliest people to settle in what is now Guyanese territory, the Amerindians experienced subjugation, neglect as well as discrimination by the colonial settlers for centuries as well as neglect, abject poverty and discrimination under the 28 years of an undemocratic regime. With the objectives of righting a historical injustice and generally improving the overall standards of the Amerindian communities, the GoG has initiated special developmental programmes in the hinterland areas that are mainly inhabited by the Amerindians.

532. In light of this, the Constitutional Reform process of 1999–2003<sup>72</sup> was of the view that special provisions should be made in order to confer on the indigenous population the long overdue recognition and protection. Thus, the Amerindians are the only ethnic group given special Land Rights outside those allotted by Government.

533. The Amerindian population is comprised of 9 distinct linguistic and cultural groups whose languages are not written although several wordlists/dictionaries have been developed through the Amerindian Research Unit of the University of Guyana and the Ministry of Culture, Youth and Sport for 4 of the 9 languages and these are used by those communities to assist in keeping their languages alive. Amerindian population close to the Surinamese, Brazilian and Venezuelan borders also speak Dutch, Portuguese and Spanish as well as English and creole. Thus, there is difficulty of translating the various educational curricula into these different languages.

534. Noteworthy is the fact that the Amerindian population is the fastest growing ethnic group in comparison with other ethnic groups with 9.2 % of the population based on the 2002 Census which found that the Amerindian population experienced a population increase of 47.3% from 1991 to 2002, which represents an annual growth rate of 3.5%. No doubt as a result of the consistent and dedicated interventions in health and education in their communities which have reduced levels of infant, child and maternal morbidity and mortality and reductions in deaths from malaria and Tuberculosis.

535. In the last 7 years, the government through a participatory process with the Amerindian communities has granted legal communal title to 134 communities representing approximately 14% of Guyana's land mass.<sup>73</sup> These legal titles are grants of state lands that are "absolute and forever" and allow for indisputable control over their land to use as they see fit for their development, giving them land tenure, security and choices in their developmental plans.

536. Furthermore, Amerindians are free to acquire private land and /or lease land in their individual capacity as all other Guyanese. Guyana wishes to emphasise that Amerindian communities are not reservations. They are free to leave, travel and live in any part of the country.

537. Further to this, and in recognition of the special needs of the indigenous peoples of Guyana, the reformed Constitution provides for the five Human Rights Commissions one of which is the Indigenous Peoples Commission. The Constitution provides for the mandatory inclusion in the Commission of three persons (one of which must be a woman) nominated by the National Touthaos Council (representing the 134 Amerindian communities) and two (one must be a woman) from the Amerindian Non-Governmental Organizations. Nominations for this Commission are made by the National Touthaos Council which is comprised of the Touthaos (Captains/Chairmen of the Amerindian Village Councils) of the

---

<sup>72</sup> The Process was led by a bi-partisan and multi-stakeholder Constitutional Reform Commission.

<sup>73</sup> Guyana has reported to CERD (2007, 2008, and 2010) on this matter and more recently it has submitted a response to the OAS IACHR Questionnaire on the Legal Framework on Property Rights of Indigenous Peoples, October 2009.



134 communities. The Commission as pointed out earlier is appointed through an agreed on consensual parliamentary mechanism as with all the other HR Commissions.

538. The Parliamentary Standing Committee is expected to conclude its consultative process before Recess in August 2010. Having obtained the approval of the National Assembly the President will then appoint the members of this Commission. Funding for facilities and staff will be provided by the government as with the other HR Commissions.

539. The Amerindian Act 2006 was a direct product of consultations over a period of 3 years with all the Amerindian communities, Tousehaos and Amerindian NGOs. Having been drafted it was then subjected to another layer of review and amendments by a Parliamentary Special Select Committee which invited, received and held further consultations with Amerindian organizations and other civil society organizations before tabling the bill for its final passage through the National Assembly.

540. The Amerindian Act 2006 provides for detailed rights in relation to the Amerindians, especially land rights. It provides generally for the recognition and protection of the collective rights of Amerindian Villages and Communities, the granting of land to Amerindian Villages and Communities and the promotion of good governance within Amerindian Villages and Communities. This is the primary legislation on the property rights of indigenous peoples over lands, territories and natural resources.

541. The 2006 Amerindian Act also confers the powers of rural constable and ex-officio Justices of the Peace on Tousehaos, investing in them the power to arrest perpetrators of violence against children. In fact the 2007 National Tousehaos Conference focused on issues pertinent to the well-being of Amerindian children.

542. The Mining Act, Cap. 65:01 generally makes provisions with respect to prospecting for and mining of metals, minerals and precious stones, for regulating their conveyance and for matters connected therewith. It provides, *inter alia* for the saving of privileges that any Amerindian may have had immediately before its commencement. The Environmental Protection Act, Cap. 20:05 provides *inter alia* that the concerned Minister in making regulations under this Act shall take into consideration the rights of Indigenous communities. The Forest Act (2009) also makes provisions for the protection of traditional rights of Amerindians to forest areas outside of their titled land.

543. In order to encourage and support the communities' economic development, and more especially to support agricultural and other micro business opportunities in the Amerindian communities, a special Amerindian Development Fund was established. This fund provides equipment, support for agricultural ventures and other micro business activities as well as funding land demarcation. Additionally, a Presidential grant is disbursed directly to the communities on a yearly basis for community projects identified and executed by the communities.

544. With the heavy investment in communication and transportation as an integral component in connecting the country and equalizing and improving access and delivery of goods and services, communities have been able to focus on economic activity and access to markets. Due to the distances and cost of transportation, the government provided solar energy systems in 2008–9 in 4 large communities which have improved the quality of their lives and provided greater economic opportunities. The construction of wells in communities has improved access to water and improved the health status of communities. Each community has their own radio systems and some have access to the internet and telephone services.

545. The Government of Guyana also supported the establishment of a National Tousehaos Council in 2004 which is recognized as the sole legitimate authority for the Amerindian communities. Tousehaos elected by their communities every two years meet

also every two years to elect the executive of the NTC. This has been done in 2005, 2007, and 2009. The NTC assists Amerindians in addressing issues with regard to Amerindian development and advancement at a national level and makes representation on their behalf and their communities.

546. In 2009, at their biennial conference, the National Tousehaos Council also focused attention on the draft Low Carbon Development Strategy of the government and also used the opportunity to raise the concerns of their communities.<sup>74</sup> One day of this conference is allocated for “conversations” between the Tousehaos and all Cabinet members including the President. This has become an institutionalized component of these conferences. The Government funds the attendance and all costs associated with this conference to ensure that all Tousehaos are able to afford to attend and participate.

547. Article 27 of the Constitution provides that every citizen has the right to free education from nursery up to university. This provides for equal opportunity for every child to access education and training within the urban and rural areas of Guyana.

548. With respect to access to education, the government has implemented over the last ten years an aggressive infrastructural programme building nursery and primary schools in the Amerindian communities with over 200 nursery, primary and secondary schools maintained by the GoG in Amerindian communities.<sup>75</sup> There are 13 secondary schools with an enrollment of 5547 where in 1991 there was only one in the interior regions. In 2007 over 1000 children from Amerindian communities are in boarding schools at government expense, in 2009 this number has increased to 1567.

549. Special attention is being paid to reaching all children, with a particular emphasis on those living in remote hinterland regions. The GOG/UNICEF-funded Escuela Nueva Project which was organized in two phases and which ended in 2005 has brought a significant impact on the students in terms of confidence-building and improving scholastic performance. It has also been rated as a success in terms of teacher-training. Through the Basic Education Access and Management Support (BEAMS) project and the Education for All-Fast Track Initiative (EFA-FTI) 40% of all hinterland schools up to the national standard by 2007. Several other Government-donor programmes in education are specifically designed benefit educational programmes and children in the Amerindian communities and interior areas.<sup>76</sup>

550. The Hinterland Scholarship Programme was also established to assist Amerindian students with high grades to attend educational institutions at regional secondary, technical and vocational as well as university levels on the coast.<sup>77</sup> This programme provides

<sup>74</sup> The Committee may wish to note that all Amerindian communities were consulted over a three month period on the draft Low Carbon Development Strategy prior to the National Tousehaos Conference and their contributions were publicly posted in the media and incorporated into the revised Low Carbon Development Strategy tabled and adopted by the National Assembly in December 2009.

<sup>75</sup> Every Amerindian community has a primary school. From Y2007-2009 more secondary schools were constructed. At the time of reporting there are 13 : 3 in Region 1 – North West Secondary, Santa Rosa and Port Kaituma; one in Region 2 – Wakapoa; one in Region 4 – St. Cuthbert’s Secondary School; 3 in Region 7 – Waramadong, Bartica Secondary and 3 Miles Secondary School; 2 in Region 8 – Paramakatoi and Mahdia; 3 in Region 9 – Annai, Aishalton, St. Ignatius. All of these include dormitories due to the distance the students have to travel.

<sup>76</sup> These include the Guyana Basic Education Training Project (GBET); The Guyana In-Service Education Programme (GUIDE), Secondary Schools Reform Project (SSRP), Basic Education Access and Management Project (BEAMS), and The Education for All Fast Track Initiative.

<sup>77</sup> Hostels and dormitories have been constructed to ensure that children from far flung communities receive a secondary education. Approximately 90% of the children in the Hinterland Scholarship programme are from Amerindian communities.

housing, a monthly stipend, and an allowance to cover the cost of uniforms, examination registration and medical needs. Students on scholarship are also provided with transportation back to their homes during the holidays, with counselling services and access to library and computer facilities and extra-curricular activities promoting their indigenous language and culture. Older students are placed in technical vocational training facilities, including the E.R. Burrowes School of Art, and referred for employment or receive help to access scholarships to tertiary-level institutions, including the University of Guyana and universities in Cuba.

551. Amerindian students have also benefited from the Guyana-Cuban Scholarships Programme where at least 10% of these scholarships have been specifically reserved for Amerindians. They also benefit from other scholarships offered by the Public Service Ministry.

552. The School feeding and the school uniform programmes referred to earlier in this report have also contributed to greater enrollment, attendance and performance of children from Amerindian communities.

553. The geographical disadvantage of the Amerindians continues to be addressed by the Government through the implementation of new programmes to upgrade, train and improve the quality of teachers in remote hinterland areas through distance-learning programmes and in-service for teachers to address the shortage of trained teachers in those areas. Teachers from hinterland areas also benefit from further support under an Education For All Initiative which commenced in 2006. The GoG offers special incentives and allowances to encourage coastal teachers to go into the interior to teach.

554. Due to greater access to education, there has been a notable increase in the enrollment of Amerindians into the public service, the teaching profession and law enforcement/national security agencies. In 2005–6, for example, for the first time Amerindian recruits into the Police Force had increased to 1/3 of all applicants.

555. The role of the MAA is to facilitate the access of Amerindian children to these programmes and services, and to identify and help to address disparities in the access to services and resources for children, between the coast and the hinterland. Examples of collaboration include the distribution of school uniforms provided by the MHSSS with the MOAA and MED in all Amerindian communities described earlier in this report.

556. Primary health care facilities (Health posts, health centres) have been constructed in all the communities. Each of the 4 interior regions has a regional hospital. The Community Health Worker (CHW) Programme, started 20 years ago, has expanded to include hundreds of Amerindian health workers, and is now a model of providing basic health care for the smallest communities as well as training, employment and upward mobility in the health sector.<sup>78</sup> In terms of upward mobility, CHWs have been able to access training as single trained midwives, MEDEX, dental auxiliaries, and registered nurses. CHWs are located in each Amerindian, interior and riverain village they are proposed by their communities for training, receive training and return to their communities. They carry out immunization, basic health interventions, health education, family planning, monitor the chronic diseases

---

<sup>78</sup> The Amerindian communities select and recommend members of their communities to be trained as community health workers and upon conclusion of their training they return to the said communities. They are the lowest rung of the primary health care system and they are allowed to handle specific interventions with a specified pharmaceutical list. They are monitored and supported with drugs and basic equipment by the Regional Health Department. They are in radio contact and can be walked through handling some matters and or request assistance to medivac the patient.

and work with the local microscopists in reporting and treating malaria, and implementing the DOTs programme.

557. The MAA supports the provision of health services to Amerindian children by providing transportation for those referred to hospitals in Georgetown. The Amerindian Hostel in Georgetown provides free board and lodging for children and their parents. The hostel's staff includes a nurse, social workers and health care officer. The Ministry also provides financial support for specialist health services, including eye care.

558. In recent years, the State Party through the Ministry of Amerindian Affairs has undertaken extensive efforts to eliminate exploitation of Amerindian women and children and these include awareness-raising campaigns at the community level. In collaboration with other Ministries and agencies, the MAA responds to reports of exploitation and removes children from dangerous situations, providing either temporary lodging at the various Amerindian hostels or passage home.

559. In essence, the government ensures that the rights of Amerindian children, and in fact all Amerindians, are an integral component of all government programmes, with special attention given in the programmes of the Ministries of Human Services and Social Security, Education, Health, Culture, Youth and Sport, and, Amerindian Affairs. For example, the process for developing the National Framework for Orphans and Vulnerable Children included consultations with the Amerindian communities and organizations in order to identify the needs of Amerindian children.

560. The MAA, in collaboration with the Ministry of Home Affairs, has conducted exercises to distribute birth certificates in remote Amerindian communities. Community development officers live in and visit remote communities in order to facilitate birth registrations. There is on-going late registration to overcome the backlog of adults who do not have birth certificates. The Ministry also provides assistance for those children and adults who do not have all the paperwork required by the General Registrar's Office.

561. Programmes relevant to children are detailed in other sections of this report and Guyana's Initial Report to the Committee as well as in other State Party reports to the Inter-American Commission on Human Rights, UNHRC and CERD, CEDAW, ICCPR, and ISCED. Special attention may be helpful to Guyana's submissions to the IACHR Questionnaire on the Legal Framework on Property Rights of Indigenous Peoples (October 2009) and the UN Questionnaire on Minorities and Citizenship (July 2007).

562. With respect to their culture, Amerindian children are given the same opportunities to showcase their skills, creativity and culture at the regional and national levels, and, more especially, during Amerindian Heritage Month celebrations, Mashramani and national anniversaries. Other cultural events and language maintenance classes are facilitated throughout the year.

563. In this period, the integration of Amerindians into mainstream society is visible and tangible, despite geographical disadvantage and problems of access. Given this, the State Party will remain committed to removing the pockets of poverty in the interior and Amerindian communities and expanding the economic base through its Poverty Reduction Strategy Programme and Low Carbon Development Strategy, through rigorous dedication of available resources and the concerted efforts of its ministries and agencies in collaboration with other stakeholders.

## **H. Sale, trafficking and abduction (art. 35)**

564. The State party recognises the fact that Trafficking in Persons (TIP) has to be addressed comprehensively which includes poverty reduction programmes, social safety

nets to poor and vulnerable including women, children, the differently-abled and Amerindians. The Government of Guyana has therefore embarked on a broad-based approach in response to TIP involving effective collective interventions in collaboration with multi-stakeholders. Guyana has particular concerns in regards to TIP, noting Guyana's special attention on potential victims, such as residents of hinterland communities and vulnerable children and women.

565. Guyana is party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee may wish to refer to Guyana's response to the UNHRC 11/3 Trafficking in Persons, especially Women and Children, dated October 2009.

566. Guyana's efforts in response to TIP were guided by the Recommended Principles and Guidelines on Human Rights and Human Trafficking, which led to the enactment of the comprehensive Combating Trafficking in Persons Act 2005 and anti-trafficking strategies and activities in the country and the CARICOM agenda on Trafficking in Persons.

567. The drafting of the Combating Trafficking in Persons legislation, which was passed in the National Assembly in December 2005, involved extensive consultations and collaboration with NGOs and international organizations. Under the Act, trafficking convictions carry sentences ranging from three years to life imprisonment and include confiscation of assets related to trafficking activity.

568. Complementing the 2005 legislation on trafficking is a comprehensive legislative framework on the protection of children that was passed in 2009:

- (a) The Status of Children Act 2009;
- (b) The Protection of Children Act 2009;
- (c) The Adoption of Children Act 2009; and
- (d) The Child Care and Protection Agency Act.

The passage of these set of laws was accompanied by the establishment of the Child Care and Protection Agency in 2009 as provided for in the Child Care and Protection Agency Act which has been detailed in different sections of this report.

569. In addition, the new Sexual Offences Bill, referred to in various sections of this report, introduces new or more definitive offences in relation to children, such as grooming, voyeurism, incest, relations of trust, and gender-neutral definitions of all offences.

570. A Trafficking in Persons Unit has been established at the MLHSSS with the mandate of developing greater awareness on TIP, to investigate alleged incidents of trafficking and to ensure that appropriate charges are brought against perpetrators. It is also responsible for facilitating assistance for victims. The Unit works with the Police Force to investigate reports of trafficking and counseling for victims is provided through the Child Protection Agency of the MLHSSS. In this regard, the TIP Unit works in collaboration with the Agency to provide financial and psychosocial support for the reintegration of victims into their families.

571. Apart from this, the Unit also collaborates with the International Organization for Migration (IOM), to provide medical attention and funding for the repatriation of foreign trafficking victims. IOM also lends its expertise in training, covering issues such as victim identification, screening and prosecution.

572. A Cabinet-level official has been appointed by the President to coordinate national anti-trafficking efforts. An Interagency National Task Force, chaired by the Minister of Home Affairs, and a National Plan of Action, which was developed with the participation

of local NGOs, has been launched. The National Task Force is also responsible for data collection on the occurrence of TIP, in which limited information on the victim, offender and circumstances surrounding the offence are collected, collated and analysed to arrive at a clearer understanding of the phenomenon. This body reports annually on its work.

573. Given the need for broad-based collaboration and a multi-pronged approach, the TIP Unit at the MLHSSS has facilitated training for other agencies including for the Criminal Investigation Department of the Police. Additionally, the Ministry of Home Affairs trained investigators and prosecutors in 2009 on TIP. Media kits, documentaries, guidelines for interviewing victims and a guide to the underlying principles of working with victims, particularly children, were used and distributed. There is nonetheless a need for continuous annual training seminars for members of the Bar Association, the police officers and members of the judiciary as well as regular familiarisation programmes for the members of the media. With limited resources and competing demands, these pose challenges to the MLHSSS and other agencies.

574. Cross-country awareness campaigns, with a particular focus on the interior and border communities, have been ongoing through the collaborative effort of the Ministry of Labour, Human Services and Social Security and the Ministry of Amerindian Affairs. The measures undertaken also include the training of focal point persons and collaboration with non-governmental bodies and community-based organizations. For the public, the Government has been holding regular educational seminars throughout the country since mid-2005.

575. Prevention programmes targeting sensitization and reduction of vulnerabilities have been conducted in all ten administrative regions with a reach of close to 100,000 persons at the moment of reporting. Besides TIP, the MAA has now integrated sensitization on other social issues affecting the Amerindian people, for example violence and substance abuse into its sexual and reproductive health programme.

576. Given the strong overlap between TIP and sexual exploitation and abuse, agencies involved in awareness-raising and prevention have used the wider sexual exploitation platform to include TIP. Thus, officers from the MLHSSS travelled to all the Regions during consultations on the “Stamp it out” paper in 2007 used the opportunity to heighten awareness of TIP while at the same time educating the people on prevention. These sessions were mostly held in hinterland regions.

577. The 2008 TIP Report showed that reports of eight incidents of trafficking in persons were made to the Guyana Police Force involving ten presumed trafficked persons in 2007. Nine of the presumed trafficked persons were females and all were below 18 years old with ages ranging from 12 to 17 years. It was reported that three of the presumed trafficked persons were sexually exploited, four worked in commercial enterprises and three worked as domestic servants. For 2009, there was only one case where charges for trafficking were instituted.

578. Quantitatively speaking, the TIP data indicate that trafficking in persons may not a major problem in Guyana. Nevertheless, the Government will remain proactive and make greater strides and efforts in prevention, protection, education and addressing the needs of children and other vulnerable persons who may become potential victims.

## **X. Optional Protocols to the Convention**

579. The Committee noted that the State party has not ratified the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

580. The Committee recommended the State party to ratify the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

581. The State Party wishes to indicate that this is under active consideration by the Cabinet and the Committee will be advised in the very near future.

---