

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 44 OF THE CONVENTION

**Concluding Observations of the Committee on the
Rights of the Child: GUYANA**

1. The Committee considered the initial report of Guyana (CRC/C/8/Add.47), submitted on 29 July 2002, at its 922nd and 923rd meetings (see CRC/C/SR.922 and 923), held on 14 January 2004, and adopted at the 946th meeting, held on 30 January 2004, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/GUY/1), which gave a clearer understanding of the situation of children in the State party. The Committee is encouraged by the frank and constructive dialogue it had with the State party's high-level delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee welcomes the establishment of the Ministry for Amerindians Affairs lead by a woman of Amerindian descent.
4. The Committee welcomes the State party for the constitutional reform and the passage of Bill No. 6 of 2001 that provides for the establishment of constitutional commissions, including the Commission of the Rights of the Child.
5. The Committee welcomes the State party's ratification of ILO Convention No. 138 concerning the Minimum Age for admission to Employment in 1998 and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 2001.
6. The Committee welcomes the increase of enrolment in early childhood and primary education. The Committee also appreciates the high quality of the Escuela Nueva (EN) model.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that the increasing debt burden, wide spread poverty, racial tension and political instability have impeded progress to the full realization of the children's rights enshrined in the Convention. It also notes that a large number of children are leaving in remote areas to reach.

D. Principle areas of concern and recommendations

1. General Measures of Implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

Legislation

8. The Committee notes with appreciation the creation of the Committee on Family Maintenance and Related Matters in 1996 to examine the compatibility of domestic legislation with the Convention and it also notes that laws have been adopted by the State party to harmonise the existing legislation with the Convention. The Committee also appreciates the drafting of a Children's Bill, a Bill on the Status of Children, the Family Court Bill and the Education Bill. However, it remains concerned about the slow process of approval and enactment of these bills.
9. **The Committee recommends that the State party urgently take all necessary measures to expedite the adoption of these bills by the Parliament before the end of 2004, ensuring that they are entirely in compliance with the provisions of the Convention and that sufficient human and financial resources are provided for their full and effective implementation.**

Coordination and National Plans of Action

10. The Committee welcomes the information that a National Plan of Action for Children is being drafted for the period up to 2007 which will be based on the World Fit for Children (WFFC). However, the Committee is concerned that the National Plan of Action may not cover all areas of the rights of the child and may lack clear provisions on monitoring and coordination of its implementation.
11. **The Committee recommends that the State party ensure that the new National Plan of Action covers all areas of the rights of the child and that sufficient human and financial resources are provided for its effective implementation. The Committee also recommends that the State party identify an appropriate governmental body responsible for monitoring all activities regarding the implementation of the National Plan of Action with a strong mandate to effectively carry out its coordinating role.**

Independent Monitoring

12. The Committee is concerned at the absence of an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention.
- 13. In the view of the Committee's General Comment no. 2 on national human rights institutions, the Committee encourages the State party to pursue its efforts with a view to developing and establishing an independent and effective mechanism in accordance with the Paris Principle. This institution should be provided with adequate human and financial resources, easily accessible to children; deal with complaints from children in a child-sensitive and expeditious manner; and provide remedies for violations of their rights under the Convention.**

Resources for children

14. While noting the increased budget allocation in social services and infrastructure, the Committee is 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.
- 15. The Committee recommends the State party to 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".**

Data collection

16. The Committee is concerned at the lack of disaggregated and adequate data on persons under the age 18 years in all areas covered by the Convention, including the most vulnerable groups, children living in poverty, children living in rural areas, children with disabilities, Amerindian children and street children.
- 17. The Committee recommends that the State party modernize and strengthen its system for collecting disaggregated data as a basis to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention. In this regard, it also recommends that the State party seek technical assistance from, inter alia, UNICEF, UNFPA and other appropriate regional mechanisms, including the Inter-American Children's Institute.**

Dissemination of the Convention

18. The Committee notes with appreciation the efforts made by the State party in disseminating the Convention through, inter alia, seminars, workshops, annual celebration. Nevertheless, it remains concerned that additional progress needs to be made by the State party with regard to raising awareness among children and adults in remote areas.
- 19. The Committee recommends the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and**

children alike. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcements officials, teachers, including teachers in indigenous communities, health personnel and social workers and personnel in child-care institutions.

2. Definition of the child (article 1 of the Convention)

20. The Committee is concerned at the low minimum sexual consent age (13 years) and at the low minimum legal age of criminal responsibility (10 years).

21. The Committee recommends that the State party:

- a) raise the age of the minimum sexual consent;
- b) raise the minimum age of criminal responsibility to an internationally acceptable one.

3. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-Discrimination

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

23. The Committee recommends that the State party increase its efforts to adopt appropriate legislation and 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.

24. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of General Comment no. 1 on article 29(1) of the Convention (aims of education).

Best interest of the child

25. The Committee, noting the lack of information on the implementation of the best interest of the child in accordance with article 3, is particularly concerned that the draft Children's Bill does not contain a specific provision in this regard.

26. The Committee recommends 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 a consideration in all policy making process and programmes relevant to children and the implementation of the Convention.

Respect for the views of the child

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

28. The Committee welcomes the information that the right of the child to be heard (art.12 of the Convention) will be included in the draft Children's Bill (art.25 of the draft) 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 concerning, inter alia:

- a) **by expanding further the "Child Friendly Classroom Programmes", the student councils and other forms of child participation;**
- b) **by training professionals working with and for children as well as the use of information campaigns.**

**4. Civil rights and freedoms
(arts. 7, 8, 13-17 and 37(a) of the Convention)**

Birth registration

29. The Committee is concerned that, although parents are 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.

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

Corporal punishment

31. The Committee expresses 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.

32. The Committee recommends 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 administrated 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 regard.**

**5. Family environment and alternative care
(arts. 5; 18 (paras.1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)**

Parental responsibilities

33. The Committee is concerned at the high number of female households and often the limited degree to which fathers assume their parental responsibility. The Committee is also concerned that a substantive number of parents emigrate to other countries leaving children behind with relatives or in institutions.
- 34. The Committee recommends that the State party undertake measures with the view to strengthen the capacities of families, nuclear and extended, to take care of their children and to pay particular attention to strengthening the role of their fathers. In this regard, the Committee recommends that the State party collaborate with NGOs.**

Alternative care

35. While welcoming the establishment of a Visiting Committee, the Committee notes with concern at the lack of standards for minimum care in institutions and the lack of systematic supervision and oversight, particularly in private institutions.
- 36. The Committee recommends that the State party:**
- a) strengthen the role of the Visiting Committee, e.g. by assigning it with a standard-setting role, and to provide it with sufficient human and financial resources;**
 - b) provide NGOs run institutions with adequate financial and other support and bring them under the inspection and standard-setting role of the Visiting Committee.**

Child abuse and neglect

37. The Committee takes notes of the study conducted and the project developed in collaboration with UNICEF addressing violence and children in Guyana. The Committee is deeply concerned about the generally violent environment where Guyanese children are living and the increased reporting of ill-treatment and abuse of children, including sexual abuse. The Committee is also deeply concerned at the section 67 of the Criminal Law (Offences) Act (chapter 8:01) which 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 of seven years.
- 38. The Committee recommends that the State party pay particular attention to child abuse and neglect in and outside the family, inter alia:**
- a) by abolishing as a matter of priority the article mentioned above (para. 37) by taking necessary measures to prevent incest;**
 - b) by developing an effective reporting system with timely and adequate investigations and child sensitive protection in order to bring perpetrators to justice;**
 - c) by ensuring that victims of violence have access to counselling, and assistance with recovery and reintegration;**

- d) **by developing awareness-raising campaigns with the involvement of children in order to prevent and combat child abuse.**

6. Basic health and welfare

(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)

Children with disabilities

39. The Committee notes with appreciation 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 remains 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.

40. 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, integration into mainstream education and specifically addresses the situation of children in remote areas.

Health and health services

41. The Committee welcomes the implementation of the Integrated Management of Child Illnesses Programme (IMCI) and the marked improvement in immunization coverage. However, the Committee remained concerned at the high infant and under five mortality rates, the high incidence of malaria especially among the Amerindians children, and the high incidence of malnutrition including iron deficiency anaemia and stunting of growth.

42. The Committee recommends 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 breast-feeding for six months with appropriate introduction of infant diet thereafter, taking into account the support needed for working mothers.**

Adolescent health

43. The Committee is concerned at the high rate of teenage pregnancies and drug abuse among adolescents.

44. The Committee recommends that the State party set up adequate services on the adolescent 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 rehabilitation services for drug abusers.

HIV/AIDS

45. The Committee welcomes the National Strategic Plan HIV/AIDS 2002-2006 and the manufacturing of anti-retroviral drugs in the State party and supplying them for free to adults. However, the Committee is concerned 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.

46. The Committee 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 on HIV/AIDS and the rights of the children (CRC/GC/2003/3).

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

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

48. 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.**

8. Special protection measures (arts. 22, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Economic exploitation, including child labour

49. The Committee expresses its concern at the increasing prevalence of child labour in the State party.

50. The Committee recommends that the State party take the necessary measures for improving the effectiveness of labour inspectorate and other forms of monitoring child labour.

Street children

51. While noting the study with UNICEF on street children and State party's awareness of the phenomenon of increasing numbers of street children, the Committee remains concerned at the situation of street children and at the lack of adequate and sufficient measures to address this situation.

52. The Committee recommends that the State party continue and strengthen its efforts to assist street children, including reintegration into their families as well as taking preventive measures. It also recommends that the State party continue to seek international assistance from, inter alia, UNICEF and ILO in this regard.

Sexual exploitation

53. The Committee notes the results of the studies on problem of sexual exploitation in the State party and expresses its concern at the lack of specific data and targeted measures on this issue.

54. The Committee recommends that the State party:

- a) undertake a comprehensive study of 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 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.**

Juvenile Justice

55. While recognizing the efforts made by the State party in this domain, the Committee remains concerned 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.

56. The Committee recommends that the State party:

- a) raise the age of criminal responsibility and ensure that the 17 years olds are given adequate special protection so that they are not tried as adults;**
- b) ensure that the amendment to the Juvenile Offenders Act reflect the international juvenile justice standards and in particular articles 37, 39 and 40 of the Convention, as well the United Nations Standard Minimum**

Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 discussion day on the administration of juvenile justice;

- c) provide children with legal assistance at an early stage of the proceedings;**
- d) establish separate remand homes for boys and girls**
- e) improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice;**

Amerindian children

57. The Committee is concerned 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.

58. In light of articles 2 and 30 of the Convention and the recommendations adopted by the Committee on 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 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 on the Rights of the Child.

9. Optional Protocols to the Convention on the Rights of the Child

59. The Committee notes that the State Party has not ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

60. The Committee recommends the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

10. Dissemination of documents

61. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organisations.

11. Next report

62. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full

compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its second, third and fourth reports in one consolidated report by 12 February 2008, the due date for the submission of the fourth report. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.