



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/8/Add.47  
6 August 2003

Original: ENGLISH

---

**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES**  
**UNDER ARTICLE 44 OF THE CONVENTION**

**Initial reports of States parties due in 1993**

**GUYANA**

[29 July 2002]

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Abbreviations and acronyms .....		3
I. OVERVIEW .....	1 - 47	5
A. The national context .....	1 - 15	5
B. The country, people and demographic features .....	16 - 24	7
C. Political and administrative structure .....	25 - 30	8
D. Key economic trends .....	31 - 38	9
E. Structure, methodology and limitations of the report .....	39 - 47	10
II. GENERAL IMPLEMENTATION MEASURES .....	48 - 448	11
A. Definition of the child (under Guyana laws and regulations) .....	101 - 129	19
B. General principles .....	130 - 138	24
C. Civil rights and freedoms .....	139 - 158	25
D. Family environment and alternative care .....	159 - 230	28
E. Basic health and welfare .....	231 - 281	41
F. Education, leisure and cultural activities .....	282 - 377	50
G. Special protection measures .....	378 - 442	63
H. Recommended measures for improved compliance with the Convention .....	443 - 448	72
III. CONCLUSIONS .....	449 - 452	75

### Annexes\*

---

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

### **Abbreviations and acronyms**

AIDS	Acquired immunodeficiency syndrome
BEAMS	Basic Education and Management Support Programme
CARICOM	Caribbean Community
CESO	Canadian Executive Services Organization
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
CRC	Convention on the Rights of the Child
CXC	Caribbean Examination Council
EPAS	Early Pregnancy Advisory Service
ERP	Economic Recovery Programme
FPAG	Family Planning Association of Guyana
GAWL	Guyana Association of Women Lawyers
GBET	Guyana Basic Education Teachers Training Programme
GCE	General Certificate of Education
GEAP	Guyana Education Access Project
GHRA	Guyana Human Rights Association
GPF	Guyana Police Force
GUIDE	Guyana Information and Distance Education Programme
HIES	Household Income and Expenditure Survey
H&S	Help and Shelter, Inc.
IDB	Inter-American Development Bank
IDCE	Institute of Distance and Continuing Education
IMCI	Integrated Management of Childhood Illness
MCYS	Ministry of Culture, Youth and Sport
MOE	Ministry of Education

NAPS	National AIDS Programme Secretariat
NCRC	National Commission on the Rights of the Child
NGO	Non-governmental organization
NOC	New Opportunity Corps
NPAC	National Plan of Action for Children
ODA	Overseas Development Administration
PDA	Prevention of Discrimination Act
PEIP	Primary Education Improvement Project
PRS	Poverty Reduction Strategy
RDC	Regional Democratic Council
SIMAP	Social Impact Amelioration Programme
UNDP	United Nations Development Programme
UNESCO	United Nations Education, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
YEST	Youth Entrepreneurial Skills Training

## I. OVERVIEW

### A. The national context

1. Guyana signed and ratified the Convention on the Rights of the Child (CRC) in 1991. These actions further concretized a commitment by the Government of Guyana and its people to proceed with programmes for the protection and development of children.
2. For many years Guyana has consistently demonstrated support for global, regional and national programmes to enhance the overall well-being of children. For example, Guyana participated in the 1990 World Summit for Children at which the World Declaration on the Survival, Protection and Development of the Child, and its accompanying Plan of Action, were adopted. Following that summit, a considerable number of programmes and measures have been instituted, and many more are being worked on for implementation in the short and long term.
3. The Plan of Action of the 1990 Summit was translated by Guyana into a National Plan of Action (NPAC), which received government approval in 1996. Programmes and policies have been formulated around this approved draft and are articulated later in this report. While all the areas which the Convention addresses are part of the said plan, the specific areas of health, education and legislative issues are a major focus of the current efforts.
4. Enhanced legislation is an integral element in this country's efforts to give tangible effect to the provisions of the CRC. At a seminar organized by the Caribbean Initiative on Equality and Non-Discrimination in 1994, recommendations were made for standardizing Guyana's laws in accordance with the CRC. Amendments have since been made to the Infancy Act, 1916, and the Juvenile Offenders Act, 1931. There is also a draft Education Act to replace the current one, and there is to be the introduction of a Children's Bill, a Family Court and Status of Children's Bills.
5. Harmonization of laws relating to children in Guyana was also highlighted as an area to which attention needed to be given via the publication of the Caribbean Children's Law Project, which was edited in part by the present Chancellor of the Judiciary in Guyana, Ms. Desiree Bernard. This document now serves as an invaluable guide for action by persons who administer services to children.
6. In 1999, a Constitution Reform Commission was set up to review the 1980 Constitution. This body made the firm recommendation that, among the various "rights" commissions, a Commission on the Rights of the Child would be established by incorporation in the amended Constitution. They further recommended that a representative of this commission would also serve on the Ethnic Relations Commission.
7. By broad consensus, the Constitutional Reform Commission acknowledged that the provisions of the Convention on the Rights of the Child should inform constitutional provisions to protect children's rights. The Oversight Select Committee subsequently accepted the above recommendations, and in 2001 these rights were accorded the status of fundamental and human rights in the amended Constitution. Decisions made on specific areas will be mentioned in relevant context in this report.

8. Two principal approaches employed by Government to maximize the impact of its efforts to ensure that CRC provisions are being applied are:

- (a) Training; and
- (b) A reasonably active promotion campaign utilizing print and electronic media.

9. Training has taken the form of seminars and workshops centring on the terms of the Convention and the existing laws of Guyana relating to children. The beneficiaries of such training have been youth, teachers, law enforcement agents, government and non-governmental functionaries, and community leaders in all regions of the country. Many of these seminars and workshops were sponsored by the Children's Services Unit of the Ministry of Labour, Health and Housing and the Caribbean Centre for Justice and International Law.

10. Since 2000, the Ministry of Labour, Human Services and Social Security has increased the opportunities for training. Many of those efforts involved collaboration with other agencies, in particular UNICEF. As will later be evident, the Guyana Government, the National Commission on the Rights of the Child (NCRC) and non-governmental organizations have entered into partnerships to enhance benefits to children in several spheres. The establishment of a shelter for street children is one such effort.

11. In keeping with the National Plan of Action (NPAC) for the development of children, a number of activities have been initiated in the areas of health and education. In education, programmes are focused on improving the basic education of children through increased training of teachers, provision of school textbooks, and rehabilitation of school buildings (along the lines of a defined blueprint). A strategic development plan on early childhood education has also been formulated by the Ministry of Education for implementation from 2003 to 2007. Additionally, the reactivated Schools Welfare Division, now within the Ministry of Education, is carrying out crucial functions in child protection. The institution of programmes dealing with sensitive issues in the learning environment and the implementation of a rights-based curriculum in the school system are also of major significance.

12. In the area of health, programmes aimed at reducing infant mortality and malnutrition have been emphasized, and immunization coverage has been widely expanded. The introduction of the Integrated Management of Childhood Illness (IMCI) strategy in 2001, has led to greater success protecting the health of children. The Ministries of Health and Education are now jointly involved in a programme to provide children from impoverished circumstances with dietary supplements aimed at reducing malnutrition. Several outreach programmes advocating good nutrition practices, have also been conducted.

13. One of the biggest challenges currently facing Guyana in the protection of children is HIV/AIDS and its increasing prevalence. Death of parents from this disease is resulting in more orphans. Further, there is limited specialist paediatric care available for children affected by the disease. It has been recognized, through information garnered from the Multiple Indicator Cluster Survey, Guyana (funded by UNICEF), that level of education is directly related to responsible behaviour and risk. Both the Ministries of Health and Education have incorporated components in their programmes, to deal with this issue on all levels. The National Aids Programme Secretariat, under the Ministry of Health has reviewed and updated its National

Strategic Plan for HIV/AIDS in Guyana. The former plan (1999-2001) emphasized, among other things, increased provisions for voluntary counselling and testing; provision of safe blood through screening; greater involvement of NGOs and the private sector and a mother-to-child transmission prevention programme. Insufficient resources and discrimination issues, among other things, impacted on the degree of success of this plan.

14. Following widespread consultation, the 2002-2006 Strategic Plan for HIV/AIDS has begun to be implemented and will continue to focus on:

- A coordinated multi/intersectoral and interdisciplinary approach;
- Provision of information and a supportive environment to empower persons to prevent further HIV transmission;
- Integration of care and support of persons living with HIV/AIDS. Partnerships with NGOs are crucial in this process;
- The Ministry of Education has introduced instruction on HIV/AIDS in the schools' curriculum.

15. While the Government of Guyana has embraced the Convention and is committed to its full implementation, it recognizes that more has to be done in order to achieve that goal. This is seen as an ongoing challenge that has been accepted by the Government in its determination to protect the rights of children and to ensure their development.

### **B. The country, its people and demographic features**

16. Guyana is located on the north-eastern coast of the continent of South America. It lies to the north of Brazil and between Venezuela on the west and Suriname on the east. Its total area is 83,000 square miles (216,000 square kilometres). Although located on the mainland territory of the continent of South America, Guyana is historically and culturally linked to the English-speaking Caribbean and is a member of the Caribbean Community (CARICOM).

17. Except for its low coastal belt, the rest of Guyana (80 per cent) is largely dense rain forests and rivers, rugged mountains, savannahs, rapids and waterfalls.

18. In 2000, the population of Guyana was estimated at 800,000 and, when viewed against the size of its land mass of 216,000 square kilometres is considered to be relatively small. Its population density is calculated at three persons per square kilometres. But this density is higher in the coastal belt than in the hinterland portions of the country. The capital city is located in this coastal belt.

19. The Household Income and Expenditure Survey (HIES, Statistical Bureau, 1993), estimates that 90 per cent of the population live along the flat coastal region where agriculture is the dominant feature. Guyana's population in recent years has shown some decline and this has been attributed to a decline in fertility rate but more significantly to emigration.

20. Guyana is divided into 10 administrative regions, each of which is administered by a regional democratic council. There are also six towns, each of which is administered by a town council. Georgetown is the capital city and the major urban area; its population stands at more than 200,000.

21. Guyana's society is multiracial with an ethnic distribution of Indo-Guyanese (49 per cent), Afro-Guyanese (36 per cent), Amerindians (7 per cent), mixed (7 per cent); Chinese, Portuguese and other groups constitute 1 per cent. The major religions are Christianity and Hinduism. There is a sizeable number of Muslims and a growing number of Rastafarians, members of the Baha'i faith and other sects.

22. English is the main language spoken. There is, however, "Creolese", spoken mainly in the rural areas and is the vernacular used by many Guyanese.

23. The literacy rate for persons 15 years of age and over is reported as being 98.5 per cent in the UNDP Human Development Indicators (2000). Views expressed in the media and elsewhere have, however, suggested an estimate of 75 to 80 per cent as being more realistic.

24. The Guyana Human Development Report (1996) has given the unemployment rate in Guyana as being 12 per cent. According to the data in the HIES, between 1980 and 1992 the percentage of female-headed households was an estimated 30 per cent. The upcoming census data is likely to reveal a slight increase.

### **C. Political and administrative structure**

25. Guyana has a republic-style Government with an executive president as Head of State. The newly revised 1980 Constitution provides for the fundamental rights and freedom of the individual irrespective of race, political opinion, colour, creed and sex. The constitutional amendments were essentially done through the period 1999 to 2002. By an ongoing review process other amendments are imminent.

26. The President and the National Assembly constitute parliament. Sixty-five members of the National Assembly are elected on the proportional representational system; 10 members are from the regional democratic councils and 2 from the National Congress of Local Democratic Organs. The current Parliament comprises members of the party in Government and four opposition parties.

27. The executive is headed by the President who is also the supreme executive authority and commander-in-chief of the armed forces of Guyana. The President is aided by the Cabinet comprising the Prime Minister and such other ministers as the President may appoint.

28. There is a Leader of the Opposition, one of whose functions is to serve as leader of the business for parliamentary opposition parties. He/she is also to be "meaningfully consulted" by the President on important appointments such as the Commissioner of Police.

29. Local government is administered through a regional system in which regional democratic councils are responsible for the administration of the 10 administrative regions into which the country is divided. These councils are essentially constituted along political lines.



30. There are constitutional service commissions for the judiciary, the public service, and the police. Constitutional review has also provided for five other Commissions being established which directly impact on children. These are:

- the Ethnic Relations Commission;
- the Commission on the Rights of the Child;
- the Women and Gender Equality Commission;
- the Indigenous Peoples Commission;
- the Human Rights Commission.

#### **D. Key economic trends**

31. Despite its enormous natural resources, fertile lands, mineral deposits, forestry resources and favourable climactic conditions, Guyana for the last two decades has remained one of the poorest countries in the Caribbean.

32. The negative growth rate experienced in the 1980s was an indicator of widespread social and economic decline in the country during this period. The decline was also associated with a high rate of emigration, significant deterioration of vital facilities and physical infrastructure such as water and electricity, roads and sea defences, and industrial and other equipment. Added to this was the ever-increasing shortage of foreign exchange.

33. The economic malaise has also been associated with situations such as persistent balance of payment imbalances and falling revenues. Thus, as national debt increased, the standard of living plummeted. The gravity of this situation was reflected in increasing levels of poverty and deprivation.

34. To stem the economic decline the Economic Recovery Programme (ERP) was introduced. The measures implemented impacted adversely on all levels of society. Groups hardest hit have been identified as children, women, the aged, the disabled and the Amerindian population. The UNDP Human Development Indicators (2002) state that for 1987-2000, 43.2 per cent of the Guyanese population was living below the poverty line.

35. In 1992 a World Bank report alluded to the decline in expenditure on the social sector under the ERP. The report placed Guyana behind several Caribbean territories in the allocation of expenditure for health and education. Concurrent with this decline was the fall in the value of the Guyana dollar and the rise in the annual inflation rates from 28 per cent in 1987 to 102 per cent in 1991. By 1997 this rate dramatically dropped to 4.1 per cent. Nonetheless, the source data available has indicated a continued increase in poverty between 1980 and 1992, largely due to the combination of the rigid conditions of the ERP, the decline in the value of the dollar and the inflation levels. The UNDP *Human Development Report, 1998* recorded a slight overall improvement in the economic situation, attributed to a significant increase in revenue. Immediately benefiting from these increases were social sector programmes. However, the situation with respect to vulnerable groups remained unchanged.

36. UNICEF's *State of the World's Children 1993* records the mortality rate for children under 5 years old as being the highest in the region. Data available indicate a significant increase in the number of waterborne diseases, reflecting the condition of basic services such as potable water and general sanitation including waste disposal. PAHO estimates that among the major causes of death among children in the 1-4 age group in Guyana was protein calorie malnutrition and diet-related diseases.

37. There are a number of social safety-net programmes in place but these have been relatively ineffective in alleviating many of the problems, largely because of weak infrastructure including human resources. It is hoped that the Poverty Reduction Strategy would bring relief.

38. Guyana continues to be burdened by its weighty external debt and debt-servicing costs, which account for a high portion of its budget, and this has severely restricted its ability to deal adequately with the problem of poverty in the society. Notwithstanding the many initiatives taken with respect to poverty alleviation, the problem in Guyana continues to be widespread and women and children continue to be a significant part of the vulnerable group.

#### **E. Structure, methodology and limitations of the report**

39. Part I of this report provides a brief description of the country. This is in keeping with the standard requirement for all international reports. There are also statements on the methodology used in producing this report, its structure and its limitations.

40. Part II consists of a sequential discussion of each article of the Convention as it relates to the administrative, legal and other governmental processes currently in place.

41. There is a noticeable overlap in a few articles of the Convention. Consequently, a few of the measures in place are relevant to more than one article. In order to control the length of the report, every effort has been made to minimize duplication of information, without adversely affecting the accuracy of the submission.

42. The report has followed very closely the recommended guidelines which specified the grouping of articles according to content, thereby creating a logical order of dealing with issues. For the most part, the information provided in this report is based on government sources and those of key international organizations located in Guyana. Such sources are either primary or secondary.

43. The initial draft report was reviewed by a consultant (aided by researchers) who interacted with persons who are intimately or directly involved in the administration and delivery of various services currently available to children and which are directly relevant to their protection and development. These services included education, social planning, probation, welfare and such children services as adoption, care of children in difficult circumstances, and the administration of the National Commission for the Rights of the Child, the body charged with the responsibility for monitoring and overseeing the implementation of the Convention on the Rights of the Child.

44. The number of programmes and bodies initiated and established within a span of 10 years generated a large volume of information which was available in the form of reports, analyses, studies and commentaries. These proved to be invaluable sources and helped to create the basic structure on which this report was developed. Some of the bodies and programmes referred to are as follows: the Family Maintenance and Related Matters Committee (1994), the National Commission for the Survival, Protection and Development of Children (1990), the World Summit on Children (1990), the four Ministerial Meetings on Children and Social Policy (1996, 1997, 1998 and 1999), and the Coalition to Promote the Convention on the Rights of the Child (1994). Special mention must be made of the two workshops and nine seminars held which were sponsored jointly by the Caribbean Initiative on Equality and Non-Discrimination, the Children's Services Unit, of the Ministry of Labour and Social Services and the Caribbean Centre for Justice and International Law. These sessions generated proceedings which recorded the views of a cross section of participants who were representative of a number of organizations.

45. In regard to the scope, the relevance, and the timeliness of the information derived from all sources referred to, it could be said that this report benefited from the availability of information which adequately represented the status of the implementation of the Convention. Wherever there were recognizable gaps or deficiencies in the information, clarification was sought through interviews with the relevant authorities. There was interface with agencies and organizations concerned with meeting the requirement of various articles of the Convention. This yielded useful first-hand information. The agencies contacted included the Ministries of Health; Education; Labour, Human Services and Social Security; the Office of the Attorney-General; and the Ministry of Culture, Youth and Sport. This exercise served as a useful means of updating and expanding on relevant information which was already available.

46. Some of the limitations to be noted in this report are the limited number of up-to-date statistical tables provided, as well as the relative absence of individual statistics within the body of the work. There is still currently a dearth of statistical data.

47. Data in relation to the population census and related matters, such as the Household Income and Expenditure Survey (HIES) is currently being updated. This information resulting from a census held in 2002, will be published later in 2003.

## **II. GENERAL IMPLEMENTATION MEASURES (art. 4)**

### **Measures taken to harmonize national law and policy with the provisions of the Convention**

48. Guyana signed and ratified the Convention on the Rights of the Child in 1991. Since that date, the Government of Guyana has made strenuous efforts to fulfil the requirements of the Convention which, inevitably, necessitated the preparation of a National Plan of Action for Children.

49. In 1993, a National Commission for the Survival, Protection and Development of Children was established to examine all aspects of the requirements of the Convention and to develop the required Plan of Action.

50. The Guyana National Plan of Action for Children to the year 2000 was completed using the goals of the World Summit for Children (1990) and the Convention on the Rights of the Child as a framework for action. The Plan of Action was examined and approved by the Cabinet and was presented to the National Assembly for approval.

51. The Plan highlights six major areas for specific action: the family, health and nutrition; water and sanitation; education and literacy, children at risk, including children in especially difficult circumstances (homeless, disabled, etc.), and the legal and constitutional rights of the child.

52. To give tangible effect to the areas identified, primary agencies of the Government, together with certain NGOs, have spearheaded work in these areas. Various international agencies, in particular, UNICEF, have provided, and continue to provide crucial support to these efforts which are detailed in this report.

53. Significantly, as these areas involve the rights of the children, they are matters which the Government of Guyana is dealing with on an ongoing basis as part of its policy to improve the lives of all Guyanese children. The Government recognizes the social, economic, civil and political rights of children and has directed its efforts at putting "children first".

54. The National Plan of Action for Children, also aims at promoting public education and awareness on the principles and provisions of CRC to ensure public support for the various implementation programmes.

55. Concomitant with this, has been a significant focus on holistic childcare by the NCRC of Guyana, with the targets being children, parents, caregivers and health workers.

56. It is important to note that implementation of the various programmes contained in the National Plan of Action has been ongoing and that significant progress has been made in the promotion of the rights of the child. For example, in the area of health there has been significant improvement in the percentage of immunization coverage against childhood preventable diseases. Similarly, in education several advances have been reported, particularly in the areas of basic educational programmes.

57. Likewise, the education sector, through its Strategic Development Plan 2003-2007, also seeks to introduce programmes and structures which demonstrate a more holistic approach to giving effect to provisions of the CRC. Relevant aspects of this plan are highlighted in part II, section F, of this report.

58. It should be noted that the Convention on the Rights of the Child in itself is not legally enforceable in Guyana. An amendment to the Guyana Constitution (art. 212 O) provides, among other things, for the rights of the child to be monitored, promoted and evaluated by a Human Rights Commission. Specific laws must however be passed before the provisions therein contained, can become legally binding.

59. In 1996, the Committee on Family Maintenance and Related Matters was appointed to review the laws relating to children and to make recommendations for reform, which would bring them in line with the provisions of the Convention.

60. The Committee reported on its findings in July 1996 and prompt follow-up action resulted in the Maintenance (Amendment) Act, 1997, and action to amend the Summary Jurisdiction Magistrate's Act, chapter 3:05. These provide for increases in the level of maintenance children could receive. The Adoption (Amendment) Act 1997 was also approved enabling former Guyanese nationals who have acquired the citizenship of any country other than Guyana, as well as Guyanese nationals resident abroad, to qualify as adopters, the aim being to facilitate adoption if it was found to be in the best interest of the child (see annex VI).\*

61. The Committee also made recommendations in relation to the establishment of a Family Court and, in general, recommended the passage of laws specifically to benefit children. The Family Court is yet to be established.

62. It must also be noted that a number of the provisions of the Convention on the Rights of the Child already accord with the laws of Guyana. Some of these are as follows:

- The right of a child to have access to both parents (Infancy Act, chap. 46:01);
- The consideration of the best interest of the child in custody matters (Infancy Act, chap. 46:01);
- The right of the child to express an opinion on matters concerning his/her legislative sanction, but this is restricted in accordance with the age and maturity of the child (Infancy Act, chap. 45:01);
- The right of the child to maintenance from both parents (Maintenance Act, chap. 45:03);
- The right of the child to receive elementary instruction in reading, writing (Education Act, chap. 39:01);
- The right of the child not to be physically assaulted or beaten by the parent is balanced by the right of the parent to chastize within reason. Where a parent, however, exceeds the bounds of reasonableness then the criminal law of Guyana (i.e., the Criminal Law (Offences) and Summary Jurisdiction (Offences) Acts), may be applied or the child can invoke the Domestic Violence Act (1996). The provisions of the Education Act, chapter 39:01, also address the issue of reasonable punishment.

63. Notwithstanding the various constraints being experienced in Guyana, arrangements are ongoing in 2003 to examine the remaining legislation with a view to harmonizing the law with the Convention. Considerable review was done by the Family, Maintenance and Related Matters Committee of existing laws and there is now a Children's Bill being drafted. This bill comprehensively addresses all areas with regard to children and covers several key components of the CRC. Areas include welfare, legal capacity, rights, custody and access and guardianship.

---

\* Annexes are available for consultation in the files of the secretariat.

64. Consultations on the Children's Bill are currently ongoing and it is the goal and expectation that this Bill will become law in 2004.

**Existing or planned mechanisms at national or local levels for coordinating policies relating to children and for monitoring the implementation of the Convention**

65. Mechanisms for coordinating functions are at the moment minimal and require strengthening. Currently, some of the relevant activities in the administrative regions are monitored through the use of statistical charts. Some measure of record keeping is also in place. Adherence to the Convention's provisions is specifically guaranteed in the said Children's Bill. Its passage into law will occur after the extensive consultations have been completed.

66. By virtue of a comprehensive five-year programme of cooperation and collaboration between the Government of Guyana and agencies such as UNICEF, substantial progress has been and will be made in the furtherance of provisions of the Convention on the Rights of the Child. This programme has two principal goals, i.e., (a) implementation of CRC, and (b) implementation of CEDAW.

67. Both conventions are being focused on in this project. CEDAW is linked to the CRC since provisions of this convention impact on the lives of women, the girl child and rights of children, in general.

68. Three new projects under the area of Social Policy and Advocacy have therefore been formulated with specific time lines for implementation from 2001 through 2005.

69. The children of Guyana stand to benefit from the following projects:

(a) Project 1, the Advocacy and Social Mobilization project, will:

- Bring the Family Court to fruition; finalize the Children's Bill; deal with other areas which impact on child abuse; reorganize the judicial system, juvenile and social services. (The draft of the Children's Bill is now being discussed and subject to the inclusion of agreed amendments and Cabinet approval, will be put before the National Assembly for acceptance.);
- Strengthen the National Commission on the Rights of the Child (and by extension, the Constitutional Commission on the Rights of the Child which will likely subsume the NCRC), and provide forums for debate by youths on teenage pregnancy, violence, HIV/AIDS and other topical children's issues;
- Enable Children's Parliaments to continue to be convened. Subjects debated will centre around issues concerning children and will involve children throughout Guyana;
- Training of community leaders in all areas of Guyana on the provisions of the Children's Bill and related matters.

(b) Project 2, the Participation to Advance Children's Rights project, will focus on sensitization through media campaigns and the use of specific radio programmes such as "Viewpoint" to discuss and share information on survival, development and the protection of children. Publication of a booklet on child rights and responsibilities, spearheaded by the NCRC, will occur later in 2003. This will be distributed in schools countrywide. Puppet theatre and workshops to educate on rights of children, including parenting responsibilities, new children's laws and other related issues, have also been scheduled for 2003/2004;

(c) Project 3, the strengthening of social statistics, a project spearheaded by the Statistical Bureau, Ministry of Finance, will promote capacity-building in data collection and analysis at national and regional levels. Disaggregated statistics will also be addressed. This project (inclusive of training and equipment) will aid in development of better programme planning, monitoring and evaluation, better identify persons to be targeted, and yield more realistic budgeting. Evaluation and planning meetings with non-governmental agencies and other organizations are also organized and are responsible for reviewing and recording activities.

70. The NCRC also collaborated with other similar bodies by participation in two national conferences, in 2000 and 2002, in Jamaica and Guyana, respectively. Other international conferences for children were attended by Guyana.

71. Regional committees to promote programmes for children have also been set up in regions 6 and 10 (two of Guyana's main regions), and their activities are regularly reported to UNICEF, with there being collaboration from time to time with the NCRC. These regional committees on children include the heads of the regional authorities, health and education representatives of the Probation and Welfare Service, NGOs, orphanages and shelters. The RDC facilitates this process by serving as a coordinator of activities. The goal of these regional committees is to sensitize, educate and articulate the rights of the child.

72. In 2002, schoolchildren were sensitized about their rights through education, explanations being given with a child-friendly approach. Subjects such as water, sanitation and the environment have been dealt with.

73. In 2003, sensitization is continuing while there is also emphasis on establishment of systems. Similar committees will be introduced in due course. It is recommended that there should be increased coordination on data gathering.

#### **Measures taken or planned to make the Convention widely known to adults and children (art. 42)**

##### **Adults**

74. Specific measures taken involve the use of the print and electronic media and the holding of seminars and workshops. Measures taken from 1999 to 2003 include a daily radio programme, Viewpoint, which reaches various parts of the country. Members of the National Commission on the Rights of the Child have used this prime time programme to sensitize listeners as to the Convention. The NCRC has been assigned monthly air time on this programme and programmes are regular.

75. Commission members have also accepted invitations to participate in call-in radio programmes which discuss topical issues pertaining to home and family, or which generally chat about rights and educate listeners. These opportunities are used to discuss the Convention.

76. In 1999, there was publication of the actual articles of the Convention on the Rights of the Child in the two main daily newspapers. Members of the National Commission have also accepted invitations to appear on “call-in” television programmes to discuss and promote an understanding of the Convention. There have been several appearances over the last four to five years.

77. A locally produced brochure on the Convention on the Rights of the Child was published in July 1999. This publication provides an overview of the World Summit on Children and of the Convention. It highlights Guyana’s commitment to its children and includes the articles of the Convention as well as illustrative photographs. Copies have been distributed to national institutions, professional groups, teachers, law enforcement officials, health-care and social workers.

78. A number of seminars and workshops on the Convention were planned for the period July to December 1999 and held nationally. These focused specifically on the laws of Guyana relating to children and on the articles of the Convention. Relevant national institutions, law enforcement agencies, social workers, public officials and professional groups comprised the target groups to become aware of the principles and provisions of the articles of the Convention in order to assist them in organizing appropriate programmes and to be better placed to contribute to the formulation of policies to be implemented on behalf of children. A mechanism was put in place for feedback and follow-up action in 2000.

79. A national conference was held on early childhood education, care and development. This exercise had the goal of uniting areas of health, local government, day-care centres and play groups, as part of an informal association to aid children. Periodically, comments on issues concerning children are published in the newspaper, to which close attention is paid by the NCRC.

80. At the annual Mashramani celebrations of 1999, which brought together thousands of Guyanese, the opportunity was grasped to promote the Convention through the distribution of brightly coloured leaflets bearing the articles of the Convention. The leaflets, which aroused very great interest, were aimed at parents and children. Care was taken to use “child-friendly” language in the production of this material.

81. An exhibition was held for the tenth anniversary of CRC and the launching of the Children 2000 calendar. At the Guyana Exposition, leaflets on the rights of the child were distributed to several hundred Guyanese who attended.

82. At the National Forum on Child Abuse, discussion centred on the inadequacies of the current system and the need to modernize. Training on domestic violence for police officers by the Caribbean Association for Feminist Research and Action (CAFRA) is ongoing, as are programmes by the Rights of the Child (ROC) organization.



83. In the Birth Certificate Campaign, 60,000 brochures were distributed countrywide. A national parenting workshop was held for fathers and young men, and teaching aids were produced. A special child abuse management workshop for police officers from stations countrywide was held.

84. A peer education programme for children aged 12 and over on HIV/AIDS was hosted by the Volunteer Youth Corps, Guyana Red Cross, and NGOs. A child abuse and domestic violence seminar was held by St. Francis Xavier Youth Club, and NGOs. The psychological, social and legal aspects were looked at.

85. Measures planned include to produce several 30-second promotional announcements for airing by the Guyana Broadcasting Corporation. The NCRC will facilitate the publication of more focused articles, and also the printing and publication in daily newspapers of its monthly viewpoint.

### **Children**

86. The Children's Festival of Art and Poetry, organized in 1999, addressed the undermentioned articles of the Convention:

- article 13 on freedom of expression;
- article 14 on freedom of thought;
- article 29 on development of talents;
- article 31 on the right to participate in artistic activities.

87. This festival took the form of two competitions, and children across the country between the ages of 4 and 18 were eligible to participate. Its theme was "Children, their rights and the environment".

88. A public display of the talent and creativity of these children was held at the Umana Yana later in the year with the aim of boosting the morale and self-esteem of all children.

89. "Creative Day for the Child", another innovative project involving the Ministry of Education and head teachers commenced in May 1999. It aimed at enriching the lives of children through their involvement in creative activities, mainly art and poetry. Initially, a limited number of students met on Saturday mornings to share in this venture. Members of the National Commission on the Rights of the Child also met with these small groups and introduced them to relevant articles of the Convention. The students involved serve as the nucleus around which extended activities have developed.

90. Another event of note is a Children's Parliament, which took place on 6 and 7 August 1999, coinciding with the exhibition referred to earlier. This event involved groups of children from all regions of the country. These programmes are all strategies aimed at familiarizing children with the Convention.

91. Twelve articles of the Convention were identified for an awareness campaign carried on television aimed at children. They were as follows: article 6, right to life; article 7, right to name, nationality; article 8, preservation of identity; article 13, freedom of expression; article 14, freedom of thought; article 15, freedom of association; article 16, protection of privacy; article 17, access to information; article 23, rights of the disabled; article 24, right to health services; article 30, right to enjoy one's own culture; and article 32, protection against child labour. The programmes were broadcast at prime time and were specially designed to convey the message. The campaign ran for five weeks from 1 April to 8 May 1999.

92. In the latter part of 2002, an essay competition was held by NCRC on the subject of the "rights and responsibilities of a child". Regional prizes were presented in February 2003 by NCRC members. The prize-giving ceremony also gave the members an opportunity to discuss children's rights with the children and teachers.

93. A monument in tribute to the rights of the child was built in 1999-2000 by the National Commission on the Rights of the Child and funded by the private sector (business community) and UNICEF. This monument has been placed in Guyana's only national park.

94. A constant feature over the last three years has been the "Say yes for children" campaign. This campaign involved secondary schools throughout Guyana. Through this campaign, support was obtained from parents, teachers and the general public for the "rights campaign".

95. A musical street parade, "Parade of the Decades", was staged. A children's concert for CRC's thirteenth anniversary was held. A television children's programme, "Aunt Rinty at Home" (which focuses on pre-adolescent behaviour incorporating rights), was launched.

96. Hosting of a Children's Parliament is planned for 2003. A booklet on CRC for every secondary school student is planned by the NCRC.

97. The Guyana Red Cross Society and UNICEF, in April 2003, had advertised a nationwide competition with one of the categories being specifically for children aged 10-15 years old. The competition required depiction of a positive message about the "reduction of the stigma and discrimination of persons living with HIV/AIDS" as it relates to the Red Cross, fundamental principles and human rights. The competition was judged in May 2003.

98. Consultations were held with children in all 10 regions of Guyana in April-May 2003, to discuss and determine how much was known by them about CRC (see annex XX).\*

#### **Measures planned for making the report widely available (art. 44)**

99. Substantial coverage was given of the launching of this Convention on the Rights of the Child country report, including radio broadcasts and television interviews. Copies of the report were distributed to all institutions dealing with children across Guyana, such as the public

---

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

library, non-governmental organizations, government ministries, schools, and community groups. In addition, several copies were held in the Ministry of Labour, Human Services and Social Security and were distributed as the need arose.

100. The report was tabled at a National Consultation held in 2003 involving representatives of all 10 administrative regions. At this forum were NGOs, local and regional democratic councils, and representatives from civil society, national and international agencies. Sessions will be held in schools countrywide and talks will be held highlighting the main issues dealt with in the report.

### **A. Definition of the child under Guyana laws and regulations (art. 1 of the Convention)**

#### **Age of majority**

101. The age of attainment of majority in Guyana is 18 years. Chapter IV, article 59, of the Constitution of Guyana states:

“Subject to the provision of article 159 every person may vote at an election if he/she is of the age of 18 years of age or upwards or is either a citizen of Guyana or a Commonwealth Citizen domiciled and resident in Guyana.”

102. Notwithstanding this, the age-limit of a child, may vary depending on the specific piece of legislation. The Convention on the Rights of the Child (art. 1) states that “for the purposes of the present convention, a child means every human being below the age of 18 years, unless, under the law applicable to the child, majority is attained earlier”.

#### **Legal minimum ages for specific situations in Guyana**

##### **(a) Legal or medical counselling without parental consent**

103. The Medical Termination of Pregnancy Act of 1995 (Act No. 7 of 1995) states in section 8 (3): “In the treatment of the termination of a pregnancy of a child of any age, while the medical practitioner or authorized medical practitioner, as the case may be, may encourage the child to inform her parents, he is not required either to obtain the consent of her parents or guardian or to notify them.”

##### **(b) End of compulsory education**

104. The Education Act, chapter 39:01, section 17, states that: “No person shall take into his employment or employ any child who is under the age of fourteen years, provided that the service rendered by a child to its parents, being such service as is usually given by children to their parents, shall not constitute a breach of this section unless such service is rendered on a school day during school hours.”

105. The amendment to the Education Act has made 15 years the end of compulsory education. This is now a right which is to be enshrined in the 1980 Constitution of Guyana.

106. Article 28 of the Convention on the Rights of the Child stipulates the right of the child to education and the Education Act, chapter 39:01, section 17, establishes adherence to this article.

**(c) Part-time employment; full-time employment; hazardous employment**

107. The Employment of Young Persons and Children Act, chapter 99:01, incorporates the International Labour Organization Convention concerning minimum age of employment of children (1973) (see annex VIII).<sup>\*</sup> The situation with respect to the employment of children as it relates to article 32 of the Convention is covered in part II, section G, of this report.

108. The Convention on the Rights of the Child, in article 32, refers to the recognition of the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

109. Sections 41 and 46 of the Occupational Safety and Health Act, 1997 (OSHA), which became law in September 1999, specifically prohibit this (see annex VII for the text of these sections of OSHA).<sup>\*</sup> The above-mentioned provision in the laws of Guyana is an indicator of Guyana's adherence to the Convention on the Rights of the Child. But while the law clearly establishes the conduct that is to be adhered to, the difficulties encountered include monitoring such situations and enforcing the relevant provisions due to scarce human resources. There is public awareness of this law, but the difficulties mentioned persist.

**(d) Sexual consent**

110. The age of sexual consent is provided for in the Criminal Law (Offences) Act, chapter 8:01. The following offences apply:

- Section 67 (Incest by female of or over 16) states: “Any female of or above the age of sixteen years who with consent permits her grandfather, father, brother, or son, to have carnal knowledge of her (knowing him to be her grandfather, father, brother, or son, as the case may be) shall be guilty of a misdemeanour and liable to imprisonment of seven years”;
- Section 69 (1) and (2) states:
  - “(1) Everyone who unlawfully carnally knows any girl of or above the age of twelve years and under the age of thirteen years shall be guilty of a misdemeanour and liable to imprisonment of five years.”
  - “(2) It shall be a sufficient defence to any indictment under this section if it is made to appear to the court or jury that the accused person had reasonable cause to believe that the girl was of or above the age of thirteen years”;

---

<sup>\*</sup> Annexes can be consulted in the files of the secretariat.

- Section 76 (Rape) states: “Everyone who commits rape shall be guilty of felony and liable to imprisonment for life.”;
- Section 353 (Buggery) states: “Everyone who commits buggery, either with a human being or with any other living creature shall be guilty of felony and liable to imprisonment for life.”

111. There are a number of prosecutions made under this act, disaggregated figures are not available (refer to annex X).\*

**(e) Marriage**

112. According to the Marriage Act, chapter 45:01, of the laws of Guyana (an act to consider and amend the law relating to marriage), all marriages celebrated between persons forbidden to intermarry such as brothers and sisters shall be absolutely null and void to all intents and purposes whatsoever.

113. Although the legal age of majority is 18, section 31 (1) of the Marriage Act states that: “Where either of the parties not being widower or widow, or a divorced person is under the age of twenty years, no marriage shall take place between them until the consent of the appropriate person or persons specified in the Second Schedule has been first obtained.”

114. Part III of the Marriage Act, 1974 (chap. 45:01) deals with restrictions on marriage:

“(1) A marriage shall be void if the parties or either of them is under the age of sixteen.

“If a female under the age of sixteen years becomes pregnant or is delivered of a child, she may apply by petition to a judge of the High Court for permission to be married under that age to a person under the age of sixteen years, or, if under that age, he admits to being the putative father of the child whether yet delivered or not, or is adjudged by a court of competent jurisdiction to be the father of the child.”

The act states that a marriage thus solemnized would be declared good, valid and effectual as if both parties had been above the age of 18 years.

115. It is relevant to note that the Second Schedule of the Marriage Act details the circumstances and person or persons whose consent is required for the marriage of an infant (as it is legally deemed) by licence without publication of banns. These circumstances and persons are summarized below.

---

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

**Table 1**

**Consent required for marriage of minor “infant”**

Circumstances	Person/persons whose consent is required
Where both parents are living; if both parents are living together	Both parents
If parents are divorced or separated by order of a court or mutual agreement	The parent to whom the custody of the infant is committed by court order or by agreement, or if the custody of the infant is so committed to one parent during part of the year, and to the other parent during the rest of the year, or to both parents
If one parent has been deserted by the other	The parent who has been deserted
If both parents have been deprived of custody of infant by court order	The person to whose custody the infant is committed by order of the court.

**Voluntary enlistment into the armed forces**

116. The Convention on the Rights of the Child, article 38, paragraphs 2 and 3:

“States parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.”

“States parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but have not attained the age of eighteen years, States parties shall endeavour to give priority to those who are oldest.”

117. The Defence Act, chapter 15:01, part IV, section 17 (2) states that: “A recruiting officer shall not enlist a person under the age of eighteen years in the regular Force.” This is in force and there are no reports or evidence of infringement of this act.

**Conscription into the armed forces**

118. There is no reference to conscription into the armed forces in the laws of Guyana nor does there exist any system of conscription into the Armed Forces of Guyana.

**Voluntary giving testimony in court (art. 12), criminal liability (art. 40),  
deprivation of liberty (art. 37) and imprisonment (arts. 37 and 40)**

119. While the laws of Guyana do not state precisely the age at which a child may (voluntarily give testimony in court), it endeavours to ensure that the child's privacy is protected and that the child understands the importance of being truthful in testimony.

120. Section 2 of the Juvenile Offenders Act, chapter 10:03, article 2, defines a juvenile as a person under the age of 17 years. A young person is defined as a person who has attained the age of 14 years and who is under the age of 17 years.

121. The Criminal Law (Procedure) Act, chapter 8:01, defines "child" as any person who in the opinion of the court, is under the age of 14 years. Section 4 (1) of the former act is specific about court proceedings being conducted apart from those of an adult. It states:

"A Court when hearing charges against children or young persons shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the Court are held, or on different days or at different times from those at which ordinary sittings are held and a Court so sitting is in this act referred to as a Juvenile Court."

122. It is important to take note of parental responsibility and section 11 of the act states:

"Where a child or young person is charged with any offence, the Court may in its discretion require the attendance of his parent or guardian and may make such order as are necessary for the purpose."

123. Section 13 of the act states:

"No child or young person shall be sentenced to imprisonment."

124. The above references to the Juvenile Offenders Act (chap. 10:03) indicate the conformity of Guyana's laws to the Convention on the Rights of the Child, articles 37 (a), (b), (c) and (d), where imprisonment and the deprivation of liberty are referred to.

**Consumption of alcohol or controlled substances**

125. This section must be read in conjunction with paragraphs 409 to 413 of this report, which deals with drug use and narcotics. The laws of Guyana, chapter 82:21, titled "The Intoxicating Liquor Licensing Act" deals with this matter.

126. Section 50 of this act states that the holder of a licence under this act shall not allow, nor shall any servant of his allow any person under the age of 16 years to be in any bar or licensed premises.

127. Section 5 states that the holder of a licence under this act shall not knowingly sell or allow anyone to sell, nor any servant of his to knowingly sell, or to be consumed on the premises, any intoxicating liquor to anyone under the age of 18 years, and no one under the age of 18 years shall purchase or attempt to purchase in any licensed premises any intoxicating liquor for his own consumption therein.

128. While this law is in place and reflects the requirement of the Convention, there are no specific monitoring mechanisms though the police can enforce the provisions of this act.

129. The lack of proper enforcement of the law as it pertains to the consumption of alcohol or controlled substances remains a concern. A recent survey (April/May 2003), revealed that some parents regularly send children to purchase alcoholic beverages and these under-age persons are accepted as patrons in legally licensed premises where alcohol is sold and consumed. The lack of appropriate monitoring mechanisms has already been mentioned. Most times action is only taken by the law enforcement authorities on specific complaints, which are rare.

## **B. General principles**

### **Non-discrimination (art. 2) of the Convention**

130. The Guyana Constitution offers protection to every person, including the child, in its chapter on fundamental rights and freedoms of individuals (chap. III, art. 40). It states:

“Every person in Guyana is entitled to the basic right to a happy, creative and productive life, free from hunger, disease, ignorance and want. That right includes the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest to each and all of the following, namely:

(a) Life, liberty, security of the person and the protection of the law;

(b) Freedom of conscience of expression and of assembly and association;  
and

(c) Protection for the privacy of his home and other property and from deprivation of property without compensation. [These rights are reflected in the general organization of society, in rules and government practices in various aspects of society.]”

131. Article 149 of the Constitution provides protection from discrimination on the grounds of, among other things, race and colour. The Prevention of Discrimination Act, 1997, Section 4 (2), provides protection against unlawful discrimination. There can be no discrimination on the basis of race, sex, religion, social origin, or among other things, ethnic origin. However, an exception exists in relation to employment of minors (annex 9 provides the text of this provision).\*

---

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



### **Best interest of the child (art. 3)**

132. Article 149 (1) of the Guyana Constitution provides protection against discrimination on the ground of race.

133. The Juvenile Offenders Act (chap. 10:03) recognizes the fundamentals of the best interests of the child. Other acts, namely, the Probation of Offenders Act (chap. 11:04) and the Training School Act (chap. 11:06) make appropriate provision through Statutory Supervision.

134. The Infancy Act, in its chapter 46:01, makes special provisions for children's interest, including custody and guardianship of infants. Such actions are all related to the best interest of the child and the court uses this to a guiding principle.

135. The Ministry of Labour, Human Services and Social Security applies the principle of best interest of the child in all its programmes i.e., adoption and children in difficult circumstances. The Children's Bill also stipulates that the best interests of the child must be paramount.

### **The right to life, survival and development (art. 6)**

136. This right is enshrined in the Constitution of Guyana, chapter III, articles 40 and 138, and are reflected in most of the measures adapted for the protection and development of the child. However, article 40 is declaratory in nature and not enforceable.

137. Article 138 (1) articulates the fundamental right to life. This article states:

“No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of an offence under the laws of Guyana of which he has been convicted”.

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

138. The Children's Bill makes provision for the right of the child to be heard. While the laws of Guyana do not state precisely the age at which a child may voluntarily give testimony in court, it endeavours to ensure that the child's privacy is protected and that the child understands the importance of being truthful in testimony.

### **C. Civil rights and freedoms**

139. Information from principal legislative, judicial, administrative and other measures in force in respect of these articles all follow the principles established in the Constitution.

### **Name and nationality (art. 7)**

140. The Constitution of Guyana, chapter IV, article 41, again applies to this situation. It must be pointed out that: “Every child born in Guyana is required by law to be registered and is issued with a birth certificate which is an important personal document which individualizes the child as a citizen of the country.”

141. In the Registration of Births and Deaths Act, chapter 44:01, section 23, places an obligation on a child's parents or the occupier of the house or tenement, to give notice of that child's birth. Any application for registration under this article is to be made in such manner as may be prescribed. The draft Children's Bill also mandates the rights of the child to a name with safeguards provided for name change.

142. Of concern has been the relatively moderate number of applications for registration of births and therefore issuance of birth certificates. This was especially so in the outlying areas, where many children did not have an officially documented name. These children invariably proceeded to adulthood in this situation.

143. In 2002, the National Commission on the Rights of the Child, in collaboration with UNICEF, sponsored a campaign and distributed leaflets on registration of births. Over the period 2001-2003, the Registrar General's Office, together with the Ministry of Health, held workshops which targeted school-age children and mothers. The cooperation of community health centres, hospitals and community health workers, was enlisted. The Schools Welfare Division in the Ministry of Education also assisted in this exercise.

144. Issues covered included the importance of having births registered and giving children names at birth. The table hereunder evidences marked improvement.

**Table 2**

**Country figures for registration of births**

Year	Births
1999	1 267
2000	1 272
2001	12 580
2002	17 688

*Source:* Registrar General's Office.

**Preservation of identity (art. 8)**

145. The Children's Bill preserves the identity of the child. A Cabinet-appointed Task Force has been established to examine a range of issues in relation to children.

146. Further, the Ministry of Labour, Human Services and Social Security, and the Ministry of Health are collaborating in proposing a system for registration at place of birth, be it a private or public institution or a home.

### **Freedom of expression (art. 13)**

147. The Constitution of Guyana, chapter III, articles 40 and 146, applies fully. Article 146 (1) of the Constitution of Guyana enshrines protection of freedom of expression. It states:

“Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence”.

### **Freedom of thought, conscience and religion (art. 14)**

148. The Constitution of Guyana, chapter III, articles 40 and 145, apply. This is reflected, for example, in the regulations governing schools in which children are allowed freedom of religious belief.

149. Article 145 of the Constitution also protects freedom of conscience. There are no real guidelines provided to schools in this regard, but generally, a child’s religion is respected.

### **Freedom of association and peaceful assembly (art. 15)**

150. The Constitution of Guyana, chapter III, articles 40 and 147, provide this right for all, including children. Article 147 (1) states:

“Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to political parties or to form or belong to trade unions or other associations for the protection of his interests.”

### **Protection of privacy (art. 16)**

151. The Constitution of Guyana, in chapter III, article 40, “Civil Rights and Freedoms”, ensures that legislative mechanisms are established which would be appropriate for adherence to the Convention on the Rights of the Child.

### **Access to appropriate information (art. 17)**

152. Children in Guyana are free to access the Internet, television and other media. Local television stations, including the State-owned station, provide appropriate programming for children. Programmes in schools also allow controlled access to the Internet.

### **The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

153. The Constitution of Guyana affords protection to the rights of the child against torture or other cruel, inhuman or degrading treatment through the provisions on fundamental rights and freedom of the individual (chap. III, arts. 40 and 141).

### **Concluding comments and recommendations**

154. The areas identified for focus have generally been reflected in the national laws and projected legislative goals. Two significant factors emerge from the review of Guyana's laws and proposals of intent for the improvement of the status of the nation's children. These are:

- (a) The need to effect appropriate implementation of the relevant laws which have been on the statute books for a considerable period of time;
- (b) The need for constant review, updating, and modernizing of the legislation;
- (c) The need to very quickly pass into law the Children's Bill and Status of the Children's Bill;
- (d) The establishment of the Rights of the Child Commission;
- (e) The establishment of the Family Court.

155. In 1999, there was the reintroduction of the Schools Welfare Division under the Ministry of Education. The complement of 19 schools welfare officers throughout Guyana, have ongoing programmes, including "Operation CARE" and day and night monitoring of truant children. While enforcement of the provisions of the Education Act on compulsory primary education still remains a problem, sensitization efforts have increased, with success more evident for girls than boys. The revision of the law for increased penalties remains an urgent issue since the prosecution of greater numbers of parents and child employers would likely yield greater effort at compliance.

156. The Constitutional Reform Commission, among other things, made the broad recommendation that the Constitution must reflect the terms of the Convention on the Rights of the Child.

157. The objectives of the Convention on the Rights of the Child and Guyana's efforts to streamline and make its laws more effective are to some extent comparable and would serve the best interests of Guyanese children. In improving the status of children, it is recommended that steps should be taken to ensure that pregnant teenagers are given an opportunity to complete their secondary education.

158. It is strongly recommended that the police should continue to be specially trained to deal with juvenile issues. A solution should also be sought for the problem of sexually abused children being threatened or beaten to recant their reports.

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

159. In Guyanese society, the family is still the primary and leading socializing agency in the life of the child, providing clothing, shelter, security, nurture, guidance, discipline and love and promoting high aspirations. It is recognized that there are instances of dysfunctional and broken families.

160. There are three main types of unions that are recognized and provided for under the laws of Guyana. These are:

- Visiting: A union in which a woman has a regular relationship with a partner but does not live with him or vice versa;
- De facto: A union in which a woman lives together with a partner to whom she is not legally married or vice versa;
- Legal: A man and a woman are lawfully married.

161. Other family types recognized are the extended family, the single-parent family and grandparent-headed household. There has been an increase in the latter two types. The causes of this are the breakdown in the relationship of the child's parents; abandonment of the home by one parent; and, in the case of grandparent-headed households, the increase of HIV/AIDS in parents where one or both die of the disease. Migration has also impacted on both situations.

162. The measures adopted to ensure that regard is taken for the responsibilities and duties of parents, legal guardians and other persons legally responsible for the child to provide appropriate direction and guidance are set out hereunder, and provide some indications of the legal and administrative infrastructure which give support to the articles of the Convention.

#### **Parental guidance (art. 5)**

163. The Juvenile Offenders Act, chapter 10:03, section 12, stipulates that parents/guardians are liable to provide proper guardianship, control and supervision of the child. A magistrate can order that a parent/guardian give security for a child's good behaviour.

164. This act also provides for a child to be taken out of the custody, charge or care of any person found unfit to have care of the child. In such cases the child can be committed to the care of a relative, or some other fit person or an institution named by the court (sect. 17). There is a similar provision in the Infancy Act, chapter 46:01.

165. Family counselling services, parental education service and training activities for professional groups are available as follows:

- The Probation and Family Welfare Service provides probation supervision and aftercare services for the child who has been placed in an institution, and counselling is done with the family to improve parenting skills. The agency collaborates with other agencies such as the Courts, other Social Services, Institutions and Ministries to provide these services;
- The Probation and Family Welfare Service further collaborates with other agencies to provide training for relevant professional groups in improving the life of the child within the family in accordance with the Convention on the Rights of the Child;

- The Guyana Responsible Parenthood Association is another agency which has been providing and continues to provide counselling for the child and the family. It offers a two-year programme for youths which includes counselling in sexual and reproductive health and family life education. There are also parental development workshops and outreach programmes for families, relating to women's issues. Regrettably, this programme will be brought to an end in July 2003, due to a lack of resources. Other NGOs also provide similar services. These are the Guyana Red Cross Society, Maternal and Child Welfare Centres, the Early Pregnancy Alert Service (EPAS) and Family Planning Association of Guyana (FPAG);
- Friends of St. Francis, based in Berbice (region 6), provides programmes similar to those of the Guyana Responsible Parenthood Association.

166. The Juvenile Offenders Act, in combination with the services above, has been very effective. Stipulations in the act are in consonance with the principles outlined in article 5 of the Convention. This act has been successful in curbing delinquent behaviour in the child and serves as a means of encouraging parents to exercise proper guardianship and control. The New Opportunity Corps, established in 1979, provides institutional care for children, when the courts deem such care and protection necessary. This organization later came under the control of the Guyana National Service and functioned as a juvenile correctional institution. Under the Ministry of Culture, Youth and Sport, significant progress has been made in restructuring and modernizing this facility. The staff composition has been upgraded. There have also been improvements done to the recreational facilities, (grounds, etc.), infrastructure (water; electricity). Better tools and equipment are now in classrooms for teaching of technical - vocational skills. Volunteers support the staff in counselling, anger management, and related topics. Health-care provision has also been upgraded. The holding centre will shortly be opened. The remand centre, with separate facilities for girls and boys, is still being looked at.

167. More training programmes for parents have greatly enhanced the measures in place for meeting the requirements of article 5 of the Convention. There is still the need for more childcare facilities. There have been few additions, but the need for such facilities has increased due to increased single-parent households and the need for both parents to seek jobs.

#### **Parental responsibilities (art. 18)**

168. The laws of Guyana give fathers and mothers the same rights to custody, care and development of their children. The following legislative instruments speak of these issues:

- Children Born Out of Wedlock (Removal of Discrimination) Act, 1983: This act provides for the equal status of children born out of wedlock with those born in wedlock. The Constitution of Guyana (art. 30) states that children born out of wedlock are entitled to the same legal rights and status as are enjoyed by children born in wedlock. All forms of discrimination against children on the basis of their being born out of wedlock are illegal;
- The Infancy Act, chapter 46:01: This act introduces special provisions relating to contracts, wills and guardianship of infants. This provides special protection for children in various circumstances, including the event of separation of parents;

- The Maintenance Act, chapter 45:03: This act makes provision for the maintenance of children by their parents/legal guardian. It is intended that children should benefit from the provision of a standard of living which will offer support for their physical, spiritual, mental and moral development. The amendment to this act, in 1997, increased the range in the amount of maintenance for children.

169. Enforcement mechanisms in relation to the Maintenance Act could benefit from revision, in that there is little recourse against defaulting parents other than returning to court for contempt proceedings. The above two acts will, in due course, be repealed and provisions in relation to infancy (guardianship) and maintenance will be part of the Children's and Status of the Children Bills.

170. The Juvenile Offenders Act (chap. 10:03, sect. 11) stipulates that a court can order the parent of a child or young person who is charged with an offence to appear before the court and to take responsibility for the child's actions.

171. The institutions, facilities and services for the care of children which are active components of the system are as follows:

- The New Opportunity Corps (NOC) provides rehabilitation and vocational training for young offenders who have not attained the age of 18 years. Its average population is 150;
- Genesis Early Childhood Care Centre (West Bank Demerara) provides services in the care of small children, and also provide educational programmes;
- Guyana Police Force provides care to the children of one of the most depressed areas in Georgetown;
- The Mahaica Children's Home caters for children in especially difficult circumstances;
- Children's homes: There are 22 registered homes in Guyana with an estimated population of 500. These centres are monitored by officers of the Probation and Family Welfare Service (see annex V);\*
- Kids First Fund was established in 2000. This NGO raises funds and assists children who are ill and need costly treatment, overseas in particular, for serious ailments;
- Family, Youth and Children Support Services offer legal aid, training, referrals, counselling and social services. This service is located in region 6;

---

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

- Sapodilla Learning Centre is based in rural West Coast Berbice. Children have access to reading programmes and library facilities. Five hundred and sixteen (516) full-time and part-time students have attended this centre over the last five years. The secondary school curriculum is followed and students are also exposed to music, sport, first aid, and humanities. There are plans to expand the range of courses offered to include art and craft, drama, and indoor sports;
- Camal's Home for Battered Women and Children, and Alpha Children's Home, New Amsterdam, Berbice;
- Early childhood care and development centres: children of working parents are benefiting from these services run mainly by three municipalities, religious organizations, including two centres by the Anglican Mothers' Union, NGOs and an unknown number of private organizations and persons in various parts of the country. These services are not coordinated by any government agency and only limited statistics are available on their operation.

172. In the Children's Bill, there is a proposed national coordinating body that shall serve as the coordinating agency for early childhood education (from birth to 3 years, 9 months). Over the years, regions 3, 4, 6, 7 and 10 have provided training in early-childhood education. A programme on parenting was held by the committee utilizing a manual on parenting. Parents from three regions (4, 6 and 10) were involved. These were parents of children at day-care centres and in nursery school.

173. The present trend of increases in the number of working mothers suggests that there is a greater need for the development of day-care centres. As a result of consultations coordinated by municipal day-care services and sponsored by UNICEF, there is now draft legislation for these services. An early childhood upgrading programme was formulated in 2002 by municipal day-care services and UNICEF.

174. Specific provisions adopted for children from single-parent families and disadvantaged groups include the Poor Relief Act (chap. 36:02) which makes provision for the relief of the poor. Section 23 provides for children under the age of 14 years. This section of the act, however, has limitations which affect families with more than three children.

175. Assistance is also given to mothers in cases of absent fathers, due to imprisonment or death. Fathers who are single parents likewise receive assistance hereunder. It is however felt that parenting skills were often required in these cases and programmes are constantly held by the Ministry of Human Services and Social Security.

176. One drop-in centre for street children was established in June 1999, in an effort to deal with the increasing number of children on the streets. The aims and objectives of the centre are to provide the children with a daily bath, a change of clothing, a meal and living skills training.



177. In 2002, independent housing for the centre was provided. This re-housed centre now offers improved facilities; street children progress from day-only to night accommodation.
178. A family counselling centre is currently being attached to the centre to accommodate the full-time social workers who provide counselling to children and their parents.
179. Significant co-operation in the drop-in centre's work comes from NGOs and also from the Guyana Defence Force, which has seconded a female soldier to the centre. The ultimate goal is to reconnect the child to the family and, if possible, return that child to the school system and home.
180. There is a second centre which operates at a less structured level and deals with fewer children. It is run by three volunteers. They do some training in literacy and make referrals as necessary.
181. Various religious organizations, including the Full Gospel Fellowship, and several non-governmental organizations, have "soup kitchens" which provide daily meals to children.
182. The Probation and Family Welfare Service in the Ministry of Human Services provides counselling and other assistance for parents and legal guardians in the performance of their child-rearing responsibilities. It also collaborates with other agencies in meeting some of the needs of families. The critical need for an expansion of this department and an increase in manpower to better manage the complexities of the services provided has to a great extent been addressed in 2002. More social workers have been recruited, thus allowing for more places and people to benefit across Guyana.

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

183. In Guyana the laws state that a child can only be removed from a parent/legal guardian in cases where the parent/guardian is deemed unfit as a caregiver and the child is considered to be at risk (Infancy Act, chap. 46:01).
184. In cases of abuse or neglect of the child, the court can require the Probation and Family Welfare Service to investigate and provide guidance in the decisions to be made in the best interest of the child. The final recommendation would be based on consultation with all parties including the child. The procedures are all determined in the best interest of the child.
185. A female prisoner is allowed to keep her infant child. The Prison Act, chapter 11:01, section 240, states that a female prisoner "may have her baby with her during the normal period of lactation and longer (12 months) if required in special circumstances". This is at the public expense.
186. The laws of Guyana are in general terms in consonance with article 9 of the Convention, which deals with separation from parents, and the State party adheres to the principles in most instances.

### **Family reunification (art. 10)**

187. The Constitution of Guyana and the Immigration Act, chapter 14:02, make provision for the fundamental rights and freedom of individuals to leave and enter the country respectively. The Alien (Immigration) Act, chapter 14:03, makes provision for the migration into Guyana by persons from other countries. There is no legislative requirement for Guyanese to re-enter Guyana.

### **Recovery of maintenance for the child (art. 27)**

188. The Maintenance Order Facilities for Enforcement Act, chapter 45:03, gives States parties the right to recover child support from parents and guardians in Guyana, England, Ireland and any part of the Commonwealth. Limitations on the applicability of this act have centred around the procedural difficulties in enforcing judgements both within and outside of Guyana.

189. The Maintenance (Amendment) Act of 1997 makes payment to children not only dependent on the salary or wages of the father, but on his general income. However, difficulties have been experienced in the full application of this act. It is sometimes hindered by the general environment of poverty, insufficient manpower for tracking defaulters, or non-cooperation of some employers.

190. There is also a lacuna in the law in that separate proceedings, such as garnishee proceedings, have to be filed in cases of default. More advantage is still taken of the legislation by mothers seeking maintenance for their children. However, there is still a need for less fortunate mothers to be advised of this. The impending Children's Bill addresses the matter of recovery of maintenance in significant detail.

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

191. The Probation and Family Welfare Service in the Ministry of Labour, Human Services and Social Security which is directly involved in addressing these issues has responsibility for children temporarily or permanently deprived of their family environment. These children can be placed in one of the 22 homes established by various NGOs and churches for children in especially difficult circumstances or in specific instances they can be committed to the training institution, New Opportunity Corps (recently restructured and mentioned in part II, section G, of this report), put in foster care or made eligible for adoption.

192. The institution of foster care needs to be developed and may be considered more effective than institutional care as a method of providing alternative care for a child temporarily deprived of his or her family environment.

193. In relation to fostering and adoption, this is done collaboratively by the Probation and Family Welfare Service, the administrator of the Public Hospital of Georgetown and the Red Cross Convalescent Home. Since, in most cases, the children are abandoned at the former, they are then referred to the Red Cross Convalescent Home. Arrangements are then put in place to reach persons desirous of adopting children. Care is provided to children aged from 6 months to 5 years. These children are cared for by a team of doctors, nurses and trained caregivers.

194. The Children's Bill provides for the administration of adoptions, the making of the order and the effects of such order. It makes provision for placement of children in the manner that is least disruptive for the child.

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

195. The Adoption of Children Act, chapter 46:04, makes provision for the adoption of children. The act stipulates that it is unlawful for any person other than the Adoption Board, appointed by the Minister, to make arrangement for the adoption of a child.

196. The Act prescribes that the court, before making an adoption order, shall be satisfied that:

(a) Every person whose consent is necessary under this act has consented to and understands the nature and effect of the adoption order for which application is made, in particular in the case of any parent who understands that the effect of the adoption order will be to permanently deprive him or her of his or her parental rights (sect. 13);

(b) The order, if made, will be for the welfare of the infant, due consideration being for this purpose given to the religious denomination of the parties and to the wishes of the child, having regard to the age and understanding of the child (sect. 11);

(c) The applicant has not received or agreed to receive, and that no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction (sect. 13).

197. However, this is subject to investigation by officers of the Probation and Family Welfare Service and competent social welfare agencies in the non-resident applicant's country.

198. The court, in an adoption order, will determine such terms and conditions as the court may think fit, and in particular may require the adopter by bond or otherwise to make for the child such provision (if any) as in the opinion of the court is just and expedient (sect. 13). The Amendment to the Act, 1997, allows for non-resident applicants to adopt children in Guyana.

199. The Children's Bill, 2002, has incorporated the framework of the current Adoption Act and the latter will be repealed. The best interests of the child remain paramount. Safeguards are provided in the instance of application by a person who is not domiciled in Guyana, to furnish sufficient evidence from a prescribed international adoption agency attesting to the applicant's suitability for care of a child. The Guyanese Mission or other prescribed person must authenticate this document. The right of the child to be heard, once competent, is preserved. The Registrar General would also be required to have an adopted children register. The safe transfer of children is also provided for.

200. Table 3 below gives a breakdown of the number of applications for adoption dealt with by the Adoption Board for the years 1997 to April 2003.

**Table 3**  
**Adoption applications processed**

Year	Total number of applications received	Total number of applications presented to board	Total number of applications approved
1999	224	179	34
2000	362	141	107
2001	388	175	118
2002	531	162	123
2003 (Jan-April)	184	46	34

*Source:* Probation and Family Service, Ministry of Labour, Human Services and Social Security.

201. Adoptions are carefully considered and thorough checks are awaited before a final decision is made. There are instances where further information is sought.

**Illicit transfers and non-return (art. 11)**

202. It is strongly felt that research and exploration are needed in this area to evaluate in precise terms the extent of the situation in Guyana with respect to the rights of the child and to examine ways in which it could be promoted in keeping with the Convention. While the Probation and Family Service has not had specific cases this may be due to non-reporting, rather than to there being no occurrences.

**Abuse and neglect (art. 19), including physical and psychological recovery and social integration (art. 39)**

203. Two studies sponsored by UNICEF have provided valuable information to assist in formulation of policies and programmes in this area. The publications are “Condoned by our silence: issues impacting on the abuse of children in Guyana” (2000), written by Paloma Mohamed, and “Carry me home: a collaborative study of street children in Georgetown, Guyana” (1999), written by Stella Odie-Ali and Judith Lee.

204. The research done for the former publication revealed that there was still a significant lack of appreciation of all the various types of child abuse. There was still a weakness in some persons being unable to make the connection between certain acts, such as starving a child, and child abuse. Several recommendations were posited.

205. The latter publication revealed the stark reality of the plight of street children. The information garnered (albeit under arduous circumstances) provides crucial feedback which has assisted the Ministry of Human Services and Social Security in formulating its programmes and targets.

206. In Guyana there are a number of legislative acts prescribed to protect the child from all forms of physical or mental violence, injury, abuse, neglect or negligent treatment.

207. The acts in direct relation to articles 19 and 39 are:

- the Juvenile Offenders Act, chapter 10:03;
- the Domestic Violence Act, No. 18 of 1996;
- the Criminal Law (Offences) Act, chapter 8:01;
- the Summary Jurisdiction (Offences) Act, chapter 8:02;
- the Education Act, chapter 39:01, which states that a parent must send a child to school and it is an offence to wilfully neglect to do so.

208. The Juvenile Offenders Act, chapter 10:03, section 17, makes provision for a child to be taken from the custody of an adult who mistreats, neglects or exposes the child to any form of abusive situation.

209. The Domestic Violence Act, No. 18, of 1996 was enacted to give legal protection to persons who have suffered abuse or are at risk of suffering domestic abuse. This act addresses the issue of violence (both physical or mental) within the home. It provides an initial quasi-criminal remedy which can extend to the criminal jurisdiction when violations of court orders occur.

210. The Domestic Violence Act does not only allow the magistrate to protect members of families from all forms of violence within the household but also makes abusers aware that there are ways to deal with the violent behaviour. There are three types of orders that can be used by a court to ensure the safety of a family member or members, these are:

(a) Protection order: an order to protect the victim and the victim's child/children from a violent person. The duration of the protection order is decided by the court;

(b) An occupation order: an order based on the protection order that gives the right to the victim and the victim's child/children to live in the family's home while an abuser must leave;

(c) A tenancy order: an order based on the protection order that vests the tenancy of the premises in the victim and to enable the victim's child/children to live in a rented house while the abuser must leave.

211. The Domestic Violence Act also makes the following provision:

(a) For the appointment of a Director of Human Services in the Ministry of Labour, Human Services and Social Security with responsibility to, among other things, promote and develop educational programmes for the prevention of domestic violence, investigate and publish reports on the problem; educate groups on domestic violence and child abuse and create awareness about domestic violence. An appointment was made in 2002;

(b) For the assistance to victims of domestic violence (sect. 42);

(c) For the compilation of data on incidence of abuse (sect. 42 (2)).

212. The Probation and Family Welfare Service has conducted a number of awareness programmes for professional groups, and community leaders on child abuse and domestic violence.

213. In 2000 and onwards, workshops on child abuse and domestic violence were also held with the staff of the above service, teachers and the police. The aim was to strengthen capabilities in early detection and skills to tangibly help victims; and to develop a clear comprehension of the procedures to be used to be effective.

214. The Pan-American Health Organization (PAHO) also sponsored, in 2001, a seminar on child abuse for health practitioners at all levels. This seminar focused on the problem of child abuse: the legal aspects, the psychological effects, referrals and follow-up action. In May 2003, there was a training seminar held for magistrates on the implementation of the Domestic Violence Act, 1996.

215. There has been an appreciable response to these measures, as is evident in the notable increase in reports of suspected cases of child abuse and child neglect. It is recognized, however, that increased reports is not necessarily an indication that there is increased child abuse and neglect.

216. The Summary Jurisdiction (Offences) Act, chapter 8:02, states that:

“Anyone who, being the guardian of any child:

(a) Wilfully ill-treats, neglects, abandons, or exposes the child in a manner likely to cause it unnecessary suffering or injury to its health; or

(b) When the child is ill and needs attendance or provision and being able to procure or provide it, wilfully neglects to procure for the child the attendance of a duly qualified medical practitioner, or to provide the child with suitable medicines and medical comforts and with proper food, shall be liable to a fine or to imprisonment for six months” (sect. 23).

217. The Criminal Law (Offences) Act, chapter 8:01, states that:

“Everyone who unlawfully and carnally knows any girl of or above the age of twelve years and under the age of thirteen years shall be guilty of a misdemeanour and liable to imprisonment for five years” (sect. 69).

and

“Everyone who unlawfully and carnally knows any girl of or above the age of twelve years, whether he believes her to be of or above the age or not, shall be guilty of felony and liable to imprisonment for life” (sect. 70).

and

“Everyone who, being the guardian of a child:

(a) Wilfully ill-treats, neglects, abandons or exposes the child, in a manner likely to cause it unnecessary suffering, or injury to its health;

(b) When the child is ill and needs attendance and provision and being able to procure or provide them, wilfully neglects to procure for it the attendance of a duly qualified medical practitioner, or to provide it with suitable medicines and medical comforts and with proper food, shall be guilty of a misdemeanour and liable to a fine or imprisonment [...]”

#### **Periodic review of placement (art. 25)**

218. There are currently no legislative requirements for regular review of children placed in institutions, but administrative arrangements are in place for this at the State training institution for young offenders (i.e., the New Opportunity Corps).

219. Officers of the Probation and Family Welfare Service, along with training officers of the now Ministry of Culture, Youth and Sport, are involved in the preparation of progress reports on all detainees. However, it has been noted that there is need for a more systematic, periodic review of placement of children in institutions, particularly in the private homes established for children at risk.

220. Under Part IX of the Children’s Bill, which deals with childcare and child-minding services, provision has been made for the establishment of a Child Care Services Board. This body of six persons will have the legislative and discretionary mandate of issuing a certificate of registration to all caregivers, whether institution or individual.

221. Additionally, in the draft provisions on placement of children, it is mainly provided that these matters should be done with least disruption to the child (preferably a family member). There should be placement with siblings and contact should be kept with family and other persons who are significant to the child. Arrangements with caregivers when a child is placed must be carefully made and can be revoked by the director or social worker if necessary. Counselling of a child in these circumstances is mandatory.

222. The absence of relevant statistical data, appropriately disaggregated, means that no additional information could be provided on the groups as required.

223. This situation highlights the problem of inadequate data collection. This limitation is currently being addressed in the Government of Guyana/UNICEF five-year programme of action. In 2003, the Statistical Bureau, Ministry of Finance, began spearheading a project to train its staff and that of other relevant ministries and agencies in the collection, collating, analysis and disaggregation of statistical data.

### **Final comments**

224. The existing Law pertaining to Family Environment and Alternative Care is to some extent in harmony with the Convention.

225. The Probation and Family Welfare Service in the Ministry of Labour, Human Services and Social Security has been intensifying its programmes this year and in the coming years towards promoting the rights of the child in keeping with the Convention. The aim has been to provide more counselling and training for parents, in an effort at improving parenting skills, and this has been done. An expansion of the collaborative work with other professional agencies and groups to ensure that the Convention on the Rights of the Child not only is adhered to, but is also sustained at local and national levels, is also a major aim of the programme.

226. This will, however, require appropriate human and financial inputs if the plans envisaged are to become a reality.

227. The work of the newly established Visiting Committee (established by the Ministry of Human Services and Social Security) to oversee foster care homes' administration should be given sufficient resources to ensure that it can function effectively.

228. There is urgent need for suitably disaggregated statistical data on child-abuse cases and children placed in institutions, to accommodate intervention in the operations of private homes established for children at risk. Opportunity for analytical research on whether the increased reports of child abuse and child neglect connote a genuine increase in such cases, would also be useful.

229. There is also a need for a day-care service for children with special needs, i.e., children in the birth to 3 years, 9 months, category who are seriously incapacitated. In this regard it is recognized that the success of such a venture depends on there being the best possible collaboration of parents and caregivers, with the latter receiving specialized training.

230. The combination of legislative, judicial and administrative measures is geared towards positive adherence to the articles of the Convention. Some of the limitations which still exist are manifested in the areas of enforcement of some laws, and the nationwide unavailability of some services which are still mainly concentrated in the urban or semi-urban societies. In some instances, the applications of measures are frustrated by inadequate human and financial resources. Notwithstanding these limitations, there have been, undoubtedly, gains in adherence to the requirement of the Convention.



### **E. Basic health and welfare**

231. Information from principal legislative, judicial, administrative or other measures in force in respect of survival and development (art. 6, para 2):

- The Constitution of Guyana, chapter III, article 40, which is cited in paragraphs 136 to 137 of this report, makes provision for measures to be adopted for the protection and development of the child. This is directly relevant to article 6 of the Convention (see comments on article 40);
- Additionally, paragraphs 203 to 217 cite further protective legislative measures intended to protect the child from all forms of physical or mental cruelty, torture, violence, infant abuse, neglect and ill-treatment. Further protection of relevance to this article is covered in paragraphs 163 to 167 which deal with responsibilities of parents and guardians and cites the Juvenile Offenders Act;
- Further detail on measures taken and being taken in relation to health, is dealt with in paragraphs 241 to 267 of this report.

#### **Disabled children (art. 23)**

232. Under the laws of Guyana, chapter 39:01, provision is made for children with disabilities. Accordingly, steps have been taken to ensure their accessibility to appropriate training and education. To address their special needs, programmes were put in place to facilitate the training of persons so as to ensure that children benefit in a direct way, in all programmes specially provided for them. The Polio Rehabilitation Centre continues to provide crucial services in this context.

233. The National Commission on Citizens with Disabilities has a policy in place that, as far as it could, would promote and encourage programmes and actions for such children.

#### **Special education**

234. Special education is offered in a number of special institutions catering for students whose needs could not be adequately met in the regular classroom. These students are mostly the physically and/or mentally challenged, the socially and emotionally deprived, or the visual and hearing-impaired.

235. Students enrolled in special-education institutions follow curricula that provide for primary through secondary programmes. Their ages range from 6 years to 18 years. There are four special schools located in Georgetown, the capital city. There are also special-needs schools on the East Bank of Demerara and in New Amsterdam, Berbice. These schools cater to:

- Deaf or hearing-impaired and mentally challenged children and young adults;
- Children diagnosed as having learning disabilities;

- Children who are socially deprived and emotionally disadvantaged;
- Blind or visually impaired children.

236. Outside of the capital city there are three recognized schools/institutions which provide similar programmes. Together they serve an estimated 90 children.

237. The Ministry of Education will shortly appoint a senior officer in the ministry with responsibility for special education. This special desk will coordinate national activities related to special education. A committee will also be resuscitated in the short term and will comprise technical experts to address issues in special education. It has also been recognized that the syllabus at the teachers' training college needs to be reviewed in this context.

### **Special homes**

238. There are two special homes for children with a range of physical disabilities. These are: the Cheshire Home for spastics; and the Ptolemy Reid Rehabilitation Centre for children and young adults who are physically handicapped.

239. In addition to these initiatives, the Government of Guyana, as a further demonstration of its commitment to the promotion of the right of persons with disabilities, established a Special Committee to formulate a National Policy on the Rights of People with Disabilities. This policy was developed with the full participation of the various organizations that represent people with disabilities and the relevant non-governmental organizations. It was drafted in a series of workshops held between November 1994 and July 1996, utilizing a methodology developed by the Caribbean Initiative on Quality and Non-Discrimination and organized by a steering committee made up of representatives from the Guyana Trades Union Congress, the Consultative Association of Guyanese Industries, the Guyana Coalition of Citizens with Disabilities, the Guyana Human Rights Association, the National Rehabilitation Committee and representatives of the Government of Guyana.

240. The Commission on Persons with Disabilities, established in 1997, has been monitoring the implementation of the National Policy on the Rights of People with Disabilities.

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

241. The Ministry of Health has primary responsibility for the delivery of health care and health services throughout Guyana. Provision also exists for private hospitals to deliver health care, based on a set of principles and guidelines established by the ministry. Private hospitals do provide such care. Clinics have been set up throughout the country to augment the care offered by the main hospitals and the number has grown over the last three to four years.

242. The principal focus of the Ministry of Health in fulfilment of obligations under the CRC, is the countrywide Maternal and Child Health Programme. The policy of a family-oriented Maternal and Child Health Programme has been adopted. Further, in August 1999, Guyana introduced the Integrated Management of Childhood Illness (IMCI) programme. In collaboration with PAHO/WHO and UNICEF, training has been done regionally to allow for its

full implementation. Through IMCI, Guyana has adopted a strategy of holistic care and practices, in order to reduce children's deaths caused by illness. Further regional training is planned in 2003.

243. While the Ministry of Health is responsible for the Maternal and Child Health Programme, PAHO/WHO and UNICEF (and previously SIMAP (Social Impact Amelioration Programme) and the Municipality of Georgetown) provide financial, technical and collaborative support for the delivery of many of these programmes. The goal of the Maternal and Child Health Programme is to ensure that women and children obtain basic health care necessary for growth and development. Additionally, health posts provide basic health services for other members of the family. This programme is largely executed by "Medex" and senior health visitors, who have been specially trained to administer these services.

244. The child health-care system in Guyana is a component of the larger Maternal and Child Health Programme. Its specific goals are to ensure that each child receives a level of health care which would facilitate its growth and development; the reduction of the infant mortality rate; and the eradication of childhood diseases through its immunization campaigns.

245. Immunization is an integral component of the child health-care system and programmes are consistently applied throughout the country. The immunization programme was further upgraded in 2000 with the introduction of the pentavalent vaccine. Together with the other vaccines and boosters already being issued, children are now protected from 11 antigens.

246. The programmes provided, some of which have been concluded or are ongoing, are as follows:

- Polio eradication: Through intense surveillance and immunization activities, Guyana has successfully eradicated polio from the country. The last reported case of poliomyelitis was in 1962;
- The Integrated Management of Childhood Illness (IMCI): This programme supports the holistic approach to management of childhood illness;
- Oral rehydration therapy: This has been introduced at primary, secondary and tertiary levels of health care, thus reducing the incidence of deaths from diarrhoeal diseases in children under 5 years old. This treatment is now a component of the IMCI programme and is ongoing;
- Control of neonatal tetanus: There has been no reported case of neonatal tetanus over the last 20 years. This has been achieved through an active immunization programme for children under 5 years old as well as the inclusion of DPT and DT vaccines as compulsory for all children 5 to 15 years old and the introduction of tetanus toxoid to non-immunized pregnant women during the second trimester of pregnancy;
- The anthelmintic programme was successfully carried out in over 50 schools in seven regions for all levels; 150,000 children were beneficiaries. The Rotary Club provided the appropriate medication;

- National Immunization Programme: Vaccines are given free to the general public at all government health facilities and municipal health centres;
- Baby Friendly Hospital Initiative: Guyana has adopted and ratified the Baby Friendly Hospital Initiative. This programme has so far been successful and is constantly augmented. It was strengthened in 2002 by introduction of the mother-to-mother support group. This programme has, however, only been implemented in the capital city and its environs;
- Prevention of mother-to-child transmission of HIV was formally implemented in 2001. The National AIDS Strategic Plan was formulated in 1999 and updated in 2002.

247. The establishment of an Inter-American Development Bank (IDB)/Government of Guyana health policy and institutional development programme in 1999 has resulted in additional programmes to benefit the health sector and, by extension, children. These are:

- Research on and examination of health systems to improve the levels of services;
- Programmes on primary care in health centres;
- Strategic planning for the health sector in relation to the workforce;
- Production of a National Health Plan for implementation over the period 2003-2007. This plan has had the input of NGOs and the health sector;
- Consultations with the thematic group including PAHO, UNICEF, CIDA, to ensure better coordination and use of resources;
- Development of a concept document on adolescent health as a basis for the establishment of an adolescent unit in the Ministry of Health. USAID will provide tangible support;
- Introduction of a screening programme in schools to detect learning disabilities and attention deficits. Age-specific times are to be set at all levels to activate the screening process;
- A programme on HIV/AIDS-Substance Abuse is to be launched;
- In 2003, a Basic Nutrition Programme will begin to address:
  - (a) Malnutrition in children of 6 to 24 months. (To be done over a four-year period),
  - (b) Anaemia in pregnancy and effect on the child at birth, and
  - (c) General education for mothers on nutritious diet and techniques in breastfeeding.

### Child mortality

248. Data on infant mortality rate indicate that there has been a fluctuation over the period 1992 to 2000. The goal has been to reduce the infant mortality rate progressively. In 1992, the infant mortality rate was 42.9 per 1,000 live births; 22.9 per 1,000 live births in 1998, and 54 per 1,000 live births in 2000. Malnutrition, anaemia and, recently, malaria, are the main causes. Further examination is being done.

249. Acute respiratory tract infection, in particular pneumonia, represents the leading cause of child mortality and morbidity in Guyana. The number of deaths in children 5 years old and under due to acute respiratory tract infection has been reduced from 66 in 1995 to 59 in 1998. The objective was to further decrease this by 3 per cent by the end of 1999.

250. The MICS, however, states that infant and under-5 mortality rates for 2000 are 54 and 72, respectively, per 1,000 live births.

251. The increase in cases of HIV/AIDS infection in children is fast becoming a cause for serious concern (as evidenced by the statistics below). It is primarily the Georgetown Public Hospital Corporation that currently provides medical care for children in these circumstances.

**Table 4**  
**Child mortality and morbidity, 1995-1998**

Categories	1995	1996	1997	1998
Annual number of deaths due to ARTI under 5	66	57	70	59
Annual number of under-5 deaths	699	587	630	527
Annual number of neonatal tetanus	0	0	0	0
Under-5 deaths from measles	0	0	0	0
Annual number of cases of polio	0	0	0	0

*Source:* Statistical Department, MOH.

### Nutritional status

252. Maternal and Child Health Department data for 1998 indicates that 16 per cent of children under 5 years old were underweight while 4 per cent of them were overweight. The MICS 2001 data compares favourably to that of the above-mentioned survey.

253. The Micro-Nutrient Study of 1997 in Guyana showed that 10.1 per cent of the children under 5 were stunted, 11.5 per cent exhibited evidence of wasting and 11.8 per cent were underweight.

254. In 2002, a nursery school survey and a food consumption survey were held for children aged 3-5 years. These resulted from collaborative efforts of the Food Policy Division of the Ministry of Health, PAHO, and the Caribbean Food and Nutrition Institute (CFNI). Results were

published in May 2003. On nutritional status, it was revealed that malnutrition remains a problem and it appears to occur in the children in the older category, i.e., 60-71 months: 8.3 per cent of children were wasting; 9.8 per cent were stunted and 14.2 per cent underweight. It was observed that the educational level of the caregiver impacted on the children's condition with more areas for concern arising in instances where the caregiver was less educated, e.g., where the caregiver had only received primary level schooling, 15 per cent were underweight; 14.6 per cent stunted and 0.8 per cent wasting.

255. The response to this situation has been the continuous programmes mounted by maternity and child health clinics to guide parents on good food and nutrition practices.

### **Low birth weight**

256. Data from the Ministry of Health indicates a steady decline in the percentage of low birth-weight live births: from 14.2 and 12 per cent in 1997 and 1998, respectively, to 10.5 per cent in 2002.

### **Anaemia**

257. Iron deficiency continues to be a major problem in Guyana. In the micronutrient study, 1997, deficient haemoglobin levels were 29.9 per cent in pregnant women, 20.8 per cent in the 0-4 age group and 15.5 per cent in the 5-14 age group. Based on this data, plans were implemented for food and drug supplementation for children under 5 years and pregnant women. Also a mass anthelmintic programme continues for school-age children. The 2002 research revealed that anaemia affected 69.7 per cent (ages 36-47 months); 26.2 per cent (48-59 months); and 27.2 per cent (60-71 months).

258. The PAHO/CFNI/Ministry of Health workshop held in May 2003 recommended that programmes focusing on nutrition needed to continue, with targets being the children worst affected. The SIMAP programme initially provided food supplements to a number of primary schools in an effort to arrest this deficiency in children. Additionally, since 1994 steps have been taken to make iron-enriched flour widely available and this distribution has continued.

259. Education programmes are ongoing in this area carried out by the Food Policy Division of the Ministry of Health. The SIMAP programme in this area has been terminated. The Ministry of Health has, however, acquired hemocues (i.e., medical equipment to test haemoglobin levels). Training in its use is currently being done prior to implementation.

260. It is recognized that poor dietary practices substantially contribute to anaemic conditions. Iron absorption is therefore inhibited or decreased. Leaflets and posters are regularly handed out regionally on selection of foods and principles in combining them.

261. One of the recommendations of the PAHO/CFNI/MOH workshop was that the correct children must be caught and intervention taken early, to arrest the problem.

### Malaria

262. For some regions in Guyana, in particular region 8, malaria has become a threat to the health of all, especially children. The Ministry of Health is engaged in ongoing educational programmes to assist parents with the knowledge on the prevention and treatment of this illness. Regional hospitals and health clinics are also equipped to do tests for malaria and to administer appropriate medication.

### Immunization

263. The immunization programmes have been relatively successful over the last eight years in Guyana. Overall immunization trends have generally moved upwards over the period from 1995 to 1998. This continued from 1999 onwards with improved statistics in support of those conclusions. In 2000 the pentavalent vaccine was introduced. The vaccines generally continued to offer children further protection against 5 to 11 antigens. However, it should be noted that given the huge land mass and difficult terrain and the virtual inaccessibility of some sparsely populated areas it is not easy to attain 100 per cent coverage.

**Table 5**  
**Immunization coverage in Guyana 1999-2002 (in percentage)**

Vaccines	1999	2000	2001	2002	Goals 2000
BCG under 1 year	92	93	95	91	100
OPV under 1 year	84	79	90	90	100
DPT under 1 year	85	88	83	87	100
* MMR 12-23 months	87	86	91	92	95
Pregnant women	82	81	-	-	80
Pentavalent	Not yet applicable	Not yet applicable	85	91	-
Yellow Fever	92	-	90	92	-

*Source:* Maternal and Child Health Department, MOH.

\* MMR from 2002 is being administered at 12 months.

264. Programmes proposed for women and child health include:

- Attainment of Baby Friendly Hospital Status in all hospitals;
- Programmes on women's and children's health;
- Revision of the National Breast Feeding Policy to include young child feeding;

- Prohibiting the distribution of free breast milk substitutes to maternity hospitals and health centres;
- Food Supplementation Programme for undernourished children at selected health centres and nursery and primary schools;
- Implement routine screening for all pregnant mothers so as to decrease mother-child transmission of HIV/AIDS;
- Training community health workers;
- Improved delivery of water and sanitation programmes to every area of the country;
- HIV/AIDS infant feeding, counselling and training sponsored by UNICEF.

### **Maternal mortality**

265. Trends in the maternal mortality rate revealed a fluctuation over the last three years.

**Table 6**

**Data on maternal mortality (number of deaths  
per 100,000 live births)**

1999	2000	2001
99.5	133.3	91.7

*Source:* Ministry of Health.

266. Trends in the health sector have varied over the last five years. With health sector reform it is hoped to see an improvement in all health indicators. This reform will in part come from the IDB/Guyana Health Sector Policy and Institutional Strengthening Programme.

267. The extensive nature of the maternal and child health programme provides an innovative approach which aims at including the entire family. This demonstrates Guyana's concern for the health care of the entire family and by extension its citizens. The services delivered across the country are to some extent in keeping with the requirements of the Convention. It is however recognized that much more needs to be done in terms of the full implementation of the health-care programme.

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

268. In responding to the problem of street children, the Ministry of Labour, Human Services and Social Security has initiated a programme aimed at providing shelter, training, and a rehabilitation programme, with the ultimate objective of reuniting children to families wherever possible. This programme is being implemented through the Drop-in Centre.



### **Social security and other benefits**

269. The Poor Relief Act, chapter 36:02 of the laws of Guyana, seeks to address the needs of the less fortunate in the society and to ensure that provision is made for financial assistance. Section 23 (1) of this act specifically states:

“Every aged or infirm person and every child under the age of fourteen years (children in any training school excepted) who are destitute and unable to earn sufficient for their maintenance, shall be entitled to relief from the funds of the disposal of the Commissioners who constitute the Board of Poor Law Commissioners.”

270. The Ministry of Human Services and Social Security has as one of its mandates, the provision of various forms of social assistance, as directed under the Poor Relief Act. The beneficiaries of such assistance are destitute families, including children.

271. Persons in difficult circumstances also benefit from school feeding programmes run by churches and non-governmental organizations in collaboration with schools. Uniforms are also provided to needy children identified by criteria set by the Ministry of Education.

### **Article 27 (para. 3)**

272. The Government of Guyana, in recognition of the state of economic deprivation experienced by a significant section of the population, has introduced several measures under its Poverty Alleviation Programme. Parents who are identified as being in difficult economic circumstances are able to access assistance in the form of school requisites, books, clothing and other related forms of assistance through a programme jointly administered by the Ministries of Education and Human Services and Social Security. Additionally, the Ministry of Education provides subsidies for examination fees for certain children based on a means assessment.

273. In addition to the provision of school requisites for children there are feeding programmes provided by Government as well as churches and social organizations, in many primary schools. These enable access to a balanced diet by a number of children.

274. Children are usually identified for these programmes by a liaison system between school leaders and benefactors. The test for benefit is the hardship circumstances of the child.

### **The nature and extent of cooperation with local and national organizations, both government and non-governmental**

275. Over the years the Government of Guyana has been involved in a high level of networking and consultation with various local non-governmental organizations and with national government agencies. As a preliminary step towards pursuing the legislative process intended to promote the welfare of Guyanese children, consultations are regularly held with professional bodies and with organizations so that appropriate laws might be enacted. This situation is best demonstrated by the consultations held with relevant professional bodies and the general public in respect of the Medical Termination of Pregnancy Act. Similarly, amendments to the Narcotics and Psychotropic (Substances Control) Act and the Motor Vehicle and Road

Traffic Act, chapter 51:02, benefited from consultations with a number of groups. The consultation on constitutional reform stands out as being the most comprehensive and far-reaching consultation pursued in recent times.

276. This level of cooperation has crossed all partisan, political, religious and cultural lines and serves as a model for the fullest measure of participation at various levels and generally sensitizing various groups to the Constitution.

277. Reference ought to be made also to the National Policy on the Rights of People with Disabilities, as mentioned above, where diverse consultations with a number of organizations were conducted.

278. Consultation as a means of involving relevant organizations and stakeholders has also been applied to matters concerning the rights of the child. Since 1991, conferences, seminars and workshops have brought together representatives of government agencies and non-governmental organizations to deliberate on issues concerning the rights of and status of children. These include:

- Childcare services: the Children's Bill, 2002, has made provision for childcare services and related facilities. However, the Constitution of Guyana and the Municipal and District Councils Act, chapter 28:01, currently stipulate that such services be provided.

279. The municipality of Georgetown, the capital city, has established a number of day-care centres with facilities geared to assist parents in the provision of quality childcare service. It is also the view of some advisers that it is crucial in nurturing a culture of morals and to provide protection from injurious information.

280. Traditionally, and particularly in the rural areas of Guyana, the extended family served as the mechanism through which children were cared for while parents were at work. However, it has been noted that a few private agencies, largely industrial and commercial houses, have been providing day-care facilities for their staff. There is also an increasing number of private individuals who have been providing such services.

281. The existing situation with respect to day-care facilities is recognized as being inadequate since there is still a demand for care of children, particularly those of single parents. Consequently, over the period 2000-2002, a Plan of Action was developed by the municipal day-care service and UNICEF. This plan includes training of supervisors and caregivers and upgrading of skills of the latter; capacity-building for staff; improving procurement knowledge and capability; sharing parenting skills; and standardizing the quality of service.

#### **F. Education, leisure and cultural activities (art. 28)**

282. The principal legislative and judicial measures which underpin education in Guyana are as provided in the Guyana Constitution, the laws of Guyana and the Education Act.

283. The Draft Education Bill is, however, still to be placed before Parliament. It makes legal provision for all matters relating to education.

284. The proposed five-tiered structure, into which the education system is to be organized, remains unchanged. In the meantime, there has been, over the last four years, definitive action and policies to strengthen, in particular, the early childhood programme in all important spheres. These are as follows:

- Intensification of the early-childhood programme at the Teachers' Training Institution (Cyril Potter College of Education);
- This training includes exposing primary-school trainees to early childhood education in a manner that makes it easier for a trainee to progress from the nursery to primary level;
- Implementation of the concept of placing the best teachers at the foundation years;
- Assignment of an Assistant Chief Education Officer for early childhood education;
- Revision of the curriculum, to emphasize literacy and numeracy in the earlier years;
- Provision of a blueprint for physical conditions in construction or renovation of schools in all the regions;
- As a special component, an initiative has begun to teach parents the principles of early stimulation of the child. This is being done in instances where the child lives far away from a school.

285. In addition to the stages of education named above, there shall be provided:

(a) Technical and vocational education and training which shall consist of full-time or part-time education, and education on a day-release basis in such technical and vocational subjects as may be specified by the Chief Education Officer from time to time;

(b) Special education which shall consist of the education provided in special schools and special classes suitable to the requirements of pupils:

- (i) Who are deaf, mute, blind, retarded or otherwise differently able;
- (ii) Who have failed to attain the level of education required of children of that age;
- (iii) Who have offended against the laws of Guyana;
- (iv) Who are gifted, i.e. children who demonstrate exceptional aptitude when compared with the required level for their age.

286. There shall be provided facilities for non-formal education which may consist of part-time education and leisure-time activities in ordained academic, technical, vocational, cultural and recreational fields.

287. The education systems comes under the administration of the minister who is supported by the Permanent Secretary.

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

#### **Compulsory primary education**

288. The minimum age of admission to a primary school is 5 years 9 months. The primary programme is structured to provide literacy and numeracy skills for pupils within the system. It is normally of six years duration.

289. Apart from the formal classroom teaching of academic subjects, the students are exposed to activities such as physical training, athletics and related subjects. Competitive athletics programmes are widely promoted.

290. The average percentage attendance in primary schools in the 1997/98 school year was 78.6 per cent with an almost equal percentage of males and females (77.7 and 77.6 per cent, respectively). In 2000, according to the MICS, the total percentage of males attending was 97.4 per cent, and 98.1 per cent for females (see annex XVI).\*

291. It is noted that, given the reality of the limited teacher resources available, the average student per teacher ratio was 55:1, with the ratio being higher at the primary level and lower at the secondary level of the school system.

#### **Secondary education**

292. Secondary education is available via two types of secondary programmes. Their function is to provide students who have completed primary education with opportunities to acquire the skills and attitudes that would equip them for beneficial employment and/or entry into institutions of higher learning.

293. The two types of secondary programmes are:

(a) A four- to five-year programme which is based towards the acquisition of pre-vocational skills;

(b) The multilateral programme, which is done in the general and community high schools. These prepare students to write the Caribbean Examination Council (CXC) examination or the Ordinary Level (Cambridge Examination) at the end of five years. This programme is more academically oriented.

294. Senior secondary schools admit students with the required academic record to their Sixth Form and at the end of two years, these students write Advanced Level (Cambridge Examinations) as well as the Caribbean Examination Council Advanced Proficiency.

---

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

295. In the school year 1999/2000 the average attendance at secondary schools was 78.1 per cent male and 79.9 per cent female with a total average of 79 per cent. The average student/trained teacher ratio was 32:1.

296. In the secondary department of primary schools, average attendance was 59.2 and 63 per cent for males and females, respectively. The total average was 61.1 per cent.

297. In view of the need to improve the quality, relevance, equity and efficiency of education in this country a Secondary School Reform Project (SSRP) funded by the World Bank continues with the ultimate aim of improving the entire secondary school system.

### **Curriculum**

298. In addition to the regular academic subjects, drama, art and craft, sports and games are also available in the secondary schools' programme - thus providing opportunities for the artistic and creative expressions of children and the development of their varied talents.

299. There is constant revision of the curriculum. A learning-outcomes exercise in the core subjects at the primary level, is done. There is a national timetable for nursery level. One for primary level is to be validated.

300. To better enforce the curriculum, the "Escuela Nueva" (EN) model has been successfully introduced. The GBET and GUIDE programmes are also being implemented. The former programme targets teachers in regions 1, 7, 8 and 9, with the aim of improving the quality of teachers. The latter programme targets teachers in the deep "riverain" areas.

301. There is also the Guyana Education Access Project (GEAP) pilot project in region 6 and the Basic Education and Management Support (BEAMS) programme.

302. In 2003, the unit on HIV/AIDS was introduced as a component of the schools' curriculum. This introduction is part of a programme sponsored by UNESCO aimed at all schools and children who are out of school.

303. Given the structure of the curriculum and the varied co-curricular activities the school programmes at secondary and primary levels may be considered to be generally in keeping with the terms of the Convention.

### **Vocational, technical and guidance**

304. Vocational skills which encompass industrial arts, home economics, agricultural science, etc., are offered in those secondary schools which have the facilities for the teaching of the relevant skills. These subjects are also taught at practical instruction centres which serve clusters of schools that have no specialist facilities of their own.

305. Additionally, technical education and vocational training at the post-secondary level are offered in four technical institutions, and these have continued to target students who have left the secondary school and street children.

306. The Government, in collaboration with a few non-governmental agencies, continues a series of "craft courses" for out-of-school youths, especially in communities where such courses are not on the schools' timetable.

307. A total of 2,500 students were on the rolls, during 1998/2000, in these technical programmes which are conducted in various parts of the country, for both males and females. Programmes are offered both on a part-time and full-time basis.

308. The Ministry of Culture, Youth and Sport has sponsored training in technical-vocational skills through the Youth Entrepreneurial Skills Training Programme (YEST). The curriculum for this programme is aimed at engendering cultural expression among children. Vacation camps in various regions also help to hone these skills.

309. Skills-training facilities have also been set up in three regions. Further training at the Kuru-Kuru Training Centre is awarded to some participants of the regional training. Educational tours continue to be a feature in the curriculum.

### **Guidance**

310. The reintroduction of guidance programmes into the school curriculum has been gradual. The Schools' Welfare Division of the Ministry of Education, has, to some extent, been able to do this by appointing identified teachers as welfare officers and guidance counsellors, in primary, secondary and post-secondary institutions.

311. Members of staff of the above Division in the regions, perform the duties of guidance counsellor. It has not as yet been possible to assign guidance teachers in schools.

### **Higher education**

312. Tertiary-level education programmes are conducted at the Cyril Potter College of Education and the University of Guyana.

313. The Teacher Training College (Cyril Potter College of Education) provides programmes at the in-service and pre-service levels for which students with the required qualifications are accepted. The in-service programme is geared for the on-the-job training of personnel who are already serving as teachers. The Cyril Potter College of Education now provides tutoring in regions 3 and 6.

314. The University of Guyana offers courses leading to undergraduate and postgraduate degrees as well as certificates and diplomas in various disciplines. The latter are specifically geared to providing some of the skills required by government agencies and private corporations.

### **Distance education**

315. Distance education is also used as a component of the teaching programme at the primary level in some schools. The Institute of Distance and Continuing Education offers a varied set of subjects and courses to persons 16 years and over. These programmes are offered throughout Guyana and adopt distance-teaching methods to reach persons in outlying areas.

316. Specially produced radio programmes entitled “Broadcast to Schools”, are beamed to schools within a certain radius. These programmes give effect to specific aspects of the curriculum.
317. A recent development has been the introduction of educational programmes for television. This indicates that the use of videos in education is becoming increasingly popular as a teaching method.
318. Formal educational programmes are all presented in standard English, which is the language used on formal occasions throughout Guyana.
319. Educational tours of significant sites have been introduced as a feature of the schools programme to supplement various instructional programmes and stimulate interest in the history and development of the society.

### **Recommendations**

320. The State, through the Ministry of Education, should provide a monthly newspaper supplement to apprise parents, children and the public at large of issues pertaining to changes in the education system and the implications for children.

### **Regular attendance and dropouts**

321. In 1997/98 the average regular attendance at the primary level is reported to be 78.6 per cent, which indicates that 21.4 per cent of the school population of 101,907 children was absent from school in that period. Many of these children had actually dropped out of the school system, even though under the age for employment (15 years), and are generally employed in contravention of the law. Statistics attached hereto as annexes do not reflect a significantly altered position. This situation must be improved if children are to develop and realize their full potential.
322. It should be noted that, while primary education is compulsory, the monitoring and enforcement of the law has proved to be exceedingly difficult and this has negatively affected adherence to aspects of this article of the Convention. The reintroduction of the Welfare Division and of welfare officers with responsibility for truancy are now in place to address such issues.
323. In 1998, dropouts at the primary education level were reported to be about 27 per cent of the total enrolment. The “wastage” at the secondary schools level was 22 per cent and for community high schools 11 per cent. This situation was deemed to be unacceptably high and still remains so. Some of the reasons advanced for the dropouts have been given as overcrowded classrooms, and the general economic circumstances of some families which adversely affect regular attendance (see annexes XIII to XV).\*

---

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

324. In addressing this problem, the school system to some extent provides counselling for both students and parents. The Parent-Teachers Association is also utilized as a forum to discuss issues of absenteeism and dropouts, and to seek possible solutions to the problems. The Ministry of Education has moved to better formalize this system by issuing guidelines on functions.

### **Recommendations**

325. It would be useful for the schools, through the Parent-Teachers Association or other appropriate mechanism, to establish more effective links with the home environment and community at large.

326. There is a need for improved physical, financial and human resources to assist the Schools' Welfare Division to function better.

327. The rigorous enforcement of the provision on compulsory education in the Education Act and all existing policies would reinforce the child's rights to education.

### **School discipline in keeping with the rights of the child (art. 37)**

328. The disciplinary procedures to be observed in schools are prescribed by the laws of Guyana, chapter 39:01, part XII, section 94, which deals with corporal punishment. This law clearly specifies how, and what discipline may be administered for various offences.

329. Consultations were held by the Ministry of Education in 2002 resulting in a manual on the maintenance of order and discipline in schools. The 27-page manual comprises components in this context, for teachers, students and parents.

330. Unfortunately this law is not often adhered to and in such cases constitute a breach of both the law and a contravention of this article of the Convention.

### **Recommendations and comment**

331. The school system should liaise with children's homes (i.e., parents, guardians, et al.).

332. The rule and regulations regarding Corporal Punishment are now more widely promoted and enforced. Punishment must be prescribed meaningfully with the aim of bringing about the desired result. There now appears to be a decrease in the instances of corporal punishment.

### **International cooperation**

333. Guyana's developmental thrust in the field of education has benefited significantly through bilateral and multilateral arrangements with several agencies.

334. The World Bank, Inter-American Development Bank, The Canadian International Development Agency, The Overseas Development Agency, UNICEF and other international agencies have contributed much to education in Guyana through consultancy services and financing in the form of both loans and grants. Assistance has been forthcoming in major areas such as the early childhood education, primary and secondary schools reform programmes. UNICEF in particular has been supportive, as evidenced in the Project Plan earlier articulated.



335. International agencies which provide assistance in the form of volunteers and other support services are the Volunteer Service Organization, Canadian Executive Services Organization, Peace Corps, Youth Challenge, etc. The latter is primarily involved in hands-on activities such as the building of schools, developing the infrastructure to aid education, practical teaching and on-the-job training. Other forms of assistance provided through international NGOs include medical outreach programmes, dental and medical care for schoolchildren, donations of spectacles, etc. Previously, VSO and the Peace Corps have not had partnership links with UNICEF. VSO is now exploring the possibility of working together with UNICEF in the placement of volunteers. UNICEF has previously collaborated with CIDA and United Nations Volunteers, and is currently establishing linkages with the Peace Corps which latter institution has accumulated much experience in early-childhood development.

336. Although such interventions have facilitated the rehabilitation of a significant number of school buildings, the development and upgrading of curricula, the improvement of administrative support services and increased provision for teacher-training programmes still remain priority areas for attention. The capacity of institutions to meet the requirements of the Convention has, however, been strengthened.

337. In the areas of culture and youth, there has also been substantial support by the aforesaid agencies, the Commonwealth Youth Programme, and the OAS to the Ministry of Culture, Youth and Sport. The latter was provided with tangible support to assist in execution of the ministry's programmes.

#### **Development of respect for human rights and fundamental freedoms (art. 40)**

338. The State, through its Constitution and Laws, guarantees human rights and fundamental freedoms for all its citizens especially children, in conformity with the relevant article of the Convention.

339. Guyana has amended its Constitution after consultations with social agencies (both government and non-governmental). The Guyana Human Rights Association and Amnesty International are two important organizations which appeared before the Constitutional Reform Commission with the objective of reinforcing the protection of human rights. There is now provision for a Human Rights Commission together with other Constitutional Commissions which will also reflect concern for human rights in various contexts. This includes the Commission on the Rights of the Child.

340. The Constitutional Reform Commission has also taken into consideration the requirements of the relevant conventions when formulating its recommendations regarding children.

341. Government agencies such as Probation and Family Welfare Services, Schools Welfare Services, adoption services, Social Security services, the National Commission on the Rights of the Child, the National Commission on Women and several religious organizations all play significant intervention roles to protect the child from any form of abuse or infringement of their human rights. Additionally, NGOs such as the Human Rights Association, the Guyana Responsible Parenthood Association, several service clubs, such as the Lions, Rotary and

Jaycees, and organizations such as Help and Shelter, perform referral roles in respect of agencies which have the legal power to pursue matters of sexual and reproductive health rights and abuse or infringement of human rights generally.

### **Respect for parents and cultural identity, language and values**

342. The Constitution provides for freedom of expression and the practice of all religions. The pursuit of one's own culture or religious persuasion is a right enshrined in law and in the Constitution. The child in Guyana is therefore, born and raised in a State which is multi-religious and multicultural and is nurtured and encouraged to respect the varying cultures and religious practices.

343. Respect for parents is at the core of the cultural development of the Guyanese child. This is reinforced in the schools, in homes and in religious institutions. A survey of children reveals that the tenets of the above subject are fully understood and known.

344. The State has recognized certain religious festivals as national holidays and Guyanese adults and children alike, are encouraged to learn the significance of such national holidays. It is a standard part of the school's curriculum to teach about religious, cultural and regional festivals.

### **Preparation of a child in a free society**

345. The Guyanese child is born, nurtured and developed in a free and democratic country in which much emphasis is placed on freedom of cultural expression, religious tolerance and respect for cultural and ethnic diversity. The preparation of the child therefore starts from these early environmental influences and continues throughout the formative years of the child's development.

346. This aspect of the child's social development is reinforced through extra-curricular activities at schools, and at such clubs and societies formed for the purpose and those which promote sports and related activities. Mention must be made of the presence of worldwide movements such as Girl Guides and the Scouts Movement which also influence the development of the child's awareness.

347. Annual holiday camps organized by religious groups, the Ministry of Culture, Youth and Sports, and many other social organizations are increasingly known for the life skills and social values imparted in the thousands of children attending such activities. The President's Youth Award Programme has provided an additional opportunity for the social and economic development of youth across the entire country. The latter programme is the focal medium for the ministry, and visits to historic sites are promoted through this programme. As part of their training, students of the YEST programme also do tours as part of the curriculum at the KKTC.

348. The Red Cross Youth arm conducts community service and health education programmes which are aimed at fostering a sense of self-respect among youth. It also engages in dissemination activities, which reinforce humanitarian values and the fundamental principles of the movement, i.e. humanity, neutrality, impartiality, volunteer spirit, service, unity and independence. The Youth Advocacy Programme has also been providing similar services.

**Respect for natural environment (art. 29 (e))**

349. The Constitution of the Cooperative Republic of Guyana (1980), article 36, states:

“In the interest of the present and future generations the State will protect and make rational use of its land, mineral and water resources, as well as its fauna and flora, and will take all appropriate measures to conserve and to improve the environment.”

350. Specific aspects of the natural environment are also protected by the Environmental Protection Act (1996) which, among other things, provides for the management, conservation, protection and improvement of the environment.

351. In general terms the Guyanese child is raised with an understanding and appreciation of the importance of the environment. This is underscored at an early stage in the formal school system in which environmental studies have now been introduced in the regular curriculum of a number of schools. Additionally, some schools have promoted the establishment of nature clubs or environmental societies where the responsibilities of the individual and the society as a whole with respect to the protection of the environment are given major focus. The Environment Protection Agency in 2002 launched environmental clubs countrywide.

352. Mention must also be made of State institutions like the Ministries of Tourism, Education and Culture which, from time to time, provide opportunities for children to visit the vast expanse of Guyana and to recognize its natural beauty in lakes, rivers, hills, savannahs and mountains. These expeditions create practical opportunities for some children to see and understand a bit more about the relationships between man and his environment.

353. Most importantly, there are a number of areas of Guyana such as Kaieteur Falls, where the natural environment is protected by laws which are sometimes enforced through regular monitoring arrangements. Children are sensitized to such issues. A number of radio and television clips continue to sensitize the general population to the importance of protecting the environment. This campaign has been reinforced by the establishment of the Environmental Protection Agency under the EPA Act 1996 and the Iwokrama Rainforest Conservation Programme.

**Liberty of setting up of educational institutions, minimum standards  
for educational institutions**

354. The rights of the Guyanese, especially to education, are enshrined in the Guyana Constitution (1980), which states that education is available from nursery school to university and even at non-formal places of learning. It is provided free of cost from nursery to secondary levels.

355. The provision of education, however, is not the exclusive responsibility of the State. Individuals or groups have independently established schools in which tuition is provided as a paid service. These institutions are open to all who are able to meet tuition costs.

356. As currently obtains, any individual who has the necessary resources may establish an educational institution where the child could be trained from pre-school to tertiary level of education. There are an estimated 25 such private primary schools in Guyana.

357. The State periodically monitors and introduces measures of control for these institutions in order to ensure that acceptable standards are met. Children attending such institutions are therefore assured of quality education in terms of programmes offered, resources and environment.

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

358. The Ministry of Education, while responsible for the overall education system, is to a limited extent assisted in this undertaking by a few private schools. The Government's educational policy goals are generally in agreement with the requirement of this article, and include:

- Provision of knowledge, skills and attitudes required for personal development and active participation in the development of Guyana;
- Cherish love for the country;
- Adherence to principles of democracy, justice, peace and accountability;
- Development of the potential of children to the fullest;
- Development of a spirit of self-reliance and resilience;
- Development of social and moral values and an appreciation of other people's religions, beliefs, opinions and cultural background;
- Development of national pride in our multiracial, multicultural, multi-religious society, emphasizing the interdependence of the people in all 10 administrative regions of the country;
- Development of an awareness, sensitivity and commitment to conserve and protect national resources and the environment.

359. Although the Curriculum Development Unit within the Ministry of Education sets the framework for the school curriculum at the primary level, there is some degree of flexibility which might be adopted in the school system. There is also some amount of standardization in the textbooks used throughout the country. Local textbooks are now being used.

360. At the secondary level, the curriculum is led by programmes geared to culminate with the Caribbean Examination Council and the General Certificate of Education Examinations.

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

**States parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts**

361. The Constitution of Guyana (1980), article 23, gives effect to the above article.

362. While the above refers to teachers and education officials and other workers, it indirectly relates to children in the school system. It is to be noted that the Education Act, chapter 39:01, sections 10-21, provide for 13 weeks of vacation during the school year. Additionally, the schools' timetable provides for prescribed periods of rest or break during normal school hours.

363. The State, through the Ministries of Culture, Youth and Sport and Education, organizes competitive athletics and sporting activities at both district and national levels for children of all ages. These competitions require extended periods of training under the guidance and supervision of professionals and are considered to be important to the rounded development of the child.

364. Provision is also made for children who excel to participate competitively at the regional level.

365. Recognition of attention to the right to leisure and to play could be seen in the existence of playing fields in most primary and secondary schools. Additionally, large numbers of football fields, cricket pitches and volleyball courts are in evidence in most urban and rural areas. There has been an increase in the recreational facilities available at the Drop-in Centre in Smythfield, New Amsterdam, Berbice. Parks and gardens in the city are also to some extent equipped to facilitate play and State-sponsored leisure activities for children.

366. The State, therefore, gives full recognition to the importance of leisure, play, and recreational activities as specified in the Convention.

**The nature and extent of cooperation with local and national organizations,  
both governmental and non-governmental (e.g., service clubs)**

367. In the areas of education, leisure and culture, there is now a tradition of cooperation among Ministries of the Government, non-governmental organizations and a variety of service clubs.

368. While the ministry is fully responsible for formal education from nursery school to university, as enshrined in the laws of Guyana, chapter 39:01, it is in the areas of training, physical infrastructure and co-curricular activities such as sports, games and civic activities that cooperation is most evident.

369. For example, while the Ministry of Culture, Youth and Sport caters for leisure, cultural and recreational activities for the school population, it is regularly supported by such internationally affiliated organizations as the Guyana Olympic Association, the Guyana Amateur Athletic Association, the Guyana Football Association, the Rugby Union and the Guyana Cricket Board of Control. These bodies undertake coaching and hold clinics on an organized basis for children and youths.

370. In other instances, service organizations such as Rotary, Lions, Kiwanis, and Jaycees organize programmes in conjunction with the ministry or with schools, directly aimed at cultivating civic-mindedness, and care of the environment. They also provide training in such skills as debating, and public speaking. As alluded to earlier, the Red Cross and Rotary and the Ministry of Health have collaborated in health programmes for children's benefit.

371. A number of clubs and other organizations make tangible donations of books, sports gear, and computers, to the benefit of children in the society and provide reading and research centres throughout Guyana. The Lions Club and Red Thread Women's Development Group, churches and other groups, have also set up library facilities to augment the reading skills taught in schools.

### **Arts and culture**

372. Article 31 of the Convention states:

“States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.”

373. Paragraphs 74 to 98 of this report, which deal with articles 13, 14, 29 and 31 of the Convention, detail the opportunities available to children for their cultural and artistic expression. The extent to which such activities have been promoted are also fully dealt with.

374. Of relevance also are articles 28 and 35 of the Guyana Constitution, which state:

“Every young person has the right to ideological, social, cultural and vocational development and to the opportunity for responsible participation in the development of the socialist order of society” (art. 28).

“The State honours and respects the diverse cultural strains which enrich the society and will seek constantly to promote national appreciation of them at all levels and to develop of them a socialist national culture for Guyana” (art. 35).

These two articles provide the principles which guide the several activities in which children are involved.

375. The National Commission on the Rights of the Child, of the Ministry of Culture, Youth and Sport, has held and planned activities to bolster cultural expression. Over the last four years, programmes have been conducted by the National School of Dance; appropriate accommodation has been made in the curriculum of the Burrowers School of Art; and in the participation of children in the annual Mashramani celebrations. The latter includes a “chutney” competition which yields tremendous participation and encourages spontaneous expression in song and dance.

376. Artistes in Direct Support, a non-profit youth organization which focuses on HIV/AIDS, presents cultural programmes with children as the focus on the theme of HIV/AIDS education.

377. Other activities in this context that are planned by the ministry are:

- In the short term, to develop positive cultural trends among schoolchildren in their respective communities. There will be collaboration with the Ministry of Education;

- In the long term, to work with schools, youth groups, community development committees and National Democratic Councils, to develop and enhance cultural talent which exists in the community.

## **G. Special protection measures**

### **Children in situations of emergency**

#### **(a) Refugee children - article 22**

378. Guyana has not experienced the phenomenon of refugee children. However, the Immigration Act, chapter 14:03, section 11 (d), caters to the legal requirements therein, and vests the relevant Minister of Government with authority to act in a specific situation/emergency. The act states:

“The Minister may by order exempt, from all or any of the provisions of this act, any alien, or class of aliens, and such exemption may be general or subject to such conditions, restrictions, limitations or exemptions, as are specified in the order.”

379. This act provides the authority for extending some measure of protection should the situation warrant it, thus according with the Convention.

380. Migration of children to metropolitan countries has sometimes resulted in a multiplicity of social problems for families in these newly adopted societies. The Probation and Family Welfare Service in Guyana is often requested to investigate and prepare appropriate reports in an endeavour to resolve these difficulties and to assist in suitable court adjudication. In such instances, Social Enquiry Reports are submitted. This is done with the intention of protecting the rights of the child in a new place of abode and to assist in harmonizing family relationships. This situation, while not being defined as a case of “refugees”, does present some of the elements of alienation faced by Guyanese children, which the Probation Services attempt to alleviate.

#### **(b) Children in armed conflict (art. 38) including physical and psychological recovery and social reintegration**

381. Guyana has not been involved in armed conflict with any country. However, as a signatory to United Nations Conventions, it is bound by articles 38 and 39 to make provisions should such a situation arise.

### **Children in conflict with the law (arts 37, 39 and 40)**

#### **(a) The administration of juvenile justice - article 40**

382. The Juvenile Offenders Act (chap. 10:03) deals comprehensively with provisions of the law as it pertains to juvenile offenders and these conform with the standards set out in the Convention, particularly with respect to the various safeguards therein. For example, when a child or young person is brought before a juvenile court, it is the duty of the court to explain to him/her in simple language the implications of the alleged offence.

383. Some important interpretations and articles of this act are as follows:

- “Child” means a person under 14 years;
- “Juvenile” means a person under 17 years;
- It shall be conclusively presumed that no child under the age of 10 can be guilty of an offence;
- A juvenile court must be held in camera (that is, the court must be cleared of all persons not connected with the matter);
- A “young person” means a person who has attained the age of 14 years and is under the age of 17 years.

**(b) Children deprived of their liberty including any form of detention, imprisonment or placement in custodial settings**

384. The Juvenile Offenders Act also deals specifically with these matters and is again in accord with the Convention. Section 13 of this act clearly states that *no child or young person* shall be sentenced to imprisonment.

385. Section 14 states that where a juvenile is found guilty of an offence under any law, the court shall not proceed to a conviction but may deal with the offender in accordance with this act.

386. Section 16 deals specifically with the committing of a child or young person to a place of detention. It states:

“Where a child or young person is found guilty, or enters a plea of guilty to a charge of an offence punishable, in the case of an adult, with imprisonment, or would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damage or costs and the court considers that none of the other methods in which the case may legally be dealt with is suitable, the court may order that he be committed to custody in a school for young offenders for a period not exceeding one year.”

387. The Training School (New Opportunity Corps) operated by the Ministry of Culture, Youth and Sport and situated at Onderneeming, Essequibo, is the sole custodial location to which young offenders are committed. A young offender can be so committed for no more than three years but only until the age of 18 years (Training School Act, chap. 11:05).

388. Children are not to be incarcerated or put into places of detention with adult offenders. The absence of remand homes for male and female juveniles has created a situation in which the legal requirement has not always been administered as the law specifies. This situation has been addressed and will shortly be remedied by the opening of a newly constructed facility, in July 2003. This building has separate arrangements for boys and girls.



389. There is also a proposal from the Probation and Family Service for the establishment of a centre or institution to which children who have become difficult to control can be directed. The basis for this idea is that the child would not have been involved in any unlawful activity, but has substantial behavioural difficulties. At this venue, psychological assistance would be given and the children counselled by social workers.

**(c) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37)**

390. The right of a juvenile must be protected even if the offence is a capital offence. A juvenile found guilty in this case could be detained at the President's pleasure and it is the norm for that person to be sent to the New Opportunity Corps (training school) until the age of 18 years and beyond that to an appropriate place of detention, but under no circumstances is life imprisonment enforced.

391. However, the fundamental rights provisions which are soon to be put again before Parliament specifically prohibit the above action.

392. It must be noted that the Ministry of Home Affairs, under the Juvenile Offender's Act, chapter 10:03, section 20, has the duty to provide a suitable place of detention for the purposes of this act.

393. Furthermore, in the selection of the place of detention for a young person, the court or police shall have regard, where practicable, to the religious persuasion of the young person. It can therefore be contended that Guyana's laws in relation to sentencing of juveniles do not diverge from CRC requirements.

**Physical and psychological recovery and social integration (art. 39)**

394. Sections of the Juvenile Offenders Act (chap. 10:03), the Training School Act (chap. 11:06) and the Probation Offenders Act (chap. 11:04) deal quite comprehensively with measures aimed at the separation of treatment plans for juveniles as opposed to adults.

395. The Training School Act under which young offenders are committed to the New Opportunity Corps stated that:

“there be the establishment of rehabilitative measures for the vocational and other training of young offenders who have not attained the age of 18 years”.

396. The school was named the “New Opportunity Corps” at its inauguration by the Government of that period. The objective was to provide a residential setting, not only for psychological rehabilitation, but also for maximum personal growth and the development of individual skills.

397. The judge or magistrate makes an order, under the Juvenile Offenders Act, for a distinctive rehabilitative treatment plan, which helps the offender to restructure his/her lifestyle through purposeful activities. A person may be placed on probation for no more than three years but no less than one year.

398. A probation report is required on all juveniles found guilty of an offence before sentencing is passed. This process aids the court in its adjudication which must not be punitive but rehabilitative.

399. Furthermore, when a juvenile is committed to the Training School (New Opportunity Corps), constant communication is maintained between the Probation and Family Welfare Service and the Training School through written correspondence and visits by the probation and family welfare officers. Parents and other relatives are also encouraged to visit the juveniles.

400. This process is geared toward corrective treatment, and the enhancement of the rehabilitative process so that the young person emerging from the Training School may be better equipped to assume his place in society. These young persons are counselled by the probation and family welfare officers, because this is an integral element of the process of social reintegration.

**Table 7**

**Statistics on juvenile offenders**

Year	Number of reports of offences	Number of juveniles sent to New Opportunity Corps
2000	175	43
2001	243	99

*Source:* The Guyana Police Force, Juvenile Branch, 2003.

**Children in situations of exploitation, including physical and psychological recovery and social reintegration**

**(a) Economic exploitation, including child labour**

401. In the laws of Guyana, currently the Employment of Women, Young Persons and Children Act (chap. 99:01) establishes the procedure relating to the employment of women, young persons and children.

402. "Child" for the purpose of this act is a person under the age of 14 years. Section 3 of this act stipulates that: "No child shall be employed in any industrial undertaking."

403. The act also makes comprehensive reference to the prohibition of the employment of children on ships (sect. 4) and the institution of penalties for this offence.

404. It is therefore significant to observe notable exceptions in this act which seem to have its genesis in colonial times and which do not accord with the Convention. Article 2 of Part 1 of the Schedule of this act states that:

“Children under the age of 14 years shall not be employed, or work in the public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.”

This article was revised in the Children’s Bill where a child is defined as being 15 years or under and is thereby prohibited from working.

405. Another important feature of this act as it relates to children (art. 4 of the Schedule) states:

“In order to facilitate the enforcement of the provisions of this convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of 16 years employed by him and of the dates of their births.”

406. Part II of the Schedule of this act deals with the prohibition of the employment of persons under 18 years of age during the night in any public or private undertaking with special reference to mines, quarries and all other forms of industries which could be termed as potentially hazardous or likely to interfere with children’s health, physical and social development.

407. This law is the principal piece of legislation which provides protection for children and young people. It is, however, recognized that it is outmoded. The review of this act has resulted in article 32 of the CRC being reflected and directly referred to in the Children’s Bill 2002. In a part dedicated to Employment of Young Persons and Children, “child”, “industrial undertaking” and “young person” are defined in conformity with the CRC. Restrictions on employment in industry are stipulated. It is specifically stated that the provisions of the CRC and other related Conventions “shall have effect for the purposes of this part”.

408. In the Multiple Cluster Indicator Survey 2001, Guyana, it was observed that 37 per cent of children aged 0-14 years were classified as currently working for four hours or more. This trend was particularly prevalent in the hinterland communities; 45 per cent versus 22 per cent on the urban coast.

**(b) Drug abuse (art. 33)**

409. Article 33 of the Convention on the Rights of the Child states:

“States parties shall take all appropriate measures including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.”

410. The subject of drug abuse continues to be of considerable concern to Guyana at this time. There is an increasing number of narcotic-oriented cases being presented before the court each day despite the existence of a very rigid Narcotic and Psychotropic Substances Control Act. Because of the nature of this act, enquiry reports are normally requested of the Probation and Family Welfare Service, for the adjudication of cases conducted by the court. Such reports are considered to be necessary in these instances.

411. The illicit use of all narcotic and psychotropic substances were banned under the Narcotic and Psychotropic Substances Control Act. If a person is found responsible for the death of a person under 18 years old as a result of his/her use of narcotics, that person can be sentenced to death. The death sentence may also apply to suppliers of narcotics in the instance where a child dies within three months of using such narcotics supplied. The draft Children's Bill 2002 provides that it shall be an offence to give a child a harmful drug.

412. There are two drug rehabilitation programmes supervised by non-governmental organizations.

413. It is to be noted that a survey on substance use and abuse in Guyana has provided some hard data regarding "knowledge of" and "the use of illicit drugs" among children in the age range 11 to 19 years. While the overall results are not alarming they provide a firm basis for further investigations and appropriate action.

**(c) Sexual exploitation and sexual abuse (art. 34)**

414. It is recognized that legal protection on its own is inadequate to protect children from the scourge of this abuse. For this reason, government and non-governmental organizations associated with the protection of children have in recent times taken positive steps to help to terminate these types of abuse which can cause permanent psychological damage to children.

415. Help and Shelter Inc. is one agency which provides support services, such as professional counselling, for the victims and their families. In very serious cases, referrals are made to the police so that prosecution can be expedited.

416. The Probation and Family Welfare Service of the Ministry of Human Services and Social Security has traditionally worked closely with the police, schools, hospitals, children's homes and other agencies to bring to justice perpetrators and to establish mechanisms for appropriate counselling to distressed victims.

417. Many cases are referred to the Probation and Family Welfare Service from other agencies and organizations, but it is evident that much more has to be done to aid in the effective identification of cases in this category. The assurance of the guarantee of confidentiality of the exploited and abused person appear to be important factors in allaying the fears of persons making reports or, more importantly, those who are hesitant to make reports.

**(d) Other forms of exploitation (art. 36)**

418. There are a number of situations other than those specifically mentioned in preceding paragraphs in which children are protected from exploitation and their welfare given first

consideration. These are reflected in such acts as the Infancy Act 1916 (as amended) and the Criminal Law (Offences) Act, chapter 8:01 (as amended). The latter act sets out among other measures the following:

“Provides that any person who unlawfully and carnally knows a girl between the ages of 12 and 13 is liable to imprisonment for 5 years; abduction of a girl of under 18 for unlawful carnal knowledge is punishable to 2 years’ imprisonment.”

419. In relation to abduction, these have essentially been linked to unresolved divorce and related custody matters. These were generally few.

**(e) Sale, trafficking and abduction (art. 35)**

420. While there is minimal activity in this area in Guyana, this does not indicate any complacency about such practices.

421. The Ministry of Amerindian Affairs has found that there is a pattern developing in hinterland communities where Amerindian girls are lured by relatives and neighbours to go to the capital city, ostensibly for employment. These children, instead, are often forced to become prostitutes. This matter is being addressed with the police and probation service.

422. The Juvenile branch of the Guyana Police Force and the Probation and Family Service report that there has so far been only one allegation of sale/trafficking received. Investigations are ongoing.

423. In the part which was drafted on “Offences against children”, in the Children’s Bill earlier referred to, offences are stipulated that would be considered as injurious to children. It can therefore be said that to some extent the matter of special protection is being meaningfully addressed. Enforcement, it is anticipated, may still remain a challenge.

**Children belonging to a minority or an indigenous group (art. 30)**

424. Children of Amerindian origin constitute in the main the group described in this section. The Ministry of Amerindian Affairs has adopted the approach of dealing with children of hinterland communities as opposed to Amerindians per se. Guyana’s Constitution and laws indicate quite clearly the rights of Amerindian children to the protection of the law as part of the national population. The Constitution Reform Commission (on which indigenous peoples were represented), recommended that an Indigenous Peoples’ Commission be established under the Constitution. This recommendation came to fruition in an amendment to article 212 of the Constitution in 2001.

425. Under the Constitution, as amended in 2001, indigenous people are accorded fundamental rights. The Amerindian Act is also currently under review and a component for children may be included. There is, however, still need for the rights of these children to be better addressed in terms of the implementation of such laws. The logistics and communication, between village and law enforcement agencies and courts, still pose a challenge.

426. In recent years, significant endeavours have been undertaken to reverse the plight of Amerindian children through the availability of improved educational and health facilities, with the building of new schools and cottage hospitals in the hinterland areas. Tangible assistance in monetary or other forms is given by the Ministry of Amerindian Affairs for medical expenses, and substantial work in collaboration with the Registrar General's Office and UNICEF has resulted in somewhat better birth-registration practices.

427. The increase in Amerindian children being enrolled at all levels of the education system indicates a recognition and a need to deal with the challenges of the Amerindian community by the Amerindians themselves. Scholarships are available for 30 hinterland students annually to attend secondary schools in the capital city and other regions. Scholarships totalling 20 are also given annually for students to pursue technical and vocational training in Georgetown.

428. Secondary schools are provided in large concentrated hinterland communities, for students in those and surrounding communities. Meals and dormitory facilities are provided. These students have the opportunity to sit secondary school examinations (CXC and GCE) which passes therefrom, permit entry into institutions of higher learning.

**Table 8**

**Hinterland schools**

Region	Number of schools
1	2
7	1
8	1
9	3

*Source:* Ministry of Amerindian Affairs.

429. Efforts to improve the exposure of Amerindians include attendance by two children at the Water Forum in Japan in 2002, and an impending exchange visit to Germany by six secondary school students.

430. The Ministry of Amerindian Affairs has offered counselling in instances of abuse and rape.

**Analysis and summary**

**(a) The administration of juvenile justice (art. 40)**

431. The administration of juvenile justice in Guyana has been effected through the network of cooperation between judiciary/magistracy/police and probation services. Direct and comprehensive work has begun towards the establishment of separate remand centres for boys and girls. It is envisaged that this will become a reality in the short term.

432. In relation to the establishment of a Family Court, the Committee which reported on family, maintenance and related matters has given a broad proposal for its establishment. It has been proposed that a Family Court Division of the High Court be established for the following matters:

- Civil matters including petitions for divorce, custody and maintenance of children, adoption and division of matrimonial property; and
- Criminal matters including juvenile matters, rape and sexual assaults, and assaults between family members.

433. Both courts above will be presided over by a High Court Judge. It has also been recommended that a Family Court be established for summary matters which are regarded as minor, to be heard by a magistrate.

434. Given the admitted jurisdictional problem which arises (particularly in relation to Domestic Violence Act applications, and maintenance and custody), an alternate recommendation of a “County Court” (i.e., an intermediate court of both criminal and civil jurisdiction) has been made, which Court will hear all family matters except divorce. A duly qualified attorney-at-law with the title of “judge” but not the status of a High Court Judge would preside; a probation officer and social worker shall sit to assist the judge.

435. It appears that the Family Court may likely be made a division of the High Court, and that the court would be situated in the capital city of Georgetown. Substantial amendments may be required to give effect to the Family Court. Such legislation to be amended would include the Domestic Violence Act. Clear policy guidelines are now crucial to inform the final structure that is preferable. There is the foreseeable hurdle of additional judges; increased resources for physical conditions and specialist training.

**(b) Children deprived of their liberty including any form of detention, imprisonment or placement in custodial settings (art. 40)**

436. Generally, more consciousness and action in the juvenile justice process is still needed.

437. It is worthy, however, to note that the matter of concern to the Probation and Family Welfare Department and to social workers - that male and female juveniles not be kept at facilities assigned to adults - has, to some extent, been dealt with. Male juveniles are kept at the Brickdam police station in Central Georgetown, but in physical conditions not conducive to legal requirements. Female juveniles, likewise, are remanded to the East La Penitence police station in Georgetown, generally between court appearances, before being transferred to the women’s section of the New Amsterdam Prison. At the East La Penitence police station, they are kept with adult females. The impending opening of the holding centre for juveniles with separate facilities for boys and girls, will go a long way towards implementing and supporting the recommendations of (a) above and conform with CRC stipulations. The holding centre is intended for the temporary accommodation of juveniles who have been transferred to the New Opportunity Corps. A remand centre with similar facilities is currently being addressed since there is concern about the apparent negative influence exposure to adults in this situation has on the juveniles. These measures are inconsistent with legal requirements.

**(c) Children belonging to a minority or an indigenous group (art. 30)**

438. Physical and social infrastructure in the hinterland is at best rudimentary and the population density is relatively low - six persons per square kilometre. The difficulties and exorbitant cost associated with accessing the dense hinterland have led to the limitation in some of the facilities available to the population found in settlements throughout rural Guyana. Children in these areas are sometimes affected by the problem of the delivery of services which continue to be frustrated by the shortage of both finance and personnel.

439. It should again be stated that the issues highlighted in this section of the report are now under active review by a high-powered "intersectoral committee" concerned with juvenile offenders.

440. The Constitution Reform Commission meetings held in 1999 made significant recommendations concretizing the status of indigenous people, who were Guyana's original inhabitants. Rights of indigenous peoples are now fundamental rights. By virtue of a Constitutional amendment in 2001, there will shortly be set up an Indigenous Peoples' Commission which will make specific recommendations on rights. Children will also benefit from this mechanism.

441. Measures to prevent exploitation in particular of girls of Amerindian descent in some regions are still required.

442. As a signatory to the Convention, Guyana is endeavouring to work in accordance with the stipulations of article 22, paragraphs 1 and 2, articles 30, 32 to 37, 39 and 40 and, should the situation arise, there is provision to observe articles 38 and 39.

**H. Recommended measures for improved compliance with the Convention**

443. General measures of implementation being undertaken include:

- The finalization of draft and passage of the Children, Status of the Children and Family Court Bills needs to be done urgently;
- The policy to inform the Family Court must be provided urgently by Cabinet;
- There is an urgent need for the establishment of a mechanism for coordinating all policies relating to children;
- There should be an increase in reliable and consistent reports on action taken to comply with the Convention;
- The campaign for the promotion of the CRC should be maintained but should increase its focus on parents. Greater use must be made of the media (especially electronic), to make awareness of the CRC widespread;
- The information on work done to implement the CRC should be more readily accessible to the public through fliers, etc.



## 444. Regarding the definition of the child:

- The definition of “child” should be standardized;
- There is a need for appropriate mechanism to give effect to the implementation of laws relating to the employment of children with adequate monitoring systems instituted. This should be done in cooperation with the school inspector’s programme;
- The Schools Welfare Division should be strengthened in all respects;
- The laws relating to children should be continuously revised and updated.
- In improving the status of children it is recommended that steps should be taken to ensure that pregnant teenagers are given an opportunity to complete their secondary education. The discretion of the ministry and school should be removed and replaced with a clear policy which stipulates reintegration;
- It is strongly recommended that the police should be specially trained to deal with juvenile issues. A solution should also be sought for the problem of sexually abused children being threatened or beaten by relatives and guardians who take money to recant their reports;
- Steps should be taken to correct the deficiencies in the implementation of all laws which relate to the protection of children.

## 445. Regarding family, environment and alternative care issues:

- Government departments and all other agencies concerned with children should be required to keep appropriate statistical records in order to facilitate the accurate analysis of the status of children;
- The Statistical Bureau should be mandated to provide statistics which are appropriately disaggregated;
- Departments should be provided with the resources necessary for providing more effective services not only in urban areas, but also in rural and hinterland locations;
- There should be more widely promoted programmes for family life, instructions in parenting skills and basic human values;
- There should be greater public awareness of the laws relating to child abuse;
- Studies should be undertaken to assess the true extent of child abuse in order to evaluate the effectiveness of measures in place;

- The Visiting Committee or its equivalent to inspect foster-care homes should be given the force of law. A council should be established to supervise the inspection to ensure that they are done regularly and are completed. Statistical records should be maintained by these institutions and statutory reports submitted to the competent authorities.

446. Special protection measures needed include:

- An annual tally of referrals;
- A remand home for boys and one for girls must be established and the appropriate services provided;
- The training of judges and magistrates on juvenile and children's issues should be made a priority;
- A family court should be established. This is seen as an institution which could serve to deal with troubled family relations in a more conciliatory manner, and impact positively on family life;
- The matter of appropriate accommodation of both male and female juveniles when remanded must be given serious attention;
- The Probation and Family Service Division should be strengthened;
- Children in rural and hinterland locations have a right to certain basic social services. This situation must be appropriately addressed, taking into consideration transportation costs and the sparsely populated nature of some of these areas;
- Recommendations for the girl child must be carefully considered and given effect to. The Women and Gender Equality Commission will be directly responsible for dealing with this issue and should collaborate with the Commission on the Rights of the Child in this regard.

447. Regarding education, leisure and cultural activities:

- The Education Bill should be passed;
- The State, through the Ministry of Education, should provide a monthly newspaper supplement to apprise parents, children and the public at large of issues pertaining to changes in the education system and the implications for children;
- It would be useful for the schools, through the Parent-Teachers' Association or other appropriate mechanism, to establish more effective links with the home environment and community at large;

- The State should strengthen functional agencies such as the School Welfare Division to monitor students' attendance, dropouts and absenteeism in a more structured way;
- The rules and regulations regarding corporal punishment should be more widely promoted and should be enforced. Punishment must be prescribed meaningfully with the aim of bringing about the desired result;
- There is need for assistance to be provided in a more structured way to help foster-care homes with educational programmes.

448. Regarding health and health services:

- The full implementation of the Health Care Programme, specifically the Maternal and Child Health Programme, should be given priority attention;
- The provision of an adequate number of day-care centres should be given serious consideration;
- Follow-up programmes to correct the deficiencies in the condition of children from birth to 71 months, should be implemented in both the short and medium term.

### III. CONCLUSIONS

449. Guyana, in spite of its critical problems of financial and human resources, has, as initially reported on, progressed in complying with the standards of the Convention. The Government is aware of both the achievements and the many challenges which still exist. This report has provided further information on programmes and policies formulated and implemented. Due to greater collaboration with agencies, in particular UNICEF, it has been possible to achieve much. The Committee on the Rights of the Child's recommendation to seek assistance from United Nations agencies has been actively pursued.

450. It is envisaged that over the next five years, much more will be achieved if the various plans of action articulated herein, and others to be yet formulated, are actively pursued.

451. This report has highlighted the current situation with respect to Guyana's children and the immediate plans which are under consideration. The revision of the Constitution, and the fluid nature of this process (as it is ongoing) has substantially moved Guyana along the path to full implementation of the Convention on the Rights of the Child. It is acknowledged that still more must be done.

452. An even more inclusive approach has been and will continue to be employed so that the full implementation of the CRC will be an effort of State, Government, non-governmental organizations and individuals, including the beneficiaries: the children themselves.

-----