

Guyana Alternative Report 2012

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Prepared by: The Guyana Partnership for Human Rights

THE GUYANA PARTNERSHIP FOR HUMAN RIGHTS REPORT

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Concluding observations: Guyana

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Acronyms

AIDS	Acquired Immune Deficiency Syndrome
CPA	Childcare and Protection Agency
CRC	Convention on the Rights of the Child
CPHC	Georgetown Public Hospital Corporation
GPHR	Guyana Partnership for Human Rights
GRPA	Guyana Responsible Parenthood Association
HFLE	Health and Family Life Education
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
MoLHS&SS	Ministry of Labour, Human Services & Social Security
MTPA	Medical Termination of Pregnancy Act
NCRC	National Commission on the Rights of the Child
NGO	Non-governmental Organisation
PAHO	Pan American Health Organisation
PMTCT	Prevention from Mother to Child Treatment
PSA	Public Service Announcement
RDC	Regional Democratic Council
TIP's	Trafficking In Person's
TV	Television
UN	United Nations
USD	United States Dollar
WHO	World Health Organization

Executive Summary

The Guyana Partnership for Human Rights (GPHR) is submitting this report to the Committee on the Rights of the Child (CRC).

This report focuses on the issues in the concluding observations of the committee which were discussed and adopted at the 946th meeting (CRC/C/SR.946) held on 30 January 2004. Attempts are being made to analyze the real situation of children in Guyana in the context of human rights. In this regard, the report addresses the UN Convention on the Rights of the Child Committee's requirement to provide solid and up-to-date information and analysis of positive policies and legislation taken for children's advancement and weaknesses that may delay progress and sustain disparities.

This report covers eight thematic issues of the CRC convention which are as follows:

- 1) General measures of implementation
- 2) Definition of the child
- 3) General principles
- 4) Civil rights and freedom
- 5) Family environment and alternative care
- 6) Basic health and welfare
- 7) Education, leisure and cultural activities and
- 8) Special protection measures

This report attempts to capture the overall efforts made by the Government of Guyana in assessing the thematic areas for the implementation of CRC, based on the previous concluding comments of UN CRC Committee and civil society advocacy and monitoring of Guyana's commitment to the obligations.

This report is comprised of two sections with the introduction providing the general overview of the Guyana Partnership for Human Rights, a background and the process of preparation of the report. Section two deals with the issues arising from the concluding observations and recommendations and also provides an assessment of the progress Guyana has made with the implementation of CRC Convention.

This alternative report has been compiled from the experiences of members of the GPHR as well as documents, statistics, research reports, published reports, media reports and other available sources. All expenses incurred in the writing, editing and production of the report were covered by the GPHR. The commitment and extra labour of the members ensured that this detailed Guyana Alternative Report is now a reality.

Introduction:

Children in Guyana have more recognition of their human rights now than two decades ago, but greater improvement is certainly desired. Thus, this report highlights the widest possible view of the situation regarding children in Guyana; as it responds to the concluding observation of the Committee on the Rights of the Child at its 35th session held in 2004. Further, it also takes into account the strategies employed by civil society organizations to lobby the state influencing the enactment of legislation for ensuring the protection of children.

Guyana is the only English speaking country located in South America. It is bordered on the north by the Atlantic Ocean, by Venezuela in the west and to the south by Brazil, Mount Roraima, where Guyana, Brazil and Venezuela meet, forms a tri-state boundary. Suriname lies to the east. Culturally, Guyana has been historically identified with the Caribbean, has links with the West Indian islands and has been a long-standing member of the regional bloc, CARICOM.

Guyana covers 215,000 square kilometers (approximately 83,000 square miles) and is divided geographically into five zones; the coastland, the interior plains, the western highlands, the southern uplands, and the southwestern savannahs. The coastland is a low, flat, narrow, alluvial belt, about 15 to 70 km long where approximately ninety percent of the population lives. The rest of the country is generally regarded as the hinterland and riverain areas where the majority population is Amerindians.

A national census of 2002 puts the population at 751,223 made up of people of African, Indian, European and Chinese descent as well as Mixed races and Amerindians. Children ages 0-14 total approximately 201,323 persons.

The entire country is subdivided into ten administrative regions, in which the Regional Democratic Council represents the highest level of local government. In each administrative region, the regional democratic council is elected by voters in the individual region during national and regional elections.

GENERAL OVERVIEW

The Convention on the Rights of the Child (CRC) was adopted by the General Assembly of the United Nations on November 20, 1989, and it was ratified by the Government of Guyana in January 1991.

The Convention reflects the aspiration of the international community for the well being of children, and sets out universal legal standards for the protection of the children against neglect, abuse, exploitation; as well as guaranteeing them their basic human rights, including survival, development and full participation in social, cultural, educational and other endeavours necessary for their individual growth and well being. These universal legal standards, principles and provisions of the convention are enshrined in articles 1 to 41.

A National Commission on the Rights of the Child (NCRC) was set up on May 8, 2009 and has an office that is based in Georgetown, the capital city. The commission became fully operational in 2010 and is comprised of 15 persons, 13 females and 2 males. There is an annual allocation from the national budget of USD \$85,000 for the said commission. Most of the funds are utilized to defray administrative expenses including commissioners' monthly stipend and only USD\$10,000 or approximately 11.7% of the given subvention is available for programme implementation.

Guyanese adolescents face a wide range of challenges such as unemployment, violence and lack of opportunities. The spread of HIV/AIDS is also increasingly affecting youth, especially young girls. Adolescents are more and more victims of violent criminal behaviour and they have limited opportunities for participation in civil society and decision making concerning their own development. Because of poverty and migration, the traditional family and community structures are weakened. Service providers and care givers have little understanding of the problems affecting adolescents and often do not encourage their active participation and empowerment.

The persistence of domestic and community violence, often involving children as perpetrators as well as victims in Guyana is a major concern. There is an increase in domestic violence and little legal redress and services for the victims of abuse and violence especially children. Although the absence of effective reporting mechanisms does not allow for a true picture of numbers, sexual abuse and exploitation of minors continue to be of major concern. The consensus is that the root causes of this violence are not being addressed, since interventions focus on punitive responses to the symptoms rather than prevention, rehabilitation and social integration.

Civil society organisations continue to actively advocate for children's rights and have made provision for their safety, when legal requirements are being enforced. Children in Guyana not only lack access to information about the legal provisions, they also do not benefit from

adequate enforcement of the legislation intended to address their needs and offer recourse to violations of their fundamental freedoms.

ISSUES OF CONCLUDING OBSERVATIONS

1. Principal areas of concern and recommendation

Legislation:

Since the last report to the Committee, there has been the enactment of the following legislation:

- The Trafficking in Persons Act 2005,
- Childcare and Protection Agency Act of 2009,
- The Protection of Children Act 2009,
- The Status of Children Act 2009,
- The Adoption of Children Act 2009,
- The Sexual Offences Act of 2010,
- The Persons with Disabilities Act 2010,
- The Custody, Contact, Guardianship and Maintenance Act 2011,
- The Child Care and Development Services Act 2011.

The Trafficking in Persons Act provides comprehensive measures to combat trafficking in persons.

The Childcare and Protection Agency Act provides for the establishment of a Childcare and Protection Agency to implement the policies and decisions in relation to the laws governing children.

The Protection of Children Act provides for the protection of children at risk, children in difficult circumstances and children in general and for related matters.

The Status of Children Act is an act to repeal and re-enact the provisions of the children Born out of Wedlock (Removal of Discrimination) Act 1983; to provide for presumptions of parentage and parentage testing procedures; to affect reform of the law generally and for related purposes.

The Adoption of Children Act 2009; provides for the reform of laws for the adoption of children and for related matters.

The Sexual Offences Act 2010; this Act is to reform and consolidate the laws relating to sexual offences and to provide for related matters. It significantly expanded the definition of rape and seeks to improve the manner in which complainants are treated. It is intended to address many of the challenges inherent in prosecuting sexual offenders and makes it easier to punish persons who sexually violate adolescents and other vulnerable persons.

The Persons with Disabilities Act: one of the primary functions is the right to promote and protect the rights of people with disabilities.

The Custody, Contact, Guardianship and Maintenance Act 2011; which provides for the granting of custody, contact, guardianship and maintenance rights with respect to children and connected purposes.

However, enforcement of all the above Acts remains a major problem, since the supporting mechanisms are not in place to provide the enabling environment for ensuring implementation. Training in the implementation of these new pieces of legislation is, therefore, crucially important. Staff of the child protection agency needs training to enhance their knowledge, understanding and interpretation of legislation relevant to the provision of protection needed for children.

Meanwhile, the Guyana Teachers Union Executive made calls on the Minister of Education to push for the enactment of the Education Act.

Recommendations:

Adequate funding must be provided to the Childcare and Protection Agency and the Ministry of Legal Affairs for them to collaborate with other stake holders to develop and implement a national plan for the nationwide dissemination of information concerning the relevant acts and their purpose to protect children's rights.

The state party through its Childcare Protection Agency acting in conjunction with the Ministry of Legal Affairs must ensure at all times that judicial procedures involving children are carried out in-camera in a child-friendly space.

It is recommended that the state party urgently provides the necessary human and financial resources for the family court to be established fully and made operational in an expeditious manner. As per the committee's concluding observations from 2004 this matter has been

pending for a protracted time period. A building now exists but the rules of the court are only now being finalized.

Members of the judiciary, Attorneys, law enforcement officers and social workers must be appropriately trained.

Coordination and National Plans of Action:

There is a Child Protection Agency set up under the Ministry of Human Services & Social Security. The agency is centrally based in the capital city of Georgetown. Even with all good intentions there is limited staff and not enough to cover the 10 Administrative Regions in Guyana. Additionally, with the enactment of new Legislation, staff must be recruited and trained so that officers can be more sensitive towards protecting the rights of children.

Recommendation:

The Ministry of Labour, Human Services & Social Security and its Childcare and Protection Agency along with other relevant stakeholders must meet to develop a national plan of action that will include training on the new laws that need to be reviewed periodically. This umbrella body is to realistically incorporate the involvement of all stakeholders to ensure full and effective collaboration with the governmental agencies responsible for monitoring and implementing this plan.

Independent monitoring:

Since 2009 the Constitutional Commission on the Rights of the Child (CRC) was established with the mandate to receive complaints and provide remedies to ensure protection. This new commission began its operations in 2010. It has 15 members 13 of which are females and 2 males. One of the male commissioners has since resigned citing conflict of interest between the membership of the commission and its mandate. In addition, questions have also been raised concerning the suitability of the other male commissioner.

Recommendations:

The commission must access funding for enhancing and widening the scope of sensitization and awareness programmes concerning the role and functions of this Constitutional body to take its activities countrywide.

The Commission must develop strategies to encourage the receipt of complaints and to investigate them.

Resources for Children:

The economic, social and cultural rights of children are not adequately addressed by the Ministries of Education and Human Services & Social Security. One example is the school uniform assistance where each child is not fully assisted with the entire outfit. In a family of 5 school age children the family may receive 2 shirts, 3 bottoms, 1 pair of footwear and no book bags. Additionally, the cash assistance given to families for one child is US\$8.00. This situation renders the family incapable of providing for 1 child since the average cost to send 1 child to school is approximately US\$50.00 per term. Parents often revert to ensuring 2 of the 5 children are fully attired to attend school. The children who are not in receipt of school attire can often be found in the streets begging or wandering aimlessly. This has resulted in children being detained for truancy and parents (most of them being single parent) being taken to the courts.

Hot meals or snacks are not provided on a regular basis.

Even though the Ministry of Labour, Human Services & Social Security has established several units and programmes to facilitate poverty relief such as the Difficult Circumstances Unit, children's residential institutions, the public assistance programme and the early childhood development programme (specifically for HIV/AIDS mothers at public health facilities), there seem to be several challenges faced by the Ministry to monitor and evaluate success/failure of those operations. Additionally, these services seem to be centralized and do not cover some hinterland, rural and riverain areas.

Recommendations:

The state party/government has a commitment to collaborate with and give adequate financial support to the active NGO's working with disadvantaged children. This financial support in form of a subvention must be reviewed on an annual basis to make sure that the work plan of the NGO's are fully accomplished.

NGO's must be an integral part of any programme set up to monitor and protect children's rights.

Data collection:

The system of data collection is disorganized. Included in the vulnerable groups are autistic children who do not necessarily fall under the category of children with disabilities.

Attempts to collect data on the various aspects of children's lives were unsuccessful, since there is no centralized agency compiling data on children. This fragmentation has caused information to be inaccurate, misleading and do not give guidance for any proper planning. As noted in the Committee's concluding observations from 2004, this has been a longstanding problem. An editorial in the Stabroek News newspaper recently called for data on the

impoverished and their children to be compiled by the government. This call came after the discovery of rat-bitten child in a village several miles from the capital. The child had been neglected by poor, alcoholic parents and was eventually taken to hospital where she succumbed to an inflammation of the brain. Earlier this year, another child, a toddler died after sustaining a head injury during a fight between alcoholic parents.

Recommendations:

It is recommended that a concerted effort must be made by the government to improve its capacity and effectiveness to collect disaggregated data as required by the convention. The government must set up central data collection unit (Bureau of Statistics in conjunction with UNICEF) to collect disaggregated information from the Ministry of Education (schools), Ministry of Health, Ministry of Labour, Human Services & Social Security, Ministry of Culture, Youth & Sport, Ministry of Legal Affairs and the Ministry of Home Affairs, to send monthly information on children seen or dealt with for various reasons. One of the roles of the central collecting unit is to also have a functional relationship with various NGO's that are integrally involved in recording and collecting information on the children's population that they serve.

Dissemination of information on Rights of the Child Convention:

The Convention on the Rights of the Child is not known/understood by the very person/s who work with children. In addition, law enforcement officers often seek NGOs opinion in relation to the relevant charges to be instituted under the appropriate legislation; this is a clear indication that training is needed to guide these personnel.

Recommendations:

The Commission on the Rights of the Child and Childcare and Protection Agency are responsible to formulate and implement programmes that would allow for the dissemination of information concerning the Convention on the Rights of the Child to permeate the various levels of the Guyanese society.

Pamphlets, brochures and other relevant materials must be developed to help in the educational process.

2. Definition of the child

The UN defines a child as every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Child is a person under the age of eighteen years and includes a person over eighteen years who has special needs, who is under care or protection by virtue of any law, has a disability or is

certified by the Director as being in need of care and protection. (The Child Protection Act CPA 2009, Guyana)

With the enactment of the Children's Act 2009

- (a) The minimum age of sexual consent has been raised to 16 years
- (b) While the minimum age of criminal responsibility is set at 10 years, it is not clear whether this has changed with the new legislation.

Recommendation:

We recommend that the age of consent be raised to 18 years to coincide with the other laws that refer to a child below 18 years. For example, the Domestic Violence Act 1996 and the Sexual Offences Acts 2010 refer to a child being below the age of 18 years. This difference in the language of the laws causes a conflict in interpretation and the part of children, who are before the court, especially girls in sexual assault and rape cases.

3. General principles

Non-discrimination:

Article 2(1) of the Convention of the Rights of the Child requires all States Parties/Governments to respect and ensure the rights set forth in the present convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, ethnic or social origin, property, disability, birth or other status. Article 2 (2), also refers States Parties to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members.

There is no evidence that the state supports and practices discrimination against children based on their race, colour, sex, language, religion, political or other opinions. In fact, children of diverse ethnic and other background are being cared for by the state in the different care centres facilities existing in Guyana.

It is however very disheartening to note that earlier this year a significant number of boys were allegedly sexually assaulted by a prominent Muslim teacher (Imam). This matter is before the court and only because of the fact that considerable pressure was brought to bear by local human rights advocates.

Neesa Gopaul, a promising 16 -year old student from a prominent secondary school in the city of Georgetown, was alleged to have been brutally murdered by her step-father and mother two years ago. This incident sent shock waves across the entire country; as investigations also

revealed ample evidence of a systemic failure on the part of several governmental institutions to take appropriate initiatives to save the life of the teenager. The mother and step-father have been charged for murder and placed before the courts. The case is ongoing.

Recommendation:

The Childcare and Protection Agency must be adequately equipped with the necessary human resource and physical facilities to monitor and thereafter adopt pre-emptive measures to prevent any recurrence of these human tragedies.

Best interest of the child:

The Protection of Children Act states that;

- The family of a child as well as the community where he or she lives and goes to school in has a responsibility to ensure the safety, health and well-being of the child.
- Preserving family ties and respect for cultural heritage are also matters that must be considered in deciding what is in the best interests of the child.
- In deciding what is best for a child, the Court or other agency dealing with a child must
 - seek to prevent harm coming to or continuing in relation to the child
 - ensure that family ties are maintained where there is a healthy family environment for the child to grow in
 - remove the child from their home but only where it is necessary in the best interests of the child
 - Consider the need for the continuous care and stability in the child's life, the age of the child and his or her needs along with the need to have a normal family environment.
- **When considering what is in the best interests of the child the following are matters which must be taken into consideration**
 - The child's safety and health
 - The child's educational and developmental needs
 - Where possible, the child's views and wishes
 - The importance of stability and continuity in the child's care that is, ensuring that there is no unnecessary disruption in the child's life.

- The continuity of a child's relationship with his or her family, with whom the child has a meaningful relationship, including his or her brothers and sisters
- Where the child lives, and his or her social environment
- The effects of any delay in court proceedings in relation to the child
- Any other issues that may be considered where a child is HIV positive or has special needs.

The Protection of Children Act allows for pre-trial conferences, family conferences, mediation or other means of resolving the issues that are affecting a child in an effort to ensure that everything is done in the best interests of the child.

The Children's Act and other pieces of legislation provides for the principle of the best interest of the child. While the various legislation is seen as an effort to bring remedies to the situation on plight of children, these issues are challenging as mechanisms are not in place to adequately implement the legislations.

Recommendations:

There are several repositories of educational information and resources available as to the protection, care and guidelines for the best interest of the child, but the general populace may not be aware of these resources, and so there is need for a continuous campaign to be conducted on a wider scale to attract the attention of all citizens. NGO's who are working in the best interest of children are to be provided with funding to assist in these campaigns.

The Child Protection Agency must embark on a public education campaign to involve communities, individuals, women's groups, youth groups, men's groups, religious and other social groups, health clinics to draw awareness of the legislations and how they are expected to be involved in the implementation.

Respect for the views of the child:

Children are rarely given the opportunity to express themselves within the family, courts are worse as these are found to be intimidating and only the sensitive court officials ask the child if he/she wants to express him/herself. Additionally, court reports by officers are usually stereotypical and frequently place the child in a vulnerable situation where based on the probation report the child is often remanded to juvenile detention. These detention facilities are inadequate in their capacity and give no opportunity for the child to be properly counseled. Child friendly classroom programmes are not available in most schools since the policy of the education ministry is to follow an outdated curriculum which conflicts with the various laws recently enacted to protect children. Children who are slow achievers are placed in the same

category as the children with a high IQ. This has contributed to school dropouts and truancy. This behaviour contravenes Article 28 of the convention.

Recommendation:

Education policy needs to be reviewed to take into account the term used “no child left behind” which means that every child must be promoted from one class to the next regardless of the child’s performance. The school curriculum must be structured to include programs that will cater for the slow learners as well as the high achievers, so that all children will benefit.

4. Civil rights and freedoms

Birth registration:

There was a campaign some years ago for sensitizing parents to register their children at birth. However, this should have been an ongoing exercise taking into consideration the fact that babies are born every day. There is a problem, also, with residents at the Venezuela border where women especially Amerindian women experience difficulty with the Guyanese Authorities in relation to the registration of their children’s birth. Complaints of this nature are heard daily yet the state has not established an ongoing programme to educate the populace on the benefits of child registration. Many children have suffered as a result of this situation especially when documents are needed for entry to schools and to write examinations. The legal work required to obtain a birth certificate is costly and time consuming.

Recommendation:

The government must be responsible to monitor the situation especially in the interior locations in conjunction with the Local Authorities and other relevant authorities (such as Amerindian Captains/Tochaos) in the hinterland regions.

Corporal punishment:

The Children’s Act of 2009 makes provision for eliminating the practice of corporal punishment, however this seem to conflict with the education policy. Additionally, some families do object to their children being flogged while in contrast some families relate their religious upbringing to biblical teachings and refer to “sparing the rod and spoiling the child” situation. Thus, most programmes relative to corporal punishment have been met with some degree of resistance and had to be abandoned.

According to reports about the volume of cases that have reached the Ministry of Labour, Human Services & Social Security through its various departments, agencies and parents themselves, there still exists a general acceptance of the use of corporal punishment in disciplining a child.

Corporal punishment is still being permitted in schools with certain restrictions (only the heads of schools decides what form of punishment to be meted out to the child) and in homes it is a common practice to whip children as a form of punishment. The Childcare and Protection Act stipulates that if a person fail to report a case of child abuse could be charged and placed before the court and be fined as much as US\$250.00

Recommendations:

The Child Protection Agency must create greater public awareness campaigns highlighting the relevant laws dealing with child abuse and to promote the understanding of better and alternative methods of disciplining a child. There are several pieces of relevant information and brochures which were developed and disseminated to groups of people at various levels. These materials must always be available at strategic points for the general populace to view. More PSA's should be on TV and radio to get the message across and the relevant law enforcement officers is to always maintain the procedures of the laws and to take the pertinent actions against perpetrators.

Parent Teachers Associations, Schools Boards and other child friendly advocates must review the attitudes of persons in these organizations who continue to impose their values, some religious, and cultural and promote attitudes that are seemingly supportive of the best interest of the child. Additionally, the Ministry of Education must review its corporal punishment in schools in keeping with the legislation.

5. Family environment and alternative care

Parental responsibilities:

Many families are poor and of a single parent nature. They find it difficult to cope with fully maintaining children on a low income. Article 27 (3) provides for the state to take appropriate measures to assist parents, and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. However, there is a high rate of parents and guardians abandoning their children on the road, at the CPA and at other agencies whenever they are experiencing financial difficulties, domestic violence and other social ills. Single parents also find it very difficult to register their children into a day-care facility due to their financial constraints. As such, relevant agencies are challenged in dealing with this dilemma.

Alcohol abuse is a prevalent factor in dysfunctional families where children are routinely abused and neglected.

The Ministry of Labour, Human Services & Social Security through the Childcare & Protection Agency has in place a foster care service where persons can apply to become foster parent/s through the regional offices set up in 6 of the 10 Administrative Regions.

Parents and guardians can also apply for public assistance from the Ministry of Human Services which pays US\$22.50 monthly. A few NGOs provide assistance; however, this is not an obligation and is irregular and limited to the items available at the time. The state has an obligation to its people and it therefore has the responsibility to implement measures to care for its citizens.

Recommendations:

The foster care programme must be better monitored so as to evaluate the parent(s) and guardian(s) of the child/children on a more regular basis. There is an NGO that is contracted to monitor the system, but there are still some challenges that exist since people are applying for foster care to receive the money that is offered for the child. (US\$90 is paid for 1 child)

The government must set up facilities to treat alcohol and drug abuse or to give grants to NGO's with the facilities to treat male and female addicts separately.

Alternative care:

Also of major concern in ensuring that all children have their rights, is the growing number of children in institutional care and the lack of alternatives and the poor quality of these institutions. The majority of children enter these facilities because of economic and social reasons, hence the importance of work carried out by several partner NGOs providing community support for vulnerable children, thus preventing institutionalization. Plans and mechanisms for foster care and care provision monitoring systems are therefore high priorities for UNICEF. (UNICEF report on Children)

Although the Children's Act provides for an overarching committee to oversee the running of these institutions for children (3 owned by government and 19 privately owned), it is not certain that any visiting committee exist. The state run institutions are overcrowded, understaffed and in some cases have rundown physical facilities.

Recommendations:

The state party must at all times encourage the continued participation of international organizations such as UNICEF as major stakeholders in the engagements undertaken to protect children's rights.

The Ministry of Labour, Human Services & Social Security must set up visiting committees and include other stakeholders to become involved in this activity. A realistic mandate and functions of the committee must be clearly understood by the members in order to ensure that the children benefit from the work it is intended accomplish.

A properly constituted, broad-based committee must be appointed immediately to ensure the protection of children.

Child abuse and neglect:

There have been increasing reports of sexual abuse of children at home and in some of the child care institutions. During the month of January 2012 a person from one of the institutions was placed before the courts and subsequently charged for sexually abusing boys placed in the care and protection of the home. Since the charges, several other boys have come forward to testify of the violations they suffered. Additionally, the Childcare and Protection Agency continue to receive reports of incest, sexual abuse and other forms of abuses, however it seems ill-equipped to seriously deal with all the cases. There is little follow up work with the complaints received resulting in serious violations, deaths, hospitalization and other issues such as early pregnancy and sexually transmitted infection. It has also become conflicting to implement the relevant legislation especially when religious, political, law enforcement personnel and other prominent individuals are involved in violating the children. Added to the fact that the agency is inadequately staffed, the staff lack the knowledge and training to deal effectively with cases which most often become cold cases.

There are also many instances of children being abused by relatives. Inevitably many of these cases fall apart because of the need for preliminary inquiries and the intimidating nature of the court setting. There are many cases where after sexual abuse and the perpetrators are committed to High Court trial, the matters fall apart because witnesses have migrated or have even died in the intervening years.

One of the main NGO's working in the area of domestic violence, child abuse, HIV/AIDS and TIP's is Help & Shelter. The provision of a shelter for women and their children is also provided by this NGO. The other services provided by the organization are counseling (fact-to-face and hotline), court support, public education outreach, lobbying and advocacy. This organization works in close collaboration with the Ministry of Labour, Human Services & Social Security and the CPA, where children as young as 12 years are referred to the shelter for a safe home from sexual assault and Human Trafficking.

Recommendations:

There must be a more comprehensive approach in monitoring and evaluating the system, proper documentation, data collection and referral system for better coordination between agencies. For instance, each agency must have in place a proper reporting and clients intake information to capture all the relevant information on each client. All referrals made must be monitored and feedbacks received to be recorded in the appropriate manner.

6. Basic health and welfare

Children and disabilities:

Convention on the Rights of the Child Article 23 says that state parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self reliance and facilitate the child's active participation in the community.

There are approximately 50,000 disabled persons residing in Guyana. After much lobbying and advocacy the Disability Act 2010 was passed. There is a Commission on Disability which was recently re-constituted on the 7th May 2012; It has 12 commissioners. The commission is centrally located in the capital city of Georgetown.

Access to buildings and other business places are not adequate and little attention is paid by the authorities to make the necessary adjustments to facilitate access for disabled persons. There is no public transportation, however, private transportation sometimes would be sensitive and accommodate disabled persons mostly blind/vision impaired.

Recommendations:

Awareness programmes must continue in terms of a public campaign for the proper implementation of the laws on disability. Persons working with children must receive the appropriate training when dealing with the physically or otherwise challenged children.

Building codes must be revised to ensure the disabled can access buildings. Additionally, the city building and inspection department must not approve any building plan for public facilities if there is a failure to ensure the necessary modification to facilitate access by disabled persons.

Access to schools and all areas where children with disabilities congregate must be equipped with the necessary facilities.

Health and health services:

Convention on the Rights of the Child (CRC) Article 24 (1) states that children have the right to good quality health care- the best health care possible- to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy.

Malaria has been a constant plague in the Guyanese society. Almost everyone who visits or works in the Mahdia area and other gold and mining areas has contracted the disease and efforts to combat the illness seem ineffective. Children are at risk in these areas and are often taken ill. Children are reported to have died suddenly after an attack of malaria especially in the hinterland areas. Persons have allegedly continued to use home remedies and traditional herbs to stay alive.

Some schools benefit from nutrition where a juice/milk and biscuits are provided to the children while others, where it is much needed, never benefit. While the health clinics are left with the responsibility of encouraging mothers to exclusive breast feeding for six months, one cannot guarantee that this is actually happening. Most times the mothers have to return to their jobs just after the 3-month maternity leave or sometimes even before it expires.

Recommendations:

The Ministry of Health must have a better system in place when dealing with distribution of medical resources and better health care facilities in the hinterland areas.

Drugs to fight or combat malaria must be supplied in large quantities for distribution in the affected areas. Strategies and techniques for the prevention of malaria must be employed by the Ministry of Health for treating school children. Treated mosquito nets must be available to every home where there is a high incidence of the dreaded disease.

Adolescent health:

There is a Medical Termination of Pregnancy Act (14th June 1994) which provides for abortion. Reproductive health services are promoted mostly by the Guyana Responsible Parenthood Association (GRPA), an NGO providing internationally subsidized services. This organization also conducts an educational class for sexually active adolescents. Another NGO, Women Across Differences, provides counseling and other support to teen mothers to return to school after delivering their babies.

Availability of affordable and safe medical termination remains a major problem for adolescents. An 18-year-old girl, Karen Badal died this year after a botched abortion at a back street clinic. The girl already had two children and had taken a decision to terminate the third pregnancy. Five months after her death, the regulatory authorities are still to take action against the clinic or to help her impoverished family. The Family Planning Association of Guyana provides services under the MTPA.

Recommendations:

All forms of reproductive health services must be advertised and expanded to other Regions in Guyana.

The Georgetown Public Hospital Corporation (GPHC) must establish a section specifically to deal with adolescent health so that privacy and confidentiality is maintained.

HIV/AIDS:

Generally, there is a gap in provision of appropriate services for adolescents, especially in the area of reproductive health and this has now become an urgency given the risk of HIV/AIDS and teenage pregnancies. HIV/AIDS prevalence is estimated at 2.5 per cent, one of the highest rates in the Caribbean. AIDS is the leading cause of death among adults aged 24-44. As such Government has prioritized reversing the epidemic, paying special attention to three areas: access to prevention of mother-to-child transmission (PMTCT) services; care and treatment; and reduction of transmission, especially among adolescents.

Recent behavioural surveillance surveys among in-school and out-of-school young people indicated that the level of correct knowledge about prevention and transmission of HIV is fairly high, especially among the in-school youth, and around 60 per cent of young people reportedly used a condom at first sex. Guyana is one of two countries in the region that are part of the United States President's Emergency Plan for AIDS Relief (PEPFAR)

Yet, UNICEF in its Children and AIDS, Fifth Stocktaking Report, 2010, states that despite remarkable gains in coverage and uptake of PMTCT services, and despite the strong momentum towards virtual elimination, AIDS is still one of the leading causes of death among women of reproductive age globally and one of the major causes of maternal mortality in generalized epidemic settings. Guyana is no exception since it is rated as the second highest in the Caribbean in terms of people living with HIV/AIDS.

Recommendations:

The specific needs of adolescent girls in the context of PMTCT within health facilities, in schools, and at the community level require special attention, as do the needs of pregnant women who use drugs or are engage in commercial sex work.

Delaying marriage and the age at which young people start having sex, programmes to prevent adolescence pregnancy and HIV, and the promotion of adolescent-friendly health services are among the strategies that can help meet the needs of adolescent girls. There is also need for increasing awareness, creating demands, alleviating stigma and discrimination, strengthening adherence to treatment and providing psychological support.

7. Education, leisure and cultural activities

Although Guyana has committed to the Caricom Health and Family Life Education (HFLE) programme little progress has been made in its implementation through the school system. Progress has been rather slow though its policy was accepted since 2001. The period 2005 - 2006 witnessed the inclusion of HFLE on the time-table for Grades 1 and 2 nationally and infusion techniques being introduced for all other grades. Curriculum guides, activity guides and facilitator's manuals are now in place. The formal roll out of HFLE began in 2006 in one of the

10 regions in Guyana. All teachers in this region have had specialized training in life skills methodologies.

There is a welfare department established within the Ministry of Education and the said department (Guidance and Counseling) is responsible for enforcing anti-truancy campaigns to ensure that children attend school. This exercise has been intermittent. The welfare department however is understaffed with an officer to school ratio of 1 to 30.

There is a high level of corporal punishment at the primary and secondary institutions. There is evidence of a high incidence of physical abuse perpetrated by teachers to children and even vice versa.

The Children Act provides for children to be given time for leisure and cultural activities. These activities are conducted through the school system. There are hardly any sports facilities in communities and at the RDC level. There are several problems existing at the state's level with regards to two main sports in Guyana –football and cricket. The Ministry of Culture, Youth & Sport is the main controller of sports, as such a hindrance for total involvement from the general populace.

Recommendations:

THE Ministry of Education must evaluate the program on the HFLE that was introduced into the school system and based on the results, either implement appropriate strategies to correct the identified problems and expand the programme by targeting additional schools for necessary action. If there is dis-satisfaction with the accomplishment of the program the entire situation will have to be reviewed with the view to determine what alternative approaches can be successfully pursued.

Sports and leisure among young people are shifting to a higher level of alcohol-fuelled parties and lawless activities. The state party must monitor these activities since a lot of sexual abuse and abuse of alcohol and drugs occur.

8. Special protection measures

Economic exploitation, including child labour:

There is a high rate of child labour especially in the rural areas. Boys in particular leave school at an early age to seek employment to assist financially in the homes since most of these homes are headed by single parents and the father figure is absent from the home. Teenage girls are being trafficked since they too are seeking job opportunities. This trafficking is conducted mostly in the mining industries where these girls are led into prostitution and are used as sex slaves.

Another major area of the worst type of child labour is the practice of young boys going to sea on fishing vessels. They enter this trade because of poverty and the desire to help their families. In recent years several have died at sea from drowning or as a result of piracy.

It is significant to note that during the period 2005 to 2009 the Educare project funded by the United States government was undertaken by the Partners of the Americas organization in Guyana. The Educare project has made tangible contributions to current government (and other stakeholder) planning of responses to the issue of child labour in Guyana. Educare has played an important role in promoting awareness of child labour and the school attendance issues through providing technical and logistical support to a Ministry of Education campaign on school attendance (Stay in School Campaign). In addition with financial support from UNICEF Educare produced five 30-seconds PSA's and facilitated the design and distribution of print materials supporting the campaign. It also provided logistical and financial support for the World Day Against Child Labour activities held in various parts in Guyana and this served as the launching of the Stay in School Campaign.

With financial support from UNICEF also, Educare organized and facilitated workshops on school attendance and child labour for RDC's (regional government). Participation in these workshops included regional government officials, some participation democratic council membership (local government), important non-governmental actors and individuals with children at risk for child labour. By the end of the project, regional workshops were held in all regions of Guyana. One of the outcomes of the regional workshop was a plan for local-level or "grass roots" workshops in selected neighbourhood democratic councils. Educare facilitated 6 local level workshops by the end of the project. The primary objectives of the regional and "grass roots" workshops was to raise awareness of the consequences of child labour and to promote greater cooperation between regional/local government and community stakeholders in understanding and identifying child labour and in promoting school attendance.

Recognizing the need to improve school attendance, the Ministry of Education increased the number of school welfare officers and initiated an 18-month training programme for the newly contracted officers. The eventual goal was to have approximately 1 officer for every 10 to 12 schools in a region. These officers have the primary responsibility for promoting school attendance and for intervening in cases where compulsory attendance requirements are being violated. Educare provided training and sensitization on child labour issues to school welfare officers. These officers were invited to participate in the regional and "grass roots" workshops, and in meetings and activities of the community-level projects.

These contributions made by Educare materialized through strategies somewhat different than those presented in the original project proposal. This situation came about as a result of the

relationship forged with government and grantees at the regional and community level and through the activities of Educare staff in capitalizing on various opportunities, such as linking child labour concerns to ongoing government and development partner initiatives in areas focused on the needs and rights of children.

Inaccurate media reports concerning the Educare supported research resulted in negative publicity for the project and difficulties with the relationship between the project and the senior leadership of the Ministry of Labour, Human Services & Social Security. However by the time of the final evaluation, the research was being actively used and cited by both Ministry of Education and the Child Protection within the Ministry of Labour, Human Services & Social Security. (Source; Independent Final Evaluation of Educare; Combating Exploitative Child Labour Through Education in Guyana)

Recommendations:

The partnership suggests that the state provide more human resources to better monitor and evaluate the system.

The state must give priority to issues such as children's health and welfare and allocate adequate finances accordingly.

Since international groups such as UNICEF and the ILO were also utilizing Educare final research report as background information for programme planning in the area of child protection, orphans and vulnerable children and child labour, it is further recommended that the Ministry of LHS&SS must continue to refer to the final research report and demonstrate a positive interest in incorporating the lessons learned into future Government of Guyana actions.

Street children:

There is a large percentage of children still living on the streets, when apprehended they are taken to the Drop in Centre by Childcare and Protection Agency officers. While this is very commendable, there is no effective programme to allow for the reintegration of the affected children with their families.

Children can still be seen during school hours at some strategic points begging such as the gas stations, ferry, the market square, by the banks-(financial institutions), food places –restaurants and fast foods. This speaks volume of the poverty stricken situations of the families.

Recommendations:

A better working system must be put in place for monitoring the operations of the centre. Additionally, there must be a programme that includes counseling, reincorporation into the various educational institutions and reintegration with their families.

The state must conduct a proper study on the economic situation of the family with a view to providing financial assistance to the homes of these children.

Sexual exploitation:

There are several acts that can be used for the protection of victims of sexual exploitation such as the Trafficking in Persons Act, the new Sexual Offences Act and the Child Protection Act. During May 2012, four persons were charged for luring four young girls between the ages of 14 to 17 years into commercial sex activities in the interior. There is still a lot more work to be done in the area of investigation and prosecution. The data collection problem still persists and no indication that a plan of action has been formulated for possible implementation.

The court environment is unfriendly to the children who attend court in sexual exploitation matters and lawyers representing the perpetrators could be unfriendly too. A few magistrates are not au-fait with the relevant laws and so the decisions they make are sometimes questionable.

It is envisaged that once the family court becomes operational, children going before the court will be in a better position to have their views heard in a friendlier environment.

Recommendations:

All magistrates, judicial staff, attorneys, social workers, prosecutors and police officers must be trained so that they can have a comprehensive understanding of the relevant laws.

The curriculum for police training must be adjusted to include the instructions pertaining to all the recently enacted legislations.

Juvenile justice:

The state party has established a juvenile holding centre for boys and girls who are in conflict with the law. There are also free legal services provided to juveniles by the Guyana Legal Aid Clinic. However, we are not aware of the implementation of any training programme of an acceptable international standard for equipping the relevant professionals to adequately cope with the need for the proper administration of juvenile justice.

There are reasons for concern whenever police officers would charge a child for wandering. In most instances, the child is placed in the lock-up before the court matter and is susceptible to abuse during the detention period. A few of these cases were made public through the media and the relevant authorities would defend the law enforcement officers in such cases.

Another matter was made public concerning a boy who was held in relation to questioning for murder in October, 2009. The police officers at the police station burnt his genitals with methylated spirits and the teenage boy was denied medical attention. This was a clear case of state torture in a police station. This matter had caused public outcry and the police officers were charged and interdicted from duty but not dismissed. The case against them collapsed after the complainant and other witnesses failed to turn up in court. It had been claimed that the families of the policemen had paid inducements for the witnesses not to testify. The boys' parents sued the state and even though the court awarded compensation, this is still to be paid more than a year later. At the Universal Periodic Review for Guyana in May 2010, this matter was raised in Geneva by the committee and a misleading answer was given by the Guyana delegation.

Recommendations:

The Childcare and Protection Agency must be tasked with the responsibility of developing a protocol to guide the police in situations where juveniles are arrested and have to be held for interrogation in relation to the alleged involvement in criminal matters.

Access to Legal Aid and counseling must be provided to juveniles in detention before any court appearance.

Amerindian children:

The Amerindians are still being discriminated against and stigmatized even though the socialization process has improved to the extent where they are attending secondary and tertiary education in the capital city. There are no proper monitoring systems set up for the distribution of resources which are channeled to benefit the health care facilities and the schools in the hinterland regions. Also, there is a lack of qualified teachers to provide a range of subjects to be offered in the hinterland schools.

The Ministry of Amerindian Affairs has the responsibility of governing the affairs of the Amerindians. Extensive work in terms of social care and other areas of development is now being undertaken, but there is a great deal of concerns that is unsatisfactory with the Amerindians. Because of their cultural patterns they become vulnerable to abuse. Some groups are politically connected and some are opposed to what the state party is doing in terms of allocation of land and other matters.

There is a high degree of child labour, trafficking and prostitution in the mining and logging industries that are set up in the interior regions where the Amerindians are mostly found. Interpretation of the different dialect/language that the Amerindians use in communicating has proven difficult for the law enforcement officers and other relevant personnel to understand.

Recommendations;

Since special emphasis has been placed on Amerindians over the past years, a better system of control for the distribution of material and other resources must be in place.

Law enforcement officers must follow the basic guidelines when dealing with offenders of the law, in term of violence against children.

We recommend that the state provides interpreters who understand the different dialect spoken by the Amerindians.

9. Optional Protocols to the Convention

There is no immediate plan to sign/ratify the Optional Protocol, since the state has not seriously addressed sale of children, child prostitution and child pornography.

10. Dissemination of Documents

At the time of writing this report we have not seen nor heard of any document being prepared by the state.

However, while preparing and gathering information for this report, we were interrogated and viewed with suspicion as to the reason why the information is being sought and what it will be used for.

Appendix 1

The Guyana Partnership for Human Rights was registered under the Companies Act as an NGO on the 4th March, 2008. The organization was formed as a response to the need for more awareness of the UN Human Rights System, The Treaty Bodies and an improvement in Guyana's reporting to the UN Treaty Bodies.

The members of the board of directors are;

1. Stanley Cooke; African Cultural & Development Association
2. Martin Goolsaran; Programme Manager – National Communication Network
3. Margaret Kertzious; Coordinator – Help & Shelter
4. Ronald McGarrell; Pastor – Inter-Religious Organization
5. Anand Persaud; Editor/Journalist –Stabroek News
6. Gem Sanford-Johnson; Attorney-at-law – Guyana Bar Association
7. Andrew Garnett; Trade Unionist – Guyana Trade Union Congress (Resigned from the board)

Members:

- Rodney Davis; North Rupununi District Development Board
- Hazel Halley-Burnette; Social Worker – Guyana Association for Professional Social Workers
- David James; Attorney-at-law –Amerindians Peoples Association
- Christine King; Social Worker - Guyana Association for Professional Social Workers
- Beverly Pile; Administrator – Disability on the National Commission.

References

UNICEF –report on Children in Guyana –Website

UNICEF – Children and AIDS, Fifth Stocking Report, 2010

NCD – brochure and the Act

NCRC – material information (partly)

CPA – The law, the policy and other resource materials

WHO and PAHO – Handouts from workshop

Other information used from the website