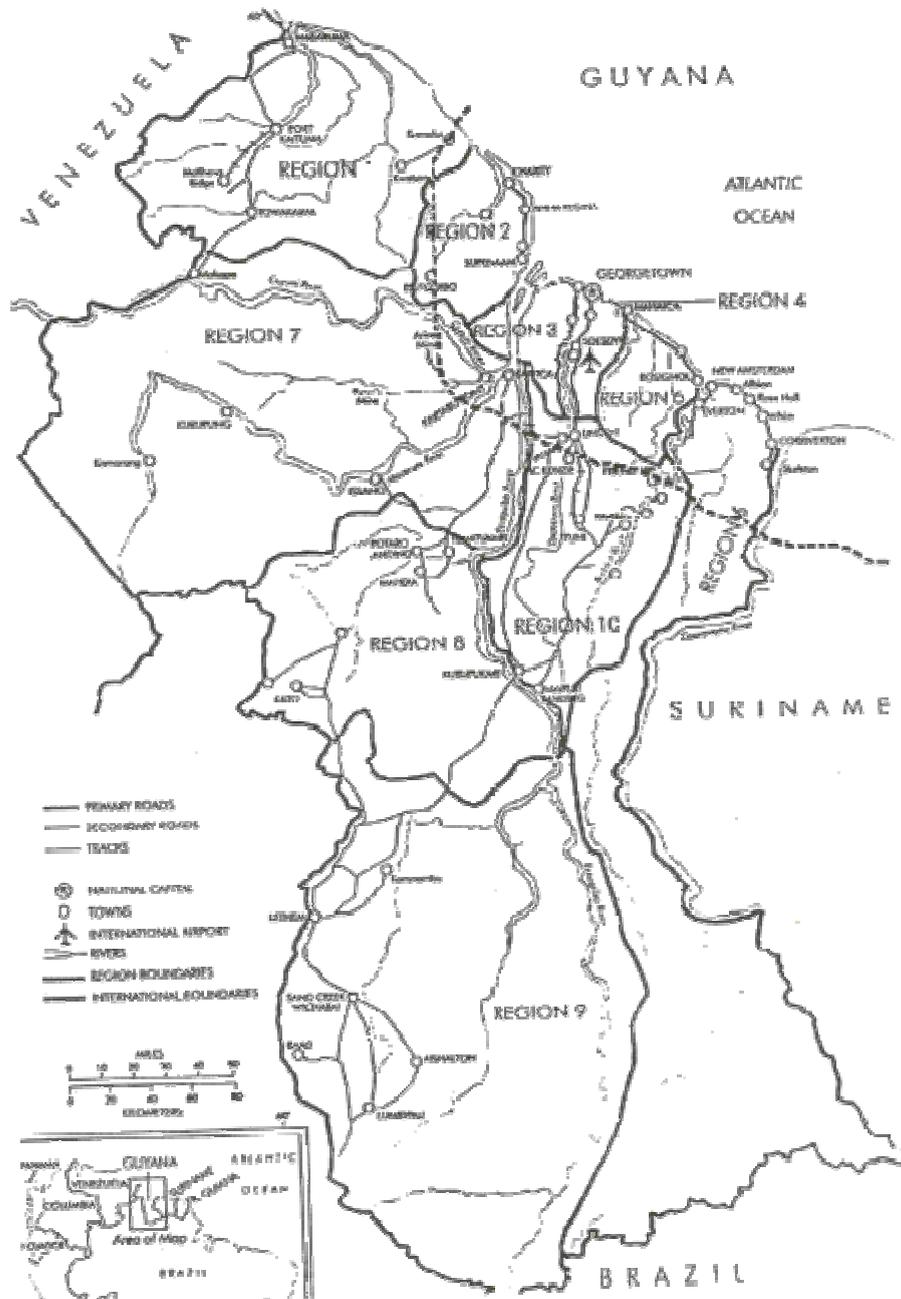


## ACRONYMS

APA	Amerindian Peoples' Association
Caricom	Caribbean Community
CBO	Community Based Organisation
CBR	Community Based Rehabilitation Programme
CRC	Convention on the Rights of the Child
EPA	Environmental Protection Agency
FREED	Friends Restoring Education, Economic and Environmental Development
GEAP	Guyana Education Access Project
GGMC	Guyana Geology and Mines Commission
GHRA	Guyana Human Rights Association
GPF	Guyana Police Force
GPHC	Guyana Public Hospital Corporation
GRPA	Guyana Responsible Parenthood Association
HFLE	Health and Family Life Education
MCH	Maternal and Child Health
NCD	National Commission on Disability
NCERD	National Centre for Educational Resources Development
NOC	New Opportunity Corps
NGO	Non-governmental Organisation
PI	Preliminary Inquiry
ROC	Rights of the Child Committee
UG	University of Guyana
UNICEF	United Nations Children's Fund



**Map of Guyana. The dotted line approximates the boundary of the coastal strip where most of the population is concentrated**

## **ABSTRACT**

This report seeks to present the perspectives of a diversity of NGOs and individuals working with children. It focuses on gaps in government's efforts to implement the Convention on the Rights of the Child. It acknowledges that data, both qualitative and quantitative, are not necessarily available, and where it is, it not readily accessible or of the desired quality.

Children in Guyana live in an environment where violence is pervasive. Since violence is accepted as normal, children are subjected to different forms of abuse at home, at school and in the wider society. That they have rights is rarely accepted by the public as well as by the official structures intended to protect those rights.

Several children live with parents, particularly mothers, who have themselves been victims of violence. In fact, many such parents fail to consider their experience as one of abuse and, therefore, continue the pattern of violence with their children. Teachers are known to physically (corporal punishment) as well as sexually abuse children. They are not protected by the educational system which sanctions corporal punishment.

The legal system relating to the protection of children with respect to the treatment of children in sexual offence cases is in need of review.

The government provision for social welfare is weak. With respect to probation and family services, limited human and other resources have restricted the capacity to meet the needs of children. The location of the majority of the staff in one region of the country compounds this problem.

Children with disabilities are particularly discriminated against. They have limited access to health and education due to an absence of relevant policies and the attitudes of service providers as well as family members. For those who have less visible disabilities, the quality of their participation in school is affected by the lack of a universal programme for detection of their disability and remedial action to facilitate their learning.

Likewise, indigenous children do not have equal opportunity to participate in nor benefit from the provisions of the state. Their exclusion is influenced by geography, the extent of poverty in their communities and increasing negative effects of changing conditions in their communities.

Despite the fact that education at the primary and secondary levels is provided free of cost by government, several children are hindered from participating in school due to the cost of transportation and meals, for example. Some have dropped out of school for want of attention from teachers, poor communication with the teacher and household responsibilities.

The official literacy rate ranges from 95% to 97%; however, the functional literacy rate and the reading levels of a high proportion of children is cause for concern.

Children in selected communities have recently been exposed to trauma resulting from heightened criminal activities in their communities. Those who have encountered the juvenile justice system often have their rights denied by flawed institutions and archaic laws with the result that they are treated as criminals. Others face sexual abuse and sexual exploitation by persons in the home, and persons outside the home some with whom they are familiar as well as strangers; among the vulnerable are school children and street children.

NGOs and CBOs provide valuable services to children, some of which should be the responsibility of the government. In some instances, they collaborate with government on initiatives while in others they pursue them on their own.

## NGO REPORT TO THE COMMITTEE ON THE RIGHTS OF THE CHILD

*"I think it is unfair when I have to do all the work at home...I think it is unfair when my teacher refuses to listen to my explanation about something and she beats me...I am not really afraid of licks at school because I usually put a book inside my pants so I don't feel as much. I never heard about children's rights in school". Dason, 10 years old.*

*"I think it's unfair when I'm finished doing my work (chores) and I'm given more work to do. I'm at a new school, and I never got licks, but I'm afraid in case I get licks. The teacher beats the children with a thick long ruler. Lanie, 9 years old.*

### INTRODUCTION

This report was prepared with the support of UNICEF, Guyana. The first draft was prepared, out of consultations with several NGOs and individuals working with children, the review of existing reports and unstructured conversations with children. The draft was then circulated to NGOs and CBOs for corrections and additions, and discussed at a meeting with eight of these groups. It focuses on gaps we perceive in the government's efforts to implement the Convention of the Rights of the Child nationally. It was not possible to document a comprehensive response to the State's report since this document is not widely available. Notwithstanding the informal consultations with children, and the use of the survey conducted by children with children (Rights of the Child survey), we feel that this report would have been strengthened by increased participation of children, and more narrative from the viewpoint of children.

The comments in this report are arranged in the groupings specified by the Committee, although in several instances the comments may be appropriate under more than one head. The groupings are:

1. Family Environment and Alternative Care
2. Basic Health and Welfare
3. Education, Leisure and Cultural Activities
4. Special Protection Measures

Our overarching concerns about the existing level of implementation of the CRC is that while there has been some public discussion of the CRC and some sectoral legislative and policy improvements, there are two major gaps/challenges which need to be addressed:

1. In the provision of services, specifically:

- (a) The prioritization of "the best interest of the child" in the implementation of the law, particularly by the judicial, policing, education and health services. Approaches are too dependent on individual attitudes rather than on guidelines and policy which are publicly known, monitored and enforceable.
- (b) The provision of a realistically adequate staff complement and infrastructure (for example, computers and vehicles), particularly in the welfare and probation services, and in the Ministry of Labour to monitor children at risk, investigate reports of abuse, counsel children and parents in need of such support, and where necessary, arrange for the provision of practical assistance, including financial resources.

**2. In narrowing and then eliminating the gap between coastal and interior communities:**

The existing divide means that while children living in the interior – mainly Indigenous children – are legally and constitutionally entitled to the same rights as all other children, in practice, they are mostly denied these rights because of their geographic location. We have singled out this divide because it is the sharpest divide in Guyana (reflected not only in the level of services available but in income), but would argue for action on all other gaps in children’s enjoyment of their rights – whether their disadvantage comes from race/ethnicity, gender, disability, or economic status.

## **FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **Abuse and Neglect**

Article 19 of the Convention on The Rights of the Child states:

*1. States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*

*2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.*

A 1998 study by Red Thread Women’s Development Programme entitled ‘Women Researching Women’ found that out of a total of 250 women surveyed on their experience of childhood abuse, 92% reported being beaten sometimes and often as children, 31% recalled experiencing verbal abuse and 23% said they had suffered humiliation. In response to the questions about whether and how children should be punished, the most common response was by hitting, slapping and/or lashing. 42.5% of the women responded to the question “from what age do you think hitting children should begin?” Of these, most indicated that toddler or pre-school ages were the most appropriate ages to begin hitting; the next popular ages were 1 and 2 years (16.9%), then school age (6 and over) - 16.7%. Only 2.9% of the persons who responded indicated that from birth, and 5.1% that between 6 months and a year were appropriate ages to begin hitting. Seven out of ten women with children hit them, and nearly 50% (47.5%) of the respondents indicated that one of the main reasons for hitting was misbehaviour; disobedience accounted for another 21.2%.

The same study found that almost four out of five women said that domestic violence (between adults) was widespread in Guyana. Most of the women interviewed did not equate threats, humiliation or being cursed as abusive acts, neither did they consider slaps or beatings with straps or whips when they were children as seriously abusive acts. With experiences and views such as these, children with whom these women interact, whether they are their sons and daughters or other relatives, are highly likely to be treated in a similar manner. As a consequence, they are vulnerable to abuse in an environment which is expected to provide security, nurturing and love.

Several school children, especially girls, are exploited because of their emotional and physical circumstances. Some form sexual relationships with older men who are able to provide for their material needs. Others are part of the “minibus” culture in which students of primary and

secondary schools form liaisons with drivers and conductors of minibuses. One NGO reports a new development in which prominent businessmen are calling young girls at home and trying to arrange dates via the telephone and with the assistance of minibus operators. This development is being investigated as behaviour relating to abductions of minors, and as a part of the 'minibus culture'.

#### Legal Provisions

In 1991 the Criminal Law (Offences) Act, which includes sexual offences, was amended to include in camera hearings and non-publication of names or other possible means of identification of victims of sexual offences; penalties were also enacted for any breaches of the new offences introduced in the legislation. In its present form, the Criminal Law (Offences) Act requires proof of penile penetration to allow the successful prosecution of rape charges. Hospital records show that injuries from penetration by objects frequently result in major damage to child victims who sometimes need reconstructive work. As the law stands penetration other than by the penis results in the lesser charge of indecent assault or attempted rape being instituted, with a penalty of two years for indecent assault of a girl under 14 and of five years imprisonment for the charge of attempted rape.

#### Age of Sexual Consent and Related Issues

The State parties report in section 4.2.4. (iv) SEXUAL CONSENT notes that under the present Criminal Law (Offences) Act, the crimes of rape, indecent assault and incest are not gender neutral and can only be committed against females. This outdated piece of legislation discriminates against all males including male children and denies them the right of legal representation and redress.

The law also fails to recognise same sex crimes, including acts committed by women on girls.

The age for sexual consent under the Criminal Law (Offences) Act Section 69 (1) and (2), stated as "above the age of twelve years and under the age of thirteen years..." is unacceptable. This provision, which allows girl children of thirteen years the legal right to sexual consent is dangerous, reckless and a violation of children's rights under Article 34 of the C.R.C. which encourages state parties to protect children from all forms of sexual exploitation and sexual abuse. It is also alarming given the high incidence of HIV/AIDS infections and teenage pregnancies in Guyana, and contradicts messages of abstinence and sexual responsibility being promoted by government and non-governmental agencies.

The vulnerability of the girl child is increased by Section 69 (2) of the Criminal Law (Offences) Act which states that:

"It shall be sufficient defence to any indictment under this section if it is made 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".

This provision means that a girl child can be denied the right to a straightforward prosecution for statutory rape by virtue of appearance. The legal argument that the accused thought the girl to be older is the most frequently used by offenders as a defence against statutory rape or carnal knowledge of a child between 12 and 13 years. Changes also need to be made in the age at which boys are considered capable of committing rape or carnal knowledge in the Criminal (Offences) Law. At present, the Law states that boys under the age of 14 years are incapable of these offences. Social workers report cases where boys are known to have committed such acts, often against very young children, including infants and toddlers.

Procedures, Practices and Rules of Evidence for Sexual Offences

Another major area in which immediate changes need to be made is in the procedures, practices and rules of evidence governing the Guyana legal system and the delivery of justice, especially as regards child victims of sexual offences. A Report on the Legal Status of Women: An Assessment of Legislation Relevant to Women (1998) prepared by Roxane George, currently the acting Director of Public Prosecutions in Guyana, explains the problem in the following terms:

“Another area of concern is that of the cross examination of the victim. At present in Guyana, the defence almost has what is termed a roving commission to ask any question of a victim, no matter how embarrassing, in an effort to break the will of a victim. Reform in some countries has led to severe restrictions on the line of questions that can be asked in cross-examination and such reform is recommended for Guyana.”

Of particular concern to judges, some legal practitioners, probation officers, social workers and counselors is the plight of very young and mentally disabled children who are victims of sexual offences. These victims often cannot properly articulate the circumstances of the incident and/or are deemed incompetent to give evidence because after the conduct of a trial within a trial, the court is of the opinion that the victim does not understand the nature of the oath or of speaking the truth. Where a victim gives unsworn evidence in any case, such evidence must be corroborated by credible independent evidence, otherwise it can be ruled inadmissible. When, as often happens, such evidence is not forthcoming, the result is that the perpetrators either cannot be charged, succeed on no case submissions, or have the charges withdrawn against them.

Counselors from non-governmental organizations (NGOs) which deal with child abuse, including sexual abuse, who have accompanied child victims of sexual abuse to court, report that they are often further victimized by the court and denied the right to a fair and impartial hearing of their case due to the rules of evidence outlined earlier. For example, any child under the age of 14 has to undergo a series of questions by the Magistrate to determine his or her competence to give evidence. In many cases, if the child is not prepared for these questions, she is deemed incompetent and can only give unsworn evidence which results in the case being thrown out.

Further, notwithstanding that hearings for sexual offences cases are required to be held in camera, adult defendants are often allowed to have several family members and supporters in court during the proceedings, and the media is allowed in court to cover these cases and regularly report on them, especially in the capital city Georgetown. While observing the law relating to non-publication of names of victims, they often publish the details of these cases including sometimes addresses and names of family members, in a sensational way with eye-catching headlines, which in a small country, facilitates easy identification of the child. (see newspaper report, Appendix 1)

NGO counselors of victims of sexual abuse report the trauma and embarrassment which these media reports cause children and their families. They are not only cause for mental and psychological anguish on the part of child victims whose cases have been brought to court, but impediments to other victims reporting cases of child sexual abuse to the police.

At a Symposium for Magistrates in June 2003, Karen de Souza, a child rights advocate and co-ordinator of Red Thread, a Women’s NGO presented a paper entitled “The Experience of Children Needing Justice” in which she recounted the experience of one child victim:

“In the first a 5 year old girl is raped by a neighbour. She knows the man and names him. He is eventually arrested and charged. On her release from hospital she is able to describe the details of the attack for the police statement...

When it came time for her to tell her story in court, the Magistrate ordered her mother out of the court so that the child's evidence could be taken. The [alleged] rapist and his relatives are in the court, and the child screamed uncontrollably. The defence counsel immediately applied for the charges to be dismissed because the child appeared incapable of giving evidence. Court is adjourned and eventually the mother's evidence is taken first, and she was allowed to remain in the courtroom while the child's evidence was taken. The child's story was very clear, and it was followed by two days of cross-examination, so grueling an adult would have been challenged.

The Preliminary Investigation (PI) in this matter dragged on for 2 years because the accused skipped bail..... The matter was sent on to the High Court, and 3 years later, it has not made the lists for trial.”

The above case is not unique but an example of the trauma suffered by girl children as a result of the procedures of the present court system. A counselor from Help & Shelter reported on the experience of a 7 year old child she was counseling. The child was made to stand on a bench, a form of punishment used in schools in Guyana, for at least half an hour in front of a magistrate while she was being examined on whether she understood the nature of the oath.

There is urgent need for a review of Guyana's Evidence Act to provide protection for vulnerable witnesses. Children who have been victims of abuse, rape or other forms of violence are often obliged to confront their abusers. As one major example, a common technique of Police investigations when a suspect is in custody is to hold a confrontation between the accused and the complainant. This is done even with children who have been raped or sexually molested despite the additional trauma to the child.

The present system for dealing with indictable sexual offences such as buggery, carnal knowledge and incest sometimes results in cases taking several years to be completed, since it involves a two-tier system which begins with a Preliminary Inquiry in the Magistrate's Court to determine if there is enough evidence for the case to proceed to trial before the actual High Court trial. Numerous delays are experienced before and during the hearings, especially at the Preliminary Inquiry stage. During the entire period, children of all ages miss several days of school, thus being denied access to education while experiencing the trauma of the court experience.

The grueling procedures are more than many adults can endure, much less young children. This system is greatly responsible for the number of cases which are thrown out for lack of evidence and other similar reasons and for the inability of many child victims of sexual offences to persevere with their cases. It is usually only with total support from her parents and support in the court from a competent individual that the child is able to go through with what is in effect an ordeal.

Children with disabilities are especially vulnerable to sexual abuse. The provision of sign language interpreters and other skilled interveners is at the discretion of the magistrate.

It is precisely due to the vulnerability of children in the court system that Help & Shelter, an NGO which runs a counseling service for victims/survivors of all forms of abuse and a temporary shelter for abused and battered women, has set up a Court Support Service for children who have been sexually or physically abused and who have opted to take their matter to court. Help &

Shelter counselors carefully explain all the court procedures to each young client including what to expect when giving evidence and during cross-examination and accompany her to court, remaining until the client's appearance is no longer needed.

#### The Government's Capacity for Child Protection

While children are guaranteed access to care in law, the government has not invested enough resources to ensure that they enjoy such access in practice. The following table shows the relationship between the number of social workers and the child population aged 0-14 years in 6 of the 10 administrative regions of Guyana. The figures from the Child Population are from last census done in 1991. We could assume that the figures have not changed much in subsequent years since birth rates are similar to attrition rates. The limited number of officers in under-resourced offices can conduct very few investigations of reports. (see newspaper report at Appendix 2)

<i>Region</i>	<i>Number of Social Workers who could intervene for children (2003)</i>	<i>Child Population (1991) (0 to 14 years)</i>
Region 2, Essequibo	1	17,042
Region 3, West Demerara	1	31,867
Region 4, Soesdyke - G/town – Mahaica	18 (6 of whom work in administrative functions)	98,833
Region 5, West Coast Berbice	1	19,187
Region 6, New Amsterdam,Corentyne	6	45,601
Region 10, Upper Demerara	1	17,042
Total	28	229,572

Institutional care is also limited in both the number of institutions and the capacity of the services. Oversight and monitoring of the residential services is inadequate in spite of the recent establishment of an oversight committee for institutions providing shelter to children. This committee was an initiative of the Ministry of Human Services and Social Security after two men employed at the Shaheed Boy's Orphanage were charged with murdering 14 year old Raheem Abdool, a resident of the institution. Investigations revealed that there had been abuse of the children over several years.

## **BASIC HEALTH AND WELFARE SERVICES**

### **Children with Disabilities**

*Article 23, 1. 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.*

The Guyana Report (Sections 4.6.2., 4.6.3.) is very weak in its description of provisions for children with disabilities, and does not address the ways in which the majority of children with disabilities are disadvantaged by the shortage and limitations of services available.

A UNICEF Situational Analysis of Children with Disabilities in the Caribbean (2000) showed that of 8,203 children 0-18 years surveyed in Guyana, 226 or 2.75% were identified with disabilities. Organisations working with people with disabilities were critical of the methodology,

particularly the sample selection which produced what these NGOs believe to be a serious underestimate.

There is a pervasive lack of awareness of the needs and rights of people with disabilities in Guyana. Discrimination against people with disabilities is found at the community level, at the national level and even within the family. This results in their exclusion from a spectrum of institutions and activities. Children with disabilities are vulnerable both as children and as people with disabilities. Organisations working with the physically and mentally handicapped outlined the following as some of the main problems affecting disabled children and young adults in Guyana.

#### Education Facilities for Disabled Children

A Ministry of Education 1997-1998 statistical report of students at seven special education institutions catering for the physically and mentally disabled, the visually and hearing impaired, and those with learning and developmental problems had a total of 585 students on roll. In addition there are two residential institutions for children with disabilities.

While there is an education policy and strategy for children with disabilities, there has been very little implementation. What education the majority of children with disabilities receive is based on what their families can provide and this, for the most part, is very limited. Institutions which cater for the disabled provide educational opportunities but they are not all equipped to address the range of disabilities, and each one caters for a limited number of children. The Community Based Rehabilitation Programme (CBR), an NGO whose focus is people with disabilities, has developed a model of mainstreaming children with disabilities in primary school which is available to government; the model arises from a pilot project conducted in Region 3 (see below for details).

The Ptolemy Reid Rehabilitation Centre in Georgetown, which offers rehabilitation for children with physical and other developmental disabilities, reported that children who have been successfully rehabilitated by them to the point at which they are ready for school have nevertheless found it extremely difficult to be accepted into the school system. One child of primary school age has had to remain at this Centre since no school was willing to take him. In addition, young disabled children abandoned at the Centre by their families due to poverty and lack of resources are not accepted at any of the orphanages due to their disability, even after they have been successfully rehabilitated.

Special Education courses at the teachers training college are limited to one module and this is an optional course. As a result teachers in Guyana at all levels are not trained to teach children with disabilities. Those teachers who opt to specialize in special education have found that promotion aspects are extremely limited and this further compounds the problem.

Special schools catering for the disabled are also disadvantaged in that only 40% of their teachers are trained.

#### Health Care

People with disabilities, including children, also have difficulty accessing health care and specialized medical treatment. The CBR made the observation that most medical practitioners in Guyana do not have much experience of or specialization in the field of disability. There is also a need for medical centres and facilities to become more accessible and disabled-friendly. Specialised care is particularly scarce outside of the capital and referrals to services in the capital or other towns usually require hard-to-access transportation and housing. As the UNICEF

Situation Analysis of Children with Disabilities (2000) states, “children in rural areas are deprived of referral facilities since the few that exist are geographically out of reach.”

Early detection and screening of children by health workers so as to identify disabilities as early as possible is inadequate in the public health system. There is a need for much more training to be done in this area since for some of those disabilities where medical intervention might make a difference, the earlier the intervention the better the outcomes.

There is a lack of Human Resources Specialists in all areas of disability. At present, Guyana is dependent on expatriate specialists and even with this support the capacity of services offered is limited. The Government needs to provide better training opportunities so as increase the necessary human resources in specialized medical care for the disabled.

#### Social Assistance

Accessing social assistance for children with disabilities is also very difficult as it requires visits to doctors every six months which is costly and inconvenient for their families. Interviews are also very lengthy. It was suggested by NGOs working with the disabled that welfare officers should visit the disabled instead.

The cost of prostheses and other aids for the disabled is very high and while the Ministry of Human Services and Social Security pays about one third of the cost for prostheses, families are expected to provide the rest of the money. The high cost of hearing aids and wheelchairs also makes it very difficult, and sometimes impossible, for the disabled to access the appliances for a more comfortable and independent existence.

#### General Issues of Access

The majority of public and private buildings including almost all schools, Ministries, offices, cultural and recreational facilities are wheelchair inaccessible. Additionally, access to information, transportation, technology and general services is very difficult.

There also is no State Policy which addresses the integration of people with disabilities into the world of work and meaningful employment. People with disabilities therefore find it extremely difficult to find work opportunities for themselves and when the opportunity for employment presents itself, it is usually at the lowest entry level.

The National Commission on Disability (NCD) established in 1997 is a presidential commission of 15 members appointed to a two-year renewable term. The membership comprises representatives of the Ministries of Health, Education and Human Services, disability organizations including NGOs and trade unions. A programme review (sic) for 2003-2005 confirmed many of the problems outlined above. There also exists an excellent National Policy on the Rights of People With Disabilities in Guyana which was formulated in 1997. The State Parties Report has correctly highlighted both of these as advances, however, there is a problem at the level of policy implementation and enactment of legislation, particularly in the areas of employment, building codes and education. It is noteworthy that specifications for buildings that are disability friendly can only be obtained at a price from the National Bureau of Standards.

A number of successful programmes have been put in place by NGOs in partnership with government. The CBR conducted a pilot project during 2000 to 2002 in one of the predominantly rural regions of Guyana, Region 3. This project sought to mainstream children with disabilities into the regular school system at the primary level. The pilot project initially used 13 schools. The target age was children between the ages of five and twelve. A survey done by the CBR before

the project began found 100 children with disabilities in the region who had never attended school. Through the project, 36 of these children were admitted into the classroom. The others were above the age of 12 and were therefore not eligible for inclusion in the pilot programme.

The initial duration of the project was one year, and while the educational standard of the selected children ranged from some who had some basic knowledge to those who had none, at the end of the academic year one child topped the class for three school terms while other children made good grades. In another case, one child who is vision-impaired was assisted so ably by his young classmates that his mother no longer felt the need to be on hand to take him to the bathroom or help to feed him.

Extensive work had to be done in order to prepare the schools, children, teachers, parents and the community for this project to succeed. Basic renovations had to be done to the schools in order to accommodate these new students, teachers were trained to teach the children with special needs, and new educational materials were introduced. This project was so successful that the CBR is hoping to provide support to the Ministry of Education for its implementation in all the schools in all of the administrative regions in the country. The Ministry of Education was extremely supportive of the pilot project.

The importance of this success story is that it proves that children with disabilities can be successfully mainstreamed into the school system and is a good lesson for those who think otherwise.

The Ministry of Health has put in place a programme to train Rehabilitation Therapy Assistants in physiotherapy, speech therapy and occupational therapy. This is a welcome response to the lack of rehabilitation professionals especially in rural areas. However, nationally services do not address the range of needs of persons with more severe disabilities, especially those who require more complex interventions and vocational skills.

In addition, the Ministry of Health, with the help of the Commonwealth Society for the Deaf, has worked to develop an audiological service programme for Guyana. This programme has trained a number of technicians and one doctor, upgraded the skills of nurses and audiologists at the Georgetown Public Hospital Corporation (GPHC) and established an ear mould and hearing aid laboratory at the Ptolemy Reid Rehabilitation Centre in Georgetown. The programme assists children identified with hearing problems to get fitted for hearing aids.

### **Teenage Pregnancies**

Ministry of Health reports indicate that in 1999 there were 102 births to girls aged 12 to 15 years at the GPHC, amounting to 7% of all births recorded in that year at that hospital. This figure does not reflect births at private hospitals or numbers of terminated pregnancies. This hospital is responsible for one-third of all births in the country. In 1998 it reported that 22% of all births were to mothers under the age of 19 years even though the prime childbearing age group is women 20-24 years. The Ministry of Health has also reported that mothers under 16 had the highest proportion of infant deaths and that 25% of infants with low weight births are to mothers under 19 years. UNICEF has estimated that 20% of all births in the country are to girls under the age of 19 years.

## **HIV/AIDS**

An HIV sentinel surveillance conducted among STD clinic attendees in Georgetown in 1997 indicated that 19% of males and 16.7% of females between the ages of 14 and 19 years were HIV-infected.

A study on Child Prostitution and Child Sexual Exploitation (Danns, 1996) revealed that out of a sample of 1,024 school children, 29.3% said they had sexual intercourse at one time or another. 48% of male students and 21% of female students reported being sexually active or having had sex once. These statistics indicate that nearly one out of every two male students and two out of every 10 female students in secondary schools are sexually active. The very young age at which school children are having sex is cause for serious concern given the high incidence of HIV/AIDS.

In 1994, as a response to the need to equip children in the Caribbean with the necessary skills to cope with the many problems affecting them such as juvenile delinquency, alcohol and drug abuse, teenage pregnancy, HIV/AIDS and other STDs, and poor nutrition, Caricom Ministers of Education passed a resolution for the development of a comprehensive approach to Health and Family Life Education (HFLE) by Caricom and the University of the West Indies. The Ministry of Education has developed curriculum guides for HFLE which include citizenship and children's rights information, and these guides have been sent to primary schools for implementation from September 2003. Teacher training for the implementation of this addition to the curriculum was delayed because of teacher strikes in 2003, but the Ministry hopes that this training could begin before year end. In the absence of teacher training, there is no certainty that any of the HFLE education has begun in the schools.

## **EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

In Guyana education is free and compulsory from 5 years 6 months to 15 years. School enrolment of children is high at primary level and relatively high (compared to countries with a similar per capita income) at secondary level. Guyana has achieved universal primary educational, although pockets of the population fall well below the national average.

The official literacy rate for Guyana is between 95% and 97%. The assumption here is that after an average of 6 years or more of schooling, children would be literate or would have attained at least a reasonable level of literacy.

The Ministry of Education is however aware that there has been no survey of literacy for the past two decades to actually determine literacy rates. Further, a survey of youth aged 14-25 who were out of school between 1994 and 1995 (Jennings, 1998) on behalf of the Ministry found that 89% of the youth were functionally illiterate, and that while secondary school students had higher levels of functional literacy, they "still do not have the skills required to function effectively in an increasingly complex and technological society." The older the young adults the more literate they were: thus, those 20-24 scored better than the 14-19 age group. According to the study, "this may be an indication of a continuing decline in the quality of the teaching of literacy and numeracy in schools."

In September 2000, the Varqua Foundation, an NGO which works with youth and young adults, surveyed the learning needs of school children in two township communities in Guyana as part of a wider project, the Guyana Education Access Project (GEAP), a government initiative funded by

the Department for International Development. The survey assessed children in both primary and secondary schools for visual, hearing and learning difficulties and reading levels.

In one of the two townships, Corriverton, 137 schoolchildren out of the sample of 1,212 scored 6-6.11 years behind in their reading level on the reading test; this represented 11.3% of the sample. In the other township, Linden, 1.4% scored 6-6.11 years behind their age level. 70% of the students in secondary schools read at levels 3 to 5 years behind their age levels in one area while in the other, 59% of students read at levels 2-7 years behind their age levels.

Several NGOs and CBOs have begun literacy programmes, some on a purely volunteer basis, in response to what they see as a crisis. EveryChild Guyana has begun a literacy/reading programme in Agricola, (a suburb of the capital), with 110 children, after observing that many primary age children in that area could not read. Red Thread has begun a literacy programme for approximately 50 primary school children in Charlestown, a community in South Georgetown after finding that many of the primary school children who came to the lending library they had established in their centre could not read and that some could not even recognise letters. The Varqua Foundation has the largest programme 'On the Wings of Words', which trains teachers, parents and students, and whose workshops have given birth to a number of small community-level classes run by Wings of Words graduates.

The method of dealing with children who are truants from school needs re-thinking.

In 2002, the Schools Welfare Service launched an anti-truancy campaign in which its staff "rounded up" children who were out of school during school hours. It engineered high-profile media coverage through which a general atmosphere that the children were criminals was created. The Service does not have the capacity to address the problems that create or feed truancy. If it had this capacity, the "rounding up" of children out of school would not be necessary.

#### Regular Attendance and Dropouts

While primary education is compulsory, and schooling is provided by the government free of tuition charges up to secondary level, there are still many children who are not receiving the benefit of even primary education because of the many costs besides school fees which are attached to school attendance.

The State Parties Report finds the drop-out rate cited for 1998 "...unacceptably high and still remains so."

According to a study done by Friends Restoring Education, Economic and Environmental Development (FREED) in 2002 on the Experiences of Drop-outs from Primary and Secondary schools in Region 10 "lack of finances is the most significant contributor to students dropping out of school. Despite the fact that education is free at primary and secondary levels, families are taxed with equipping students with material resources such as books and uniforms and providing money for transportation and meals. It is often the case that more than one child is withdrawn from school when parents find it difficult to provide necessary finances."

Children interviewed said that what they liked least about school was not receiving enough attention from teachers, other children's behaviour, poor teacher/student communication, the noise level in school and punishment. One of the main reasons for dropping out of schools for boys was "the perception of poor performance," while girls said that pregnancy was one of the important reasons for their dropping out.

Three studies done in 1996 on school dropouts, truancy and absenteeism among school children by Patricia Helwig, M. Hussein and Karen Pilgrim and Doreen Hendy respectively found that 61.5% of Community High School students drop outs are because of pregnancy, financial problems and having to repeat classes. Reasons for absenteeism in one semi urban village were given as not having clothes to go to school, not having food to eat and having to perform household chores. Fear of corporal punishment and difficult school work were also given as reasons for absenteeism. In primary schools reasons given for truancy were inadequate income of parents, lack of parental support and peer influence.

#### Corporal Punishment and Other Forms of Abuse in Schools

*Article 28.2 of the CRC says “ State Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.”*

The Education Act makes it possible still for head teachers or their delegates to administer corporal punishment. The Draft Children’s Bill has also not amended or repealed sections of the Education Act which makes truancy an offence committed by a child, and sanctions the use of corporal punishment in schools, although specifically forbidding corporal punishment in voluntary care facilities. This inconsistency in legislation needs to be addressed especially as Article 28.2 of the CRC says that State Parties “ shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.”

“Child Abuse in Guyana: A Study of Teacher Abuse of Children” by Gill-Marshall (2000), documents instances of physical, verbal and sexual abuse of students by teachers in secondary schools in Guyana. In the absence of any more formal study of the issue, the findings of the thesis will be used to indicate the parameters of the problem.

A total of 1,200 students from forms 1 through 6 in 24 Secondary schools were surveyed. Four senior secondary schools, 13 junior secondary schools and 7 community high schools in 7 of the 10 administrative regions of Guyana were visited. The sample was also representative of different ethnic, religious and social backgrounds, and the age range of the students was 9-17 years.

In the area of physical abuse, 226 or 18% of the students interviewed stated that they were made to kneel down by teachers: 17 or 1.4% were made to kneel often, 128 or 10.7 % were made to kneel sometimes, and 81 or 6.8% reported having to kneel once. Children 12-14 years were most likely to be made to kneel and boys were more frequently made to kneel than girls.

242 students or 20.2% reported being shaken by their teachers, shaken being defined as “children being held by the teacher who then uses his/her hand to shake student.” More male than female students reported being shaken and 542 or 45.2% of the sample said that they had seen their classmates shaken.

315 or 26.3% of students said that their teachers had slapped them. 41 or 3.4% of these reported being slapped often. Children enrolled at the academically lower secondary schools were more likely to be slapped by teachers than those going to senior secondary schools. 239 boys and 238 girls reported that classmates were slapped.

By far the most common form of corporal punishment reportedly used on students at all levels of secondary schools surveyed was whipping. 673 or 56.1% of the students (55.7% of the boys, 57.8% of the girls) said that they were whipped by their teachers while at school. 1,012 stated that

their classmates were whipped. Students also indicated that they were whipped by headteachers, senior teachers and junior teachers at their schools. Boys were whipped mainly by head teachers and senior teachers while girls were whipped by any teacher at school.

Students were whipped with branches from trees such as jamoon, tamarind and cherry, pieces of wood, rulers, metal strips from old tables, parts from old furniture in the schools, or hands.

According to Gill-Marshall, "Physical abuse constitutes the largest type of child abuse reportedly suffered by children at school. As a result of physical abuse, some children have been injured by teachers at school. 314 or 26.2% of the students in the survey said that students had suffered injuries by teachers through abuse."

The US Department of State Country Report on Human Rights in Guyana for 2002 cites two instances in June, 2001 in which "as a result of flogging by their teachers, one student suffered a broken elbow and the other a broken collarbone." The report goes on to say that the teachers who inflicted these injuries returned to work pending investigations by the Ministry of Education. In January 2002, a female student had her foot fractured in school when a male teacher threw a piece of wood at her. The mother of the child reported the incident to the media because she said that both the school and the Ministry had showed disinterest in addressing the incident. This matter was reported in the Stabroek News of March 14, 2002. In that same edition, there was another report of a 9 year old child who was allegedly beaten by a male teacher with a mop stick. The teacher was still on the job while investigations were being carried out. (see newspaper report at Appendix 3).

An informal survey carried out in Region 2 found that in one primary school class, 33 children, when listing things that made them sad, said licks (i.e., corporal punishment) in school. In another class, 28 children also said that licks made them sad. In listing things that made them scared, 30 children in one class said when their male teacher was around. Under things that will make children happier, 34 said no licks in school and 40, passing the Secondary Schools Entrance Examination.

#### Verbal Abuse

According to Gill-Marshall, the types and percentages of verbal abuse reported by students were as follows: 14.3% said they were cursed by their teachers, 32.8% said they were called derogatory names, and 49.3% said they were neglected by their teachers.

#### Sexual Abuse

In the area of sexual abuse, 118 students or 9.8% reported being fondled by their teachers at school. In the 9-11 age group seven children reported being fondled, in the 2-14 age group 50, and in the 12-14 age group 55. 160 or 13.3% of the students said that teachers had used sexual words to them. 69 students also reported being kissed by teachers.

Thirty or 2.5 % of the students reported having sex with teachers. This means that one out of every 40 students in secondary schools has had sex with a teacher. Male students were three times more likely to report having had sex with their teachers than female students. Of the students who reported having sex with teachers 12 or 40% reported having had sex several times. The remaining 18 or 60% reported having sex with a teacher once.

In a study on Child Prostitution and Child Sexual Exploitation, Danns (1996) reports a case of a former primary school headteacher accused of sexual molestation and assault of nine girl children

9-11 in his school. According to the police and a health worker in the area the headteacher paid monetary compensation to the parents of the children involved and was moved from the area.

In another case a weekly newspaper, *Kaitaur News* in May of 1998 reported “Several girls at an East Coast Primary School have complained of sexual harassment by a male teacher and have blamed the headmistress for covering up his behaviour.” Some of these girls reported being told to go behind the blackboard where sexually suggestive requests were made to them by the offending teacher.

Gill-Marshall also interviewed 236 teachers, including headteachers, about their opinions on child abuse in schools. All teachers agreed that, “the phenomenon of child abuse is prevalent in schools in Guyana.” Teachers also felt that the transfer of abusive teachers from one school to another especially without informing teachers put other children at risk and this in itself was perpetuating child abuse. They considered what they called the covering up of instances of child abuse by persons in authority at the Ministry of Education and at the schools to be an infringement of the rights of children. Many expressed the view that teachers who sexually abuse students should be dismissed immediately from schools, have their names published and have legal action taken against them.

The survey indicates that the use of corporal punishment in schools in Guyana constitutes child abuse and should be removed from all schools. More broadly, it is clearly counter-productive to call for an end to child abuse and to campaign for children’s rights while perpetuating as public policy the physical, emotional and psychological abuse of Guyana’s children.

## **SPECIAL PROTECTION MEASURES**

### **Children in situations of emergency/armed conflict situations**

While Guyana has not faced a situation of civil war, in the last 5 to 6 years, and more particularly, between February 2002 and mid-2003, children in parts of the coastlands were exposed to trauma similar to that experienced by children living in conditions of armed conflict. A letter to the press in June 2003 described the impact of the violence on children in Buxton, from which much of the last year’s violence emanated:

*A letter headed “Children at Buxton have been badly affected by criminal terror” described children living with “scene upon scene of banditry, dead bodies, police patrols, military maneuverings, shootings, police brutality, helicopter’s [sic] continuous flying overhead, armed forces’ raids, robberies, kidnappings, murders, escapes from authorities, gun running rackets, rapes, violence, burning of homes, digging of roads, blocking of streets, closing classes for the day, closing doors, staying indoors, shutting windows, ducking from bullets, accused of being an informer, families migrating, discrimination, marginalisation, attack on buses, robbery, killings, church services rescheduled, church crusades called off, suspicious neighbours, children told to come home early, don’t talk to strangers, strange men jumping fences, and armed men in the village”. Excerpt from letter in SN June 13, 2003*

These children would have been Afro-Guyanese. Children in Indo-Guyanese communities, particularly those closest to Buxton, experienced frequent incidents of gun battles and armed attacks on households. There was one incident on March 20, 2003 in Strathspey, ECD, where,

following the attempted kidnapping of a student, other students protested what they described as the passive reaction of members of the army who were nearby when the incident happened.

Children eighteen and under, both girls and boys, were reportedly involved in committing acts of violence during this period. Newspapers published the story of one 16 year old boy wanted for questioning in relation to the shooting death of a Presidential Guard and an attempted murder (Stabroek News, July 1, 2002) and another of a 15 year old boy fatally shot by the police on June 4, 2003. The newspaper article chronicled the boy's life as follows: originally from Santa Rosa, Moruka River, in Region 1, he was "handed ... over to four men" at age 9 by his mother, who hoped that her son would finally receive an education and make something of his life. One of the men had taken full responsibility for Daniel, but because he had no room to house the child, the boy was given over to the Lucas family. However, since he had no birth certificate, the schools refused to admit him, leaving the Lucas family with the responsibility of teaching him basic skills in reading and writing. Before the age of 15 he turned to a life of crime, following in the footsteps of hardened criminals, robbing and terrorising residents along the lower East Coast Demerara... (Stabroek News, June 25, 2003).

There has been no official discussion to address the effects on children of the violence, particularly of the last year.

### **Children Involved with the System of Administration of Juvenile Justice**

Article 40 of the CRC says “ *States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.*

*2.[b] ii To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;*

At present, the only state-provided legal assistance for juvenile offenders is for capital offences. The Georgetown Legal Aid Clinic has been holding discussions with government which may permit the expansion of services they are able to offer.

The Juvenile Act of Guyana defines a juvenile as a person under 17 years. This results in some confusion for the courts on how to deal with children 17-18 years who are charged with offences.

The very young age, 10 years and over, at which children in Guyana can be held criminally responsible needs to be changed in keeping with new global standards as reflected in the CRC.

In Guyana by virtue of Section 17(1) of the Act a juvenile may be brought before the Magistrate's Court for any of the following offences, where he/she is found to be:

- (a) begging or receiving alms or in any street for the purpose of so begging or receiving alms.
- (b) wandering and not having any home or settled place of abode or visible means of subsistence.
- (c) or is found wandering and having no parent or guardian or has a parent or guardian who does not exercise proper parental guardianship control.
- (d) in need of care and protection

- (e) destitute, not being an orphan and having both parents or his surviving parent is undergoing imprisonment.
- (f) under the care of a parent or guardian who by reason of criminal or drunken habits is unfit to have the care of the child.
- (g) frequenting the company of any reputed thief or common or reputed prostitute - provided that the common or reputed prostitute is not the mother of the child
- (h) lodging or residing in a house used by a prostitute for the purpose of prostitution.

The above offences penalise the child or juvenile for circumstances beyond his/her control and indicate that he or she is a victim of child abuse or neglect. Such offences need to be removed since they are often symptoms of parental neglect. The legislation should be changed so that such children could be taken into protection and guardians brought to justice as soon as possible. Data from the Probation and Family Welfare Services of the Ministry of Human Services on juvenile offences and juvenile offenders indicate that in 1998, 31 offences were committed by juveniles, of which eight listed had been committed once, five for breaking and entering and larceny and two for simple larceny. More than half of the 31 cases were for the 'offence' of wandering. Similarly in 1999, of a total of 19 juvenile offences cases, 12 were for the 'offence' of wandering.

A Stabroek News article of 26 June, 2000 reported that on the recommendation of a probation report, a magistrate committed two brothers, 15 and 11 years old, to the New Opportunity Corps (NOC), the correctional facility for juveniles, after they pleaded guilty to wandering from their Sophia, Georgetown home. The court was told that their parents did not exercise proper guardianship over the boys on 17 June 2000.

Accumulated data for 1989-1999 from a Probation and Family Welfare Service report Data on Juvenile Offences and Juvenile Offenders in Guyana, Georgetown Area showed that a total of 122 juvenile offences had been committed in all categories, with 54 offenders being recommended to be sent to the NOC and 32 for probation supervision. These numbers indicate that custodial sentencing for juveniles is the more frequently applied option by magistrates and judges in Guyana.

#### The right to privacy

*Article 40, 2, (vii) of the CRC states that any juvenile charged has "the right to have his or her privacy fully respected at all stages of the proceedings"*

This right is protected under section 4 (4) of the Guyana Act which allows for 'in camera' hearings; however, in practice it is often not complied with because there is no actual building set aside as the Juvenile Court; instead, any Magistrate's Court in Guyana can be granted the status of Juvenile Court and accorded the power to hear juvenile cases. Due to the large number of cases before the courts daily, the sitting magistrate in a court granted the status of Juvenile Court often conducts the juvenile cases in open court rather than observe the provisions for in camera hearings.

#### Juvenile Justice - Arrest and Pre-Trial Concerns

In a study on juvenile justice in Guyana, Britton (2000), attorney-at-law, found the following conditions.

"Often a Magistrate's diary would have listed approximately seventy (70) matters on any given day, which would include matters pertaining to and concerning Juvenile Offenders and potential Juvenile Offenders. In those instances, the Juveniles together with adult offenders are shuffled into court and into the dock by a seemingly tired, disgruntled Court Orderly who is either

not knowledgeable on the manner in which Juvenile Offenders should be dealt with or he is simply unconcerned.

When the case concerning a Juvenile is eventually bellowed out by the Orderly - neither the presiding Magistrate nor the Orderly makes any attempt whatsoever to clear the Court room so that the particular case could be heard *in camera* and consequently the Juvenile's matter(s) is often ventilated in open court to the delight of curious spectators and members of the press.

This has been the situation for a number of years and many Court Officials and Administrators argue that it is as a result of the lack of funds and/or incentive offered to Magistrates which has caused the non-existence of a separate (whether physically or judicially) Juvenile Court or even the establishment of a Family Court.

After arrest juveniles are usually placed in a holding cell until the police have completed their investigations to determine whether charges should be laid. While senior police officers report that every effort is made to isolate youth offenders from adult offenders as required under Section 7 of the Juvenile Act, sometimes due to overcrowding juveniles/youth offenders are placed in the same cells as adults. Girls are particularly vulnerable at this stage to sexual harassment.”

The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty states that imprisonment should only be used as a measure of last resort. Similarly, Section 13 of the Guyana Juvenile Act states that no child shall be sentenced to imprisonment.

In spite of this, juveniles are quite regularly remanded to a centre of detention while their cases are being heard in the courts. As with all court cases in Guyana, there are long delays due to numerous postponements by lawyers and prosecutors, a scarcity of magistrates to hear cases and delays in the preparation of cases by the police. This situation was even more alarming considering the situation which existed for juveniles in remand awaiting the end of their Court cases.

Male juveniles placed at the Brickdam Police Station detention centre for adult males faced a similar or more dangerous situation. The same US Human Rights Report described the Brickdam lock up as having “poor sanitation and dangerous conditions”, and as overcrowded and “often the site of violence between inmates.” The Report also states that the Guyana Human Rights Association (GHRA) and UNICEF had reported that in 1999, two boys aged 8 and 11 years were held in one of the detention centres attached to police stations for a number of months. During this period of detention among adult offenders, the 8 year old had been burnt with lighted cigarettes and suffered other abuse. Since then a fairly adequate separate remand facility for juvenile offenders has been set up at the Ruimveldt police station.

According to the 2001 US Department of State Human Rights Report “the inefficiency of the judicial system undermined due process and lengthy pretrial detention remained a problem.”

Some of the shortcomings in facilities for holding juveniles pending and during the hearing of charges has been addressed to the extent that boys are now held at The Ruimveldt Police Station. Girls however, continue to be held at the East La Penitence station which is also the remand facility for women.

### **Children Deprived of Their Liberty**

*Article 40, 3 of the CRC says “State Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law...”*

The study on juvenile justice in Guyana (Britton, 2000) includes a situation analysis of the New Opportunity Corps based on a three-day visit. At the time of her visit, (1999) Britton found 120 inmates ranging from 11 to 18 years old. Physical conditions, access to basic schooling, access to vocational training and regular visits by parents and guardians of inmates all seemed adequate and in keeping with basic rights.

On the other hand, in the area of discipline there was cause for serious concern. According to the Commanding Officer of the NOC, corporal punishment with an approved instrument was used only as a last resort. However, a 15 year old inmate interviewed by the consultant reported that staff sometimes “inflict corporal punishment on the inmates to such an extent that bruises and abrasions would form on the skin of the recipients.... The boy who reported this also showed scars resulting from the above.”

According to the Commanding Officer and the Chief Training Officer of the NOC, placement in the ‘Quiet Room’ which measures 8’ x 4’ and has only a bare mattress is used as a form of punishment “if an inmate displays a propensity for violence during a dispute”,... but, “inmates are rarely kept overnight in that confinement and are usually taken out to eat, exercise and perform their duties.”

In contrast, 70% of inmates felt that the punishment was too harsh while 15% disagreed. 70% felt they were being treated fairly by staff and 17% disagreed. It was indicated that staff assisted most inmates in completing the questionnaire and might have influenced some of the responses.

Persons interviewed about the NOC itself felt that sending youth there should only be used as a last resort. Others expressed concern about the stigma attached to anyone who had been an inmate. Alternative places for juvenile offenders were also suggested such as ‘safe houses’ where vocational training similar to that offered at the NOC could be provided. The establishment of foster homes for juvenile offenders was also suggested.

Unsubstantiated reports from ex-inmates and members of communities around the institution have said that inmates are treated like prisoners and have been subjected to extreme physical punishment for acts such as stealing, running away and rudeness. While the official position is that the NOC is remedial and rehabilitative, the public perception is that it is a jail for children.

The existing, archaic juvenile justice laws offer inappropriate methods of sentencing, which can include flogging and incarceration. Alternative sentencing policies need to be put in place.

### **Children in Situations of Exploitation**

Article 34: Protection from sexual abuse and sexual exploitation

There has never been any comprehensive national survey of cases of sexual abuse or exploitation in Guyana, but existing statistics on sexual abuse among Guyanese children from a number of sources point to an unsettling picture. It is also difficult to separate one form of child abuse from

others since abuse on a child often takes several forms. Using existing sources, we find the following:

- The US State Department Report on Human Rights in 2000 (U.S.Department of State, Country Report on Human Rights Practices, 2002) reported an increased number of cases of physical and sexual abuse of children being brought to the attention of the Welfare Section of the Georgetown Education Department, with two to three cases on average per month in Georgetown
- A study on Child Prostitution and Child Sexual Exploitation (Danns1996) indicates that only two to three out of every 10 cases of sexual abuse in Guyana are reported and that one out of every three adolescents who have had sex also said they had been sexually abused. The study found that 42% of sexual abuse incidents were perpetrated by adults living outside of the home, 33% by adults in the home, 20% by older siblings living in the home and 25% by a boyfriend or friend. The sample was 1024 secondary school children 11-18 years.
- 'Carry Me Home': A Collaborative Study on Street Children in Georgetown, Guyana reveals that 92% of all the boys interviewed said that they had been physically or sexually abused while living on the street.
- Help and Shelter cumulative data on perpetrators data for February 1, 1999 - April 30, 2003 record 86 cases of child sexual abusers and 153 reports of rapists who ranged from under 12 to 60 plus. Rape had the highest reported incidence followed by physical abuse and sexual abuse. In the cumulative client data for November 25, 1995 –April 30, 2003, there were 113 cases of child sexual abuse and 242 rape cases. 196 rapes were of children from below 6 to 17. Again, rape was the most frequently reported form of child abuse followed by physical abuse and then sexual abuse. For April 2003, the most recent month for which data are available, Help & Shelter saw four child abuse cases, three of which were rape cases.

No mandatory reporting of any form of child abuse in public and private institutions, is required of health officials or other individuals in Guyana. Many perpetrators are thus never punished and potential and actual child victims are not given the necessary care and protection.

Prostitution laws do not protect the male child. For example, under Sections 165 and 166 of the Summary Jurisdiction (Offences) Act (8:02) which outline the related misdemeanours, a female child is covered by the provision that procurement of a female is an offence, but there is no offence if a male child is procured. Similarly, a female child is covered by the provision that makes it an offence to procure any female to work in a brothel in or out of Guyana, but there is no offence if a male child is procured.

The legislation is also not clear on the sale and trafficking of children, and there is no legislation against the production or possession of child pornography, nor against coercing children into unlawful sexual activity.

There are also no extraterritorial agreements for prosecuting Guyanese offenders who abuse children in other countries.

Besides the lack of data on child abuse in Guyana, protocols for the protection of abused children or children at risk are non-existent and there is no legislation specifically designed for the care

and protection of abused children. Social services are also inadequate to deal effectively with children in need of protection.

Data from the Ministry of Human Services and Social Services, the agency responsible for the care and protection of children including abused children, do not provide any details on the specific types or incidence of child abuse, nor do they specify in detail what measures were employed to deal with such cases. One of the main problems in trying to find solutions to child abuse is that children at serious risk of continuing abuse very often have no place of safety to go to. Available children's homes are usually filled to capacity and there is no system of foster care in Guyana.

There are also no special units of law enforcement officials or police liaison officers for children who have been sexually abused or exploited. Police training in this area has been sporadic. A training project in child abuse for police officers is known to have been held, but when Help & Shelter tried to find out the names of the officers trained from some officers responsible for Police Training, they did not have a record of who they were, nor any strategy to deal specifically with child abuse.

On the issue of reintegration of the child victim of sexual exploitation or abuse, child victims are often reluctant to continue to attend the same schools when shamed by the spread of information about the act of abuse. The population is small so confidentiality is very limited. The Ministry of Education has no protocol in place to arrange transfers for such children quickly or easily. Some headteachers are responsive but some teachers, though well-meaning, are not trained, and therefore not equipped to deal with the children; often, they make the situation more difficult.

There are several NGOs working in the area of child protection, including through the provision of educational programmes. These NGOs are more active in this area than government agencies and have a number of staff members and/or volunteers trained and skilled in the field. Four examples are: one, Help and Shelter, which runs a crisis centre for victims of domestic violence and other forms of abuse, has established a shelter for battered women and their children, and conducts training programmes for counseling victims of abuse; two, Red Thread Women's Development Programme, which counsels and assists children at risk including child abuse victims and has accompanied numerous sexually abused children through the court process; three, the Association of Professional Social Workers, which offers counseling services to children as well as adults and has set up a mentoring programme for children; and four, the Guyana Responsible Parenthood Association, which offers medical as well as family counseling for children and youth through their medical clinic and youth centres.

### **Children Belonging to a Minority or an Indigenous Group**

#### Indigenous Children

Conditions in Amerindian communities continue to limit Amerindian children's enjoyment of their rights more broadly than is true for children of other ethnic groups

There are 9 Indigenous peoples in Guyana: the Arawak, Akawaio, Arecuna, Carib, Makushi, Patomona, Wai Wai, Wapishana and Warrau. A survey in 2001 indicated that the Amerindian [Indigenous] population stood at 73,735, which is approximately 7% of the total national population. Amerindians live predominantly in the rural interior of Guyana in Regions 1, 2, 7, 8 and 9.

### Poverty

The Inter-American Development Bank IDB Country Strategy with Guyana 2002 stated that based on poverty surveys 'the rural interior, already the poorest area in 1993, became even worse off by 1999, as absolute poverty rose from 79% to 92%. Amerindians account for 17% of the poor even though they represent just 7% of the population.

The Common Country Assessment for the Cooperative Republic of Guyana by UN agencies operating in Guyana 2002 states that 88% of Amerindians were found to be living below the poverty line in 2000 as compared to 43% of Afro Guyanese and 33.7% of Indo Guyanese, the two largest ethnic groups.

### Health Issues

A Women's Conference hosted by the Amerindian People's Association in 2002 identified a number of health issues affecting Amerindian communities in the interior regions of Guyana: malaria, typhoid, tuberculosis, water borne diseases, respiratory infections, diabetes, inadequate dental care, HIV/AIDS, drug abuse, skin rashes, cancer, alcoholism, malnutrition, diarrhea and vomiting. Also identified were teenage pregnancies and a lack of family planning services.

Malaria continues to be an on going and major health problem for Amerindians and other residents of interior locations. A number of factors contribute to this, including poor environmental health conditions, lack of, or difficult-to-access health post and centres in some remote villages and settlements, lack of resources for preventative measures such as treatment of mosquito nets with non-toxic insecticide or spraying for mosquito control.

For the health sector, a 2002 World Bank report states, "Quality and access (both physical and financial) are a major problem for most of the population, but more so in rural interior areas such as regions 7, 8 and 9. In these regions the lack of medical practitioners in the public sector means that individuals must travel far to access even basic health services. For example, Regions 7, 8 and 9 each have only one or two assigned doctors."

### Wider Social and Environmental Problems

The upsurge in mining in interior locations has brought with it numerous social, environmental and health problems for Amerindian communities and has contributed to increased problems of alcohol abuse, drug abuse, prostitution and the spread of sexually transmitted diseases.

According to the Amerindian Women's Conference (see above), mining in the Upper Mazaruni area has resulted in a break down in family structures and to school children opting to join their families in mining operations rather than attend school. Mining was also reported as changing the behaviour pattern of Amerindian men and women, leading to neglect of their families. Sexual abuse and rape of children and women by miners was also present, with some parents receiving compensation for abuse of their children. Mining also contributes to the degradation of the environment and leads to pollution of the interior rivers which are the main source of water supply for most Amerindians communities. The contamination of rivers and waterways by the use of mercury in the gold dredging operations also continues to be a major cause for concern. In some of the interior rivers, mining has depleted fish stocks which are an important food source for Amerindians families. This occurs due to churning up of the riverbed by dredges, resulting in turbidity in the river water which depletes oxygen needed for fish survival and destroys fish eggs.

### Literacy

While Amerindian children in theory have access to free education from nursery to secondary, supplies of educational materials, lack of trained teachers, and long delays in hinterland teachers

receiving their salaries and other benefits contribute to the poor quality of education. A government programme of continuing and distance education for teacher training in interior regions has been implemented and this should increase the number of trained Amerindian teachers available in the region. An increase in trained Amerindian teachers would also make the interior regions less dependent on non-resident teachers having to be brought in.

The secondary schools in interior regions are residential in order to accommodate children from a number of outlying areas who would find it impossible to travel the long distances from their communities to school every day. In one community residents report that inadequate supervision after school hours of boys' and girls' dormitories has resulted in a spate of teenage pregnancies .

Delays in monetary stipends from the government for appointed guardians of scholarship students from interior locations also result in poor living conditions for some of these students.

A World Bank report on Guyana (2002) recommends allocating "more resources for education to the poorer regions, especially Regions 1, 8 and 9." In addition, it recommends that "a greater effort to reach some of the more remote areas within each region should be made". Ministry of Education statistics for 1999 indicate that 80% of teachers in Region 8 were unqualified in comparison with 31% for Georgetown the capital, 47% for Region 2 and 43% for Region 6. In these same communities, teachers, parents and students often have little or no access to current affairs information (newspapers, radio).

#### Sexual and other forms of abuse and exploitation

A lack of job opportunities available to young Amerindian girls in their home regions, together with their limited formal education, make them vulnerable to being lured out of their communities by non-Amerindians to work as domestics, waitresses and bar attendants. The April 1998 issue of the Guyana Review, a monthly news magazine, reported that:

"There are numerous reports of the abuse of Amerindian domestic workers in coastal households where young girls are paid wages below the minimum wage even while being made to work long hours into the night, they are also frequently denied freedom of movement or expression by their employers. According to the APA, "In most cases, they find that in addition to the jobs promised, or instead of the jobs promised, they are forced by their bosses into prostitution or to give sexual favours to customers."

The Genito-Urinary Clinic based at the GPHC in the capital city in 1996 reported that 19 out of 41 child prostitutes in Georgetown came from interior regions where the majority population is Amerindian.

There are also many reports of sexual abuse of young women between the ages of 14 and 18 years ostensibly employed as waitresses, bartenders and cleaners in rum shops and restaurants. Investigations into one particular repeat offender on the Essequibo Coast, led to police charges.

Moreover, Amerindian victims generally are unaware of the official channels, if any, through which they can seek assistance. Uncertain of their rights, they are fearful of the consequences to themselves if they report such incidences of abuse. Another reason they live with the abuse is that if there are alternative jobs, they are in no position to know about them.

### Language Rights

There have been a number of efforts by Guyana's Indigenous peoples to document and preserve their languages. Many of the nine Amerindian peoples in Guyana continue to speak their native languages and many Amerindian children enter school with limited knowledge of English or with English as their second language.

A community-based Wapishana language centre has been set up in the south central Rupununi, Region 9. This community-based initiative has produced simple texts in the Wapishana language for use by children and teachers. In the north Rupununi, the Makushi people have established a research unit which has produced bilingual texts on local biodiversity. A Makusi literacy programme has also produced a transition manual which bridges English literacy and Makusi literacy for use in both schools and the community. Alphabet charts have also been produced for use in schools. Dictionaries in some native languages have been written but of course are not readily available to the average indigenous native speaker. While the government has lent support to some of these efforts, there is the need for much more to be done by the state for the preservation of the cultural heritage, including the native languages of Guyana's First Peoples.

## RECOMMENDATIONS

*The recommendations listed below include several which have already been tabled by some of the National Commissions, by reports and studies from consultants and groups, and NGOs.*

- **Children with Disabilities**

The following recommendations are all concerned with leveling the playing field for children with disabilities:

1. A more supportive environment

Awareness programmes must be developed through multi-sectoral collaboration. (National Commission on Disabilities)

2. Programmes by NGOS which promote the participation of the community and the family in the rehabilitation of children with disabilities should be supported and expanded by the government.

3. Better access to good education

In conformity with the UN Standard Rules of Equalisation of Opportunities for Persons with Disabilities, the Government of Guyana, through the Ministry of Education, should institute as law a public policy for the integration of children with disabilities into the existing school system. A special department should be established in the Ministry of Education to liaise with the National Commission on Disability and other organizations working in the area of disabilities to implement this policy.

4. The CBR pilot project in integrating children with disabilities into the school system should be used as a guide in formulating and implementing the above.

5. It must be mandatory for the teacher training programmes, both pre-service and in-service) to train all teachers in special education, and courses in this field must be further developed to meet the needs of integrating children with disabilities into the regular school system.

6. The budget for special schools and programmes must be increased. (National Commission on Disabilities)

7. Better rehabilitation services and aids

The Ministry of Health must introduce and strengthen rehabilitation services in rural and interior areas including training and equipping health workers to meet the needs of disabled children and adults in these areas. Health workers at MCH clinics must be trained in early identification and intervention for children with disabilities.

8. The state must create a system to assist people with disabilities to acquire rehabilitation aids that are affordable. (National Commission on Disabilities)

9. Tax concessions should be provided to employers who have to make adaptations and provide special equipment for employees with disabilities. (National Policy on the Rights of People with Disabilities in Guyana.

10. Better access to facilities and services for children and adults with disabilities

All state and public buildings must be made accessible for the disabled. Building regulations should be a priority of the government. (National Commission on Disabilities)

11. Legislation must be amended to cater for the needs of disabled children and adults who are victims of sexual offences; additionally, support services for victims of sexual offences must be made accessible to children and adults with disabilities.

- **Education**

1. Corporal punishment in schools must be abolished and the provisions in the Criminal Law Offences and Education Acts which sanction the use of corporal punishment in schools must be repealed. Alternate disciplinary measures to replace the use of corporal punishment in schools must be established.

2. A code of conduct for teachers, students and teacher- student relationships must be instituted by the Ministry of Education. This code of conduct must include clear guidelines about what constitutes physical, verbal and sexual abuse in the context of schools. Penalties for breaches of these form of abuse must be instituted.

3. Systematic, formalized disaggregated methods of recording child victimization in all schools must be instituted. This should also involve multi-lateral agreements to share this information with relevant bodies in the social system concerned with the protection of children. (Condoned by Our Silence, Issues Impacting on the Abuse of Children in Guyana: P. Mohammed 2000).

4. HFLE must be made a core subject for certification at the teachers training college. This will ensure that teachers have the knowledge and skills to teach HFLE in the classrooms. The Guyana Responsible Parenthood Association should be used as an important resource in the transmission of skill and knowledge in the area of human sexuality for HFLE programmes.

5. Surveys must be done by the Ministry of Education to determine the actual literacy level of Guyana. The present percentages used are contradictory and to continue to use these figures would be doing a disservice to the children of Guyana.

6. The Welfare Division in the Ministry of Education must be reorganized. The present emphasis on the criminalisation of truancy and absenteeism must be altered and a more human and welfare-oriented policy put in place.

- **Juvenile Justice**

1. The Juvenile Offenders Act must be amended to bring it in line with provisions of the CRC. Amendments must include a change in the age of criminal responsibility from 10 to 13 years.

2. During the initial period of detention and while investigations are ongoing juveniles must be accorded the right to have their parents, social workers and any legal representatives present while being questioned. Juveniles who cannot afford legal representation must be offered this free of cost.

3. Custodial sentences should be used as a last resort for juvenile offenders. Magistrates and judges must be informed and educated about alternative measures which could be employed to deal with offenders, for example, community service.

4. Alternate foster homes and juvenile half way houses must be established for juvenile offenders.
5. Special sections must be reserved in all police stations for dealing with juvenile cases.
6. The management of the NOC should be made the shared responsibility of the Ministries of Human Services and Social Security, Youth and Culture and Education. In addition, there must be an independent monitoring body for the NOC and any other institution set up for custody of juvenile offenders.
7. The Juvenile Branch of the Guyana Police Force (GPF) must be strengthened to make it better equipped to deal with juvenile offences.

- **Sexual Exploitation and Sexual Abuse**

1. Systems must be established for accurate and centralized data collection on all forms of child sexual abuse and exploitation, including child prostitution and child exploitation. These should include data from government and NGOs.
2. There must be mandatory comprehensive and accurate record keeping for all agencies involved in the prevention of child abuse.
3. A written, clearly defined child abuse protocol must be established, providing standard practices and procedures to be followed by all persons who come into contact with children in need of protection. This protocol would emphasize, among other things, reporting obligations, reporting procedures, interviewing techniques and the roles and responsibilities of service providers. (UNICEF/CARICOM INITIATIVE) Paper presented to Meeting of Ministers responsible for Children's Issues, October 22, 2002.)
4. Reporting of child abuse cases, especially child sexual abuse cases seen or treated by doctors, health workers and teachers, must be made mandatory.
5. The consultations on the revised Children's Bill must be completed and the Bill enacted expeditiously.
6. The recommendations of the Family Maintenance and Related Matters Committee relating to criminal law offences and juveniles must be addressed as a priority.
7. Preliminary inquiries for sexual offences, especially for children, must be abolished and 'paper committals' instituted.
8. Judges and magistrates must have mandatory and continuing education and training in all aspects of child abuse and in understanding the trauma surrounding this abuse for child victims; the education and training should include information on revisions in the relevant laws.
9. All laws to protect abused children should include a legal definition of child abuse and the views of the child must be given mandatory consideration at all stages of the legal process.
10. Penalties for sentencing rapists and sexual abusers also need to be reviewed. Carnal knowledge offences must be given the same sentencing periods as rape.

11. There must be mandatory and continuing education and training for all police officers in the detection and investigation of child abuse cases.

12. A special unit must be established in the GPF to deal with cases of child abuse; and the physical and human resource capacity of the force to investigate and respond to cases of child abuse must be strengthened.

13. Safe houses must be established for child abuse victims who are at risk.

- **Indigenous Children**

1. There must be increased budgetary allocations for Health and Education in all Amerindian and hinterland areas. In particular, those communities and regions that are most remote including but not limited to Regions 1, 7, 8 and 9 so that access and quality are on par with other regions in Guyana.

2. Regulations to the Mining Act must be instituted. These regulations must be drafted with the full participation of Amerindians, through representatives freely chosen by them.

3. A moratorium on new mining concessions, similar to that adopted in the forestry sector, should be declared until the Guyana Geology and Mines Commission and the Environmental Protection Agency are fully capable of investigating, monitoring and regulating mining operations.

4. Education and training programmes in legal rights must be established in all Amerindian communities; and services and access to the enforcement of these rights must be provided. These areas must also have better trained and equipped police officers, and improved court services so that Amerindians have equal access and rights under the laws of Guyana.

5. A system must be set up to monitor places of employment and conditions of service for Amerindian girls and young women seeking employment or being brought to work in areas outside of their communities.

## BIBLIOGRAPHY

Amerindian Peoples Association. (2000). Indigenous Peoples, Land Rights and Mining in the Upper Mazaruni. A Report by Upper Mazaruni Amerindian District Council of the APA of Guyana, Forest Peoples Programme.

Amerindian People's Association. (2002). Empowering Indigenous Women – The Way Forward. A Report of the National Indigenous Women's Conference.

Barrow, C., Sealy-Burke, J. & Charles, L. (2002). UNICEF/CARICOM Initiative For a Regional Framework for the Implementation of Children's Rights and Development in the Caribbean.

Britton, D. (2000). Juvenile Justice in Guyana. Georgetown: UNICEF.

Danns, K. (1996). Child Prostitution and Child Exploitation in Guyana: An Analysis of Children in Especially Difficult Circumstances. Georgetown: UNICEF.

FREED. (2002). Experiences of Drop-Outs from Primary and Secondary Schools in Linden. Georgetown: Department of Education, Region 10 and UNICEF.

George, R. & Guyana Association of Women Lawyers. (1998). Report on the Legal Status of Women: An Assessment of Legislation Relevant to Women. Georgetown: National Commission on Women.

Gill-Marshall, B. (2000). Child Abuse in Guyana: A Study of Teacher Abuse of Students in Secondary Schools in Guyana. University of Guyana, Thesis.

Guyana Human Rights Association. (2000). Concerns over the Vulnerability of Minors at the Corriverton Border.

Inter-American Development Bank. (2002). Country Strategy with Guyana.

Jennings, Z. (1998). Nipped in the Bud, Young Guyanese Adults and their Functional Literacy.

Lee & Odie-Ali, S. (2000). Carry Me Home: A Collaborative Study of Street Children in Guyana.

Mentore, M. (1999). The Girl Child in Guyana. Georgetown: National Commission on Women.

Ministry of Human Services & Social Security, Probation & Family Welfare Statistical Review 1999 & 2000.

Mohamed, P. (2000). *Condoned By Our Silence: Issues Impacting on the Abuse of Children in Guyana*. Georgetown: UNICEF.

National Commission on Disability, Programme Review, 2003-2005.

National Policy on the Rights of People with Disabilities in Guyana, March 1997.

O'Toole 9B.) & Brisport, C. (2000). *Report of Consultancy to Develop a Screening Test to Identify Children with Unmet Learning Needs in Linden and Corriverton*. Georgetown: Guyana Education Access Project (GEAP).

Radzik, V. (2000). *Evaluation of the UNICEF Guyana Amazon Programme*. Georgetown: UNICEF.

Red Thread Women's Development Programme. (1998). *Women Researching Women*. Georgetown, Inter-American Development Bank.

UNICEF. (2000). *Situational Analysis of Children With Disabilities In The Caribbean*.

United Nations Agencies in Guyana. (2000). *Common Country Assessment for the Cooperative Republic of Guyana*. Georgetown: United Nations Agencies.

United States Department of State. (2002). *Country Report on Human Rights Practices*.

World Bank. (2002). *Guyana Public Expenditure Review*. Washington, DC: World Bank.

Interviews were conducted with the following organisations, NGOs and individuals:

Community Based Rehabilitation Programme, EveryChild Guyana, Guyana Responsible Parenthood Association, Help & Shelter, Olga Byrne Youth Centre (GRPA), Ptolemy Reid Rehabilitation Centre, Red Thread Women's Development Programme, Volunteer Youth Programme, Guyana Human Rights Association, Linden Care Foundation, Mr Brian O'Toole - member of The Committee on the Rights of the Child and Ms Shirley Melville - Member of Parliament Region 9.

