



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Thirty-fifth session

### Summary record of the 923rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 14 January 2004, at 3 p.m.

*Chairperson:* Mr. Doek

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** *(continued)*

*Initial report of Guyana (continued) (CRC/C/8/Add.47; CRC/C/Q/GUY/1; CRC/C/RESP/47; HRI/CORE/1/Add.61)*

1. *At the invitation of the Chairperson, the members of the delegation of Guyana resumed their places at the Committee table.*
2. **Ms. Chutikul** asked why more and more fathers were failing to perform their duties to their children and what steps the Government was taking to promote the role of fathers. Noting the high number of early pregnancies, she inquired what Guyana was doing about sexual education.
3. **Mr. Liwski** asked why the Cabinet had set up a task force to examine a range of issues relating to the preservation of children's identity. He expressed concern at the reports that increasing numbers of socially excluded young people were coming before the courts and being given very harsh penalties. He asked whether specific policies had been adopted in support of such youth and whether law enforcement personnel received training in dealing with minors.
4. He also wished to know whether concrete steps had been taken to tackle the problem of the exclusion from school of pregnant adolescents.
5. **Mr. Citarella** asked why corporal punishment was the subject of so much discussion in Guyana and requested the delegation to give its opinion about the practice.
6. **Ms. Aluoch**, noting from Guyana's written replies that records showed a rise in cases of incest and that, because of the scale of the problem, the country had adopted a national policy to deal with it, asked what were the causes of the phenomenon.
7. **Mr. Filali** asked whether children born in Guyana to foreign parents had the same rights as children with Guyanese parents and whether the fact of being born in Guyana gave people Guyanese nationality. He expressed concern at the steadily rising numbers of children resorting to begging and prostitution and sought assurance that the authorities considered them as victims rather than offenders. He would welcome information on the conditions of detention of minors, who, according to several sources, shared cells with adults.
8. **Ms. Shadick** (Guyana) said that she wished to respond first to the questions put at the previous meeting. Amerindian communities were hardly affected by HIV/AIDS, mostly because they were still largely self-sufficient. The problem was much more serious among the rest of the population and the Ministry of Health planned in particular to build centres to house seropositive young people who had been rejected by their families. Guyana received financial and technical support for its HIV/AIDS control programme from numerous international organizations, including WHO, UNDP and the Joint United Nations Programme on HIV/AIDS. With respect to malaria control, residents of the worst-affected areas, especially Amerindians, were given insecticide-treated nets and mosquito-control products free of charge.
9. The body charged with investigating them had concluded that there was no evidence to support the allegations that the administration of justice was in crisis and that the police carried out illegal arrests and summary executions. Police officers had been involved in acts of violence, but they had been prosecuted and punished. The judicial system was operating properly and a shortage of financial and human resources was the only reason for the delays in civil cases.

10. The age of majority, the voting age and the marriageable age were all 18 and the age of sexual consent was 13. The Government wanted to raise the last of those ages to match the marriageable age, but had encountered resistance from some communities, which held that a pubescent girl of whatever age could marry and have sexual relations. It therefore had an important role to play in providing information of relevance to what was an eminently cultural problem.

11. A study had been undertaken into the reasons for the increase in cases of incest, but the results were not yet known. The problem was very likely linked to alcoholism and drug abuse, which were expanding dangerously. In addition, because of the efforts at all levels to remove the taboo on speaking about incest, victims were becoming less reluctant to file complaints.

12. Nothing had yet been done at the national level to prevent children coming into contact with harmful information through the Internet, but there were workshops and meetings to alert parents to the problem and to encourage them to supervise their children when they used the technology, as they did in schools equipped with computers.

13. The Government had looked into the issue of violence, both against street children and within families. The study of street children had shown that their situation was most often connected with the fact that they had no birth certificates and steps had therefore been taken to improve birth registration at the national level. Gang violence involved adults rather than young people and was not a significant problem in Guyana.

14. Pursuant to the 1966 Domestic Violence Act, police officers were taught during their training how to deal with children who were victims of domestic violence and what questions to put to children who went to police stations and said they had been raped. It should be noted that such questioning was conducted by female officers and only in the presence of an adult, who might be one of the parents or a probation officer.

15. The Ministry of Health had set up many specialized institutions for children with disabilities, including rehabilitation centres for children with poliomyelitis and schools for deaf-and-dumb or blind children. The great majority of teachers in conventional schools had the skills necessary to teach children with disabilities, but, because resources were lacking, the schools were not accessible to such children. The study conducted by UNICEF into types of disability with a view to improving care had revealed that the number of people concerned far exceeded the official figures because parents tended to hide their child when it had a disability. Consequently, the figures given in the report and the written replies related only to children registered as disabled.

16. The statistics for child mortality were also unreliable, but the true rate was likely to be somewhere between the 54 per thousand reported by NGOs and the Statistical Department's figure of approximately 30 per thousand. Whatever the case, the Ministry of Health was deeply concerned about the matter and was striving to bring the rate down.

17. Breast-feeding was actively encouraged in Guyana, which had three baby-friendly hospitals. Young mothers were given four months' paid maternity leave and could, if they wished, take additional unpaid leave. In addition, a tripartite committee comprising representatives of the Government, employers and employees set up by the Ministry of Labour, Human Services and Social Security had recommended the provision of a breast-feeding room at every workplace. To prevent mother-to-child transmission of HIV, mothers carrying the virus received free breast-milk substitutes for a period of 18 months.

18. The pharmaceutical firm that produced antiretrovirals for adults in Guyana did not make children's versions of the drugs, which contained different constituents. The only option was therefore to purchase the children's versions abroad, at great expense.

19. A study had shown that, because of the appeal of earning their living through paid work, many more boys than girls failed to pursue their studies to school-leaving age. To remedy the problem, the Ministry of Culture, Youth and Sport had established specialized schools where work-experience programmes familiarized young dropouts with manual trades so that they had the know-how necessary to enter the job market. In addition, the President had set up a country-wide awareness-raising campaign for youth as part of which he had personally visited every region to ask young people what they felt they needed for their personal development. They had chosen widely varying things: some, for example had asked for sports facilities and others for computer equipment.

20. With regard to truancy, probation and family-protection officers had been deployed at the community level to ensure that children in difficulty returned to school. Primary education was universal and secondary education should be so by the end of 2004. The competent authorities did not consider it necessary to make general secondary education compulsory because not all young people were competent to follow a conventional education and there were cases where technical or vocational education was more suitable.

21. In Region 2, where young people preferred to earn money from the sale of produce from their plots, the UNICEF representative and the Ministry of Labour, Human Services and Social Security had, in a pilot project, trained 70 voluntary counsellors to persuade village youth of the long-term value of remaining in school. The project would be repeated in other regions.

22. The question of corporal punishment in the home and at school was under study and the Government was trying by means of awareness-raising and education campaigns to convince parents of the adverse effects of the practice. For its part, the Cabinet had no doubt of the need to end it. There had also been awareness-raising campaigns aimed at men in particular to combat domestic violence, which did not seem to be the preserve of the most disadvantaged classes of society.

23. The Mahaica Children's Home was not an orphanage, but an institution where children in conflict with their parents were placed temporarily, pending their return home. Battered children were placed in orphanages to shield them from the excessively violent domestic environment, but it was not impossible that they would return home in time, once their parents had followed guidance courses in a specialized counselling centre. A centre of that kind was expected to open soon in Region 6.

24. **The Chairperson**, speaking as a member of the Committee, requested information about the means available to child victims of violence to report it and obtain protection and about their interlocutors, whether police officers or social workers, in such instances.

25. **Ms. Shadick** (Guyana) said that, as part of the project against violence, teachers were trained to recognize the signs of ill-treatment. In parallel with that, a widely-publicized telephone hotline had been set up to receive information. Every complaint, whether made by a child victim in person or by a third party, was thoroughly investigated. The non-governmental organization Help and Shelter was part of the joint efforts in that regard and provided valuable assistance, because people were sometimes more willing to talk to organizations like it than to the authorities.

26. **Ms. Aluoch** said that advantage should be taken of discussions at school to inform children of the protection to which they were entitled.

27. **Ms. Shadick** (Guyana) replied that that was already done, but that children often did not take the step of talking themselves. It was very useful, therefore, for people at large to be encouraged to share their suspicions and for the social services to be entitled to institute proceedings on a child's behalf. The social services were currently particularly vigilant with regard to the risks of child abuse at bus stops or by bus drivers. There had been a few cases

of such abuse, but they had become less common since the authorities had become aware of them.

28. More and more women were bringing up their children on their own, either because the father had gone abroad to work or because he had simply abandoned his responsibilities. The Government actively supported such women. Under the Maintenance Act, every father was required to provide for his children's needs, whether or not he was or had been married to the mother. In addition, a special unit had been set up within the Ministry of Labour, Human Services and Social Security to deal with the concerns of mothers fending on their own. For the past two years, it had been providing some of those women with subsidies which, though modest, enabled them to engage in revenue-earning activities. It also gave women information and counselling with the aim of preventing multiple pregnancies. That was a difficult task in a country where women had access to contraception but were subject to heavy pressure from men, who wanted to become fathers but were reluctant to shoulder the responsibilities that entailed. As matters stood, child maintenance could be recovered from an absentee father if he lived in a Commonwealth country – when it entailed costly legal proceedings – but not if he lived in a country with which Guyana did not have an agreement on reciprocity. The problem was a frequent one because many Guyanese emigrated to the United States of America.

29. Schoolgirls who gave birth were fully entitled to resume their schooling afterwards and were, in fact, strongly encouraged to do so. Some, however, decided against it or enrolled in a different school, where no one knew them. There were two residential institutions, one of them private, that took in young mothers who had had to leave their family homes.

30. Every child born in Guyana was entitled, by reason of its place of birth, to Guyanese nationality. If, however, foreign parents preferred to give the child the nationality of their country of origin, they could, of course, do so.

31. Police officers were strictly forbidden to use undue violence and that was fully explained to them during their training. All allegations of brutality rendered them liable to investigation by a police force disciplinary board and potentially to legal proceedings. Officers against whom accusations were proven were given a disciplinary penalty or, in some cases, dismissed.

32. In Guyanese culture, girls were more closely supervised and protected than boys, which was no doubt why there were more boys than girls among street children. Children could only be sent to the New Opportunity Training School by decision of a court at the outcome of proceedings that were, more often than not, brought by parents frustrated at no longer being able to control their child. Having visited the School in late 2003, she knew that some of the children there were far too young, a matter she was determined to bring to the attention of the social services.

33. **Ms. Smith** asked if the parents sometimes opposed a decision to remove a child from its family because of a lack of care.

34. **Ms. Shadick** (Guyana) answered that they did. In 2003, a father had protested because a child he was suspected of having sexually abused had been withdrawn from his care. He had threatened to take proceedings against the social services but had opted not to do so on learning that the social services were themselves entitled to institute proceedings on the grounds of child protection.

35. **Ms. Al-Thani** said she would like more information about the New Opportunity Training School and the way in which it differed from a detention centre. She asked whether it was true that children there were subjected to corporal punishment and in particular whether children who misbehaved were liable to be whipped. She also asked

what the Government did to prevent drug abuse and to detoxify and rehabilitate drug addicts.

36. **Mr. Filali** expressed deep concern at the culture of sexual exploitation of children revealed by the information received by the Committee and asked whether Guyana had machinery commensurate with the scale of the problem, in particular a committee with special responsibility for studying and preventing such abuse.

37. **Ms. Vuckovic-Sahovic** welcomed the adoption of new juvenile justice legislation. She asked whether the apparent rise in juvenile delinquency was due to any real change or to the fact that the population was more inclined than in the past to file complaints. She also asked whether children driven onto the streets by domestic abuse were treated as victims rather than as offenders.

38. **Mr. Citarella** inquired whether there was a bill before Parliament to amend the definition of the child and the age of sexual consent and drew the delegation's attention to the inconsistencies between the definitions of the child contained in the Juvenile Offenders Act as cited in paragraph 383 of the initial report. He pointed out that considering a person aged 17 as an adult was contrary to the Convention and that detaining minors and adults in the same facilities constituted a particularly serious problem.

39. **Ms. Shadick** (Guyana) said that the terms used in paragraph 383 of the report came from old laws and that, as amendment of the legislation on juvenile offenders was already under way, the various legal ages would soon be harmonized. The main goal of the measures to deal with young offenders was rehabilitation, which was why they could be sent to the New Opportunity Training School but never to an ordinary penal establishment. While there was no institution that housed only minors during initial police questioning or remand in custody, minors were not held in the same cell as adults during those phases. Anyone breaching the principle of separation from adults was liable to punishment.

40. **Ms. Smith** requested information about the accessibility of free legal aid.

41. **Ms. Shadick** (Guyana) said that free legal aid was available to everyone, whether they were a minor or an adult.

42. **Mr. Filali** asked whether the presence of a defence lawyer was obligatory for the holding of a trial.

43. **Ms. Shadick** (Guyana) said that adults could ask to defend themselves, but minors could not be tried unless their lawyer was present.

44. With regard to the definition of the child, the new bill on children had yet to be adopted and the old laws were sometimes discriminatory on matters such as the age of consent to sexual relations or the marriageable age. The authorities were aware of the need to amend those laws, intended to do that and were even in possession of relevant recommendations, but had had to deal with more pressing matters over the previous few years.

45. While the rise in the number of complaints was not necessarily due to a real increase in violence, juvenile delinquency did seem to be becoming more common. The link between delinquency and drug abuse was a real one and, despite initiatives including NGOs' youth programmes, youth counselling services from the Government and bodies such as the Guyana Responsible Parenthood Association, television programmes and advertising campaigns, combating drug abuse remained a real challenge. The need for a public rehabilitation centre for drug-addicted children was very apparent and efforts were in hand to find the resources to create one.

46. As whipping was, in principle, forbidden, the allegations that children were punished in that way at the New Opportunity Training School deserved closer investigation.

47. The Guyana Responsible Parenthood Association and the Youth Mobilization Programme contributed actively to the promotion of adolescents' health by providing weekly consultation facilities, mental and reproductive health services and sex counselling.

48. **Ms. Chutikul** said she had understood from reading a report on a study on corporal punishment at various levels in the education system that the only penalty imposed on guilty teachers was to transfer them to another establishment. She asked whether such things, however rare, would not in the long term deter children from attending school.

49. **Ms. Shadick** (Guyana) said that, as a former teacher, she was keenly aware of the issue. In fact, transfers only occurred in cases of doubt, when the allegations could not be proved, and the teacher was then very closely watched. When the allegations were proven, on the other hand, the very few teachers concerned were dismissed.

50. **Ms. Chutikul** asked whether Guyana could not, in order to mitigate the suffering of children who were victims of violence, establish a system whereby they could talk in complete confidentiality to a teacher or other counsellor.

51. **Ms. Shadick** (Guyana) said that the findings of the study in question had been duly examined by the Ministry of Education, which had, where necessary, taken the requisite measures. Children who were beaten in school were more likely to talk about it to a relative or friend than to a teacher.

52. **Ms. Vuckovic-Sahovic**, observing that it was always harder for victims to decide to file complaints when they knew that no action was likely to be taken on them, asked whether Guyanese culture was not an impediment to the reporting of acts of violence committed by police or teachers.

53. **Ms. Shadick** (Guyana) stressed that the number of complaints had risen since a variety of support programmes had been put in place. That was encouraging, even if the efforts to change attitudes needed to be continued.

54. **The Chairperson**, speaking as a member of the Committee and observing that a recent International Labour Organization (ILO) study pointed to a rise in child labour in Guyana, asked what regulatory, legislative and follow-up measures the Government had taken since the country's ratification of ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

55. **Ms. Shadick** (Guyana) said that the ILO consultant who had made the study in question had taken some information at face value without going to check the facts on the ground. In particular, he had counted as child labour the small jobs that children, in a culture where they were expected to share in the family's tasks, performed in family businesses. Cases of child labour had been found in rice-processing plants, but the authorities had contacted the employer and the children had been returned to school. Consequently, there could hardly be said to be large-scale economic exploitation of children in Guyana, but that did not mean that the authorities were not still on the alert.

56. **Ms. Al-Thani** said, in introducing her preliminary observations on Guyana's report, that she had been impressed by the quality of the delegation's comments and that the Committee would take account in its concluding observations of the country's economic problems and of its geography, which made for difficult access to some areas containing children.

57. Regarding measures of general implementation, Guyana should accelerate the reforms in the area of protection of children's rights. She welcomed the Government's intention to remedy in the near future the current absence of an inter-ministerial coordinating committee on child rights.

58. It was to be hoped that concrete steps would be taken to resolve the problem of corporal punishment, which was practised in schools, the home and institutions, and to halt the HIV/AIDS epidemic. It was regrettable that there was still some discrimination against children with disabilities and that problem, which would be addressed in the Committee's concluding observations, persisted concerning the situation of Amerindian children.

59. **Ms. Shadick** (Guyana) thanked the members of the Committee for their cordial and constructive remarks and assured them that her country remained committed to changing behaviours and attitudes and would continue its course of analysis and restructuring.

60. The slowness of the legislative process was attributable to the Government's expressed desire to base its decisions on the widest possible participatory, consultative and representative footing, and the delays in the implementation of some social programmes were due to the country's difficult economic situation. There was no doubt, however, that by the time it submitted its next periodic report Guyana would have moved forward with respect to social progress in general and protection of the rights of the child in particular.

*The meeting rose at 5.20 p.m.*