



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fifth session

SUMMARY RECORD OF THE 922nd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 14 January 2004, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Guyana (CRC/C/8/Add.47; CRC/C/Q/GUY/1; CRC/C/RESP/47; HRI/CORE/I/Add.67)

1. At the invitation of the Chairperson, Mr. Hamid, Ms. Shadick and Ms. Stephenson (Guyana) took places at the Committee table.
2. Ms. SHADICK (Guyana), introducing Guyana's initial report to the Committee (CRC/C/8/Add.47), said that Guyana had an ongoing commitment to children's well-being. In 1993, the Government had established the National Commission for the Survival, Protection and Development of Children, which had subsequently been replaced by the National Commission on the Rights of the Child, and a National Plan of Action for Children had been developed. The Commission had begun its work by focusing on such problems as health and nutrition, water and sanitation, basic education and literacy in order to keep women and children's issues on the political and social agenda and achieve the goal of ensuring the protection and social development of all children.
3. The National Commission on the Rights of the Child and the children's services of the Department of Probation and Family Welfare Services of the Ministry of Human Services provided the fulcrum on which all activities were focused. Following the comprehensive constitutional reform undertaken prior to the 2001 general elections, a number of rights commissions had been established, one of which dealt with issues pertaining to the rights of the child.
4. In order to harmonize the various statutes containing provisions relating to children, existing legislation had been amended, and a draft education act, a children's bill, a status of children bill and a family court bill were currently being reviewed by a broad-based committee that comprised legal professionals, ministries and non-governmental organizations (NGOs).
5. Health-care facilities in Guyana included, at the lowest level, "health huts" in the smallest villages of the vast and sometimes inaccessible hinterland and, at the highest level, two large, relatively well-staffed and equipped main hospitals. With the support of international agencies, the Ministry of Health had focused on outreach health-care programmes; as a result, community health-care workers were available in many rural locations. Health clubs had been established in schools throughout the country to encourage awareness of health issues and promote healthy lifestyles among children. Adolescent health concerns, including reproductive health, were addressed by the Guyana Responsible Parenthood Association, which provided counselling services and ran a weekly clinic exclusively for young people. A youth advocacy movement placed emphasis on such topics as leadership skills, counselling, and knowledge of sexual, reproductive and mental health issues.
6. A comprehensive strategic development plan for the Ministry of Education, 2003-2007, had been formulated through a participative process that had involved children and

representatives from all ministries. Significant aspects of the plan included the implementation of a rights-based curriculum in the school system and the introduction of programmes dealing with the learning environment, as well as HIV/AIDS and gender-sensitive education.

7. The Ministry of Labour, Human Services and Social Security as the lead agency offering protection to children against abuse, cooperated with the Schools Welfare Division of the Ministry of Education and with NGOs. The Domestic Violence Act and the Criminal Law Offences Act dealt with child abuse and neglect, and the police routinely prosecuted parents or guardians who neglected or abused their children.

8. Guyana had recently experienced prolonged episodes of criminal activities and racial and ethnic tension, which had affected the lives of children, particularly in the country's coastal areas. The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who had visited Guyana in 2003, had observed that the existing racial and ethnic polarization was based on fear on both sides, rather than hatred. With the support of the United Nations Children's Fund (UNICEF), the Government had launched a three-phase project to protect Guyana's children from the day-to-day effects of violence: the first phase addressed the causes of violence and its impact on children; the second would involve the development of a national child protection monitoring system; and the third would focus on peace education and non-violent conflict resolution. The project would be monitored by an advisory board.

9. Few facilities provided treatment or care for drug use and abuse, although counselling services were available. The Government of Guyana had recognized the need for a drug-rehabilitation facility for children and was making efforts to acquire the necessary resources for that purpose.

10. The economic exploitation of children was not widespread, although the authorities were monitoring the situation closely in the light of reports of economic exploitation among street children. A drop-in centre with a full-time probation officer and residential facilities had been established to provide street children with counselling and training in life skills. Efforts to reintegrate street children - who were all male - with their families had met with some success.

11. Although corporal punishment was administered in schools, it was only used in extreme cases and under controlled conditions, in accordance with the Education Act. That situation would be reviewed as the Government continued to address the requirements of the Convention. Corporal punishment in the home that was considered to be extreme or which resulted in harm to the child was subject to remedies under criminal law. In such circumstances, the Probation and Family Welfare Services would intervene to protect the child. A visiting committee was responsible for monitoring the general treatment and welfare of children in children's homes and orphanages and for making recommendations.

12. The Government was pursuing the goal of meeting international juvenile justice standards. The National Centre for Research and Development, an agency within the Ministry of Education, had developed manuals that explained those standards and provided guidelines on how they should be taught. Juveniles in conflict with the law were dealt with by the

New Opportunity Corps, which regrettably fell under the purview of the Ministry of Culture, Youth and Sport and not the Ministry of Human Services or the Ministry of Education. The Juvenile Offenders Act was being amended, and it was expected that the establishment of a family court would improve the effectiveness of current systems and practices.

13. Indigenous (Amerindian) children, who lived in remote areas, often did not have access to the same facilities as their peers who lived on the coast. There were, however, systems to compensate for that situation; for example, indigenous children were awarded scholarships to secondary, vocational and tertiary institutions in cities. Several funding agencies were engaged in projects designed to provide infrastructure to alleviate other concerns. Guyana had a Ministry of Amerindian Affairs, which cooperated closely with all other ministries to coordinate and administer government services. Amerindian communities were widely dispersed and sometimes almost inaccessible. Nevertheless, all Amerindian communities had nursery and primary schools, and residential secondary schools were within access. Education programmes, such as the UNICEF-funded Escuela Nueva programme, had met with some success in those communities. In 2003, two Amerindian children had attended the World Water Fair in Japan on the basis of their performance in an international essay competition.

14. Children with disabilities had access to education through special schools in accordance with their specific disabilities. The schools were staffed by specially trained teachers, and the Ministry of Education had developed performance standards for specific institutions. Not all public facilities met the requirement that physical facilities must cater for children with special needs.

15. Child participation in decisions affecting them was actively encouraged and was becoming increasingly the norm in schools. The introduction of child-friendly classroom programmes had fostered the participation of children in decision-making. With regard to decisions involving the family, it was the Government's policy to involve children in all issues in which they were engaged. The children's bill incorporated the principle of consultation with children when major decisions affecting them were to be made by the court or other institutions.

16. The Government of Guyana was mindful of the impact of the wider social environment on children's lives and had therefore given special consideration to poverty alleviation measures, housing, safe water and health and nutrition programmes. Guyana had produced a poverty reduction strategy paper within the framework of the United Nations Millennium Development Goals, as the foundation for national development planning and international assistance.

17. The HIV/AIDS pandemic affected both children and the economy. The estimated prevalence of the infection among the general population was reported to be between 2.5 and 5 per cent. The danger to children came mainly from mother-to-child transmission. The number of children under the age of 15 who had lost one or both parents to HIV/AIDS was increasing. Anti-retrovirals for adults were manufactured in Guyana and were available free of charge at government health institutions or at an affordable cost at other health-care facilities throughout the country. Unfortunately, such medication was not yet available to children. However, drugs to prevent mother-to-child transmission had been available for some time.

18. Ms. AL-THANI, Country Rapporteur, said that, although Guyana had acceded to six of the seven main human rights instruments, it had not signed either of the two Optional Protocols to the Convention on the Rights of the Child. It had ratified International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Worst Forms of Child Labour but had not signed the Hague Conventions on the Protection of Children and Cooperation in respect of Inter-country Adoption.

19. She commended the delegation on its report, which was both analytical and self-critical. The reference in the introductory statement to rights-based social reform was encouraging, since it described exactly what the Committee sought to achieve. She requested more information on how the report had been prepared, particularly with regard to the involvement of NGOs and children.

20. She wished to know more about activities to raise awareness of the Convention among the population. She was particularly interested in the use of a radio station for that purpose and in the monument to the rights of the child that had been erected in a national park. She asked whether the Convention had been translated into Creolese, and whether there had been structured training on the Convention for professionals who worked with children. She would welcome information on the outcome of the consultations with children that had been held in April 2003. The written replies (CRC/C/RESP/47) indicated the difficulty of obtaining statistical data, and she would be interested in knowing whether any measures were envisaged to improve data collection.

21. Ms. CHUTIKUL wished to know how the mandate of the National Commission on the Rights of the Child would be affected by the establishment of the Constitutional Commission on the Rights of the Child. She wondered whether the Constitutional Commission would be able to receive complaints and whether it or some other body would coordinate implementation of the Convention on the Rights of the Child. She wished to know what overlap and/or coordination existed between the Human Rights Commission and the Commission on the Rights of the Child.

22. She asked whether the Guyana National Plan of Action for Children to the year 2000 covered the provisions of the Convention and whether the implementation of the Plan of Action was being monitored. Further information was required on the role of regional town councils and their relationship with the National Commission on the Rights of the Child. She wished to know whether the two regional committees set up in conjunction with UNICEF covered the provisions of the Convention or only the UNICEF plan of action.

23. The children's bill did not cover some provisions of the Convention on the Rights of the Child, and there appeared to be a lack of harmonization with domestic legislation. The use of corporal punishment in schools and the treatment of truancy as an offence were not in keeping with the Convention. She wished to know whether the children's bill included a mechanism to ensure effective monitoring of the bill.

24. Mr. CITARELLA said that the definition of the child contained in the report (CRC/C/8/Add.47) was unclear. While the Constitution stipulated the age at which a person obtained the right to vote, it did not appear to have a clear rule on the age of majority. Further information was required to determine whether or not the Marriage Act provided for the differential treatment of boys and girls.

25. According to the Guyanese Constitution, the National Assembly could vote to disapply individual provisions of international treaties. The delegation should explain the reasons for that provision, which appeared to have been introduced relatively recently. The delegation should also explain why the Convention could be invoked or applied in Guyana only through a specific constitutional committee, which was not yet operational.

26. Ms. LEE said that, although Guyana had ratified the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it had not submitted country reports to the respective treaty bodies, and they were now long overdue. Both conventions were relevant to the problem of discrimination against Amerindians and other indigenous children. She wished to have information on exactly how the rights of indigenous children were being protected. She was concerned that Guyana had not yet ratified the 1960 Convention against Discrimination in Education, particularly in the light of reports that Amerindian children were being denied access to education.

27. Mr. LIWSKI said that, since debt-servicing doubtless affected Guyana's ability to implement the Convention and protect children's rights, he wished to know whether negotiations had been held with a view to reducing or cancelling Guyana's external debt, or to provide alternatives to debt-servicing. He wished to know whether the budget had been revised in order to ensure funding of the six aspects of the National Plan of Action.

28. Ms. ORTIZ said that the Committee had already expressed concern about indigenous children and had made several recommendations regarding their protection. The Government should take measures to reduce the economic, social and cultural gap between the indigenous population and the rest of the population.

29. The environment in Guyana was also a cause for concern. Mining companies were damaging the environment inhabited by indigenous peoples. Rivers, the major means of communication and a source of food for indigenous people, had been polluted by mercury used in gold prospecting. If the rivers were destroyed, the indigenous peoples' way of life would come to an end.

30. Another problem was the lack of trained teachers and poor attendance in schools. Teachers who worked in remote areas often had problems receiving their wages. She asked whether there were any plans to train Amerindian teachers in order to reduce dependence on non-local teachers in Amerindian schools. Greater efforts were needed to introduce bilingual education in certain areas. Many poorly educated indigenous girls and women and, to a lesser extent, boys, were migrating to the cities, where they were often exploited as prostitutes or

domestic workers and sexually abused by their employers. The victims of such treatment were often unaware of their rights and had no access to services that could assist them. In that connection, she wished to know whether any measures had been taken to raise awareness of that problem and to assist indigenous women and children in such situations.

31. Mr. KOTRANE said that he wished to know why the Government had not ratified the Convention on Discrimination in Education or the two Optional Protocols to the Convention on the Rights of the Child. Guyanese legislation on the age of sexual consent must be brought into line with the Convention, so that all adults who engaged in sexual relations with children under the age of 13 were punishable by law.

32. Ms. VUCKOVIC-SAHOVIC wished to know to what extent civil society was involved in the reforms being implemented in Guyana. She requested information on national and international NGO operations in Guyana, and the extent to which the Government took account of their views, particularly on such issues as civil and political rights. Data collection in Guyana should be made an ongoing activity in order to improve planning and evaluation strategies.

33. Ms. SMITH said that the adoption of the children's bill had been a commendable step towards meeting the provisions of the Convention. She wished to know when the bill would enter into force. According to the bill, child welfare would be of paramount importance in all court decisions; child welfare should, however, be taken into account in all areas where children's issues were involved.

34. According to reports received by the Committee, the rule of law in Guyana had been weakened owing to recent difficulties, and the administration of justice was in crisis, and she wished to have further information on that situation. A crisis in the administration of justice would have serious consequences for children.

35. Ms. ALUOCH said that the delegation had stated that corporal punishment in the home might be deemed child abuse if it was considered to be "extreme". In that regard, a precise definition of "extreme" was required. She wished to know to what authority a child could report physical abuse in the home and how such a case would be dealt with, since the law appeared to condone such abuse.

36. According to paragraph 110 of the report (CRC/C/8/Add.47), any female of or over the age of 16 who engaged in incest of her own accord was liable to seven years' imprisonment. She wished to know why such heavy responsibility was placed on females rather than on the male offender.

37. Mr. FILALI requested clarification regarding the status of international treaties in Guyana's domestic legislation. According to the report, in certain cases the Convention did not have the force of law, although amendments to the Constitution suggested that it was possible to invoke the Convention directly. Since the Convention had not been fully incorporated into law, he wished to know whether, in a legal case involving a minor, the defence could directly invoke the Convention and whether, in such a case, the Convention would have the force of law.

38. He wished to know whether the fact that indigenous peoples lived in areas remote from urban centres was used to justify discrimination against them. He requested additional information concerning the plan to establish a commission for Amerindian people. Such a commission would be more effective in protecting the rights and well-being of Amerindians than the Ministry for Amerindian Affairs, which was frequently occupied with bureaucratic and administrative tasks.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

39. Ms. SHADIK (Guyana) said that the Minister for Foreign Affairs had drawn up plans to ratify several international treaties, including the Optional Protocols to the Convention. The plans would be submitted to the Cabinet for consideration within the next few months. Since Guyana had gained independence in 1966, domestic legal reform had been at the forefront of its political agenda. In recent years, the Government had had to focus on economic reforms in order to qualify for financial assistance under the Highly Indebted Poor Countries Initiative. Once the economic situation improved, the Government would focus its efforts on urgently needed social reforms.

40. Almost 100 NGOs and community associations had been consulted during preparation of the report. Since many communities lived in remote areas, the process had been long and difficult. During the final stages, the report had been updated with information provided by women and children from around the country.

41. The Convention was available only in English because English was the official language of Guyana. Although Creolese was spoken in some areas, it did not constitute a written language. Spanish, while taught in schools as a foreign language, was not widely spoken.

42. The National Commission on the Rights of the Child had been established in 1993 for the purpose of developing the first national plan of action for children. With the First Lady of Guyana as its chairperson, the Commission comprised 15 members. The Ministry of Labour, Human Services and Social Security invited major NGOs and religious groups to put forward the names of people they wished to see appointed as commissioners. The Ministry made the necessary appointments without seeking to influence the work of the Commission. The Commission's main task was to promote the rights contained in the Convention: it had held essay competitions and distributed booklets in schools, and had conducted a campaign to encourage birth registration in rural communities.

43. The Registrar General's Office had sent representatives into Amerindian communities with a view to encouraging birth registration. Following one such visit, 4,500 birth certificates had been issued, including many to adults whose parents had failed to register them at birth.

44. The Children's Parliament held a session once every two years, while the Youth Parliament met on an annual basis. Regrettably, an annex concerning the extent of awareness of the Convention among Guyanese children had been omitted from the report; it would be transmitted to the Committee as soon as possible.

45. Each ministry compiled its own statistics and kept records in paper format. Until work was completed on a computer database, it would be difficult to access statistics from the various departments. There were no disaggregated statistics by ethnic background with regard to educational services.
46. The five permanent commissions established after a constitutional review process were the Ethnic Relations Commission; the Commission on the Rights of the Child; the Women and Gender Equality Commission; the Indigenous Peoples Commission; and the Human Rights Commission. With the exception of the Ethnic Relations Commission, the commissions shared a single secretariat. Each commission had wide-ranging powers to receive and investigate complaints, report periodically to Parliament and make policy recommendations to the Government. Some members of the Human Rights Commission also sat on the other commissions, although each commission retained its independence.
47. Ms. CHUTIKUL asked how the recently established Commission on the Rights of the Child related to the existing National Commission on the Rights of the Child. She would be interested in knowing whether an inter-ministerial committee would be set up to coordinate implementation of the Convention.
48. Ms. SHADIK (Guyana) said that the new Commission on the Rights of the Child would eventually replace the National Commission on the Rights of the Child, although many of its members would remain the same. The Government planned to set up a secretariat to carry out the work of the two commissions concerned with child rights and gender equality. It intended to establish an inter-ministerial committee on child rights, similar to the committee that had been set up to coordinate implementation of the Convention on the Elimination of All Forms of Discrimination against Women.
49. Mr. CITARELLA said he wished to know whether the Human Rights Commission had begun to carry out its functions.
50. Ms. SHADIK (Guyana) said that, although an act concerning the Human Rights Commission had been adopted in 2002, the Commission had not yet become fully operational. A revised plan of action for children had been finalized and would shortly be put into effect. The rights commissions would be responsible for monitoring its implementation.
51. The children's bill currently under discussion was a comprehensive piece of legislation. The family court bill related to juvenile justice and civil matters such as divorce, and the status of the children bill addressed matters of citizenship. The three bills would be submitted to Parliament at the same time, probably before the end of 2004.
52. The main problem facing Amerindians in Guyana was the remoteness of their communities, some of which could be reached only on foot through dense rain forests and rugged mountains. Efforts were currently under way to build roads to improve access to Amerindian communities and stimulate trade with neighbouring countries, especially Brazil.

53. Boarding schools for secondary students had been built in three isolated regions; hinterland students could also apply for scholarships at coastal schools. The Government, in consultation with Amerindians and Amerindian organizations, was in the process of settling issues relating to land ownership, public development projects and environmental protection in indigenous regions.

54. Ms. ORTIZ said that, although much had been accomplished, the statistics on indigenous health and education revealed that continued efforts were required. While the need to improve access to indigenous communities could not be denied, the fundamental problem remained that of ownership of the lands traditionally occupied by Amerindians and on which their survival depended. Mining and forestry projects on those lands threatened to destroy the indigenous population's only means of sustenance.

55. According to reports, conditions at boarding schools in the indigenous regions were not favourable. Young people were not adequately supervised, which had apparently led to a high incidence of teenage pregnancies. She enquired whether Amerindians were included in the staff of such schools.

56. Ms. SHADIK (Guyana) said that "health huts" in remote areas were situated so as to be accessible to Amerindians from every village. Each indigenous community had trained community health workers who could perform tests for such diseases as malaria, and administer remedies. Nursery and primary schools existed in every Amerindian community; only secondary schools existed as boarding schools. The incidence of early pregnancy in Amerindian boarding schools was not higher than in coastal schools. Although Amerindian girls were considered adults once they reached puberty, that notion was changing as a result of education. Various programmes existed to provide teacher training to Amerindians, and very few indigenous schools did not have Amerindian teachers. Hardship allowances were provided to attract teachers to remote areas. A small movement to preserve native languages and culture through bilingual education in indigenous schools had been initiated.

57. Ms. ALUOCH wished to know whether Amerindians intermarried with other ethnic groups.

58. Ms. SHADIK said that intermarriage was common, and approximately 50 per cent of Amerindians were of mixed heritage.

59. The CHAIRPERSON invited the members of the Committee to put questions to the delegation relating to civil rights and freedoms, family environment and alternative care, basic health and welfare, and education, leisure and cultural activities.

60. Ms. AL-THANI wished to know what was being done to protect children who had access to television, radio and the Internet from harmful information. She asked what the outcome had been of the two studies on child abuse that had been carried out with the assistance of UNICEF and how the Government planned to use the findings of the studies.

61. She requested additional information on the integration of disabled children in schools and society, and on measures to facilitate their access to buildings and means of transport. She enquired whether the Commission on Persons with Disabilities, which monitored implementation of the national policy on disabled persons, focused any of its efforts on children.

62. The figures for infant mortality for 2000 as presented in the report (CRC/C/8/Add.47) and the written replies (CRC/C/RESP/47) did not concur, and she wished to know which figures were correct. More progress in the immunization programme was needed since infants were still dying of preventable diseases. She requested information on the status of breastfeeding in Guyana, including measures to encourage it. She wondered whether the large number of women heads of household and other working women received support for breastfeeding.

63. She enquired whether the Government supplied free insecticide and protective nets to prevent malaria. She wished to know what steps had been taken to address the problems of teenage pregnancy, suicide and drug abuse, many of which could be avoided by fostering good mental health from an early age. Since HIV/AIDS in Guyana was spreading, she wondered why anti-retroviral drugs were not given to children. She wished to know how children who had been orphaned by HIV/AIDS were viewed by society and what the Government was doing to support them.

64. Mr. KRAPPMANN said that the delegation should provide information on what steps had been taken to address the problem of the high number of school dropouts. He wished to know whether disaggregated figures existed for dropouts by population group, particularly Amerindians. He asked whether teenage girls who had given birth were allowed to continue their studies at school.

65. With regard to the unfavourable teacher/student ratio, he asked whether the Government had the capacity to train more teachers. He wished to know whether the Government planned to improve ill-equipped schools, some of which lacked electricity and had low standards of sanitation. Perhaps the Government could request international assistance for that purpose.

66. In view of the fact that the minimum age of employment was 15, he wondered whether any programmes existed for children who left school at the age of 12. The Government should consider extending compulsory education beyond age 12. He enquired whether low-income families received allowances to meet the indirect costs of education, such as books, uniforms and meals. He wished to know whether any measures were being taken to include children with disabilities in mainstream schools and whether disabled children received assistance when attending such schools.

67. Ms. LEE asked why the enrolment rate for males in region 2 was the lowest of all the regions and what measures had been taken to rectify that situation.

68. Ms. SMITH said that the violence and abuse experienced by children in the streets and in schools, homes and prisons was a very serious problem. The degree to which the dignity of children was respected in a particular country, institution or family could be judged by the

degree to which corporal punishment was used. In order to break the vicious cycle of violence that often resulted from that practice, children should be taught about the adverse effects of being exposed to violence.

69. There was a need for a more systematic periodic review of children living in institutions. She requested information about the criteria for placing children in institutions and about the types of children who were placed in them.

70. The CHAIRPERSON underscored the need for addressing the problem of violence against children. The delegation should provide information about the current status and progress of the programme undertaken with UNICEF on non-violent intervention in violence-prone regions.

The meeting rose at 1 p.m.