



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-second session

Summary record of the 1758th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 15 January 2013, at 10 a.m.

Chairperson: Mr. Zermatten

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

Consideration of reports submitted by States parties

Combined second to fourth periodic reports of Guyana (CRC/C/GUY/2-4; CRC/C/GUY/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Guyana took places at the Committee table.*
2. **Ms. Webster** (Guyana) said that Guyana had acceded to the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict, and had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
3. In keeping with the commitment made by Guyana during the 2010 universal periodic review, the Ministry of Education was currently holding consultations across the country on the abolition of corporal punishment. The United Nations Development Assistance Framework (UNDAF) 2012–2016 and the United Nations Children’s Fund (UNICEF) country programme, in partnership with the Pan American Health Organization (PAHO) and the International Organization for Migration (IOM) provided technical support with regard to children’s rights and strengthening the capacity of the Rights of the Child Constitutional Commission.
4. Recalling that insufficient human resources was the greatest challenge faced by Guyana, she emphasized the Government’s considerable efforts to cope with the financial crisis, as a result of which, the country had posted positive growth since 2007 and the entire population’s quality of life had improved. Faced with the decline in multilateral development aid, Guyana had strengthened cooperation and trade with its neighbours, as well as South-South cooperation. It had maintained its budgetary allocation of 20 per cent of its annual budget to health and education. It was making progress towards achieving several Millennium Development Goals, including poverty reduction and a decline in infant mortality, especially among Amerindians, who in 2002 accounted for 10 per cent of the population.
5. Almost all children now had access to primary education, and gender parity had almost been achieved in terms of primary school enrolment and completion. Future efforts would concentrate on secondary and higher education. The majority of Amerindian children in the interior and riparian areas were in secondary education and instances of child labour and exploitation among Amerindians had decreased.
6. As shown by the seventh and eighth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the initial, second, third and fourth periodic reports on the implementation of the International Covenant on Economic, Social and Cultural Rights, Guyana was endeavouring to improve data collection and analysis. However, it did not collect ethnic data, except in the health and security sectors.
7. In order to facilitate equal access for all to services, Guyana was investing in fibre-optic technology to enhance the country’s connectivity. In addition, it had introduced the “One Laptop per Family” programme, which aimed to provide laptops to low-income households.
8. Guyana was faced with two major concerns, the first being climate change and unpredictable weather patterns and the second the political threat to parliamentary democracy.

9. **Ms. Sandberg** (Country Rapporteur), encouraging Guyana to ratify the Optional Protocol on a communications procedure, asked how the State actually enforced the Convention and applied the six statutes relating to children and whether it intended to adopt a national plan of action specifically on the rights of the child. She wished to know whether the Childcare and Protection Agency was a coordinating body that conformed to the Committee's general comment No. 5 on general measures of implementation for the Convention on the Rights of the Child, and requested further details on the establishment of a central data-collection unit.

10. Welcoming the Guyanese authorities' steadfast efforts against discrimination, she requested clarification on the measures taken to combat the discrimination suffered by young Amerindians on grounds of sex, sexual orientation, language or disability. She also inquired about the follow-up given to complaints of child abuse.

11. **Mr. Pollar** asked whether there was a legal framework governing civil society's participation in activities to promote the rights of the child and whether NGOs received public funding. He would appreciate further details on the policies in place to protect vulnerable children, prevent suicide and road accidents among young people and to curb mortality linked to infectious diseases.

12. **Mr. Gurán** asked for clarification on the mandate, structure and operation of the Rights of the Child Commission, and how children were guaranteed the right to express their views at school.

13. **Mr. Koompraphant** asked how violence against children was defined in the legislation and whether parents could be prosecuted in the event of child abuse or neglect.

14. **Mr. Kotrane** asked whether Guyana planned to ratify the various instruments relating to statelessness and the Hague Conventions and whether the Convention on the Rights of the Child had ever been invoked in court decisions.

15. **Ms. Varmah** asked what measures the State party had taken to make parents, particularly in Amerindian communities, aware of the need to register births.

16. **Mr. Madi**, expressing disappointment that the age of criminal responsibility was 10 years, asked for details on the age of marriage. He called on the State party to encourage the media and NGOs to change public attitudes to corporal punishment, which was still very often tolerated by society.

17. **Ms. Wijemanne**, seeking clarification on the powers, resources and impact of the Rights of the Child Commission, also requested further information on the budget allocation for health, education and child welfare. Lastly, she asked whether the State party had established a system for collecting data on children living in remote areas so as to assess their needs in various fields.

18. **Ms. Sandberg** asked how the State party ensured that judges and administrative bodies applied the principle of the best interests of the child.

19. **The Chairperson** asked how the State party countered the impact of climate change and whether children were involved in the search for solutions to those problems.

The meeting was suspended at 11.05 a.m. and resumed at 11.30 a.m.

20. **Ms. Teixeira** (Guyana) explained that, since the 1999–2001 constitutional reform, the executive, legislative and judicial branches of government were required to respect the international instruments to which Guyana was party, including the Convention. The Convention could be directly invoked before the courts, even in the absence of legislation incorporating its provisions. Emphasis was placed on promotion of the rights of indigenous peoples, who were particularly vulnerable, on whom the State had conferred indefinite

property rights. Health care and education were entirely free for all children, as were school supplies and uniforms; school meal programmes had made for significant improvements in school attendance rates and pupils' results. As a result of vaccination campaigns, the incidence of preventable diseases was in decline. To meet the Millennium Development Goals, the State intended to continue to set aside more than 20 per cent of its gross domestic product (GDP) to housing, health and the supply of potable water.

21. **The Chairperson** asked for clarification on the allocation of budgetary resources. He also wished to know whether the Convention had previously been applied by the courts and whether the State party intended to ratify other international instruments.

22. **Ms. Teixeira** (Guyana) replied that the Convention had never been invoked before the courts, but that its principles were upheld in court decisions.

23. **Ms. Sandberg** asked whether judges, prosecutors and lawyers were trained in and aware of the Convention.

24. **Ms. Teixeira** (Guyana) confirmed that there were training programmes for professionals within the justice system. The Rights of the Child Commission, which had replaced the National Commission on Children, had been appointed in 2009 for a period of three years, following a broad consultation process with civil society.

25. **Ms. Pandor** (Guyana) explained that the Commission's purpose was to defend the rights enshrined in the Convention across the country, even in the most remote areas. It was made up of 15 members with training in the rights of the child, including lawyers, social workers and members of the media. It received public funding, and technical and financial support from UNICEF. It was mandated under the Constitution to safeguard the rights of the child, including the right to be heard; offer remedies for child abuse victims; oversee compliance of legislation with the Convention; issue recommendations; and take part in the preparation of reports to international bodies. A complaints mechanism had recently been introduced.

26. **The Chairperson** asked whether the Rights of the Child Commission had a mandate to conduct investigations, whether it was independent and whether it complied with the Paris Principles.

27. **Ms. Pandor** (Guyana) replied that the Commission was empowered to investigate cases in which children's rights were violated, including those involving public bodies. It could also report cases to the police or directly apply to the Childcare and Protection Agency. Once a year, it reported on its activities to Parliament.

28. **Ms. Sandberg** asked what body was in charge of coordinating issues relating to the rights of the child in the country.

29. **The Chairperson** asked what body was responsible for coordinating the child welfare programmes at the national level, whether they concerned education, health and the fight against poverty, and to which ministry the Childcare and Protection Agency was answerable.

30. **Ms. Teixeira** (Guyana) explained that the Cabinet was the final resort for validating policies relating to children, even though child welfare fell within the remit of the Ministry of Labour, Human Services and Social Security, which in turn oversaw the Childcare and Protection Agency.

31. The Rights of the Child Commission did not yet fully comply with the Paris Principles but in due course the Guyanese Government would ensure that it did so.

32. Guyana had not yet addressed the question of acceding to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. It had,

however, recently passed a law on adoption allowing Guyanese nationals living abroad to adopt children of Guyanese nationality.

33. Guyana fully intended to establish a more advantageous system for persons with disabilities at the national level. It would then consider ratifying the Convention on the Rights of Persons with Disabilities. In the meantime, local communities would ensure that all new buildings were accessible to persons with disabilities.

34. For the past 15 years, health personnel, particularly midwives, were responsible for registering newborns at registry offices; some 93 per cent of births were recorded, and the remaining 7 per cent were children living in remote areas. The Government had been unstinting in its efforts to ensure that children born in coastal regions would also be systematically registered. The absence of civil status documents was another problem since it was the parents' responsibility to take the appropriate steps. As nearly one third of fathers did not admit paternity, birth certificates were hardly ever requested, and therefore never issued. It was in the interest of the Chairmen of the Amerindian Village Councils (*Toushaos*) for their part to ensure that all births were registered, since they received subsidies from the State depending on the number of people recorded. They were also authorized to register births late.

35. Although it was prohibited for a school principal to refuse to enrol a child without identity documents, the principal was, however, required to notify the social services, which were then responsible for remedying the situation.

36. **Ms. Sandberg** asked whether parents without Internet access were actually obliged to go to Georgetown to obtain their child's birth certificate. Did the law provide for the possibility of initiating proceedings to establish paternity if the father refused to admit it?

37. The delegation of Guyana might wish to indicate whether, in general, the reason that parents abandoned their children were financial and explain why fathers shirked their parental responsibilities. It would be interesting to know whether families were entitled to school uniform vouchers for each of their children, who sat on the Visiting Committees responsible for visiting child welfare institutions, and whether there were recreational activities available to children.

38. **Ms. Al-Asmar** asked whether a study had been conducted on the underlying reasons for school dropout and wished to know more about the system of vocational education in Guyana, as well as any hidden costs of education.

39. **Mr. Cardona Llorens** asked how many international adoptions had already taken place, how many children with disabilities attended mainstream schools and whether awareness campaigns had been conducted to combat discrimination against such children.

40. He would like to know why children over 16 accused of committing offences were tried in adult courts. He also wished to know the maximum time that a minor could be placed in the recently constructed provisional holding centre for minors.

41. **Ms. Nores de García** asked what measures the State party had taken to ensure that teaching in all of the country's schools was of equal quality and that all pupils had access to new technologies and whether the high dropout rates could be connected to the practice of corporal punishment. Lastly, she encouraged the State party to combat the worst forms of child labour, particularly in the agriculture, fishing and seasonal work sectors.

42. **Mr. Pollar** asked whether minors had access to confidential counselling services, especially in the area of health, and whether their personal data were protected. He requested a progress update on the State party's drafting of the initial report which it was supposed to submit to the Committee under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

43. **Ms. Lee** asked whether the State party had conducted a survey on the scale of violence against children and whether sanctions had ever been imposed on persons who had allegedly failed to report cases in which a minor had been sexually abused. She wished to know whether the State party intended to take steps to ensure that children under 5 years of age did not have to fend for themselves and were not entrusted to the care of older brothers or sisters while their mothers were at work. Lastly, she asked whether the State party was affected by the problem of sexual tourism and whether steps had been taken to counter tuberculosis, which had a far greater prevalence rate than in the rest of the region. The delegation might also indicate whether the State party had adopted a national code governing the marketing of breast milk substitutes, and specify how many hospitals had been certified as “baby-friendly”.

The meeting rose at 1 p.m.