

ACRONYMS

CACs	Child Advocacy Centres
CBOs	Community Based Organisations
CPA	ChildCare and Protection Agency
CPCE	Cyril Potter College of Education
CSOs	Civil Society Organisations
FBOs	Faith Based Organisations
GDP	Gross Domestic Product
INGO	International Non- Governmental Organization
MoCYS	Ministry of Culture Youth and Sports
MoE	Ministry of Education
MoLHSSS	Ministry of Labour, Human Service and Social Security
NCD	National Commission on Disability
NGO	Non- Governmental Organization
NOC	New Opportunity Corps
SKYE	Skills, Knowledge for Youth Employment
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children Fund

INTRODUCTION

This report seeks to highlight and address human rights issues as it relates to the overall wellbeing and protection of children in Guyana. The UNCRC defines a child as anyone below the age of 18 years and spells out the basic human rights that children everywhere should have, including the right to protection from economic exploitation (Article 32) and the right to education (Article 28).

In the modern world children face risks in a variety of cross-frontier situations. In Guyana children live in an environment where they are surrounded by a wealth of social issues that have a negative impact on their lives. Since these issues are seen as a form of injustice that children have to grow up with, they are laws that were implemented by the government and global frameworks by the UNCRC to protect those rights which are often violated.

As an NGO, we provide valuable services to children and as such we wish to highlight some of the most critical issues (***Education, Corporal Punishment, Children involved in Juvenile Justice, Family Violence & separation of children and children with disabilities***) that are affecting children in the Guyanese society that must be dealt with without procrastination, and also the recommendations provided in this report will be instrumental in eradicating such social ills.

Children with disabilities to a high degree are discriminated against. They have inadequate access to health and education due to a lack of pertinent policies and the attitudes of service providers as well as family members. Despite the fact that education at the primary levels should be free, several children are hindered from engaging in school due to the added cost of transportation and meals. In relation to the juvenile justice system, children have been denied their rights by flawed institutions and obsolete laws with the result that they are treated as criminals.

BACKGROUND ON GUYANA

Guyana is the only English speaking country in South America and has a total population of 735,554 (Jun 2014 estimate) over a land space of 214,969 sq. km. Guyana's population is made up of five (5) main ethnic groups Amerindians, Indians, European, Africans and Chinese. Most of its population is settled on the coastline where the city of Georgetown is located. A tropical forest covers about 80% of the country. Its real GDP (2013 estimate) is US\$621 billion or US\$8250 per capita. It's GDP per capita average annual growth rate is about 4.8%.

OVERVIEW OF CHIDLIN K

ChildLinK is a local non-governmental organization that works to give vulnerable children who are or risk being separated from their families or communities a safe and secure future. ChildLinK was registered in September 2009; however the organisation has been working with children and families over the past 13 years in Guyana having inherited the legacy of EveryChild Guyana an INGO focusing its work to advocate for the protection of all children across Guyana. ChildLinK has adopted the rights based approach to its work and delivers developmental projects in collaboration with NGOs and government for more sustainable changes in the lives of children and their families. ChildLinK has been working in partnerships with the MoLHSSS and CSOs since 2007 and maintained close collaboration with the MoE and other government ministries.

1. EDUCATION

Article 28 of the UNCRC states that children have the right to an education and primary education should be free....

Although the government has provided free education from nursery to Secondary, it has not allocated sufficient funds to maintain the standards of what had been considered the best educational system in the region. Many school buildings are in poor condition, there is a shortage of text and writing books, the number of trained teachers has declined due to low salaries and migration, and the University fees were increased. As a result of insufficient resources in the public schools there has been the emergence of several private schools. This places additional pressure on parents who are aiming to give their children an opportunity for quality education; who are also pressured to pay for after school lessons.

While primary education is free many children still cannot afford to attend school because of the many costs besides school fees such as books, uniforms and providing money for transportation and meals, and are forced to drop out of school. Parents who find it challenging to provide the necessary finances often keep their children home from school.

The 2014 National budget has increased allocations to improve the education section particularly in the areas of infrastructure, curriculum development, teachers' training, special education, information and communication technologies. The Minister during her contributions to the 2014 Budget debate emphasized that although plausible improvements have been realized, particularly in terms of examination results, we as an English speaking society cannot accept 34% pass in English in the national examinations. The basic literacy rate in Guyana is in the 70% range and absolute illiteracy rate is an alarming 21%.

RECOMMENDATIONS

- The government should provide adequate resources to retain the more trained teachers in the education system in Guyana.
- Resource materials at the University of Guyana as well as the public libraries need to be upgraded and also in both primary and secondary schools.
- The government should provide public transportation for children to and from schools particularly at the nursery and primary levels.
- More focus should be placed on remedial education and skills training for out-of-school youth.

2. CORPORAL PUNISHMENT

Article 28..... Discipline in schools should respect children’s dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect.

Prohibition of all corporal punishment is required by the UNCRC and other human rights treaties and is central to child protection. Corporal punishment of children in Guyana remains lawful in the family home, alternative care and schools. In order to prohibit all corporal punishment, it is necessary to repeal the provisions allowing guardians and teachers “to administer reasonable and proper punishment” in article 9 of the Criminal Law (Offences) Act 1894 and article 7 of the Summary Jurisdiction (Offences) Act 1894, and to enact explicit prohibition in relation to all settings where adults have authority over children, including the home, all alternative care, and in schools.

RECOMMENDATIONS

- Corporal Punishment in schools must be abolished and the provision in the Criminal Law Offences and Education Act which supports the use of corporal punishment must be repealed.
- The Welfare division in the MoE must be reorganized to avoid the criminalization of youth because of truancy and absenteeism and a more human and welfare oriented policy should be put in place.
- There should be a registry of Offenders for teachers who exercise harsh punishment to children in schools which can be used as a reference when recruiting teachers.

3. CHILDREN INVOLVED IN JUVENILE JUSTICE

The Juvenile Act of Guyana defines a juvenile as a person under the age of 17 years. By virtue of Section 17 (1) of the Act, a juvenile may be brought to the Magistrate’s Court for the following offences:

1. Begging or receiving alms

2. Wandering and not having any home or settled place of abode or visible means of subsistence.
3. Or is found wandering and having no parent or guardian or has a parent or guardian who does not exercise proper parental guardianship control.
4. In need of care and protection which the parent or guardian is incapable of providing.
5. Destitute, not being an orphaned and having both parents and his surviving parent is undergoing imprisonment.
6. 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.
7. Lodging or residing in a house used by a prostitute for the purpose of prostitution.

These offences penalize the child for circumstances beyond his/her control and indicate that he/she is a victim of child abuse or neglect. Some of these offences should be removed since they are often symptoms of parental neglect.

Art 40 of the UNCRC states that children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 40, 2, (vii) states that any juvenile charged has “the right to have his/her privacy fully respected at all stages of the proceedings”. While this right is protected under section 4 (4) of the Guyana Act which allows for in camera hearings, in practice it is often not complied with because there is no actual building set aside as the Juvenile Court.

Despite the amendments to the Juvenile Offenders Amendment Act and the Training School Amendment Act passed in the National Assembly August 2010 to outlaw whipping for any offences committed by students at the NOC (juvenile detention centre), yet there are complaints of whipping at the NOC. The NOC falls under the purview of the MoCYS with a specific mandate to rehabilitate and train adolescent offenders and wanderers so that they could be re-integrated in the society. However, there have been reports of violence including the recent allegation of sexual abuse against youth at the NOC and the uprising of students which resulted in the burning of part of the building. The recent allegations of sexual abuse are still under investigations.

RECOMMENDATIONS

- The very young age (children 10 years and older) at which children can be held criminally responsible needs to be changed to 16 years.
- The government to ensure that appropriate measures are put in place immediately to abolish the use of any form of corporal punishment at the NOC as outlined in the Juvenile Offenders Amendment Act and Training School Amendment Act.

- In order for juvenile justice to be implemented in a humane way in Guyana, we recommend a reorientation and training of those responsible for the institution with the use of external expertise to design and deliver the recommended reorientation programme.
- NOC to be placed under an independent management committee comprising individuals with the necessary expertise, experience, interest and knowledge of human rights law and practice to run a successful juvenile rehabilitation centre.
- The Guyana Police Force must be strengthened to be better equipped to deal with juvenile offences.

4. FAMILY VIOLENCE AND SEPARATION OF CHILDREN

Article 19 of the UNCRC states that government should ensure children are properly cared for and protected from all forms of violence, abuse and neglect by their parents or anyone else who looks after them.

Violence as defined by the UNICEF is a deliberate interpersonal behavior liable to cause physical or psychosocial harm and which includes physical abuse, emotional/mental abuse, neglect and sexual abuse. ChildLink adopts EveryChild’s (UK) definition for Separation as “children who have become physically separated from their parent /carer or immediate and extended families over a period of time” and often ends with children living in alternative care including foster care, kinship care, and in many instances the orphanages. EveryChild Guyana Survey on Key Separation Issues in Guyana, 2005 states that Family Violence and the breakdown of the family unit are key factors for Separation.

Guyana’s separated children are many (over 800 of which almost 200 live in orphanages run by the government) and they are silent and very little has been done by the relevant government agencies to raise the level of awareness regarding their plight. It should be noted for instance in 2003 a child who resided at one of the orphanages was murdered. A committee was established by the MoLHSSS to investigate the circumstances surrounding his death. The findings of that investigation were never made public, and further that committee no longer functions. Four months ago two girls ran away from an orphanage and were held at the police station for several days with no intervention from the MoLHSSS. Two weeks ago several boys from one rural orphanage were allegedly sexually molested; the investigations on these matters are still pending.

EveryChild Guyana Survey also revealed that violent acts meted out against children within their family systems were causal factors for separation. All the dimensions of violence cited by UNICEF – physical abuse, emotional/mental abuse, sexual abuse (including incest) and neglect were mentioned both by the children and current caregivers. Children were targeted for physical abuse for incompleteness of chores and errands. The main forms of emotional/mental abuse were verbal, use of expletives, name calling and accusations. In many of the institutions visited girls were separated following interventions because of reports of sexual abuse. Invariably they were victims of incestuous relations.

RECOMMENDATIONS

- There should be mandatory comprehensive and accurate recording keeping for all agencies involved in the prevention of child abuse in Guyana.
- The use of the jury system in child abuse cases have proven to be highly ineffective and should be abolished.
- The National Task Force set up for the implementation of the Sexual Offences Act should be made functional and shall have the duty to develop and implement a national plan for the prevention of sexual violence. ChildLink is currently partnering with government (MoLHSSS - CPA & MoE) to increase national awareness on the Sexual Offences legislation, implement a 'Tell' Campaign initiative throughout Guyana and set up CACs for children sexually abused.
- The Minister must implement the registry for sex offenders.

The National Plan should include the following:-

- Develop initiatives for prevention of sexual violence
- Coordination and implementation of the National Plan for the protection of children
- Establish policies to enable the Government to work with NGOs, FBOs, CBOs and other CSOs to prevent sexual violence and also to provide assistance to victims of sexual violence
- Establish national policies for multi disciplinary teams across government ministries to operate units where all services are available for children who have been exposed to sexual violence.
- Provide guidance to the sexual violence unit
- Coordinate national education and awareness programmes.

- Make functional the family court to improve legal services to children and the rate of successful prosecution in child abuse cases.
- Focus special attention on the issues of sexual violence in remote areas, including access to police support and medical attention and court service
- Determine the effectiveness of the public awareness exercise and measures to be taken to ensure effectiveness.
- Provide guidance on the development of training programmes specified under section 91; Section 88 of the act also calls on the Minister of MoLHSSS to set up the Sexual Violence Unit which will support the Task Force.

5. CHILDREN WITH DISABILITIES IN GUYANA

Article 23 of the UNCRC states children who have any kind of disability should have special care & support, so that they can lead full and independent lives.

“Disability” as defined by the United Nations results from the interaction between persons with impairments, conditions or illnesses and the environmental and attitudinal barriers they face. Such impairments, conditions/illnesses may be permanent, temporary, intermittent or imputed, and include those that are physical, sensory, psychosocial, neurological, medical or intellectual.

According to the UNICEF Situational Analysis of Children with Disabilities in the Caribbean (2000) reflected that 8203 children surveyed in Guyana, 226/2.75% were identified with disabilities. Important progress has been made in recent years to expand policy, programs and support to address the needs of children with disabilities in Guyana through the further development of sector specific projects focusing largely on rehabilitation and education. But important and pressing challenges still remain to be addressed. Children with disabilities continue to be the most disadvantaged of all groups in society. Many do not have access to education and employment which leads to social and economic exclusion.

RECOMMENDATIONS

- Identify and eliminate obstacles and barriers to ensure children with disabilities can access transportation, public facilities and services, and information and communications technologies.
- Access to Social Assistance should not be time bound but should be made available on a long-term basis for children with disabilities.

- The government should collaborate with NGOs and the NCD to strengthen the disability legislations' or policies that would highlight the current needs of such children including children who were sexually abused.