



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined second to fourth periodic reports of Guyana, adopted by the Committee at its sixty-second session (14 January–1 February 2013)

1. The Committee considered the combined second to fourth periodic reports of Guyana (CRC/C/GUY/2-4) at its 1758th and 1759th meetings (see CRC/C/SR.1758 and 1759), held on 15 January 2013, and at its 1784th meeting, held on 1 February 2013, adopted the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the combined second to fourth periodic reports of Guyana and the written replies to its list of issues (CRC/Q/GUY/2-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level, multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee also welcomes the adoption of the following legislative measures:
- (a) The Custody, Contact, Guardianship and Maintenance Act, 2011;
 - (b) The Defence (Amendment) Act, 2011;
 - (c) The Sexual Offences Act, 2010;
 - (d) The Persons with Disabilities Act, 2010;
 - (e) The Juvenile Offenders (Amendment) Act, 2010;
 - (f) The Childcare and Protection Agency Act No. 2, 2009;
 - (g) The Protection of Children Act No. 17 of 2009;
 - (h) The Childcare and Development Services Act, 2009;
 - (i) The Status of Children Act, 2009;
 - (j) The Adoption of Children Act, 2009;

- (k) The Childcare and Protection Agency Act, 2008;
 - (l) The Criminal Law Offences Act No. 16, 2005 (Age of Consent); and,
 - (m) The Marriage (Amendment) Act, 2005.
4. The Committee also welcomes the ratification of and/or accession to the:
- (a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in July 2010;
 - (b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in August 2010; and,
 - (c) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in July 2010.
5. The Committee also welcomes the following institutional and policy measures:
- (a) The Rights of the Child Commission Strategic Plan for 2012–2016;
 - (b) The Indigenous People’s Commission Five-Year Strategic Plan for 2012–2016;
 - (c) The 2008–2013 Education Strategic Plan;
 - (d) The National Commission on Disability Strategic Plan for 2008–2011;
 - (e) The Health and Family Life Skills Based Curriculum Programme, 2010;
 - (f) The National Foster Care Programme, 2010; and
 - (g) The “TELL” Campaign for encouraging disclosure and reporting of violence against children in 2010.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee’s previous recommendations

6. While welcoming the State party’s efforts to implement the Committee’s concluding observations of February 2004 on the State party’s initial report (CRC/C/15/Add.224), the Committee notes with regret that some of the recommendations contained therein have not been fully addressed.

7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the first periodic report under the Convention that have not been implemented or sufficiently implemented, particularly those related to a national plan of action, birth registration, corporal punishment, health, particularly adolescent health, and juvenile justice.**

Legislation

8. The Committee notes the adoption of numerous child-related laws over the reporting period and in particular the adoption of the Childcare and Protection Agency Act No. 2 of 2009 and Protection of Children Act No. 17 of 2009. However, the Committee is concerned that the State party has not yet undertaken a comprehensive review of its laws to ensure full compatibility with the Convention, including finalizing the necessary reforms of its

judiciary and legislation for the establishment of a Family Court. Furthermore, the Committee is concerned that the State party has yet to adopt its 2008 Juvenile Justice Bill, which leaves children in conflict with the law in legislative ambiguity with regard to the full protection of their rights.

9. **The Committee recommends that the State party undertake a comprehensive review of its laws to ensure their full compatibility with the Convention. In so doing, the Committee urges the State party to expeditiously establish a Family Court and adopt a Juvenile Justice Law that is in full compliance with the Convention.**

Comprehensive policy and strategy

10. The Committee regrets that, notwithstanding its previous concerns (CRC/C/15/Add.224, para. 10), the State party has yet to adopt a National Plan of Action for Children and has no comprehensive policy or strategy for the implementation of the Convention.

11. **The Committee encourages the State party to finalize and adopt a comprehensive policy on children and implement an Action Plan for Children as an integral part of such a comprehensive policy in a manner that includes all other sectoral and regional plans of action relating to children. The Committee also urges the State party to provide all the necessary human, technical and financial resources for effective implementation of the Action Plan and to ensure regular and broad consultations to assess the effectiveness of its implementation.**

Coordination

12. The Committee welcomes the establishment of the Childcare and Protection Agency under the Ministry of Labour, Human Services and Social Security. However, the Committee is concerned that the Agency does not have the adequate authority and sufficient resources for effectively fulfilling a coordination role, and that the State party has not designated or established a specific body for the overall coordination of the implementation of the Convention across sectors and at the national, regional and local level.

13. **The Committee urges the State party to take the necessary measures to:**

(a) **Establish or designate a specific high-level body for the overall coordination of all activities relevant for the implementation of the Convention and ensure that it has sufficient authority and adequate human, technical and financial resources to effectively coordinate actions for children's rights, between government entities and across sectors nationally, regionally and locally throughout the State party's territory, particularly its hinterland/interior and rural areas;**

(b) **Provide this body with a leadership role in advocacy for child rights, policy formulation, monitoring of programme implementation and mobilization of resources for children; and,**

(c) **Rationalize the work of the various child rights bodies and provide them with the necessary human, technical and financial resources to carry out their role effectively.**

Allocation of resources

14. The Committee welcomes the State party's 2008–2012 Poverty Reduction Strategy Paper (PRSP) and the resulting increase in social-sector spending, including for education, health, water, sanitation and housing, which contributes to fulfilment of children's rights. However, the Committee remains concerned that the social budget of the State party does

not define specific budgetary allocations for the provision of critical social services to children, exacerbating the substantial discrepancies between the urban and hinterland regions.

15. **In the light of the Committee’s recommendations during its day of general discussion in 2007 on “Resources for the Rights of the Child – Responsibility of States”, the Committee recommends that the State party:**

(a) **Establish a budgeting process which specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system;**

(b) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention; and**

(c) **Enact legislation for regulating equitable funding and social benefits for children and their families throughout its territory and with particular attention to the hinterland and rural areas.**

Data collection

16. The Committee notes the State party’s ongoing efforts to improve its data collection, including through the establishment of a common DevInfo database and Child Protection Monitoring System (CPMS). However, the Committee is concerned that these are not comprehensive and there are no plans to establish a central data collection unit. The Committee also shares the State party’s concern about the lack of statisticians and about other technical and capacity-related reasons that prevent these databases from becoming fully operational.

17. **In the light of its General Comment No. 5 on general measures of implementation for the Convention on the Rights of the Child (CRC/GC/2003/5), the Committee recommends that the State party further improve its system of data collection and consider establishing a central data collection unit. The data should cover all areas of the Convention and be disaggregated by age, sex, geographic location, ethnicity and socio-economic background to facilitate analysis on the situation of all children. Furthermore, the Committee recommends that the data and indicators be used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children’s Fund (UNICEF) and other regional mechanisms.**

Independent monitoring

18. The Committee welcomes the establishment of the Rights of the Child Commission pursuant to the State party’s revised Constitution. The Committee also notes as positive the establishment of the Parliamentary Sectoral Committee on Social Services to provide oversight on Government policy and performance in relation to the social sector, including matters relating to children. However, the Committee is concerned that the Commission does not have a fully functional complaints mechanism for children and has only dealt with a limited number of direct complaints to date. Furthermore, the Committee is concerned that the limited independence and powers of the Commission are not in full compliance with the Paris Principles. The Committee is further concerned that the resources allocated to these two bodies are not adequate for them to operate effectively.

19. Taking into account the Committee's general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2003/4), the Committee recommends that the State party take measures to ensure that its Rights of the Child Commission is able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims, and undertake monitoring, follow-up and verification activities. Furthermore, the Committee recommends that the State party reinforce the independence of its Commission, including with regard to its funding, mandate and immunities, to ensure full compliance with the Paris Principles. In so doing, the Committee recommends that the State party seek technical cooperation on this from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF.

Training

20. The Committee is concerned that the general level of awareness and working knowledge on the Convention is inadequate among professionals working with or for children.

21. The Committee recommends that the State party ensure that all professional groups working for and with children, in particular law enforcement officials, social workers and personnel working in childcare institutions, are adequately and systematically trained. In this regard, the Committee recommends that human rights education be included in the official curriculum at all levels of education and in training activities.

Child rights and the business sector

22. Noting that the State party's economy is heavily dependent on extractive and timber industries, the Committee is concerned at the absence of a legislative framework regulating the prevention of, protection against and reparation of, the adverse impact of such activities by foreign and national private and State-owned enterprises on human rights, including children's rights. The Committee is especially concerned at the impact of these businesses on the living conditions of children and their families in the regions directly affected, on the health hazards and environmental degradation arising therefrom as well as on child labour.

23. The Committee recommends that the State party:

(a) Establish the necessary regulatory framework and policies for business, in particular with regard to the extractive industry (gold and bauxite) and timber and fisheries projects – whether large or small scale – to ensure that they respect the rights of children and promote the adoption of effective corporate responsibility models;

(b) Ensure that prior to the negotiation and conclusion of free trade agreements, human rights assessments, including on child rights, are conducted and measures adopted to prevent and prosecute violations, including by ensuring appropriate remedies; and,

(c) Comply with international and domestic standards on business and human rights with a view to protecting local communities, particularly children, from any adverse effects resulting from business operations, in line with the United Nations "Protect, Respect and Remedy" Framework and the Guiding Principles on Business and Human Rights that were adopted by the Human Rights Council in 2008 and 2011, respectively.

B. General principles (arts. 2, 3, 6 and 12 of the Convention)**Non-discrimination**

24. The Committee welcomes the State party's adoption of the Amerindian Act in 2006, the establishment of the Indigenous Peoples Commission to address discrimination and marginalization faced by Amerindian children, and other measures taken to address discrimination against Amerindians. However, the Committee remains concerned at the prevalence of discrimination against Amerindian children, and children with disabilities. Furthermore, the Committee is concerned about discrimination against children on the basis of sexual orientation and/or gender identity.

25. The Committee urges the State party to ensure that its programmes address the situation of discrimination against Amerindian children, children with disabilities, and other children because of their sexual orientation and/or gender identity. The Committee further urges the State party to include information in its next periodic report on measures and programmes relevant to the Convention and undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.

Best interests of the child

26. The Committee welcomes the inclusion of the best interests of the child principle in the State party's Protection of Children Act, 2009. However, the Committee is concerned at the absence of guidelines and procedures for ensuring that the right of the child to have his/her best interests taken into account as a primary consideration is applied continuously throughout the State party's policies, legislation and programmes.

27. The Committee urges the State party to strengthen its efforts to ensure that the right of the child to have his/her best interests taken into account as a primary consideration is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate these to the public, including traditional and religious leaders, courts of law, administrative authorities and legislative bodies.

Respect for the views of the child

28. The Committee welcomes the inclusion of clear provisions on the right of the child to be heard in the Adoption Act (2009) and Protection of Children Act (2009), as well as the existence of Children's Parliaments. However, the Committee remains concerned that in practice, respect for this right remains limited, with no systematic approach in place for the participation of children and young people in local governance. The Committee also reiterates its previous concerns (CRC/C/15/Add.224, para. 27) on sociocultural attitudes and traditions that continue to restrain children from freely expressing their views in schools, courts and within the family.

29. The Committee draws the State party's attention to its General Comment No. 12 on the right of the child to be heard (CRC/C/GC/12) and recommends that it take measures to strengthen this right in accordance with article 12 of the Convention. In so doing, it recommends that the State party:

(a) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for social workers and courts to comply with the principle;

(b) Conduct research to identify the issues that are most important to children, to hear their views on those issues, how well their voices are heard in family decisions affecting their lives, and the channels through which they have the most current and potential influence on national and local decision-making;

(c) Develop toolkits for public consultations on national policy development to standardize these consultations at a high level of inclusiveness and participation; and

(d) Undertake programmes and awareness-raising activities to promote the meaningful and empowered participation of all children, within the family, community, and schools, including within student council bodies – with particular attention to children in vulnerable situations.

C. Civil rights and freedom (arts. 7-8, 13-17, 19 and 37 (a) of the Convention)

Birth registration

30. The Committee welcomes the State party's Presidential Declaration on Universal Birth Registration of October 2011 and the Rights of the Child Commission's recommendations, in its Assessment of Legislation, Policy and Practice report (2011), for achieving this goal with equity. However, the Committee is concerned that for children in the hinterland/remote areas, obtaining an official birth certificate after birth registration remains difficult.

31. **The Committee recommends that the State party further raise awareness on the importance of birth registration and birth certificates. Furthermore, the Committee urges the State party to further improve measures for ensuring all children are able to have access to this, particularly in rural and hinterland areas.**

D. Violence against children (articles 19, 37 (a) and 39 of the Convention)

Corporal punishment

32. The Committee welcomes the State party's Childcare and Development Services Act 2011 which prohibits corporal punishment in institutional residences. However, the Committee regrets that notwithstanding its previous recommendation (CRC/C/15/Add.224, para. 32) to expressly prohibit corporal punishment by law in the family and schools, corporal punishment remains lawful and prevalent in these contexts.

33. **The Committee recommends that the State party take all appropriate measures to explicitly prohibit corporal punishment in all settings, particularly in the domestic and school contexts. Furthermore, it recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive and alternative forms of discipline and respect for children's rights, with the involvement of children, while raising awareness about the adverse consequences of corporal punishment on children.**

Abuse and neglect

34. The Committee welcomes the introduction of the “Stamp It Out” campaign and other campaigns against the abuse of children. The Committee also notes as positive the provision of day-care facilities for children free of charge. However, the Committee is concerned that child abuse continues to occur frequently and that there continue to be young children left alone without proper adult supervision.

35. The Committee reiterates its previous recommendation (CRC/C/15/Add.224, para. 38) that the State party strengthen awareness-raising and education programmes including campaigns with the involvement of children in order to prevent and combat child abuse. Furthermore, the Committee recommends that the State party take all measures to ensure that no young children are left unaccompanied at home, including by considering extending the availability, scope and accessibility of free day care to children.

Sexual exploitation and abuse

36. The Committee welcomes the State party raising the age of sexual consent from 13 years to 16 years. It also welcomes the enactment of legislation to strengthen the protection of children from sexual abuse and exploitation, including the Sexual Offence Act of 2010, the Protection of Children Act 2009 and the Prevention of Crime Act 2008. However, the Committee is concerned that:

(a) There is a lack of data and information on the root causes and extent of sexual exploitation and abuse of children;

(b) Sexual exploitation and abuse remain prevalent and socially tolerated, in particular of girls;

(c) There are inadequate reporting and enforcement mechanisms on instances of such abuse, with little or no prosecution for such offences.

37. The Committee recommends that the State party:

(a) **Conduct a national study on sexual abuse of children to determine its root causes and assess the magnitude of it;**

(b) **Use the findings of the survey to strengthen its legal framework and legal enforcement mechanisms at the national and local level and develop a long-term societal behaviour change campaign to reduce sexual abuse and its acceptability, especially of girls, as well as to address harmful cultural practices involving child abuse and exploitation;**

(c) **Establish procedures and guidelines to ensure mandatory reporting of child sexual abuse and exploitation cases pursuant to the Sexual Offences Act 2010; and**

(d) **Ensure that it has programmes and policies for the prevention, recovery and reintegration of child victims in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congress against Sexual Exploitation of Children held in Stockholm, Yokohama, Japan, and Rio de Janeiro, Brazil.**

Freedom of the child from all forms of violence

38. **Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee**

further recommends that the State party take into account general comment No. 13 (CRC/C/GC/13), and in particular:

- (a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;
- (b) Adopt a national coordinating framework to address all forms of violence against children;
- (c) Pay particular attention to and address the gender dimension of violence;
- (d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.

E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

39. The Committee shares the concern of the State party on the serious social problems and negative implications for child rights resulting from the widespread phenomenon of absentee or transient fathers and welcomes the State party's programmes for single parents and parenting skills aimed at facilitating positive family environments for children. However, the Committee is concerned that, given the deeply rooted social and cultural factors influencing fathers to neglect their parental responsibilities or do so only on a limited basis, the State party provides no information on studies that would help better understand the situation in order to plan appropriate policies and programmes. Furthermore, the Committee is concerned that the social support and assistance provided to children in these situations as well as to children left behind by migrant parents are inadequate.

40. **The Committee recommends that the State party:**

- (a) Undertake or support studies and research aimed at understanding the root causes, nature and extent of the widespread phenomenon of absentee and transient parents and the consequences on child rights, inter alia, by collaborating with Caribbean-based academic centres and projects dealing with the subject, and ensure that results are reflected in relevant public policies and programmes;
- (b) Support public awareness-raising programmes and campaigns aimed at men and boys to exercise responsible parenthood;
- (c) Continue to strengthen its support to families in situations of vulnerability, in particular single-parent families through systematic, long-term policies and programmes to ensure access to social services and sustainable income opportunities; and,
- (d) Undertake measures to ensure effective recovery of child maintenance pursuant to article 27 of the Convention and consider ratifying the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, the Convention on the Law Applicable to Maintenance Obligations, and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

Children deprived of a family environment

41. The Committee welcomes the enactment of the Minimum Operational Standards and Regulations for Children's Homes (2008). However, the Committee is concerned that:

- (a) There are increasing numbers of children, particularly those from single-parent families, being placed in institutional care;
- (b) There are no safeguards and procedures for ensuring that institutional care is genuinely used as a measure of last resort;
- (c) The alternative family and community-based options for children deprived of a family environment or children with special protection needs are inadequate in scope and quality;
- (d) There are insufficient efforts being made to reunite children in institutional care with their biological families, resulting in many of these children remaining in institutions until the age of 18 years; and
- (e) The Visiting Committees monitoring the institutions do not adequately ensure the quality of care provided and the protection of children from violence and abuse at such facilities.

42. **Recalling the Guidelines for the Alternative Care of Children annexed to United Nations General Assembly resolution 64/142 of 18 December 2009, the Committee recommends that the State party:**

- (a) Support and facilitate family-based care for children wherever possible, particularly for children in single-parent families;**
- (b) Ensure adequate safeguards and clear needs-based and best interests of the child criteria for determining whether a child should be placed in institutional care;**
- (c) Improve the availability and quality of alternative family- and community-based options for children deprived of a family environment or children with special protection needs;**
- (d) Facilitate contact between the child and her/his biological family to encourage and support reunification when it is in the best interests of the child; and**
- (e) Ensure that the Childcare Protection Agency and Visiting Committees are provided with adequate human, technical and financial resources to conduct thorough and periodic review of placements of children with foster parents or in institutions; and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children.**

Adoption

43. The Committee notes as positive the enactment of the Adoption of Children Act 2009 which empowers the Adoption Board, in collaboration with the Childcare and Protection Agency, to strengthen safeguards for adopted children and those who may be eligible for adoption. However, while being aware that the current rates of domestic and intercountry adoptions are low, the Committee is nonetheless concerned that the safeguards for children who are adopted intercountry are inadequate.

44. **The Committee recommends that the State party consider acceding to the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.**

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

45. The Committee welcomes the adoption of the 2010 Persons with Disabilities Act and the implementation of the National Commission on Disability Strategic Plan for 2008–2011. However, the Committee is concerned that:

- (a) There is a lack of detailed and disaggregated data hindering the State party formulating and taking effective measures to address the needs of children with disabilities;
- (b) Societal discrimination against children with disabilities remains widespread;
- (c) Accessible health treatment and rehabilitation services for children with disabilities are extremely limited in the hinterland;
- (d) Inclusive education and training of teachers for its provision remain severely limited, particularly for children with sensory, cognitive, and/or mental impairments, which leads to the majority of children with disabilities staying at home, resulting in isolation, stigmatization and compromised access to employment opportunities and social services.

46. **In the light of its general comment No. 9 on the rights of children with disabilities (CRC/C/GC/9), the Committee urges the State party to ensure conformity of its legislation, policies and practices with, inter alia, articles 23 and 27 of the Convention with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party:**

- (a) **Undertake measures for compiling and analysing data that is disaggregated by, inter alia, age, gender, ethnicity, geographic location and socio-economic background on children with disabilities with a view to using such data to formulate policy and measures for meeting their needs;**
- (b) **Undertake long-term awareness-raising programmes in order to combat negative societal attitudes prevailing against children with disabilities;**
- (c) **Allocate adequate human, technical and financial resources for ensuring the availability of health and rehabilitation services for children with disabilities, and in doing so prioritize addressing the situation in the hinterland;**
- (d) **Ensure that children with disabilities effectively enjoy their right to education, and provide for their inclusion in the mainstream education system to the greatest extent possible, including by developing a disability education action plan to specifically identify current inadequacies in resources, and to establish clear objectives with concrete timelines for the implementation of measures to address the educational needs of children with disabilities; and in doing so, pay particular attention to increasing capacity for children with hearing impairments and autism; and**
- (e) **Consider ratifying the Convention on the Rights of Persons with Disabilities which it signed in April 2007.**

Health and health services

47. The Committee notes as positive the 2008–2012 National Health Sector Strategy for improving child and maternal health. However, the Committee is concerned that preventable maternal mortality rates remain high, particularly in the hinterland and amongst socio-economically disadvantaged women. Furthermore, the Committee reiterates its

previous concern (CRC/C/15/Add.224, para. 41) at the high infant and under-five mortality rates. The Committee is also concerned at the high rates of tuberculosis in the State party.

48. **The Committee recommends that the State party:**

(a) Apply the findings and recommendations of its maternal mortality surveillance committees and perinatal information system to implement comprehensive programmes for addressing maternal and perinatal deaths;

(b) Undertake targeted programmes for addressing preventable health problems among children, including with regard to malaria, diarrhoea, malnutrition, and acute respiratory diseases with particular attention to tuberculosis;

(c) Undertake measures to address the quality, access and utilization of all health and nutrition services, particularly perinatal facilities, in its hinterland and outlying regions;

(d) Take all necessary measures to combat tuberculosis; and

(e) Seek financial and technical assistance from, inter alia, UNICEF and the World Health Organization (WHO), for implementing the above.

Adolescent health

49. The Committee welcomes the establishment in 2005 of the State party's Adolescent and Young Adult Health and Wellness Unit and Youth Friendly Health Services Initiative. However, the Committee reiterates its previous concern (CRC/C/15/Add.224, para. 43) on the high rate of adolescent pregnancies in the State party. In this context, the Committee is also concerned that sex and reproductive education is not included in the education syllabus of the State party. Furthermore, the Committee is concerned at the stigma, discrimination and resulting hindrance to services and education to which pregnant adolescents and adolescent mothers are frequently subjected. In particular, the Committee is concerned that pregnant adolescents and adolescent mothers frequently face obstacles to the continuation of their education. Additionally, the Committee is concerned at the high rates of alcohol, tobacco and drug consumption among adolescents in the State party.

50. **Referring to its general comment No. 4 on adolescent health (CRC/GC/2003/4), the Committee recommends that the State party:**

(a) Adopt a sex and reproductive health policy for adolescents and ensure that sex and reproductive education is widely promoted and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy and sexually transmitted infections;

(b) Develop and implement a policy to protect the rights of pregnant teenagers, young mothers and their children and combat discrimination against them; and in so doing, pay particular attention to ensuring that pregnant adolescents and adolescent mothers are supported and assisted in continuing their education;

(c) Undertake measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men;

(d) Address the incidence of drug, tobacco and alcohol use among children by, inter alia, providing children with accurate and objective information as well as life-skills education on preventing substance use, including tobacco use, and develop accessible and youth-friendly drug-dependence treatment and harm-reduction services.

HIV/AIDS

51. The Committee notes as positive the progress resulting from the State party's National Strategic Plans for HIV/AIDS and increased allocation of funding for HIV/AIDS. However, the Committee remains concerned that the awareness and knowledge about HIV remains low among Amerindian and socio-economically disadvantaged persons as well as in the rural and interior regions of the State party. Furthermore, the Committee is concerned at the significant increase in HIV cases for persons between 15 and 19 years of age.

52. **In the light of its general comment No. 3 on HIV/AIDS and the rights of the child (CRC/GC/2003/4), the Committee recommends that the State party undertake additional awareness-raising campaigns on HIV in its rural and interior regions, with particular attention to ensuring the accessibility of such information for Amerindian and socio-economically disadvantaged persons. Furthermore, the Committee recommends that the State party undertake targeted programmes for improving access to age-appropriate HIV and sexual reproductive health services among adolescents. In undertaking the above, the Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS (UNAIDS) and UNICEF.**

Breastfeeding

53. The Committee is concerned at the low rate of exclusive breastfeeding for the first six months and the lack of rules in accordance with the International Code of Marketing of Breast-milk Substitutes. The Committee is further concerned at the lack of hospitals that are Baby-Friendly Hospital Initiative (BFHI) accredited.

54. **The Committee recommends that the State party:**

(a) **Strengthen its awareness-raising efforts on the importance of breastfeeding and promote exclusive breastfeeding of children up to the age of six months;**

(b) **Strengthen the monitoring of existing international marketing regulations relating to breast-milk substitutes and ensure that such regulations are monitored on a regular basis and action is taken against those who violate these regulations; and**

(c) **Undertake measures to ensure its maternity hospitals meet the required standards and are certified as baby friendly under BFHI.**

Standard of living

55. While noting as positive the reduction of poverty over the past two decades, including through programmes to facilitate poverty relief and social assistance measures to vulnerable groups, the Committee is concerned that 36 per cent of the population still lives below the poverty line, with much higher rates of poverty in rural and Amerindian areas.

56. **The Committee urges the State party to continue and strengthen its efforts to combat poverty and to provide support and material assistance to economically disadvantaged families, notably those living in rural areas, and to guarantee the right of all children to an adequate standard of living.**

G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

57. The Committee notes as positive the State party's 2008-2013 Education Strategic Plan and the 2011 School Retention and Child Labour Prevention Programme and welcomes the achievement of almost universal primary education and the present focus on secondary enrolment. However, the Committee is concerned about:

- (a) The low quality of education and shortage of trained teachers;
- (b) The high rates of student withdrawal from schooling, particularly in the transition between primary and secondary schools as well as from the latter;
- (c) The significant disparities along regional, socio-economic, ethnic and gender lines at the secondary level of education.

58. **Taking into account its general comment No. 1 on the aims of education (CRC/GC/2001/1), the Committee recommends that the State party:**

- (a) **Allocate adequate human, technical and financial resources for improving teacher training and the quality of education;**
- (b) **Assess the underlying reasons for failure to complete schooling, and on that basis undertake measures to ensure that children complete their schooling, including concrete action to review school curricula to make them relevant to the pupils' lives; and**
- (c) **Undertake targeted measures for improving the accessibility of education in rural and hinterland areas and for children with special needs.**

H. Other special protection measures (arts. 22, 30, 32-36, 37 (b)-(d), 38-40 of the Convention)

Economic exploitation, including childlabour

59. The Committee notes as positive the State party's 2011 tackling child labour through education (TACKLE) programme. However, the Committee is concerned about:

- (a) The inadequate legislative and policy clarity on the definition of child labour, particularly with regard to domestic work and work for family businesses and farms where large numbers of children are economically active;
- (b) The lack of information on children employed in the informal sector and the tourism industry;
- (c) Reports of there being significant numbers of children involved in hazardous and exploitative work in, inter alia, logging and sawmilling, fishing, hazardous farming, factory work, mining, and freight handling; and, that notwithstanding these reports, the State party's current reporting mechanisms have only received three cases of child labour between 2009 and 2012; and,
- (d) The lack of legal clarity on the types of hazardous work in which children are prohibited from being employed and about inadequate measures for monitoring and enforcing the State party's Occupational Safety Act.

60. The Committee urges the State party to ensure that labour legislation and practices comply with article 32 of the Convention as well as International Labour Organization (ILO) Conventions Nos. 138 and 182, including by:

- (a) Establishing a clear definition of child labour for all its legislation and policy;
- (b) Collecting and including information on the employment of children in the informal sector and tourism industry;
- (c) Ensuring the effective operation of its labour inspectorates and child labour reporting mechanisms, including with regard to the prosecution of perpetrators of child exploitation, with commensurate sanctions, and in so doing ensure that these are known and accessible to children;
- (d) Defining a list of hazardous work and establishing the legal requirement on the types of work in which children under the age of 18 cannot be employed and implementing specific measures for monitoring and enforcing its Occupational Safety Act; and
- (e) Seeking technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard.

Administration of juvenile justice

61. The Committee regrets that, notwithstanding its previous recommendation (CRC/C/15/Add.224, para. 56), the minimum age of criminal responsibility remains at 10 years of age in the State party. The Committee is also concerned that the criminal majority is fixed at 17 years of age. The Committee is deeply concerned that the State party's draft Juvenile Justice Bill from 2008 has yet to be considered by its Parliament, resulting in the following further concerns at:

- (a) The presence of status offences (vagrancies) as the principal reason for penal intervention and inadequate diversion possibilities, such as mediation, community services orders, reconciliation and reparation, for children in conflict with the law;
- (b) The lack of free legal advice and representation for children in conflict with the law; and
- (c) Inadequate juvenile detention and rehabilitation facilities and alternatives to such facilities.

62. The Committee urges the State party to establish a clear timeline for considering its draft Juvenile Justice Bill and ensure its full compliance with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (CRC/C/GC/10, 2007). In particular, the Committee reiterates its previous recommendations (CRC/C/15/Add.224, para. 56) that the State party:

- (a) Raise the minimum age for criminal responsibility to an internationally acceptable level;
- (b) Set the age of criminal majority at 18 years to ensure that 17-year-olds are given adequate protection and not tried as adults;
- (c) Abolish status offences as criminal offences;

(d) Provide adequate diversionary options for children as part of wider reforms in the court system in order to ensure that detention is the last resort;

(e) Allocate adequate human, technical and financial resources for ensuring that children in conflict with the law receive free legal advice and representation;

(f) Establish additional juvenile detention and rehabilitation facilities, particularly in its hinterland region, and ensure regular independent monitoring and inspection of all facilities in which children and youth are placed to ensure that Convention-compliant standards of treatment and care are maintained; and

(g) Make use, if relevant, of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

Child victims and witnesses of crimes

63. While noting that the State party has measures to allow child victims to testify by video link, the Committee is concerned that there are no child witness support and protection programmes for guiding child victims and safeguarding and facilitating their situation in complaints, interrogation and testimony processes.

64. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes, including child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes, are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).

I. Ratification of international human rights instruments

65. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and all core human rights instruments, including the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

66. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, reports which have both been overdue as of August 2012.

J. Cooperation with regional and international bodies

67. The Committee recommends that the State party cooperate with the Organization of American States (OAS) towards the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.

K. Follow-up and dissemination

68. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, Parliament, relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

69. The Committee further recommends that the combined second to fourth periodic reports and the written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.

L. Next report

70. The Committee invites the State party to submit its consolidated fifth and sixth periodic report by 12 February 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination of the treaty body cannot be guaranteed.

71. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).
