



Preventing contact with the law is a crucial element of any juvenile justice policy. Investing in preventing children from coming into contact with the law, through the provision of adequate human, financial and institutional resources, and strong policies and partnerships at all levels for enforcement (including with parents, children, media, government, civil society and development partners) is essential to the protection of children's rights. The provision of quality social services, including Health and Family Life Education, and programmes which support protection, health and adolescent development, will empower children and reduce their vulnerability when coming into contact with the law whether as perpetrators, victims or witnesses.

Most children in detention do not belong there

Children should not be behind bars. The vast majority of children who are imprisoned have been accused of minor or non-violent crimes and do not belong there. They need adequate care and support and to be diverted from the justice system. This saves lives and the resources of the State, given the considerable investment it takes to provide for children in detention.

Children in detention may suffer severe violations of their rights

Physical, sexual and emotional abuse may happen during detention, which adds to the vulnerability of children and exacerbates their situation even more. All must act in the best interests of children to preserve their rights to adequate care health and education, even when in detention.

The misuse and overuse of detention and lack of alternatives puts large numbers of children at risk

In addition to being exposed to the risk of abuse, children lose the guidance and support of their families and communities, suffer discrimination upon release which may follow them for the rest of their lives, and have their education interrupted. In short, their lives can take a turn for the worse when they have only just begun. Instead the focus should be on prevention and restorative justice, which makes the offender responsible for the reparation of the harm caused by the offence, gives the offender an opportunity to prove his capacity and qualities, tackles feelings of guilt - common among many juvenile offenders- in a constructive way and involves not only victims, but also the parents, the extended family, school and even peers. All of them can play a very active role in the conflict resolution process.

Imprisoning children for minor crimes decreases their chances to become productive, contributing adults, and is a disservice to communities

Laws, policies and resources should focus on preventing children from coming into contact with the law in the first place by addressing the care and protection challenges these children face. Children should not be imprisoned for simply

Children come in contact with the law as:

- alleged as, accused of, or recognised as having infringed the penal law;
- child victims and witnesses of crime in contact with justice systems;
- Children in contact with justice systems for other reasons such as custody, protection or inheritance procedures/claims (child parties to a justice process).

trying to survive, and should always be diverted away from the criminal justice system when having committed minor crimes. Detention must only be used as a last resort and for those children who have committed very serious crimes.

Where is Guyana on this today?

Guyana has made efforts to reform the existing legislation for children in contact with the law through the draft Juvenile Justice Bill, 2014. This draft Bill this seeks to provide one of the many inputs needed in the justice system that can, among other things, further the wellbeing of juveniles/youth; encourage and facilitate juveniles to have a meaningful life in the community by rehabilitation, education, reintegration, and proportionate and appropriate accountability to victims and society. The Bill also provides an important

Number of juveniles in police holding facilities 2011			
<i>Division</i>	<i>Detainees</i>		
A Division	298		
B Division	129		
C Division	889		
D Division	134		
E & F Division	136		
G Division	107		
Total	1,693		
<i>Source: Guyana Police Force</i>			
Number of children at the New Opportunity Corps (as at 15 November 2012)			
<i>Year/Sex</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
2012 (as at 15 November)	98	75	173
Admitted in 2011	37	31	68
Admitted in 2010	32	26	58
<i>Source: Ministry of Culture, Youth and Sport</i>			

framework for the prevention of crime. Additionally, efforts are being made to support reforms, e.g. access to formal schooling and recreation, for children in detention (New Opportunity Corps and the Sophia Holding Centre) as part of the wider action to ensure that children who are deprived of their liberty can access and are guaranteed the protection needed as per international guidelines, including "The Beijing Rules" and with the support of UNICEF a multi-country legislative analysis and situational analysis on children in contact with the law is being drafted. This will be instrumental in building the evidence-base for advocacy and action.

However, there is still a lot to be done to ensure prevention **of children in contact with the law and appropriate care and treatment**. While the correct number of children who are in contact with the law is not known, there are approximately 100 children currently behind bars at the New Opportunity Corps (NOC) facility. This means that greater effort must be made to protect children and prevent them from entering the system in the first place.

UNICEF's Response

UNICEF Guyana works in partnership with the Ministry Social Protection, Ministry of Education (Department of Culture, Youth and Sport), Ministry of Social Cohesion, and Civil Society organizations in order to promote and protect the rights of children in contact with the law. UNICEF also recognises the role, contributions

and partnership of the USAID- SKYE Programme which seeks to strengthen youth's access to justice and equip youth with market-driven skills and attitudes to improve their ability to transition to the workforce.

We strongly advocate for:

- Greater prevention and reintegration of children in contact with the law
- Raising the age of criminal responsibility from 10
- Abolishment of status offences (such as wandering) as criminal offences
- Provision of adequate diversionary options
- Establishment and adherence of minimum standards for children in detention
- Implementation of Sexual Offences Act and the “package of legislation” for children

Way Forward

We need stronger partnerships with existing agencies and Government (including the Legislature Judiciary, Ministry of Legal Affairs, Office of the Director of Public Prosecutions and the Ministry of Finance) media, civil society (including Faith-Based Organisations), parents and children themselves in order to:

- Build an evidence base for programming in relation to children in contact with the law.
- Prevent children from coming in contact with the law through education scale-up and provision of targeted services (including in adolescent development and participation)
- Reform and enforce the pending legislation on Juvenile Justice - detention must be a last resort!
- Promote the use of alternatives to deprivation of liberty and support restorative justice.
- Improve conditions in places where children are deprived of their liberty (e.g. Sophia Holding Centre and NOC)
- Ensure speedy access to justice, including for children who are witnesses and victims of crime through a strengthened child-friendly justice system.
- Provide for the speedy and safe reintegration of children into society in order to effectively contribute to the development of the country.

Extract- CRC Concluding Observations on the Rights of the Child (Guyana, 2013)

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)