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resolution 5/1\***

**Guyana**

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. Methodology and consultation process**

1. Guyana believes that consultation is an on-going process as opposed to one-off occasional events. Guyana therefore respectfully submits that consultation has been on-going on the key and critical issues that have been reported on in this report. There is no policy, programme nor issue of national importance that has not been subjected to review by Cabinet, national stakeholders, communities, non-governmental bodies, civil society, the media and/or parliamentarians at various stages of the consultative process. The information provided herein is in keeping with the General Principles and Guidelines for the preparation of information under the Universal Periodic Review (UPR).

## **II. Guyana's normative and institutional framework**

### **A. Guyana's political framework**

2. The Co-operative Republic of Guyana<sup>1</sup> is a parliamentary democracy and is enriched by its cultural, religious<sup>2</sup> and racial diversity<sup>3</sup>. It is a developing country with a per capita income of US\$1298 (2009) with a land area of 214,970 sq km and a population of 772,298. Its official language is English.

3. The legal system is based on English common law with certain admixtures of Roman-Dutch law. The Constitution, based on the rule of law, is the supreme law of the land and any other law inconsistent with the constitution is null and void to the extent of that inconsistency. The Constitution lays the foundation of a secular state in a multi-ethnic, multi-religious society.

4. In 1999, the existing 1980 Constitution was subjected to an extensive Constitutional reform process coordinated by a Parliamentary Constitutional Reform Commission appointed by the President with representatives of all the parliamentary political parties and representatives of civil society – the religious community (Christian, Hindu and Muslim), labour, business and civil society. This Commission met from 1999-2002, during which time, it held consultations with thousands of people in their communities across the ten (10) administrative Regions and received recommendations for changes to the 1980 Constitution.

5. The revised 1980 Constitution<sup>4</sup> reflects the return to democracy in Guyana in 1992 and signals a shift from an administrative dictatorship to a unique inclusive governance model as envisaged in Article 13.

6. The Constitution defines the 3 branches of government, their roles and functions. These are the Executive, the Legislature and the Judiciary. The supreme organs of democratic power are the Executive and the Parliament.

7. The Constitution provides for an Executive President. In respect to the Executive, it comprises of the President<sup>5</sup>, Prime Minister and Ministers. The Cabinet consists of the President, Prime Minister, Vice Presidents and such other Ministers as may be appointed by the President.<sup>6</sup>

8. The Parliament<sup>7</sup> is comprised of the President and the Speaker and Clerk of the National Assembly, and 65 elected Members of the National Assembly. The National Assembly is unicameral.

9. In respect to the judicial system, the GoG recognizes that an independent and impartial court of tribunal require a separation of constitutional powers. The doctrine of

separation of powers therefore underscores the provisions in the Guyana Constitution, and guarantees the independence of the Judiciary.

Guyana's Inclusive Governance Model:

10. The revised constitution embodied major parliamentary reform in order to reflect this participatory and inclusive governance model. Amongst these were provisions for:

- (1) The appointment and establishment of five Human Rights Commissions namely:
  - (a) the Ethnic Relations Commission;
  - (b) the Women and Gender Equality Commission;
  - (c) the Rights of the Child Commission;
  - (d) the Indigenous Peoples Commission;
  - (e) the Human Rights Commission.
- (2) The appointment and establishment of three Services Commission namely – the Judicial Service, the Public Service, and the Police Service Commissions;
- (3) The establishment of a Parliamentary Standing Committee to Appoint Members of Commissions named at (1) and (2) through a defined consensual mechanism;
- (4) The establishment of a Parliamentary Standing Committee on Constitutional Reform;
- (5) The establishment of four Parliamentary Sectoral Committees – Economic Services, Social Services, Natural Resources and Foreign Relations to oversight all areas of Government;
- (6) The establishment of a Parliamentary Management Committee with equal numbers of Government and Opposition chaired by the Speaker;
- (7) Expanding the mandate and authority of the Public Accounts Committee, to include responsibility for ‘the general supervision over the Audit Office of Guyana’;
- (8) Enhancing the independence of the Audit Office of Guyana (AOG) to report directly to the Parliament.

11. As a result, the expanded committee system was adopted and implemented.<sup>8</sup> In the Guyanese context with a pattern of violence led by the opposition after the 1992, 1997 and 2001 general and regional election, the new expanded parliamentary committee system has provided a mechanism for cross party dialogue, greater inclusion, dialogue and an avenue to reach consensus on a number of critical matters to the country.

12. To date, Parliament with the aid of the expanded Committee system has enacted a series of statutes that specifically promote and protect the human rights of individuals as well as group rights of vulnerable persons including women, indigenous people, children and persons with disabilities, ([Appendix 1](#))<sup>9</sup>. It should be noted that amendments to the human rights sections of the constitution require a two-thirds majority.

13. The new constitutional architecture enshrines the Office of the Leader of the Opposition and provides for his inclusion in “meaningful consultation” as defined in the Constitution in the appointment of key constitutional post holders.<sup>10</sup>

14. This new model of power sharing on the appointment of members to critical constitutional bodies through a parliamentary consensus mechanism and another layer between the Leader of the Opposition and the President has undoubtedly contributed to

delays in appointments of all of the five Human Rights Commissions and key constitutional post holders. However, the State Party regards this model as one suitable to the country's political and ethnic complexity and thus reduces the threat of recourse to violence by various extremists in Guyana.

15. As part of the State Party's policy of visibility, accessibility, transparency and accountability to the electorate, every major policy, draft legislation, and programme of national importance is subjected to consultation with the relevant sectors/communities of Guyana.

16. To further entrench this model of participatory democracy, the President in 2008 initiated the convening of National Stakeholders' Forums comprising of approximately 100 organisations representing all the parliamentary political parties, all the religious bodies, the labour movement, the business community, women's groups, Amerindian organizations, the Guyana Human Rights Association and some citizen non-governmental organizations (NGOs). This collection of stakeholders when convened represents approximately 400,000 citizens. This form of "conversation" is an innovative attempt to create an opportunity for more broad-based dialogue on matters of national importance and to find a common path for action. In the period of reporting, thirteen engagements have been held on diverse issues such as domestic and sexual violence, crime and security, the Economic Partnership Agreement with the European Union, food and fuel crisis, Haiti disaster relief.

17. Furthermore, as part of the implementation, monitoring and evaluation of the Poverty Reduction Strategy Programme 1 (2004-2008), regional broad-based committees were established. These functioned and engaged communities which contributed to the creation of PRSP 11 (2008-2012).

18. The same occurred in the development of the draft 2009 Low Carbon Development Strategy (LCDS), Guyana's contribution to Climate Change and its model for sustainable development. All the 134 Amerindian communities were involved and consulted at the community level and at a National Tousehaos Conference (see Part IV). Consultations were also held with the private sector. Parliament examined the LCDS on two occasions and adopted the revised version in December 2009.

19. The Cabinet annually conducts outreach programmes to different Administrative Regions whereby the President, Prime Minister and Ministers visit and interact at the community levels with the population, discuss matters affecting them and make decisions to address issues with follow up action. This ensures the right to effective participation in the governance affairs of the country. This is in addition to regular and frequent Ministerial outreaches with communities.

20. This model of inclusivity ensures the critical participation of all stakeholders in matters affecting them including the promotion and protection of human rights in keeping with international human rights instruments.

21. The electoral system at the national and regional elections is based on a proportional representational system introduced in colonial times. The history of fraudulent elections in 1968, 1973, the 1978 referendum, 1980 and 1985 has been well documented. The first free and fair elections on October 5<sup>th</sup> 1992 augured in the return to democracy.

22. Guyana is divided into ten (10) Administrative Regions and such other sub regions as deemed necessary, with 10 elected regional Democratic Councils, six (6) Municipalities (MCCs) and 121 Neighbourhood Democratic Councils (NDCs)<sup>11</sup> of which 65 are officially constituted. There are also 134 Amerindian Village Councils.

## **B. Domestic framework for the promotion and protection of human rights and fundamental freedoms**

23. The human rights and fundamental freedoms of persons are protected through constitutional provisions, statutory and administrative measures.

24. The Constitution guarantees a wide range of civil, political, economic, social and cultural rights. In accordance with Article 154(A) (1) of the Constitution, every person, as contemplated by the respective international treaties to which Guyana has acceded, is entitled to the human rights enshrined in those international treaties. The treaties are listed in the Fourth Schedule to the Constitution. The Executive, Legislature, Judiciary and all organs and agencies of the Government shall pay due regard to international law, conventions, covenants and charters bearing on human rights. Victims of violations can seek redress in the courts for breaches of human rights under the constitution or any other laws. Chapter III and IV of the Constitution further provide for fundamental rights and freedoms of the individuals. Any citizen of Guyana can apply to the OHCHR or its respective body under the ICCPR.

25. It is critical to the very fabric of Guyanese society that the constitution and statutes constantly and absolutely recognise its cultural, ethnic and religious diversity and the consequential sensitivities. Therefore embedded in the constitution and legislation are provisions that address this diversity.

26. The constitution specifically makes provisions for Amerindian peoples (indigenous peoples made up of 9 distinctive linguistic groups) (Article 149 G).

27. Equality and non discrimination are basic tenets of the human rights corpus; discrimination is defined “on the grounds of race, place of origin, political opinion, colour, creed, age, disability, marital status, sex, gender, language, birth, social class, pregnancy, religion, conscience, belief or culture.”(Article 149 (2)) Article 149 (D) provides for equality of persons before the law; Article 149 (E) for equality status and 149 (F) for the equality of women.

28. Ministries and Government agencies have adopted policies, programmes and administrative measures that prohibit discrimination on any ground and promote equality in the areas of economic, social, political and cultural life.

29. The five constitutional human rights commissions are premised on protecting and promoting human rights and addressing the various forms of discrimination as well as providing complaint mechanisms for redress by impartial bodies.

## **C. Role of the courts and other administrative tribunals, including constitutional human rights commissions**

30. Human rights are protected through the courts and other Tribunals. With respect to the principles and bases of the political, economic and social system, Article 39 (2) enacts that in the interpretation of fundamental rights provisions in the Constitution, a Court shall pay due regard to international law, international conventions, covenants and Charters bearing on human rights. In respect to Appeals on constitutional questions on human rights, an appeal to the Court of Appeal shall lie as of right from the decisions of the High Court by virtue of Article 153 which relates to the enforcement of fundamental rights and freedoms.

31. Article 123 of the Constitution provides for the establishment of a Supreme Court of Judicature, which consists of the High Court and the Court of Appeal. The High Court comprises several divisions including the Civil, Criminal and the Land Divisions. The

Caribbean Court of Justice is the final Court of Appeal for Guyana.<sup>12</sup> The Summary Jurisdiction (Magistrates) Act Cap 3:05 provides for the constitution of the Magistrates Courts, practices and procedure, the appointment of magistrates and the regulation of their duties.

32. Guyana has an independent Judiciary. The posts of the Chancellor of the Judiciary and the Chief Justice are prescribed by the constitution. They are appointed by the President after and with the concurrence of the Leader of the Opposition, as defined in the Constitution. Other Judges to these Courts are appointed by the President who constitutionally is obliged to act in accordance with the recommendation of the Judicial Service Commission. Magistrates are also appointed by the Judicial Service Commission.

33. The Judicial Service Commission (JSC) (Article 198 (1)) is appointed through a parliamentary consensual mechanism by the Standing Committee on Appointments of Members to Constitutional Commissions with the approval of the National Assembly. The President must appoint these persons and has one appointee in concurrence with the Leader of the Opposition. The Judicial Service Commission is constituted every 3 years; the Chancellor of the Judiciary is Chairman in compliance with the constitution.

34. Article 187 (4) provides for the autonomy of the Office of the Director of Public Prosecutions. The Director of Public Prosecutions is a constitutional post holder and is also appointed by the Judicial Service Commission.

35. The Police Service Commission and the Public Service Commission established under Articles 200 and 210 respectively require the same consultative approach as the JSC in the appointment of members to these Commissions.<sup>13</sup>

36. To strengthen social justice and the rule of law, the Human Rights Commission acts as the secretariat for all of the 4 human rights commissions mentioned earlier comprising of its Chairperson and the Chairpersons of the other commissions.<sup>14</sup> These bodies report directly to the Parliament.

37. The Ethic Relations Commission, first established in 2003, functions and annually submits its reports and special reports to the Parliament.<sup>15</sup> This Commission played a critical role in the lead up to the 2006 elections with peace meetings, non-violence and meditation activities and a Peace Accord signed by all but one of the contesting political parties.

38. The Members of the Rights of the Child Commission and the Women and Gender Equality Commission have been appointed. The Indigenous Peoples' Commission is before the Parliamentary Committee of Appointments and it is anticipated that it will be appointed in 2010.

39. There are a number of tribunals provided for in law including the Public Service Appellate Tribunal and the Ethnic Relations Commission Tribunal, which have the same jurisdiction as that of the High Court and appeals from the decision of these tribunals lie to the Court of Appeal. The provisions of the Commissions of Inquiry Act Chapter 19:03 apply as nearly as possible to the operations of the tribunals established under the Constitution. (Article 225 (5)).

### **III. Promotion and protection of human rights**

40. In enhancing the implementation of the human rights treaties to which Guyana is a party, the Government of Guyana, through the Executive, Legislature and Judiciary works complementarily and collaborates to promote and protect human rights of all persons in Guyana.

## **A. Human well-being**

### **1. Right to culture**

41. Guyana's diversity - culturally, ethnically, religiously and linguistically- has been reported in Guyana's submission to the UN Questionnaire on Minorities and Citizenship, July 2007, and its State Party's Reports to the Committee on the Elimination on Racial Discrimination. The Constitutional framework rests on the premise that there is unity in diversity and the State fosters equity in access to and opportunities to create and reconcile diverse values through dialogue, respect for difference and recognition of those differences. (Article 35). Guyana recognizes individual as well as cultural rights.

42. Despite being a secular state, the Government has at all times respected, encouraged, promoted, and supported Guyana's cultural diversity.<sup>16</sup>

43. There are many religions<sup>17</sup> - Christian, Hindu, Muslim as well as Bahai's, Rastafarians, Kali Mai, and traditional spiritualists. Freedom to choose one's religion and to worship (Article 45) is upheld and Guyana is recognized as a tolerant nation with diverse religions. Various statutes make provisions which respect and adhere to the traditional and spiritual beliefs of the Amerindian peoples.

44. Guyana recently acceded to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

### **2. Right to food security**

45. The Government of Guyana places emphasis on the right to food and has taken positive measures to eliminate hunger and promote food security. Guyana's food policy satisfies the elements of availability (in quantity and quality), food safety, acceptability and accessibility. Guyana produces the main staples it needs to fulfill its population's nutritional well being. Despite the global economic and financial recession, the government through a number of interventions has cushioned the impact on the cost of living and access to food.

46. Guyana is a primary producing country reliant on its exports of rice, sugar, bauxite, timber, gold and diamonds on the world market for its sustainable development. Agriculture accounts for 35 per cent of the Gross Domestic Product each year. The government has invested heavily in drainage and irrigation (critical to the coastal farming belt prone to flooding by land and sea)<sup>18</sup>, sea and river defence, farm to market roads, financial support to farmers through livestock, seeds, reduction in taxes on fuel, access to credit, security of land tenure, assistance in times of disaster, and research and development and technical support.

47. Noting that climate change is impacting negatively on food security and sustainable environmental health, Guyana has made positive strides to mitigate its effects through its policy on avoided deforestation and the Low Carbon Development Strategy model it has internationally promoted.

### **3. Right to housing and water**

48. The GoG's implementation of the right to housing adheres to the principles of affordability, security of tenure, habitability, accessibility, access to social services and cultural adequacy.

49. In 1994, the government introduced an ambitious housing programme that placed public land distribution at low cost to low income households. Since its introduction this programme has played a key role in the social and economic development of Guyana providing multiplier effects- improving citizens' well-being, dignity and self-esteem, reducing poverty, providing shelter and security of tenure, safer environments, access to

loans at low interest, development of the local manufacturing and construction industry, and, employment. From 2001-2005 for instance, the Ministry of Housing and Water allocated 15,778 house lots in all 10 regions benefitting approx 75,000 persons. Between Y2006-2009 an additional 13,188 house lots were allocated benefitting approximately 65,000 persons. From 2010-2012 an additional 17,000 house lots will be allocated. Additionally, government provides social services such as health centers, schools, and access to potable water and electricity as well as roads and drainage in these new housing schemes.

50. In addition, the squatter regularisation programme commenced in 2001 to provide standardized house lots and legal title of land to the occupants; this has led to 5,529 families holding title to their land and property for the first time. The provision of basic services to improve the quality of lives of people living in such areas is a priority. The GoG partners with Non Government Organisations, such as Food for The Poor and Habit for Humanity, to build low income houses for the extremely poor.

51. The GoG facilitates access to affordable financing for home construction in ensuring that the beneficiaries of the housing schemes are pre-qualified for loans from the banking sector. Commercial Banks in 2009 have also been given additional support to help low income persons receive loans at low interest rates.

52. The GoG recognises that the right to water is an essential component for the fulfillment of the right to life, health, food and adequate standard of living. In 1991, 50 per cent of the population had access to safe drinking water, this percentage increased to 86 per cent in 2008. Guyana provides a system of water supply and management that satisfies the conditions for availability, quality and accessibility.

#### **4. Right to social security**

53. The GoG adopts a rights-based approach to social security including comprehensiveness, accessibility, universality, adequacy and appropriateness, and non-discrimination. The Government provides social security at different levels including social assistance to the poor and most vulnerable sections of the population.

54. Based on the national developmental strategy comprising of the Poverty Reduction Strategy Programme and the Low Carbon Development Strategy, the GoG's objectives are to reduce poverty in order to provide equal access to all entitlements and benefits that Guyana can afford to offer. To facilitate this several social safety programmes address the needs of the poor and vulnerable:

- A Public Assistance Programme that targets vulnerable groups (July-December 2009, 9,297 persons were beneficiaries);
- The Single Parent Assistance Programme (29 per cent female headed households) was introduced in 2009. This programme offers skills training or retraining, assistance with day care costs and project funds to start micro-economic activity. In its first year, 700 single parent-headed households (majority female) benefitted from across the ten administrative regions;
- Under the Old Age Pensions Act, all persons 65 years and over are eligible to receive benefits, no means test is conducted. Approximately 42,000 pensioners benefit;
- The elderly also receive an automatic waiver for their water supply;
- A preferential electricity tariff on households whose monthly electricity consumption is below a specified threshold, thereby benefitting the most vulnerable households;

- GoG funded Youth skills training programmes offer job and economic opportunities through training and empowerment. (Part 111 #6 Education and #7 Right to work);
- The school uniform programme targets the poor nationwide; 26,000 children benefitted annually in Y2007-2009 including those from hinterland communities.
- The school feeding assistance programme targets children from poor and vulnerable families, including those in the hinterland communities. This programme improves the children's nutritional status and creates employment and income for women's and farmers' groups.
- The Basic Nutrition Programme (BNP) Nutritional Sprinkles Programme, established to reduce malnutrition and anemia in pregnant mothers and infants aged six to 24 months, benefits 20,000 women and children.<sup>19</sup>

55. Total budgetary spending in the social sector has increased markedly over the years, and in most recent years, has exceeded 20 per cent of the Gross Domestic Product consistently.

56. Guyana also has a comprehensive affordable insurance scheme that adheres to the universally acceptable principles of accessibility, comprehensiveness and public administration.

## 5. Right to health care

57. The GoG ensures that health care delivery is based on equity and accountability. The Ministry of Health strives to improve the physical, social and mental health status of all Guyanese and non Guyanese residing in Guyana by ensuring that health services are as accessible, acceptable, affordable, timely and appropriate as possible given available resources and that the effectiveness of health personnel is enhanced through continuing education, training and management systems.

58. The GoG recognises that the obligation to fulfill the right to health involves the adoption of a national health strategy,<sup>20</sup> and the dedication of a consistent and a sufficient percentage of the available budget to health. The GoG has invested heavily annually in the public health sector to reconstruct a collapsed sector since 1992 and extend the benefits of a modern health care delivery system to all Guyanese. To this end, its 2009 budgetary allocation represented 9.3 per cent of the Budget and 4.7 per cent of the GDP.

59. The architecture of the public health sector is based on a free public health care delivery system from the lowest rung of health huts in the far interior leading to the main tertiary care referral and teaching hospital in which access to Maternal and Child Health services, Non-communicable and communicable disease clinical services, HIV/Aids and sexually transmitted diseases services, dental care and rehabilitation services, intertwine and are offered at various levels and across all ten Administrative Regions.

60. Both nationals and non nationals residing in Guyana have access to free medical attention at the main tertiary care and city referral public hospital, nine (9) regional public hospitals, 21 secondary /district hospitals, 2 specialist hospitals, and 342 primary health care facilities<sup>21</sup>. Medicine in the public sector is also free. There are also seven private hospitals.

61. Immunisation of all children is free and provided at primary health care facilities which include health huts in far flung villages in the interior. The immunisation rate of the under one year old population is high at approx 95 per cent.<sup>22</sup> The Integrated Management of Childhood Illnesses (IMCI) targets the reduction of morbidity and mortality associated with the major causes of childhood illnesses. It is important to note that under five mortality

rate dropped from 72.0 per thousand (2000) to 20 per thousand (2009). Furthermore, infant mortality rate dropped from 54.0 (1992) to 15 per thousand (2009).

62. Guyana is a signatory to the Millennium Development Goals 2015, and, with respect to MDG 4 -Reducing child mortality, it is projected that Guyana will meet its targets of reducing child mortality rates.

63. The GoG is making efforts to prevent maternal deaths. Maternal mortality rates in Guyana are on the decline with a Maternal Mortality Ratio (MMR) of 140.1/100,000 in 1991 declining to 113/100,000 in 2006.

64. The GoG offers free Prevention of Parent To Child Transmission of HIV/Aids Treatment (PPTCT). By the end of 2006, there were more than 100 public sector PPTCT sites which provide access to almost 80 per cent of pregnant women in Guyana.

65. Guyana also offers free Anti-Retroviral Treatment (ART) for HIV/Aids patients. Through an incremental approach commencing in 2004, approximately 6,000 patients have received treatment with 2,300 new patients being treated in 2009.

66. The GoG benefits from technical and financial support from its partners in the health sector - PAHO/WHO, UNICEF, the President's Emergency Plan for AIDS Relief (PEPFAR) and the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM). Guyana's most important bilateral partner in health is Cuba.

## **6. Right to education**

67. Guyana's educational system is based on the principles of accessibility, availability, freedom to choose and to establish. Guyana's education policy ensures that all citizens of Guyana, regardless of age, race, creed, physical or mental disability, are given opportunities to achieve their full potential through equal access to quality education within available resources. In 2009, the public Education sector represented 15.1 per cent of the Budget and 7.3 per cent of the GDP.

68. The government is committed to ensuring that no child is denied education. It is mandatory that children from age 5 to 15 attend school. Noteworthy is that nursery or kindergarten education (3 years and 9 months) is not compulsory, nevertheless, 70 per cent of the relevant age cohort attends nursery schools. In the new Education Act it is proposed that this level of education becomes compulsory.

69. The GoG has in the last 17 years built, rehabilitated and extended hundreds of schools throughout the country.<sup>23</sup> With respect to access to education in the Amerindian communities, there are over 200 nursery and primary including 13 secondary public schools (2009).

70. School enrollment at the primary level is 104,440 in the 2008-9 school year, an improvement from 70 per cent enrollment of the child population in 1992. In the 2009 academic year, based on the Bureau of Statistic population projections, it is estimated that 90 per cent of the relevant age cohort is enrolled in primary schools in the public sector. Repetition and drop out rates at the primary level is 1 per cent and 3 per cent respectively, therefore the completion rate at primary level is now over 90 per cent. Guyana is expected to reach MDG # 2 by 2015.

71. Total secondary education enrollment is 68,163 which is also an improvement from 45 per cent in 1992 to 75 per cent in 2008. Overall, the total enrollment is 203,205 children (public sector nursery, primary, secondary and Practical Instruction Centres) with 102,576 males and 100,629 females (2009). Government provides tuition free education including provision of text books, from primary to secondary levels in the public sector.

72. The GoG through the Ministry of Human Services and Social Security provides school uniform vouchers for children in nursery, primary and secondary education who are poor. As of 2009 18 per cent of the school population (100 per cent of students from riverain and interior locations and 10 per cent from coastal areas) is beneficiaries. In January 2010, the Administration undertook the provision of school uniforms to all children attending school in the new school year. School feeding programmes are offered in primary schools in all ten Administrative Regions to poor children, but more extensively in the hinterland and riverain areas.

73. The Constitution provides for the right to establish private education institutions (Article 49 1) and the freedom to choose. (Article 149 H) In the private educational system many of the schools are faith based (Bahai's Christian, Hindu, Islam).

74. The Ministry of Education assists in reintegrating children into the school system who have dropped out of school for various reasons including those involved in child labor.

75. Additionally, the Education for All Fast Track Initiative (EFA-FTI) programme on literacy targets in and out of school youths and adults. There are special youth skills training programmes offered by the Ministry of Culture, Youth and Sport and the Ministry of Labour, both residential and non-residential, for drop-outs and low achievers from across the 10 regions. There are also several non-governmental organisations which offer skills training and life skills programmes to out of school youth.

76. At the post secondary level, there are several state-run institutions – three Nursing schools, the Guyana School of Agriculture, the Cyril Potter College of Education and in service teacher training programmes in each region and 4 Technical Institutes and the Felix Austin Police College. Approximately 6,029 students enroll annually in these programmes. These are all offered at minimal or no costs.

77. The University, the University of Guyana offers certificate, diploma, degree and post graduate programmes. The student population is majority female. Approximately 1000 graduate each year. It should be noted that at the post secondary levels, students have access to loans at very concessional rates.

## **7. Right to work, labour, market training and participation in the workforce**

78. The constitution recognises and statutes guarantee the right to work, the right to hold industrial strikes, the right to associate, and the right to bargain collectively; these laws adhere to ILO standards as well as other human rights instruments.

79. The GoG recognizes that the right to work involves expanding the economic base, creating an enabling investment climate, providing access to education and vocational training in order to reduce unemployment levels.

80. The Ministry of Labour, Human Services and Social Security oversees the labor laws' implementation and facilitates mediation in industrial disputes.

81. The Government of Guyana has worked assiduously to reduce unemployment levels among youth through training and job placement, especially providing for those who are drop-outs or low achievers. In 2005, the National Training Programme for Youth Entrepreneurship (NTPYE) was launched and over the last 4 years almost 2,200 youths have graduated from the programme. The Youth Entrepreneurial Skills Training Programme (NYESP) offers residential and non-residential skills training programmes benefiting annually approximately 500 youth including juvenile offenders from all ten administrative regions. In 2009 the newly introduced Single Parent Assistance Programme trained and graduated 372 persons, majority female.

82. Labour laws include equal pay for equal work (Article 22). The Equal Rights Act No. 19 of 1990 explicitly provides for the concept of 'equal work equal remuneration' by removing gender distinction in the work place. The Prevention of Discrimination Act, the Termination of Employment and Severance Pay Act (Act No. 19 of 1997), and the Racial Hostility Act protect citizens' equal rights.

83. The Trade Union Recognition Act No. 33 of 1997 and its 2009 Amendment, ensures the constitutionally enshrined right to join, be part of a trade union and to be recognised. There are two umbrella trade union bodies, the Guyana Trade Union Congress (GTUC) representing 7 trade unions with a total membership of 15,000 and the Federation of Independent Trade Unions of Guyana (FITUG) representing 4 trade unions with a total membership of 35,000.

84. In respect to Cooperative Societies, Co-operatives are governed by the Co-operative Societies Act Cap. 88:01 and supported by regulations and policies that contribute to good governance and transparency.

## **8. Freedom from torture or cruel, inhuman or degrading treatment or punishment**

85. Article 141 of the Constitution prohibits torture and inhumane or degrading treatment or punishment.

86. No statement made under the pressure of torture may be invoked as evidence in proceedings before the courts. Section 4 of the Evidence Act Chapter 5:03 enacts that subject to this Act and any other written law in force, the rules and principles of the common law relating to evidence shall as far as they are applicable to the circumstances in Guyana, be enforced. The Judges Rules (common law) set out the guidelines for police questioning and the acceptability of the resulting statements and confessions as evidence in the court of law and clearly states that confession statements received under duress are inadmissible. Under the Constitution, any one accused of torture can be prosecuted and the aggrieved party can seek redress in the High Court with the right of appeal to the Court of Appeal and further Appeal to the Caribbean Court of Justice.

87. Under Article 187, the Director of Public Prosecutions (DPP) is empowered to institute, take over, continue, or discontinue at any stage of the proceedings any criminal proceedings except those stemming from military courts. The DPP is responsible for ensuring that no citizen is unjustly arrested or prosecuted and that criminal procedures are applied correctly.

88. Individuals/organisations in Guyana may also lay complaints of violations of their human rights by the Police and or any other Disciplined Service before independent, administrative oversight bodies, mandated to conduct investigations and inquiries into their conduct as well as before the Courts. Charges involving corruption, abuse, excessive force and torture in some cases leading to death by members of the Disciplined Forces are heard by the Magistrates Courts and other higher courts.

89. In the event of forced disappearance or missing person an application for habeas corpus can be made to the High Court and this must be complied with.

90. Through the revision of the constitution, statutes, and administrative measures, impartial mechanisms for complaints against abuse, torture, degrading or inhumane punishment have been established. (PART III. B. 2. a. Access to justice)

## **B. Democratic and social participation**

### **1. Rights to vote, stand for election and associate**

91. The national and regional elections in 1992, 1997, 2001, and 2006 were monitored by international and regional elections observer missions and found to be free and fair. The 2006 national and regional elections were the first peaceful elections in 14 years. Due to a history of rigged elections, Guyanese resolutely guard the right to vote at free and fair elections.

92. Guyana ensures the freedom to vote and stand for elections and the freedoms of associations and assembly. The right to vote at periodic and genuine elections is based on universal and equal suffrage. Legislative and administrative electoral reform since 1992 has allowed for greater scrutiny, transparency and participation throughout the entire process. All national, regional and local government elections are administered independently by the Guyana Elections Commission (GECOM).

93. General and regional elections are held every five years. The voters' list is open to scrutiny of the public; votes are counted at the place of poll and the results publicly posted at the polling stations. The entire electoral process (from registration to counting of the polls) is monitored by hundreds of scrutineers from the governing and opposition parliamentary parties as well as civil society election watch bodies. Noteworthy is that the state pays the parliamentary parties' scrutineers as determined by statute.

94. To ensure more equitable representation, an element of geographic representation as well as gender equity has been provided for in the revised constitution and statutes. The composition of the National Assembly is comprised of 25 geographic seats through the proportion of votes won in each region at the regional elections and 40 national top up through proportionality at the national elections. Eligibility to contest includes the requirement that a third of the candidates nominated by the parties to contest the seats in the National Assembly and the ten Regional Democratic Councils must be female.

95. In compliance with the revised constitutional provisions, local government reform (Article 78B) was undertaken by a bi-partisan task force from 2003-2009. A bi-partisan agreement was reached to delay local government elections until the new system was implemented. Agreement was also reached on the new local government electoral system based on a hybrid proportional representation/ constituency system. In 2008 a multi-party agreement was reached to hold a new National House to House registration prior to the holding of local government elections. The lengthy delay in reaching consensus on some specificities in the draft legislation and the frequent postponement of Local Government elections led the Administration to table enabling legislation in June 2009. This facilitated the GECOM to prepare for these elections in 2010. The new hybrid local government electoral system will provide another layer of greater inclusion and participation at the community levels.

96. Additionally, the freedom of association is respected where persons are guaranteed the right to join and to pursue collective interests through political parties, NGOs, community development groups, civil society bodies, trade union bodies etc.

97. In fact, there are hundreds of community development groups across the country that voluntarily assist in improving their neighbourhoods. The Government as a result has established an office with a coordinator and budgetary support to assist this vibrant and important social civic movement.

## 2. Administration of Justice

### a. Access to Justice

98. The Government has focused investment on modernizing the administration of the justice sector and promoting access to justice with technical and financial support of the Inter-American Development Bank. New legislation enacted in 2008 and 2009 provide for plea bargaining, paper committals, audio visual link ups in the courts which will improve the administration and access to justice and reduction of lengthy trails and pre-trial detention.

99. In respect to access to the right to representation, the Guyana Legal Aid Clinic (GLAC) provides legal aid to the poor, disadvantaged and vulnerable persons. Since 2008, the government provides budgetary support to the GLAC which facilitated the expansion of its services to 4 additional regions in the country, thereby improving access to justice.<sup>24</sup>

100. In matters before the High Court all persons charged with capital offenses who cannot afford an Attorney-at-Law are assigned lawyers at the State expense.

101. For persons or their relatives who are aggrieved in relation to actions by members of the Disciplined Forces, several impartial complaints mechanisms have been introduced. These are:

- i) The Police Complaints Authority which receives and examines complaints about police abuse, negligence, misbehavior, unlawful arrest, corrupt transactions, excessive force, unlawful killings and torture.<sup>25</sup> The PCA can call where necessary on the Chancellor of the Judiciary to institute a Coroners' Inquest or to call on the DPP to bring charges against members of the Police Force. The PCA produces annual reports for public scrutiny;
- ii) The new Parliamentary Standing Committee to oversight the Disciplined Forces provides another layer of scrutiny of the security sector (2009 constitutional amendment);
- iii) The Guyana Defence Force, the Office of Professional Responsibility of the Guyana Police Force, the Guyana Fire Service, the Guyana Prison Service, on the basis of complaints formally raised and/or through their own actions, institute Boards of Inquiries, and or court martial;<sup>26</sup>
- iv) The President also appoints Commissions of Inquiry. The resulting findings have been publicly disclosed and action taken;
- v) The establishment of the Human Rights Commission will provide another mechanism for addressing complaints;
- vi) The victim or complainant/relatives can apply to the courts on a constitutional motion;
- vii) The victim/relatives can take their complaint to the OHCHR under the ICCPR or the OAS IACHR.

### b. Correctional services

102. Probation services are administered by the Ministry of Human Services and Social Security through the Family Welfare Service. The Guyana Prisons Service is responsible for the custody, care and rehabilitation of persons convicted or remanded to prison.<sup>27</sup> In respect to the conditions of imprisonment<sup>28</sup> and detention, the right to be free from inhumane and degrading treatment is protected.

103. Due to the backlog of cases, there is a large remand prison population that contributes to overcrowding. As a result, the GoG has budgeted annually for prisons' improvement.

104. Legislative reform such as the Criminal Procedure (Plea Bargaining and Plea Agreement) Act (Act No.18 of 2008) and the Criminal Law Procedure (Amendment) Act (Act No. 17 of 2008) will assist in reducing the levels of overcrowding in the prisons. Furthermore, the Time limit on Judicial Decisions Act No.9 of 2009 provides for disciplinary action to be taken under the constitution on tardy or non submission of written decisions by the judiciary.

105. In ensuring that the rights of prisoners are protected, the Prison Visiting Committees are established under the Prison Act (Part 1, Prison Rules) (Chapter 11:01) at each of the prisons. These have a mandate to inspect prison conditions with free access to the buildings and inmates. These Committees are comprised of members from civil society in the communities surrounding the specific prison.

106. Juvenile offenders between the ages of ten and seventeen may be sent to the one co-ed rehabilitation centre, the New Opportunity Corp, by the Magistrates' Courts.

107. The Ministry of Home Affairs and the Guyana Prison Service commenced the relocation of all adult first offenders to a separate prison in 2009.

## **IV. Achievements and challenges in the promotion and protection of human rights**

### **A. Prosperity and quality of life**

#### **Poverty reduction**

108. Guyana is an emerging democratic developing country with 36 per cent (2006) living in moderate poverty and 18.6 per cent living in extreme poverty. This is a reduction from 67 per cent in 1992. Guyana is ranked 114th out of 182 countries in the UNDP Development Index (2009).

109. In 2005, despite suffering a natural disaster by flooding that resulted in losses equivalent to 67 per cent of the country's Gross Domestic Product, the economy remained resilient, recovered swiftly, and recorded positive growth of 5.1 percent, 5.4 percent and 3.1 percent in 2006, 2007 and 2008 respectively. For Y2009 growth is 2.3 per cent despite the prevailing global economic crisis. This trend of positive growth and associated macro-economic stability, including low inflation, are projected to continue into the medium term.<sup>29</sup>

110. Guyana has moved from being categorized as a Low Developing Country (LDC) (1980-2005) to a Low Middle Developing Country in 2006. The per capita (GDP) in US \$ has moved from US\$862.8 (2004) to US\$1,298 (2009). Private consumption as per cent of Gross Domestic Expenditure has risen from 49.2 per cent to 63.3 per cent and public consumption as per cent of Gross Domestic Expenditure has declined from 21.8 per cent in 2004 to 14.4 per cent in 2008.

111. Having established a strong macro-economic and structural reform track record, Guyana achieved debt relief under both the Enhanced Heavily Indebted Poor Countries Initiative (HIPIC) and the Multilateral Debt Relief Initiative (MDRI). These debt relief initiatives, coupled with prudent debt management, including cautious and responsible borrowing policies, enabled the country to reduce its external debt from US\$ 2 B in the

1990s to US\$833 M in 2008. This was achieved despite the fact that new borrowing had been contracted to finance critical social and infrastructural programmes.

112. The GoG's national development strategy is premised on the Low Carbon Development Strategy and the Poverty Reduction Strategy supported by a range of sectoral policies and programmes dedicated to the improvement in the quality of life and the reduction of poverty. The substantial and dedicated budgetary allocations to health and education sectors of 25 per cent of the annual budget, with housing and water, and social safety nets expending another 10 per cent of the annual budget illustrate this point.

113. The Poverty Reduction Strategy Programme 1 and its successor PRSP 11(2008-2012) have contributed to the reduction of poverty and greater access and equity in access to services for the poor and vulnerable as well produced expanded social safety opportunities. The reduction in infant, child, maternal mortality, and malnutrition (**Appendix 11**) reflects the success in these anti-poverty interventions. Life expectancy has also increased from an average of 61 years in 1992 to 67 years in 2008. Guyana is projected to meet 5 of the 8 MDGs in 2015.<sup>30</sup>

114. It has taken positive steps to improve the political environment for peaceful elections and a deliberative Parliament, participatory and inclusive governance, high public sector investment, improved investment climate, and tax reforms.

## **B. Government initiatives on Amerindian issues**

### **1. Land Rights**

115. Guyana is home to more than 50,000 Amerindian (indigenous) peoples settled in 134 tilted communities, living mainly in the hinterland and riverain areas of Guyana. The 2002 Census found that the Amerindian population was the fastest growing in comparison to other ethnic groups with a population increase of 47.3 per cent from 1991 to 2002, representing an annual growth rate of 3.5 per cent. They now represent 9.2 per cent of the Guyanese population.

116. During the period of colonialism and an undemocratic administration, the Amerindian population was the most neglected and consequently suffered most with the lowest life expectancy rate and school enrollment. The GoG in the last 17 years has initiated major interventions to correct this historical injustice and to protect their rights as well as improve their assets. The Ministry of Amerindian Affairs coordinates and oversight the overall government policy and represents issues affecting the Amerindian communities.

117. In the last 7 years, the government through a participatory process with the Amerindian communities has granted legal communal title to 134 communities representing approximately 14 per cent of Guyana's land mass.<sup>31</sup> These legal titles are grants of state lands that are "absolute and forever" and allow for indisputable control over their land to use as they see fit for their development, giving them land tenure, security and choices in their developmental plans.

118. Furthermore, Amerindians are free to acquire private land and /or lease land in their individual capacity as all other Guyanese. Guyana wishes to emphasise that Amerindian communities are not reservations. They are free to leave, travel and live in any part of the country.

119. The Amerindian Act 2006 provides for detailed rights in relation to the Amerindians, especially land rights. It provides generally for the recognition and protection of the collective rights of Amerindian Villages and Communities, the granting of land to Amerindian Villages and Communities and the promotion of good governance within Amerindian Villages and Communities. This is the primary legislation on the property

rights of indigenous peoples over lands, territories and natural resources further complimented with other statutes.<sup>32</sup>

## **2. Governance of Amerindian issues**

120. The 134 Amerindian communities every three years elect their Councils,<sup>33</sup> each is headed by a Tousehao (captain). All Tousehaos comprise the National Tousehaos Council (NTC), the legitimate authority for the Amerindian communities. This body elects its 20-member Executive. Importantly the Constitution provides for the NTC to nominate three persons to the Indigenous Peoples' Commission (one must be female) and the Amerindian non-governmental organisations nominate two persons (one must be female) (Article 212S).

121. Guyana's delegation to the World Summit on Climate Change in Copenhagen comprised NGO leaders and the Chairman of the National Tousehaos Council.

## **3. Improving Access to services**

122. The GoG has initiated special developmental programmes in Amerindian communities to improve their overall standard of living and their full integration into the society.

123. In order to encourage and support economic development, and more especially to support agricultural and other micro business opportunities in the Amerindian communities, a special Amerindian Development Fund was established. Additionally, a Presidential grant is disbursed directly to the communities on a yearly basis for community projects identified and executed by the communities.

124. With respect to access to education, the government has implemented over the last ten years an aggressive infrastructural programme building nursery and primary schools in the Amerindian communities as well as secondary schools with dormitories in the hinterland. (PART III. A. 6. Education)

125. The Hinterland Scholarship Programme assists Amerindian students with high grades to attend secondary schools on the coast. The school feeding and the school uniform programmes have also contributed to greater enrollment and school attendance in Amerindian communities. Due to greater access to education, there has been a notable increase in the enrollment of Amerindians into the public service, the teaching profession and law enforcement /national security agencies.

126. Primary health care facilities and programmes have been constructed and expanded in all the communities which have contributed to greater access to health care and a decline in the morbidity and mortality patterns among Amerindian peoples.

127. The heavy investment in infrastructural works, particularly roads, has improved access to and from the communities; some communities now have access to radio, telephone and internet communications. The construction of wells in all communities and the provision of solar systems managed by several communities have improved the well being of these communities.

## **C. Rights of the child**

128. The Government of Guyana recognises that every child has a right to grow to adulthood in health, peace, and dignity. Guyana recognizes its obligation and has made serious efforts to ensure the rights of children to health, nutrition, education, social and emotional development. Guyana ensures protection, provision and participation based on

the principles of non discrimination, the best interests of the child, the right to life, survival and development, and respect for the views of the child.

129. In accordance with Article 38B of the Constitution, all judicial proceedings and decisions concerning children undertaken by all bodies including legislative bodies, the best interest of the child shall be the primary consideration. Further the Constitution provides for rights in respect to adoption, maintenance and accommodation, and compulsory formal education.

130. The Ministry of Human Services and Social Security has the responsibility to oversee the welfare and social and legal protection of children in a safe and conducive environment.<sup>34</sup> It focuses on providing social services for poor, vulnerable and orphaned children so that they have equal access to and are recipients of available opportunities that would aid in their upbringing. The Ministry has a special programme called “Mission Child Protection” to remove children from the streets or risky situations and take them into protective care.

131. The legislative framework for the protection of children and children’s rights has been radically altered in the last 3 years. Parliament has passed the following modern progressive laws: The Age of Consent Act 2006; Marriage (Amendment) Act 2006; Child Care and Protection Agency Act 2009<sup>35</sup>; The Status of Children Act 2009; The Adoption of Children Act 2009; and The Protection of Children Act 2009.

132. The Custody, Care, Guardianship and Maintenance Bill (2009), the Child Care Services and

133. Development Bill (2009) and the Sexual Offences Bill of 2009 are before Parliamentary Special Select Committees and are expected to be enacted in 2010. The drafts of the Juvenile Justice Bill and Education Bill are under review.

134. With the construction of a modern Family Court and the rules governing it in 2010, there will be a more judicious, sensitive and effective resolution of matters relating to children and marriage.

135. The National Commission on the Rights of the Child (1992-2008) a Presidential advisory body, has now been replaced by the constitutional Rights of the Child Commission (Art 212U).

136. Furthermore, Labour laws are in place to protect children; no child under the age of 15 is permitted to work. Children between the age of 15 and 16 cannot take up industrial jobs or jobs that require night work.

137. Due to the poverty reduction programme, the rights to health care, access to basic social services, clean water and better nutrition have contributed to the decline in infant mortality from diarrheal diseases and a decline in malnutrition among children under the age of 5.

138. Further in respect to access to contraceptive advice, no parental consent is required for children to obtain treatment against HIV/AIDS or any other sexually transmitted disease. Any child can also get tested for HIV and their right to confidentiality is protected.

#### **D. Rights of women and girls**

139. In keeping with CEDAW and other international standards, the Government has developed comprehensive constitutional, legislative provisions and policies to promote and protect women’s rights.

140. Article 149 provides for equality and unequivocally states that “all forms of discrimination against women on the basis of gender and sex are illegal”. Article 212 provides for the constitutional Women and Gender Equality Commission, which replaces the Presidential advisory body, the National Commission on Women.

141. The law protects women's property rights in common law marriages.<sup>36</sup> The Married Persons (Property) Act Chapter 45:04 allows for a woman to own and hold both immovable and moveable properties in her own name or jointly with another person other than her husband. Under the Matrimonial Causes Act Chapter 45:02, a woman can move to the court for a protection of properties acquired by her before, after or during (by her own lawful industry) a marriage. The law entitles a woman who separates or divorces to one half of the couple's property if she had regular employment during the marriage and one third of the property if she had not been employed.

142. Guyana through the MOH as well as NGOs ensures the right to family planning, information and counseling services. The National Health Strategy of Guyana protects reproductive rights by providing adequate, affordable, accessible health services-prenatal, delivery, postnatal and nutritional services for women including their right to choose.<sup>37</sup>

### **1. Women's participation in decision-making bodies**

143. The right to participate in the public affairs of the country is guaranteed. Women now comprise 22 of the 65 Members of Parliament in the 9<sup>th</sup> Parliament and 8 of the 18 members of the Cabinet. Both the Deputy Speaker of the National Assembly and the Chief Whip on the Government side are female.

144. Women hold key positions in the judiciary including; the Director of Public Prosecutions; The Registrar of the Supreme Court; The Registrar of the Land Registry; and, the Registrar of the Deeds Registry. The Chief Magistrate (ag), the Principal Magistrate and 9 of the 16 magistrates are female; 5 of the 17 Judges in the High Court are female.

145. Women also occupy key technical and administrative posts in the public sector.

### **2. Measures to address violence against women**

146. Guyana has enacted laws that punish and redress wrongs done to women and girls at home, workplace or any other place. Under the Domestic Violence Act (1996) and the Criminal Offences Act offences such as murder, rape, assault causing bodily harm can be prosecuted. Note worthy is that the Police and the courts are treating with these cases more seriously than before.

147. In respect to sexual violence, the Government of Guyana recognises that females are disproportionately affected.<sup>38</sup> In response, the Government introduced in 2007 a more aggressive policy entitled “**STAMP IT OUT**” which was subjected to countrywide consultations. This comprehensive policy is being implemented.

148. The President has also personally intervened and through the National Stakeholders Forum held an extensive consultation with all the parliamentary political parties, the private sector, religious leaders, trade unionists, representatives of the legal profession, women's organizations, and other members of civil society, to foster greater collaboration and develop a comprehensive public/private/civil society partnership to fight this type of violence.

149. Following this Forum, the Men Empowerment Network (MEN) was created promoting non-violence, more responsible fatherhood and partners in the home and society.

150. The National Assembly debated and unanimously passed a resolution in November 2008 agreeing to a non-partisan broad-based participation in ending all forms of violence against women.

## **E. Anti-discrimination**

### **Measures to combat racism, racial prejudices and ethnic insecurities**

151. The 2003 constitutional reform process made significant progress towards addressing ethnic and racial insecurities and discrimination. In accordance with Article 160A (1) of the Constitution, all persons, institutions and political parties are prohibited from taking any action or advancing, disseminating or communicating any idea which may result in racial or ethnic division among people. Under the Racial Hostility Act 1973 (amended by Act 9 of 2002), incitement to racial hatred is a criminal offence. A person shall be guilty of an offence if they willfully excite or attempt to excite hostility or ill will against any section of the public or against any person on the ground of their race.

152. The **Amerindian Act 2006** seeks to level the playing field by granting additional rights to Amerindians. The establishment of the Ethnic Relations Commission recognises the need to provide oversight and a complaints mechanism for redress of ethnic insecurities.

153. These major legislative and constitutional reforms are important for the advancement of Guyana. Hence Guyana remains firm in its commitment to eradicate all forms of racism, racial discrimination,<sup>39</sup> and ethnic insecurities and continues to promote and advance policies that focus on the alleviation of poverty and the advancement of its entire people irrespective of race, colour or ethnicity with equitable access to services and all entitlements as citizens. Guyana's pro-poor policies and measures cut across race, ethnicity and culture.

154. Guyana takes this opportunity to reinforce its displeasure and objection to Ms. Gay McDougall, UN Independent Expert on Minority Issues, 2008 Report on Guyana. Guyana continues to stand by the positions it enunciated in its official submission in March 2009 to the UNHRC in response to the McDougall report.

## **F. Challenges to national security**

155. Crime and violence pose a number of national security challenges which threaten the significant advances Guyana has achieved with regards to human rights and the political, socio-economic and political well being of its people.

156. The years 2002-2007 saw an upsurge in violent crime never witnessed before during which several hundred citizens, including children, were senselessly killed by heavily armed criminal gangs.

157. The Government has since taken positive steps to comprehensively address and improve the security of the country by significantly investing in the security sector.<sup>40</sup> Legislative reform in Y2007-2009 period has contributed to a modernized framework for the security sector to allow it to address the new challenges it faces. Its focus on modernizing the Guyana Police Force, improving police/community relations and creating safer neighbourhoods, has attracted donor support from the IDB and UNDP particularly.

158. To facilitate broad-based participation and oversight on crime and security matters and in response to commitments by CARICOM Heads of Government, the government in 2005 established the National Commission on Law and Order, a 28 member broad-based

body.<sup>41</sup> The Commission produces reports, meets communities and makes recommendations to the government.

159. Approximately 300 persons are deported to Guyana annually; the majority deported from the USA is illegal but a significant percent have been involved in drug-related activities or other serious crimes. This affects the right to security of other citizens in the receiving country. To this end, the GoG/IOM cooperation agreement provides assistance to Guyana to reintegrate deportees from the USA and other countries in order to mitigate the social impact of the deportee phenomenon.

160. Guyana with a 1,000 mile border with Brazil, Venezuela and Suriname (sparsely manned) and 120 mile seas coast and hundreds of miles of navigable rivers with little or no population, is an in-transit point for the narco-trade and its ancillary illegal activities such as trafficking in weapons and money laundering.

161. Guyana's Anti-Narcotic Strategy is regulated by the Narcotic Drugs and Psychotropic Substances (Control) Act 1988 and the National Drug Strategy Master Plan (2005-2010). In 2009 the new Anti-Money Laundering and Countering of Financing of Terrorism Act (Act No. 13 of 2009) and The Money Transfer Licensing Act (No. 20 of 2009) completed the legislative framework to enforce the Anti-Narcotic Strategy. There is a functioning multi-sectoral Anti-Narcotic Task Force. Guyana works with and receives technical support from the UNODC and coordinates with Interpol and foreign drug enforcement agencies.

162. Guyana recognizes that human trafficking is a complex transnational problem with its roots in gender inequality, social-economic factors, push/pull migration factors and criminal activity. The Trafficking in Persons Act was passed in 2005 and a broad-based National Task Force was established in 2007. The GoG has adopted a coordinated multi-sectoral approach to addressing this issue which includes raising awareness, economic empowerment of vulnerable groups, support for victims of human trafficking, and a more robust criminal justice response. Additionally, the Government has funded NGOs that assist victims of trafficking with shelter and counseling.<sup>42</sup>

163. Since the 1976 Cubana Airline bombing, Guyana has remained resolute in its denunciation of terrorism. The GoG is committed to discouraging operations of sub-national terrorist groups on home soil, scaling-up intelligence gathering and enhancing security through Joint Services operations and the removal of social exclusion and vulnerabilities that lend to the recruitment of transnational terrorist cells

164. Guyana updated its report to the UN Counter Terrorism Executive Directorate (UNCTED) Resolution # 1373 (2001) in November 2009. Guyana has also signed a number of cooperation treaties on Mutual Assistance in Criminal Matters with the Caribbean Community (CARICOM) and the Organisation of American States. It has enacted the Mutual Assistance in Criminal Matters Act 2009.

## **G. Freedom of the media**

165. Guyana upholds the right to freedom of expression as a cornerstone of its democratic state. In the Freedom House World Freedom of the Press Report 2009, Guyana is listed as a Free Press country.

166. In accordance with Article 146(1) except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, to hold opinions, to receive ideas and information, to communicate ideas and information without interference.<sup>43</sup> Article 146 (2) (a) provides for limitations that are reasonably required in the interests of defence, public safety, public order, public morality, or public health.

167. The media (in particular television) incited racial and political violence in the 1997 and 2001 general and regional elections. To prevent further descent into racial violence, a bi-partisan agreement was reached to create an Advisory Committee on Broadcasting. Furthermore, the Media Monitoring Unit (an International Observer Mission recommendation) was established and a Code of Conduct signed by all media houses prior to the 2006 elections.

168. There are 20 privately owned television stations (of which 6 are regional stations and 1 Amerindian community station). There are 4 privately owned daily newspapers and two privately owned weekly newspapers. The government owns and manages one television station, one newspaper and the one radio station in Guyana.

169. The draft Broadcasting and the Freedom of Access to Information bills are in their consultation stage and are on the legislative agenda for 2010.

## **H. Guyana's international human rights obligations including humanitarian assistance**

170. Guyana is a member of the United Nations and has ratified the main human rights treaties there under. It should be noted that Guyana has also signed the UN Convention on the Rights of Persons with Disabilities and adopted the Declaration on the Rights of Indigenous Peoples.

171. In accordance with Article 154 (6), the State may limit its obligations under the treaties provided that two-thirds of the National Assembly vote in favour of such divestment or limitation. The ratification of all international treaties and conventions must have the approval of the Parliament. Guyana is in compliance with this requirement.

172. Noteworthy is Guyana's proposal for a New Global Human Order, presented by former President Dr. Cheddi Jagan at the World Summit for Social Development, Copenhagen, 1995, which Guyana continues to promote at the United Nations and other international levels.

173. Despite being a small developing country, Guyana has also fulfilled its national and international humanitarian obligations. Guyana is a participatory state in the Caribbean Regional Disaster Response body (CDEMA) and has contributed to humanitarian and peacekeeping missions in the Caribbean Region and further afield.<sup>44</sup>

## **I. Guyana's international responsibility to reducing climate change and protecting the environment**

174. Guyana has also remained resolute in its commitment to reversing Climate Change. Guyana contains one of the 4 remaining intact rainforests of the world. In June 2008 it launched the Avoided Deforestation Policy highlighting the role of Forests in controlling climate change and calling for incentives to reward countries and promote avoided deforestation as an environmental service.

175. The Low Carbon Development Strategy (LCDS) is Guyana's model for a renewable energy economy with reduction in carbon emissions and supportive of carbon credit trading. It calls for small and vulnerable countries to be given more resources to adapt to and mitigate the impact of climate change. The LCDS offers a sustainable developmental model whilst contributing to the reduction in carbon emissions globally. Guyana continues to play its role at international forum for an international binding agreement on Climate Change.<sup>45</sup>

## J. Challenges in preparing State reports in compliance with international obligations

176. Guyana, as newly restored democratic and developing nation, has made tremendous efforts in the last 17 years to reconstruct the country and consolidate its embryonic democracy.

177. However, a small population and shortage of skills have impacted on the ability of the country to deliver in as timely a manner as it intends.

178. It is anticipated that with the submission of outstanding reports in 2010, and, improved data collection systems, Guyana will be in a better position to improve its compliance with its treaty obligations.

### Notes

- <sup>1</sup> Herein after Guyana.
- <sup>2</sup> Religious domination include: Hindu 28.4%, Pentecostal 16.9%, Roman Catholic 8.1%, Anglican 6.9%, Seventh Day Adventist 5%, Methodist 1.7%, Jehovah Witness 1.1%, Other Christians 17.7%, Muslim 7.2%, Other 4.3%, Non3 4.3% (2002 Census).
- <sup>3</sup> This fact is recognized in Article 35 of the Constitution of Guyana. According to the last National Census taken in 2002, the population consists of East Indian 43.5%, Black (African) 30.2%, Mixed 16.7%, Amerindian 9.1%, Other 0.5% (Chinese and Portuguese).
- <sup>4</sup> See <http://www.parliament.gov.gy>
- <sup>5</sup> The President is the Head of State, the supreme executive authority and commander in Chief of the entire Disciplined Forces (Article 89). The Prime Minister is the principal assistant of the President and Leader of Government Business in the National Assembly.
- <sup>6</sup> The Government Ministries include: Ministry of Agriculture, Ministry of Amerindian Affairs, Ministry of Culture Youth and Sports, Ministry of Education, Ministry of Foreign Affairs, Ministry of Foreign Trade and International Cooperation, Ministry of Finance, Ministry of Health, Ministry of Home Affairs, Ministry of Housing and Water, Ministry of Labour, Human Services and Social Security, Ministry of Legal Affairs and Attorney General's Chambers, Ministry of Local Government and Regional Development, Office of the President, Office of the Prime Minister, Ministry of Public Service, Ministry of Public Works, Ministry of Transport and Communications, Ministry of Tourism.
- <sup>7</sup> Following Independence in 1966, the 1970 constitutional change established the Cooperative Republic of Guyana. The 1980 Constitution restructured Guyana's Parliament to reflect a hybrid Westminster republican system.
- <sup>8</sup> The Committee of Appointments and the 4 Sectoral Committees were established in 2003. The incorporation of the Audit Office of Guyana under the Parliament and PAC's "general supervision" began on April 1st 2006.
- <sup>9</sup> Annexes to the present report are available on OHCHR website.
- <sup>10</sup> Of significance is the provision for the Leader of the Opposition to submit to the President six names from which he selects the Chairman of the constitutional Human Rights Commission and six names for the Chairman of the Guyana Elections Commission (GECOM) as well as his necessary concurrence with the appointment of the principal officers of the Judiciary.
- <sup>11</sup> The ten (10) Regional Administrations are statutorily extensions of central government which receive budgetary allocations to enable them to function. The MCCs and the NDCs also receive budgetary allocations from central government.
- <sup>12</sup> Established by Order No. 10 of 2005.
- <sup>13</sup> The Public Service Commission has the sole responsibility to appoint persons to public offices and to remove and exercise disciplinary control over persons holding or acting in such offices. The Police Service Commission appoints, removes and exercises disciplinary control of persons to offices in the Police Force of or above the rank of Inspector.
- <sup>14</sup> These Commissions are mandated to investigate complaints of discrimination, mediate and undertake human rights education and research and make recommendations for policy and legislative changes. It is worth noting that the Parliamentary Sectoral Committee on Social Services approves their staffing

- and remuneration. (Article 212 P).
- <sup>15</sup> See the Commission's website [www.ethnicrelations.org.gy](http://www.ethnicrelations.org.gy).
- <sup>16</sup> National public holidays reflect the religious, historical and cultural richness of the country. September is dedicated to recognizing and celebrating the Amerindian peoples' contributions and the promotion of their cultural and linguistic heritage.
- <sup>17</sup> Guyana submission to the UN Questionnaire on the Religion May 2007 may be of interest.
- <sup>18</sup> Guyana is between 7 and 9 feet below sea level along its 120 mile sea coast. In 2005 it suffered a natural disaster where 300,000 people's homes were flooded and thousands of acres of agricultural land were destroyed. As a result, the country has had to heavily invest in infrastructural works in sea and river defences, irrigation and drainage.
- <sup>19</sup> A recent evaluation has shown a reduction in anemia by 34% and a 45% reduction in under nutrition.
- <sup>20</sup> See the NHSS 2008-12 at [http://www.health.gov.gy/pub/moh\\_nhss\\_0804.pdf](http://www.health.gov.gy/pub/moh_nhss_0804.pdf)
- <sup>21</sup> See [http://www.health.gov.gy/pub/moh\\_stats\\_bulletin\\_07.pdf](http://www.health.gov.gy/pub/moh_stats_bulletin_07.pdf)
- <sup>22</sup> Immunization figures for the following vaccines—DPT 95%, MMR/Yellow fever 96%, Polio 95% and TB/BCG 97%.
- <sup>23</sup> There are 339 discrete nursery schools, 88 nursery classes in primary schools, 440 primary schools, 109 secondary schools and 14 practical instruction centres in 2009 in the public education sector.
- <sup>24</sup> With respect to children, the GLAC manages the GoG/UNICEF Children's Legal Aid Project.
- <sup>25</sup> The PCA's powers are provided in statute and are in addition to the Police (Discipline) Act Chapter 17:01 The PCA has powers to enter any building where an alleged complaint has been committed.
- <sup>26</sup> In the last 4 years there have been several Boards of Inquiry on allegations of abuse, robbery, excessive force, and torture. The most recent have been posted on <http://www.moha.gov.gy/>. Charges have been instituted against 2 prison officers, 62 policemen and 4 soldiers in 2009.
- <sup>27</sup> In 2009, there were 2179 prisoners; 2095 males in the 5 prisons and 84 females.
- <sup>28</sup> See Guyana submissions to the UN Questionnaire on the Right to Education in Detention, February 2009, the UN Questionnaire on Detention of Drug Abusers, August 2009, and the OAS Questionnaire on Juvenile Justice in the Criminal System, December 2008.
- <sup>29</sup> see <http://www.imf.org/external/np/sec/pn/2009/pn0961.htm>
- <sup>30</sup> An updated status report on the MDG Goals is being prepared with UNDP support.
- <sup>31</sup> See Guyana's report to CERD and its response to the OAS IACHR Questionnaire on the Legal Framework on Property Rights of Indigenous Peoples, October 2009.
- <sup>32</sup> The Mining Act, Cap. 65:01, The Environmental Protection Act, Cap. 20:05 and Forest Act (2009) make provisions for the protection of traditional rights of Amerindians.
- <sup>33</sup> A single Village Council may represent more than one community.
- <sup>34</sup> These include: crime prevention, juvenile justice and care of children through out Guyana including monitoring special children homes.
- <sup>35</sup> The Child Care Protection Agency was established on July 29, 2009 and is the lead agency in the protection of children.
- <sup>36</sup> A woman and children born out of her union with the deceased can benefit under the deceased's estate once it is established that she lived with the deceased for seven (7) years or more and the children are issues of that union or has been maintained by the deceased (Family and Dependants Provision Act No. 22 of 1990).
- <sup>37</sup> See the Medical Termination of Pregnancy Act 1996.
- <sup>38</sup> See Guyana's State Party Report to CEDAW 2010.
- <sup>39</sup> See Guyana's submission to the UN Resolution 62/163 fuelling of racism, July 2009.
- <sup>40</sup> See Guyana's submission to the OAS Questionnaire on Citizen Security and Human Rights in September 2008.
- <sup>41</sup> The NCLO include representatives from the parliamentary political parties, the three main religious bodies, the two umbrella labour bodies, two private sector bodies, the Guyana Association of Private Security Organizations, the National Community Policing Association, and government officials from the justice and security sectors.
- <sup>42</sup> See Guyana's submission to the UNHRC Resolution 11/3 on Trafficking in Persons October 2009.
- <sup>43</sup> The ICT and Telecommunications Strategies focus on connecting all of Guyana to equalize and reduce costs of access to information, educational development and investment opportunities.
- <sup>44</sup> Guyana sent a 100 person Guyana Defence Force contingent to Grenada after the 2005 hurricane for a period of six months to provide relief and reconstruct. Following the January 2010 Haiti Earthquake,

Guyana has contributed US\$ 1 M and its Haiti Relief Committee has raised additional donations of food, rice, clothing and construction materials.

- <sup>45</sup> Guyana partners with several international organizations and has a Memorandum of Understanding with the Kingdom of Norway on climate change and the reduction of carbon emissions.
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