



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-fifth session
20–31 January 2020

Summary of Stakeholders' submissions on Guyana*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 9 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies²

2. The International Network of Human Rights (INHR) recommended that Guyana sign and ratify all human rights treaties to which it was not a party, especially the International Convention for the Protection of All Persons from Enforced Disappearances and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. It also recommended that Guyana submit all periodic reports overdue to the treaty bodies.³

3. The Center for Global Nonkilling (CGNK) recommended that Guyana ratify the Convention on the Prevention and Punishment of the Crime of Genocide and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁴

4. The Carter Center (TCC) recommended that Guyana accede to outstanding human rights instruments of the Organization of American States, particularly the American Convention on Human Rights.⁵

5. The International Campaign to abolish Nuclear Weapons (ICAN) noted with appreciation that Guyana had signed and ratified the United Nations Treaty on the

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



Prohibition of Nuclear Weapons on 20 September 2017, making it one of the first States to do so.⁶

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*⁷

6. INHR noted that the LGBT movement was not mentioned in the 1997 Prevention of Discrimination Act and was not protected in any way by legislation.⁸ It recommended that Guyana amend the Prevention of Discrimination Act to include sexual orientation, gender identity and gender expression as grounds for discrimination and enact a law on gender identity.⁹ The Justice Institute Guyana (JI) recommended that Guyana amend article 149(2) of the Constitution to include sexual orientation and gender identity as prohibited grounds of discrimination.¹⁰

7. INHR recommended that Guyana abrogate sections 352 to 354 of the Criminal Law (Offences) Act criminalising same-sex sexual activities between men.¹¹ JI made similar recommendations.¹²

8. INHR noted that, in November 2018, the Caribbean Court of Justice ruled that the law which made a criminal offence for a man or a woman to appear in public while dressed in clothing of the opposite sex for an “improper purpose” was unconstitutional and reinforced stereotypes, stigmatisation and discrimination. It stated that, while such judgement was binding, Guyana had not started any draft reform yet.¹³

9. Just Atonement Inc. (JAI) stated that LGBTQ communities in Guyana continued to face hardship when trying to access public services and were subject to targeted acts of violence and harassment.¹⁴ INHR recommended that Guyana define the offence of inciting hatred on the basis of sexual orientation or gender identity.¹⁵

*Development, the environment, and business and human rights*¹⁶

10. JI noted that, despite Guyana being a party to the United Nations Framework Convention on Climate Change and having ratified the Paris Agreement, the Government had proposed to start producing oil in 2020, which would cause significant damage to marine life and the emission of greenhouse gases.¹⁷

2. Civil and political rights

*Right to life, liberty and security of person*¹⁸

11. CGNK noted that, though no execution had been practiced in Guyana since 1997, death penalty was still present in the law and regularly used to condemn. It urged Guyana to commute all sentences, to change the law and inscribe in the Constitution the prohibition of the death penalty.¹⁹ JI recommended that Guyana abolish the death penalty for all offences and amend article 138 of the Constitution accordingly.²⁰

12. CGNK noted that, though slowly declining, Guyana had a homicide rate much higher than the world average and recommended that Guyana urgently adopt homicide prevention programmes.²¹

13. In 2016, IACHR condemned the deaths of inmates at the Camp Street prison located in Georgetown as a consequence of a fire amidst a protest by the inmates against overcrowding, delays for prisoners awaiting trial, and other living conditions in the prison. It called on Guyana to ensure that the ongoing investigations be conducted with due diligence and without delays, and that urgent measures be adopted to prevent similar incidents from occurring again.²²

*Administration of justice, including impunity, and the rule of law*²³

14. In 2018, IACHR noted with particular concern the increase in the number of corruption investigations into public officials. Of particular concern was the alleged participation of the police in illegal activities, as they had been accused of complicity with drug traffickers, gun traffickers, smugglers, and others.²⁴

15. TCC noted that the discovery of oil off Guyana's coast promised to transform the Guyanese economy and that the development and implementation of proper regulation and curtailment of corruption was essential to ensuring that oil revenues benefitted the population.²⁵ JI expressed concerns about alleged corruption and the misuse of national assets in the petroleum sector.²⁶

16. JI recommended that Guyana carry out a programme of judicial education on respecting the fundamental rights of LGBTI persons.²⁷

*Fundamental freedoms and the right to participate in public and political life*²⁸

17. JI noted that, in December 2018, the National Assembly passed a vote of no-confidence in the Government and that, despite the Constitution required the Government to resign and hold elections within 3 months, elections had not been held yet.²⁹

18. TCC noted that regulations related to the administration of elections were fragmented across numerous pieces of legislation, orders, regulations, and judicial decisions. It considered that consolidation of the law in advance of future elections would create greater legal certainty and clarity among stakeholders.³⁰

19. TCC stated that Guyana should re-evaluate the electoral system, considering systems that would promote support across ethnic lines and better reflect international standards. It noted that the present system allowed political parties to allocate seats to members of their lists after the election, meaning that the voter casted his/her ballot for the party, not candidates, and that there was no requirement that the parties must allocate seats in the National Assembly to any of the female candidates from within their lists. TCC also stated that Guyana should allow independent candidates; improve campaign finance laws; and establish clear requirements for the registration and operation of political parties.³¹ JI recommended that Guyana amend the electoral laws to remove the restrictions on small and local parties.³²

20. TCC considered that the process for the counting, tabulation and transmission of results should be carefully reviewed and revised to increase transparency.³³ It also considered that publicly available guidelines should be created regarding a request for recounts, decision-making criteria for the granting of recounts, and ways recounts are to be conducted.³⁴

21. TCC considered that steps should be taken to re-evaluate the formulation of the Guyana Election Commission to ensure that it advanced as a professional and independent election management body that was nonpartisan and reflected international standards.³⁵

22. TCC stated that Guyana should reconsider systems to enfranchise citizens working on the election day, ensuring that all citizens, including members of civil society serving as election observers, had the opportunity to exercise their right to vote. It also stated that Guyana should seek to facilitate voting by prisoners, particularly those held in remand who had not yet been convicted of a crime.³⁶

3. Economic, social and cultural rights*Right to work and to just and favourable conditions of work*³⁷

23. INHR noted that the 1997 Prevention of Discrimination Act promoted equal remuneration for men and women performing work of equal value, but that there was a gap between the salaries of people who belonged to the LGBTI community and those who did not. It recommended to develop a body for the protection of workers' rights able to observe the inequalities applied on the basis of the sexual orientation of employees.³⁸

*Right to an adequate standard of living*³⁹

24. In 2018, IACHR considered the discovery of oil in Guyana relevant for guaranteeing economic and social rights in the country, as 35% of its population lived below the poverty line.⁴⁰

25. In 2015, IACHR noted that the country's water utility Guyana Water Incorporated (GWI), which was in charge of supplying and improving water services, was implementing a program, in collaboration with the Basic Needs Trust Fund of the Caribbean Development Bank (CDB) and the Inter-American Development Bank (IDB), aimed at supplying water in the areas that were having difficulties in terms of access to safe drinking water and that in the most remote communities the service would be provided free of charge.⁴¹

*Right to health*⁴²

26. The Guyana Responsible Parenthood Association (GRPA) noted that Guyana faced some of the worst sexual and reproductive health indicators in the region, including on adolescent birth and maternal mortality.⁴³

27. GRPA commended the Government for the work done to improve access to a variety of health services and noted that in Guyana abortion was legal since 1995. However, it stated that the full and effective implementation of the Termination of Pregnancy Act of 1995 had been poorly managed, resulting in the largely irregular provision of safe abortion services at public facilities. It stated that the service was only available at the Georgetown Public Hospital and the New Amsterdam Hospital, leaving those in rural and more remote areas deprived of these services or able to access them only at a considerable cost.⁴⁴ GRPA recommended that Guyana guarantee access to quality abortion services in a safe and timely way in all communities across Guyana, including through training all obstetrics and gynaecological providers and other appropriate service providers, and ensure that health facilities had the necessary equipment.⁴⁵

28. CGNK noted that Guyana was the country in the world with the highest suicide rate and recommended that it urgently adopt a suicide prevention plan.⁴⁶

*Right to education*⁴⁷

29. GRPA stated that the lack of full access to comprehensive sexuality education nationwide was a critical issue in Guyana.⁴⁸ It noted that, although Guyana had had a Health and Family Life Education programme in place for several years, the results indicated that its effectiveness had not lived up to expectations and referred to reports that in many schools the curriculum was unevenly delivered and many teachers remained uncomfortable with delivering it in the classrooms.⁴⁹ GRPA recommended that Guyana train competent facilitators or service providers to deliver the Health and Family Life Education program in line with United Nations guidelines on comprehensive sexuality education, and implement accountability measures to measure the effectiveness of knowledge acquisition on the part of students in order to ensure access to accurate information and health services for sexual and reproductive health nationally.⁵⁰

4. Rights of specific persons or groups*Women*⁵¹

30. GRPA stated that women and girls in Guyana faced high rates of intimate partner violence, including sexual violence at young age.⁵²

*Children*⁵³

31. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that in Guyana corporal punishment was unlawful as a disciplinary measure in penal institutions and as a sentence for a crime. However, it noted that prohibition of corporal punishment was still to be achieved in the home, some alternative care and day care settings (for children aged 12 and over) and schools.⁵⁴ GIEACPC hoped that, during the universal periodic review of Guyana, States would make a specific recommendation that Guyana

draft and enact legislation as a matter of priority to explicitly prohibit all corporal punishment of children, however light, in all setting including the home.⁵⁵ JI expressed similar concerns and stated that Guyana should ban corporal punishment.⁵⁶

32. In 2018, IACHR took note of the inauguration of the first Children's Court, which was housed in the Georgetown Magistrates' Courts and aimed at ensuring a more rehabilitative and restorative system of juvenile justice, in line with the objectives of the Juvenile Justice Act.⁵⁷

*Minorities and indigenous peoples*⁵⁸

33. JI noted that the right to self-determination had been given effect in the Amerindian Act 2006, which provided for each Amerindian community to elect a council and a Toshao (chief), but that the Government continued to treat Amerindian NGOs as representing Amerindian peoples while ignoring the actual Amerindian communities and their elected leaders.⁵⁹

34. JI stated that, despite the Amerindian Act of 2006 provided for the Government to settle Amerindian land claims on the basis of traditional occupation and use, as required by the United Nations Declaration on the Rights of Indigenous Peoples, the Government was failing to do it. It recommended that Guyana deal with all outstanding claims by Amerindian communities in accordance with the Amerindian Act of 2006 and, in particular, immediately negotiate in good faith with the Wapichan community of Sawariwau to agree on the boundaries of their land, demarcate the agreed area and provide Sawariwau with the relevant title document.⁶⁰

35. JI stated that in 2015 the Government had abandoned the traditional terminology of "Amerindian Peoples" and replaced it with "indigenous peoples", but had not provided objective criteria to determine who Guyana's indigenous peoples were. As a result, Amerindian Groups whose ancestors had migrated to Guyana in the 18th, 19th and 20th centuries were treated as "indigenous", while the descendants of Africans forcibly brought to Guyana in the 16th and 17th centuries were not.⁶¹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

CGNK	Center for Global Nonkilling (Switzerland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (Thailand);
GRPA	Guyana Responsible Parenthood Association (Guyana);
ICAN	The International Campaign to Abolish Nuclear Weapons (Switzerland);
JAI	Just Atonement Inc. (United States of America);
INHR	International Network of Human Rights (Switzerland);
JI	Justice Institute Guyana (Guyana);
TCC	The Carter Center (United States of America).

Regional intergovernmental organization(s):

IACHR	Inter-American Commission on Human Rights (United States of America).
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² For the relevant recommendations, see A/HRC/29/16, paras. 130.1, 132.1–132.4, 132.7–132.19, and 132.24–132.27.

³ INHR, p. 6. See also CGNK, p. 7.

⁴ CGNK, p. 6.

⁵ TCC, p. 4. See also INHR, p. 6.

⁶ ICAN, p. 1.

⁷ For the relevant recommendations, see A/HRC/29/16, paras. 130.7, 130.8, 132.20, 130.25–130.27, 130.29, and 132.31–132.42.

⁸ INHR, p. 4.

- ⁹ INHR, p. 5. See also JI, p. 5 and JAI, p. 3.
¹⁰ JI, p. 5.
¹¹ INHR, pp. 3 and 5.
¹² JI, p. 5.
¹³ INHR, p. 5. See also JAI, p. 3.
¹⁴ JAI, p. 3.
¹⁵ INHR, p. 5.
¹⁶ For the relevant recommendations, see A/HRC/29/16, para. 130.3.
¹⁷ JI, pp. 3–4.
¹⁸ For relevant recommendations, see A/HRC/29/16, paras. 130.26, 130.28–130.32, 130.55–130.57, 131.3, 132.5, 132.6, 132.13, 132.43–132.50, and 132.56.
¹⁹ CGNK, p. 6. See also JAI, p. 3.
²⁰ JI, p. 3.
²¹ CGNK, p. 7.
²² IACHR, p. 1. See also JAI, pp. 2–3.
²³ For relevant recommendations, see A/HRC/29/16, paras. 130.54, 130.53, 132.57–132.59, and 132.60.
²⁴ IACHR, pp. 2–3.
²⁵ TCC, p. 2.
²⁶ JI, pp. 3–4.
²⁷ JI, p. 5.
²⁸ For relevant recommendations, see A/HRC/29/16, paras. 130.74, 132.58, and 132.61.
²⁹ JI, p. 2. See also TCC, p. 2.
³⁰ TCC, p. 2.
³¹ TCC, pp. 2–3. See also JI, p. 2.
³² JI, pp. 2–3.
³³ TCC, p. 4.
³⁴ TCC, p. 3.
³⁵ TCC, p. 4.
³⁶ TCC, pp. 5–6.
³⁷ For relevant recommendations, see A/HRC/29/16, para. 131.1.
³⁸ INHR, pp. 4 and 6.
³⁹ For relevant recommendations, see A/HRC/29/16, paras. 130.60–130.65.
⁴⁰ IACHR, p. 2.
⁴¹ IACHR, pp. 1–2.
⁴² For relevant recommendations, see A/HRC/29/16, paras. 130.59, and 130.66–130.68.
⁴³ GRPA, p. 2.
⁴⁴ GRPA, pp. 2–3.
⁴⁵ GRPA, p. 5.
⁴⁶ GCNK, p. 7.
⁴⁷ For relevant recommendations, see A/HRC/29/16, paras. 130.46, 130.69, 130.70, 132.62, and 132.63.
⁴⁸ GRPA, p. 4.
⁴⁹ GRPA, pp. 4–5.
⁵⁰ GRPA, p. 5.
⁵¹ For relevant recommendations, see A/HRC/29/16, paras. 130.2, 130.9–130.22, 130.33–130.38, 130.40–130.44, 130.49, 130.53, and 132.28.
⁵² GRPA, p. 4. See also JAI, p. 3–4.
⁵³ For relevant recommendations, see A/HRC/29/16, paras. 130.2, 130.39, 130.45–130.48, 130.52, 131.2, 131.4, and 132.51–132.55.
⁵⁴ GIEACPC, pp. 2–4.
⁵⁵ GIEACPC, p. 1.
⁵⁶ JI, p. 4.
⁵⁷ IACHR, p. 4.
⁵⁸ For relevant recommendations, see A/HRC/29/16, paras. 130.23, 130.24, 130.74, 130.75, and 132.64.
⁵⁹ JI, pp. 5–6.
⁶⁰ JI, p. 5.
⁶¹ JI, p. 6.