



**JOINT SUBMISSION OF
GUYANA UNITED NATIONS COUNTRY TEAM
FOR THE THIRD CYCLE
UNIVERSAL PERIODIC REVIEW OF GUYANA**

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This submission is made of behalf of the United Nations Country Team (UNCT) working in Guyana to inform the UN Compilation for Guyana’s 3rd cycle of Universal Periodic Review (UPR) in 2020.

Acceptance of International Norms

During its second cycle UPR in 2015 (2015 UPR) Guyana “noted” the vast majority of recommendations to ratify additional international instruments. Although Guyana supported ratifying and implementing ILO Convention 169, it has not been ratified. Guyana also supported *considering* ratifying the UNECSO Convention against Discrimination in Education, but the convention was not been ratified.

Under the leadership of the Ministry of Legal Affairs, in 2019, Guyana ratified or acceded to - with the support of UNICEF/ HCCH, the following international instruments:

- Intercountry Adoption Convention
- Child Support Convention
- Child Abduction and Child Protection Conventions
- HCCH Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption
- Convention on the International Recovery of Child Support and Other Forms of Family Maintenance
- Apostille Convention

The country (Ministry of Legal Affairs) has also begun to work on inter-country adoption legislation, with the support of UNICEF.

At the 21st UPR session in 2015, the Government noted that it was considering ratifying the *1951 Convention Relating to the Status of Refugees* and the *1967 Protocol Relating to the Status of Refugees*.¹ Nonetheless, Guyana has not ratified either instrument, and reiterated prior concerns that “with competing priorities for limited resources, Guyana does not consider the drafting and adoption of national refugee legislation a priority at this time.”²

¹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guyana*, 13 April 2015, A/HRC/29/16, available at: <https://www.refworld.org/docid/5571735b4.html> at para. 7.

² UN Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, 19 January 2015, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/005/59/PDF/G1500559.pdf?OpenElement>, ft. note 18.

Given the regional context and protection challenges, including growing numbers of Venezuelans in Guyana who are in need of international protection, Guyana should be encouraged to take concrete steps towards accession to the *1951 Convention* and the *1967 Protocol* as a matter of priority.³

Greater efforts to identify persons in need of international protection are needed. The lack of a national legal and institutional framework on international protection also places refugees and asylum-seekers living in Guyana at a heightened risk of violations of other fundamental human rights. Since refugees and asylum-seekers in Guyana do not have legal status, they are not able to fully exercise their rights and freedoms, most notably in the area of employment. Without access to work authorization, asylum-seekers and refugees have very limited opportunities to achieve self-reliance, and women and children will be particularly vulnerable to sexual exploitation and trafficking.⁴

Guyana is neither a State party to the *1954 Convention relating to the Status of Stateless Persons* nor to the *1961 Convention on the Reduction of Statelessness*. However, there is a commitment to review the law, including work on birth registration, based on legislative review supported by UNICEF.

The deteriorating humanitarian situation in Venezuela has also led to significant numbers of Guyanese (and Guyanese descendants) to return from Venezuela. According to the current nationality law in Guyana, children born in Guyana are citizens by birth,⁵ and children born outside of Guyana may be granted citizenship if either the mother or the father is a Guyanese citizen. Citizenship is not conferred automatically through marriage and requires registration. In some cases, these individuals lack proof of their right to Guyanese nationality⁶ and may be at risk of statelessness if they are not recognized as Guyanese citizens, and do not have any other nationality.

³ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), *Concluding observations on the initial report of Guyana*, 28 May 2018, CMW/C/GUY/CO/1, at para. 33, available at: <https://www.ohchr.org/en/countries/lacregion/pages/gvindex.aspx>: 33. *The Committee recommends, in line with OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, that the State party ... (e) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and adopt national refugee legislation which establishes fair and efficient refugee status determination procedures, and ensure that persons in need of international protection have access to national services, including health services and access to employment.*

⁴ CEDAW, *Concluding Observations – Guyana*, CEDAW/C/GUY/CO/7-8, 7 August 2012, available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGUY%2fCO%2f7-8&Lang=en.

⁵ The Guyana Citizenship includes one exception to the *ius soli* principle “where his father or mother possess immunity from suit and legal process, as is accorded to an envoy of a foreign government, or his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.”

⁶ Guyana: Joint UNHCR-IOM Fact-Finding and Border-Monitoring Mission Report (April 2018). [On file with UNHCR; for limited distribution].

Constitutional & legislative framework

Access to justice in remote hinterland areas was improved through the establishment of a magistrate court in Lethem in Region 9. There are now 2 specialised courts for Sexual Offences, with a third to be established before the end of 2019.

Institutions and Policies

- National Human Rights Institution (NHRI):
 - Although Guyana accepted second cycle recommendations to establish a NHRI in compliance with the Paris Principles, the country has limited progress in implementing this recommendation. The Ethnic Relations Commission finally was constituted in 2019 through a parliamentary process after a hiatus. The chair of the Human Rights Commission still needs to be appointed for this Commission to be constituted with the membership of the four Constitutional Rights Commissions (Ethnic Relations, Women and Gender Equality, Indigenous Peoples and Rights of the Child).
- National Mechanism for Reporting and Follow-up (NMRF):
 - In 2017 Guyana government officials who participated in the Regional Consultation on Population & Sustainable Development in the Caribbean agreed to explore the possible establishment of an institution (modeled after the Planning Institute of Jamaica) to support the incorporation of state commitments to various treaty bodies into national development planning. The government has not yet established such a mechanism.
- In 2015 the Ministry of Social Cohesion was created to promote and enhance peace and harmony based on the principles of inclusion, non-discrimination, equality, respect for diversity and access and respect for the human rights of all citizens.
- National Policy for the Reintegration of Adolescent Mothers into the Formal School System was formally handed over by development partners to the Ministry of Education in June, 2018. The Ministry of Education subsequently commenced implementation in 2018. The Ministry of Education has advanced implementation in 2019. Regrettably, however, the Ministry of Education has placed emphasis on integrating adolescent mothers into facilities such as the Carnegie School of Home Economics instead of reintegrating adolescent mothers into secondary schools (high schools).

Human rights education and training

- Recommendations to provide human rights education and training to law enforcement and judicial officials with respect to domestic violence and child abuse cases has been partially implemented. A specialized learning series developed for Judiciary and allied professionals

on Forensic Psychology for Sexual Offences, as part of SO Court roll-out. Despite those trainings, however, additional mandatory and specialized training is needed. Please see further discussion under the Non-Discrimination, Trafficking, GBV and child rights sections.

- In February 2019 Guyana's Society Against Sexual Orientation Discrimination (SASOD) completed its first phase of training workshops for police officers in gender, sexuality, and human rights.

Non-discrimination

- People of African Descent:
 - Recommendations to further incorporate the Afro-Guyanese population into society and protect them from discrimination have not been fully implemented. The Working Group of Experts on People of African Descent visited Guyana in October 2017 to assess the problems of racism, racial discrimination, and xenophobia. The Working Group's statement to the media on the conclusion to their visit to Guyana highlighted severe inequalities and injustices experienced by the Afro-Guyanese population.
 - Guyana hosted an international summit on the International Decade of People of African Descent in March 2018 to further the global advocacy effort.
- LGBTI:
 - Guyana's Criminal Law (Offences) Act currently criminalizes "acts of gross indecency" between men as well as "buggery". Although Guyana did not support the recommendations to decriminalize homosexuality the country has made some progress.
 - Although the laws against same sex relationships have not been repealed, in 2018 the Caribbean Court of Justice struck down the colonial era, discriminatory law against "cross dressing" that was negatively affecting a cross-section of LGBT individuals and other members of the general population. The CCJ held that the law was unconstitutional and must be repealed.
 - In 2016, in collaboration with UNDP, the government and civil society held a comprehensive dialogue on HIV and the law during which several recommendations were made including promoting human rights and fighting discrimination against LGBTI persons by law enforcement and health workers. Since then, programmes of sensitization and orientation of health workers, the police, the media and university students on sexual and gender diversity have been conducted by government in collaboration with civil society and faith-based organisations.
 - In collaboration with the Ministry of Legal Affairs and UNDP, civil society activists drafted a draft legislative amendment, and an accompanying white paper, on including sexual orientation and gender identity as grounds for non-discrimination under the Anti-Discrimination in the Workplace Act of 1997. This draft amendment

- was scheduled for consultation with relevant Parliamentary Sectoral Committees and thereafter tabling in the National Assembly. Events surrounding the debating and passage of the 2019 budget, and a no confidence motion, prevented planned December 2018 engagements with the National Assembly.
- The development and approval of a policy to guide the provision of health services, via public health facilities, to members of marginalized communities (such as the LGBT community) still needs to be addressed. A draft Sexual Reproductive Health Policy (SRH Policy), to guide such service delivery, has yet to be approved by the Cabinet of the Government of Guyana. The policy seeks to empower health care workers to provide quality, non-judgmental sexual and reproductive health services to marginalized segments of the population, inclusive of the LGBTI community in Guyana.

Recommendations:

- Amend Article 149 of the Guyana Constitution to prohibit discrimination based on sexual orientation.
- Strengthen protections for LGBTI individuals.
- Repeal legislation that criminalizes consensual sexual activity between same sex adults.
- Conduct the necessary parliamentary consultations on the draft amendment to the Anti-Discrimination in the Workplace Act and table the draft legislation in the National Assembly.
- Accelerate the implementation of the National Gender Equality and Social Inclusion Policy of Guyana.
- Endorse and implement the draft Sexual Reproductive Health Policy.
- Involve local governments and other subnational bodies in human rights awareness raising and in the fight against stigma and discrimination.

Conditions of detention

Prison conditions have not been improved for persons with disabilities given that the conditions of detention in Guyana have been deemed life-threatening. The Guyana Prison Service reported in September 2017 that there were 2004 prisoners in five facilities with a combined design capacity of 1179.

Prohibition of slavery, trafficking

- Recommendations to combat human trafficking Guyana are being partially implemented and remains on-going.

- The IOM is supporting the Guyana government in developing new legislation to replace the Trafficking in Persons Act of 2005.
- The Ministry of Social Protection has developed Standing Operating Procedures and training to guide various actors, such as law enforcement, in the application of the new legislation. The ministry continues to conduct a number of activities (including in the hinterland regions) geared at identifying and rescuing individuals who have been trafficked. There remains, however, a need for further investments in ongoing training to support an adequate response by all relevant actors including law enforcement.
- The National Plan to Combat Trafficking in Persons (2017-2018) was approved in January 2017. Guyana is currently updating its comprehensive Plan Against Trafficking in Persons for 2019-2020. The purpose of the project is to increase distribution of information on the topic of TIP, increase the capacity of civil society to prevent TIP, and increase awareness of the wider society on TIP and measures for prevention through Public-Private partnership. The plan aims to provide protection for victims by providing comprehensive assistance to survivors and providing referrals for services. The government increased funding for victim assistance, identifying and assisting more victims, and opening a trafficking shelter outside of Georgetown.

Recommendations:

- Strengthen the capacity of relevant actors to more clearly differentiate cases of trafficking in persons from cases of commercial sex work.
- Increase and improve shelters and services for trafficking victims in the hinterlands.

Right to an effective remedy, impunity

- Although Guyana supported recommendations to establish an independent authority to investigate complaints of abuses perpetrated by the country's security forces, the government has not taken any steps to do so.
- There is still a need to vigorously investigate and prosecute sex and labor trafficking cases, and hold convicted traffickers, including complicit public officials, accountable.

Right to an adequate standard of living

- Recommendations regarding the right to an adequate standard of living have been partially implemented and are on-going.
- The 2018 launch of a US\$27M Adequate Housing and Urban Accessibility Programme is responsive to recommendations to develop sustainable housing schemes. The programme is being implemented by the Ministry of Communities. It is applicable to persons living at or below the poverty line within sections of Guyana's Regions Three and Four. The three

components of the Programme are Affordable and Sustainable Housing, Consolidation of existing Housing Schemes, and Support and Institutional Strengthening, with \$5M of the project funds devoted to 2000 home improvement subsidies, and another \$5M toward the construction of 250 core homes. \$16M has been budgeted to develop low income communities, and \$1M toward institutional strengthening.

- Recommendations regarding drinking water and sanitation are being implemented. Guyana Water Incorporated (GWI), Ministry of Communities, Guyana Bureau of Standards, and the Ministry of Public Health have each contributed to improving the availability of clean water.
 - GWI established programmes to: increase access to safe drinking water through expansion of water service coverage on the coast and hinterland areas of the country
 - GWI also commissioned a nationwide water quality surveillance programme to ensure safe quality of water supply, and also launched an infrastructure improvement programme to increase the number of persons using improved sanitation facilities.
- UN Environment, with contributions from the UNCT, supported the Government's consultative formulation of the Green State Development Strategy: Vision 2040, a 20-year strategy with the intention to provide a good quality of life for all its citizens based on sound education and social protection, low-carbon and resilient development, new economic opportunities, justice, and political empowerment. The Strategy document was handed over by UN Environment to the President and Cabinet in May 2019. According to Guyana's Department of Environment, the plan will begin implementation in 2020.ⁱ

Right to health

- The majority of recommendations to improve health services are being implemented and are on-going.
- Guyana has the highest rate of adolescent pregnancy in the English-speaking Caribbean. Persons aged 10-24 account for the largest proportion (31%) of the population. The adolescent fertility rate is estimated at 74 births per 1,000 girls aged 15-19 - well above the Caribbean average of 60.2; with Regions 1,7, and 8 and have unacceptably high rates and indigenous girls experience the highest rate of teenage pregnancy among all ethnic groups.
- In 2016 a MICS study showed that about 15% of the girls between ages 15 and 19 years had begun childbearing. The rates vary depending on the area that the girl lives, her poverty status, and her ethnicity. One in every five Amerindian girls, ages of 15 to 19 years were a mother at the time of the survey, and one in every four girls who lived in poor households had started childbearing. According to the GSHS report of 2016, among students who ever had sexual intercourse, 71% of students had sexual intercourse before the age of 14 years.
- Figures from the Child Protection Agency shows that out of a total of 4179 cases of child abuse in 2017, 841 (20.1%) were due to sexual abuse in children and adolescent under 18 years. From the cases of sexual abuse in 2017, 119/841 (14.1 %) boys and the girls were 722/841

(85.8%). This is common in the boys, age group 8-13 years with 46/119 (38.6%) and with girls age group 14-18 years 358/722 (49.6%). From the 358 adolescents who were sexually abused, 113 (31.5 %) resulted in a pregnancy.

- In collaboration with the UNFPA, the government has developed a National Sexual and Reproductive Health Policy that seeks to provide policy provisions that empower healthcare workers to provide quality, non-judgemental, age-appropriate HIV, sexual and reproductive health services to adolescents in Guyana. The SRH Policy is awaiting Cabinet approval.
- Government has adopted the WHO HIV and AIDS treatment policy guidelines of treating all people with HIV regardless of their CD4 count levels.
- The Ministry of Public Health (MoPH) has conducted training in Long Acting Reversible Contraceptives (LARC) for health workers on implants and post obstetric Intrauterine Devices for women of child bearing years. In addition, 1100 implants were procured for the MOPH to ensure that this is available for women of reproductive age group.
- The Government has made investments to strengthen access to affordable contraceptive methods throughout the country although further investments by the Government are needed. The delivery of comprehensive sexuality education via the school curricula remains extremely inadequate. The existing curricula requires significant strengthening as well as investments to strengthen the actual delivery of the content.
- Sexual and reproductive health services, inclusive of services to adolescents, are available via the private sector as well as via the public health facilities. However, the adolescent health service initiative has been introduced in only two regions in Guyana. There is a need for further investments to ensure that the delivery of such services are adequate and effective. Such service delivery also needs to be guided by the draft SRH Policy that is not yet in place.
- Guyana continues to struggle with reducing the high levels of maternal and infant mortality rates. There are no known efforts undertaken to expand the offer of obstetrics and gynaecology services throughout the State. The hinterland regions continue to be the most underserved in this respect due to a number of challenges faced by the State (inclusive of attracting and retaining suitable personnel to serve in the hinterland regions of Guyana).
- PAHO supported the revision and adoption of the community Integrated Management of Childhood Illnesses (IMCI) materials. Training will be conducted in two hinterland regions to build the capacity of health care providers to recognize the danger signs of a sick child and to make appropriate referrals to pediatric care services at the community level. In addition to the SRH, the following have been implemented to support adolescent health rights:
 - Adolescent health and wellness clinics in every region of the country
 - Establishment of Adolescent Health Clubs
 - Community Parenting Support Groups for Adolescents
 - School Health Clubs
 - Peer educator programmes

- Training for health care workers on adolescent rights in all regions of the country.
- The Mental Health Ordinance 1933 requires a substantial revision in order to be in full compliance with human rights standards, in particular with the CRPD. Issues such as voluntary and involuntary admission, detention, and periodic review of detentions, the role of psychiatric institutions, and the ample powers granted to the police and mental health officers with regard to the admission and subsequent detention in psychiatric institutions need to be reformulated according to international human rights standards. The current legislation still promotes seclusion and restraints as the main way to provide mental health treatment, in contradiction with the principle of the least restrictive environment.

Discrimination against women

- Recommendations to address the various forms of discrimination against women in Guyana have been partially implemented and are on-going.⁷
- In March 2019, The Ministry of Social Protection implemented the *Gender and Social Inclusion Policy*. The policy aims to mainstream gender issues into all sectors, thereby eliminating all negative economic, social and cultural practices that impede equality and equity. The agenda represents a comprehensive and transformative framework that clearly links the gender equality and empowerment of rural women and girls to other goals and targets, inter alia, ending poverty in all its forms. ⁱⁱ
- Despite this progress, Guyana continues to show challenges in effective enforcement in eliminating all forms of discrimination against women. The Women and Gender Equality Commission (WGEC) indicates that magistrates, judges, police officers, and other public officials lack the resources to identify, arrest, try, convict and punish offenders, and the criminal justice system does not provide genuine opportunities for rehabilitation of offenders for any form of restorative justice for women. Guyana also has not taken any legislative measures to ensure the protection of women in the workplace.
- The WGEC worked to streamline its work programme to fulfill its constitutional responsibilities with the development of a strategic plan. There exists a clearly defined mandate as well as responsibilities, as a national mechanism, for the advancement of women. However, there is a need to allocate additional resources to enable the WGEC to promote equality and to mainstream gender equality.
- The influx of Venezuelan migrants in the country is becoming a persistent challenge in Guyana. Guyanese people complain about Venezuelans migrants with totally different culture, language and traditions. There is a general perception among the Guyanese population that Venezuelan women dress provocatively and are engaged in sex work. The IOM Displacement Tracking Matrix (DTM) rounds showed that 20% (approximately 2,000

⁷ Recommendations A/HRC/29/16/130.2, 130.7, 130.8-130.13, 130.17, 130.19, 130.21.

interviews) of Venezuelan women said they have experienced discrimination. Of those who experienced discrimination, 96% responded that it was based on their nationality.

Recommendations:

- Allocate the necessary additional resources to enable the WGEC to promote equality and to mainstream gender equality whilst ensuring coordination of activities in the field.
- Accelerate the enactment of draft Amendment to the Prevention of Discrimination Act (1997) and the implementation of the National Gender Equality and Social Inclusion Policy of Guyana.
- Develop strategies around combating xenophobia and discrimination against Venezuelans migrants, especially women.

Gender-based violence

- Although Guyana is taking measures to implement recommendations to address violence against women, some recommendations regarding access to justice, implementation of the Sexual Offenses Act, and providing adequate resources to Guyana's GBV institutional framework have not been fully implemented. A National Plan of Action for addressing the Domestic Violence Action Plan is yet to be developed.
- In 2017, the Government of Guyana established the Sexual Offenses (SO) Court in Georgetown with support from UNICEF to have a child-friendly backup room.
- There are no policies which address the prevention of re-victimization of victims of violence, however, the State has sought to encourage media practitioners to be sensitive to the way in which sexual assault cases are reported in the media.
- UNICEF engaged the Ministry of Social Protection to reduce violence against children, including implementing the Sexual Offenses Act. There is still a high prevalence of corporal punishment for children. The use of corporal punishment is unlawful in juvenile detention centers but is permitted in schools, under guidance of the Head of School. The use of corporal punishment in schools and in the home remains an issue.

Children: protection against exploitation

- In April 2019 Guyana adopted a National Policy on Child Labour which currently is pending implementation. Supported by UNICEF, a National Plan of Action (NPA) is currently being developed and will be available by September to guide implementation.
- Other notable legislative and policy changes since Guyana's 2015 UPR include:
 - 2018 Juvenile Justice Act
 - Children without Adequate Parental Care Policy (2018)
 - Integrated Early Childhood Development Policy.

Recommendations:

- Accelerate the implementation of the Convention on Rights of the Child and its Optional Protocols.
- Accelerate implementation of the concluding observations from the Committee on the Rights of the Child.
- Increase investments in interventions that address the underlying socio-economic and cultural factors that aid the perpetuation abuse and exploitation of children.

Juvenile Justice

- The Juvenile Justice Act (the “Act”), unanimously passed in March 2018, repealed the 1931 Juvenile Offenders Act. It is intended to transform the delivery of juvenile justice and minimize the criminalization of youths. The Act serves to better align Guyana’s legislation with the provisions of the CRC.⁸ The new legislation introduces the following changes:
 - Raises the age of criminal liability from 10 to 14 years, and decriminalizes offences such as wandering, truancy, and vagrancy.
 - Changes how Guyana deals with children in conflict with the law by focussing on the maximization of education, rehabilitation, and reintegration into society rather than confinement.
 - Seeks to reduce discrimination against children by decriminalizing status offences that are not considered crimes when committed by adults.
 - Pursuant to the Act, one Children’s Court was established in October 2018 and two additional courts are expected to be commissioned in 2019.

Persons with disabilities

- Guyana has been making progress in implementing measures to the eliminate of discrimination against people with disabilities, as well as the full implementation of the Persons with Disabilities Act 2010.⁹
- In October 2018 the National Commission on Disability hosted a media summit to familiarize media personnel with disability etiquette. This included the basic forms of interacting with persons with disabilities, how to communicate with the Deaf and hearing-impaired, communicating with blind and visually-impaired, and describing disabled persons along with what words to use and avoid.
- The National Commission on Disability also conducted a countrywide survey to locate persons with disabilities and identify their respective needs. The information collected was given to administrators to aid in future decision-making processes.

⁸ Recommendation A/HRC/29/16/130.2.

⁹ Recommendations A/HRC/29/16/130.7, 130.71- 130.72.

The survey was conducted in Regions Two, Three, Five, Six, and Ten, which cover rural/semi-urban areas in the coastland and one interior region (does not include the capital Georgetown where the majority of the population reside and hinterland regions where most indigenous communities reside).

- In March 2018 the Ministry of Public Security, in partnership with the National Commission on Disability and the Deaf Association of Guyana, announced a pilot project to allow deaf persons to obtain a private vehicle license. ⁱⁱⁱ
- There has not been widespread progress in the improvement of accessibility for children with disabilities. However, the Fort Ordnance Primary School in Region 6 was officially commissioned by the Civil Defense Commission as an emergency shelter location. The shelter is the second of its kind country-wide and is equipped with ramps and other amenities to make it accessible for those with mobility disabilities. ^{iv}

Indigenous peoples

- Recommendations regarding the rights of indigenous persons have not been fully implemented but are on-going. Guyana has not implemented recommendations to ratify ILO Convention 169 or to create a national plan of action to improve the situation for Indigenous people.¹⁰ However, Guyana has made efforts to engage and to include indigenous persons in decision making processes.
- In 2019 indigenous communities participated in a process to translate the Food Based Dietary Guidelines into four indigenous languages (Akawaio, Makushi, Patamuna and Wapishana) which will be utilized in ongoing community education activities on nutrition. Consultations for the development of an Alcohol Policy in Guyana were held with the representatives of indigenous communities in Guyana, and contributions from those consultations were integrated into the final draft of the Alcohol Policy. Additionally, the indigenous people are fully represented and engaged in decision making regarding the land titling process at all levels including the Executive (Ministry of Indigenous Peoples Affairs), Communities/Villages, and the Project Board, where they participate directly and through their representation on the nationally recognized National Toshias Council (NTC) as well as other prominent Indigenous CSOs. To assist the NTC to better engage with the process, one of the officers of the Amerindian Land Titling team is providing dedicated support as a liaison to the villages for consultation and information sharing.
- UNDP is working with the Guyana government on the streamlining of the Indigenous Peoples' access to land rights by supporting Amerindian Land Titling in Guyana. This procedures for land titling, including: the application; investigations to address land use conflicts and to confirm the physical, traditional, cultural association and spiritual attachment to the land;

¹⁰ Recommendations A/HRC/29/16/132.19, 132.64.

dispute resolution; and cadastral survey and demarcation are based on the principles of Free, Prior and Informed Consent (FLIP) and complies with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Indigenous Peoples are fully represented and engaged in decision making in the land titling process at all levels including the Executive (Ministry of Indigenous Peoples Affairs), Communities/Villages and the Project Board, where they participate directly and through their representation on the nationally recognized National Toshias Council (NTC) and prominent Indigenous Non-Governmental Organizations. To assist the NTC to better engage with the process, one of the officers of the Amerindian Land Titling team is providing dedicated support as a liaison to the villages for consultation and information sharing.

New Concerns and Suggested Recommendations

Migrants

The deteriorating humanitarian situation in Venezuela has led to significant numbers of Venezuelans as well as Guyanese (and Guyanese descendants) returning from Venezuela crossing into neighboring Guyana and requiring various forms of humanitarian assistance and international protection. Upon entry into Guyana, Venezuelans are registered by the immigration authorities and provided with a temporary, three-month stay permit. Although currently the Government registers Venezuelans through a paper-based system, the initiative of the Government of Guyana to roll out a digitalized system for the registration and documentation of Venezuelans is welcomed. At present, renewal of the permit is a lengthy process that may require up to three months. As a result, Venezuelans are not always able to maintain their legal status in the country, a situation that makes them especially vulnerable to various forms of exploitation and abuse, including human trafficking.

While the provision of stay permits has helped to provide temporary protection, Venezuelans are unable to work legally with these permits. Without access to work authorization, Venezuelans have very limited opportunities to achieve self-reliance and mainly work in the informal sector. This can lead to negative coping mechanisms and make women vulnerable to sexual exploitation and trafficking. It has been reported that many Venezuelan women engage in sex work as a survival strategy in Guyana. Venezuelans have also reported restrictive measures by Immigration and police preventing them from leaving region 1 and 7 to explore income generating opportunities in other regions due to lack of employment opportunities in these regions.

Although the Government of Guyana has taken steps to facilitate Venezuelans' access to medical care and education, challenges remain in terms of language barriers, lack of knowledge about services available, lack of required documentation to enroll in school and high transportation costs to reach facilities. In an effort to respond to these challenges, the Government of Guyana has established a Multi-agency Coordinating Committee for addressing the influx of Venezuelan Migrants into Guyana, which is chaired by the Minister of Citizenship and brings together several public institutions, ministries and UN agencies.

Recommendations:

- Adopt national refugee legislation and develop policies and refugee status determination procedures to ensure full compliance with the 1951 Convention;
- Establish a government agency responsible for receiving and screening asylum-seekers, who may arrive in Guyana and who may be in need of international protection, to ensure that they are referred to the correct procedures and receive necessary protection and assistance;
- Ensure that refugees and other beneficiaries of international protection are promptly registered and issued identity documents, residence rights and are provided with a work permit to ensure self-reliance, discourage informal employment to prevent exploitation, and facilitate integration, without discrimination;
- The government should take measures to develop comprehensive Immigration and Emigration Bills and specific SOPs for the implementation of these bills. The government should also review the regulations related to work permits and self-employment for migrants in crisis and review the laws as it relates to refugee status and asylum seekers.
- Ensure that, in the absence of any current national framework and irrespective of whether a person is granted an entry visa upon arrival, without delay ensure that any person seeking asylum at the border is referred to UNHCR for processing to ensure full compliance with Guyana's obligations under the International Covenant on Civil and Political Rights and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Increase access to, and awareness of the importance of, birth registration and birth certificates, especially in rural and hinterland areas;
- Increase efforts to determine Guyanese nationality among returning Guyanese, taking into consideration that they often lack documentation and may face challenges in providing proof of their right to Guyanese nationality; and
- Introduce stateless determination procedures, especially to address the situation of individuals arriving from Venezuela, who are unable to prove their link to both Venezuelan and Guyanese nationality and may therefore be stateless.
- Accede to the 1954 and 1961 International Statelessness Conventions

To aid in the Venezuela situation, the government should:

- Continue in its commendable efforts to launch a digitalized system for the registration and documentation of all Venezuelans.
- Ensure that issuance of documentation to Venezuelans through the new digitalized system automatically grants long term residency rights as well as access to the regular labour market.
- Enhance prevention and responses to trafficking in persons (especially in relation to the trafficking of women and girls) and, where necessary, facilitate survivors' access to asylum procedures and international protection; and
- Ensure access to freedom of movement within the country to ensure full compliance with Guyana's obligations under the International Covenant on Civil and Political Rights.

ⁱⁱ <https://www.unenvironment.org/news-and-stories/press-release/guyana-and-un-environment-collaborate-strategy-environmental>

ⁱⁱ <https://dpi.gov.gy/national-gender-and-social-inclusion-policy-to-be-implemented-this-year-minister-ally/>

ⁱⁱⁱ <https://demerarawaves.com/2019/03/04/deaf-drivers-pilot-programme-in-the-making-public-security-ministry/>

^{iv} <https://motp.gov.gy/index.php/2015-07-20-18-53-36/2650-fort-ordnance-primary-school-commissioned-as-emergency-shelter>