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Guyana

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full texts, please refer to the document referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1977)	OP-CRC-AC (2010)	ICCPR-OP 2
	ICESCR (1977)	OP-CRC-SC (2010)	OP-CAT
	ICCPR (1977)	ICRMW (2010)	ICPPED
	CEDAW (1980)	CRPD (2014)	
	CAT (1988)		
	CRC (1991)		
	CRPD (signature, 2007)		
<i>Reservations and/or declarations</i>	ICERD (general declaration, 1977)	OP-CRC-AC (declaration upon accession on art.3, para. 2, permitting voluntary recruitment between the ages of 16 and 18, 11 August 2010; withdrawal of declaration made upon accession and new declaration on art. 3, para. 2, permitting voluntary recruitment between the ages of 14 and 18 years, 18 November 2010)	
	ICCPR (reservations: art. 14, paras. 3 (d) and 6, 1977)		
<i>Complaints procedures, inquiries and urgent action³</i>	ICCPR, art. 41 (1993)		ICERD, art. 14
	ICCPR-OP 1 (1999)		OP-ICESCR
	CAT, art. 20 (1988)		OP-CEDAW
			CAT, arts. 21 and 22
			OP-CRC-IC
			ICRMW, arts. 76 and 77
		OP-CRPD	
		ICPPED	

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Palermo Protocol ⁴		Convention on the Prevention and Punishment of the Crime of Genocide
	Rome Statute of the International Criminal Court		Conventions on refugees and
	Geneva Conventions of 12		

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
August 1949 and Additional Protocols I, II and III ⁵		stateless persons ⁸
ILO fundamental conventions ⁶		ILO Convention No. 169 ⁹
ILO Convention No. 189 ⁷		UNESCO Convention against Discrimination in Education

1. The Committee on the Elimination of Discrimination against Women (CEDAW)¹⁰ and the Committee on the Rights of the Child (CRC)¹¹ recommended that Guyana ratify ICPED. In 2012, CEDAW called upon the country to ratify OP-CEDAW.¹² In 2013, CRC recommended that Guyana ratify OP-CRC-IC.¹³

2. The Office of the United Nations High Commissioner for Refugees (UNHCR) stated that the accession by Guyana to various international instruments since the previous universal periodic review (UPR) session, including those regarding sex and labour trafficking, represented significant steps, given that the country was a source and destination country for both sex and labour trafficking.¹⁴ UNHCR encouraged Guyana to accede to the international instruments dedicated to preventing and reducing statelessness and ensuring the protection of stateless populations. It also affirmed that accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness would establish a stronger framework to prevent and reduce statelessness and avoid its detrimental effects by ensuring minimum standards of treatment for stateless persons.¹⁵

3. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Guyana to ratify the UNESCO Convention against Discrimination in Education.¹⁶

4. CRC recommended that Guyana consider acceding to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993.¹⁷

B. Constitutional and legislative framework

5. CEDAW urged the country to include the prohibition of discrimination against women in its Constitution and other appropriate legislation and to harmonize the various provisions at the constitutional and legislative levels dealing with equality and non-discrimination.¹⁸

6. CRC noted the adoption of the Childcare and Protection Agency Act No. 2 of 2009 and the Protection of Children Act No. 17 of 2009. However, it was concerned that Guyana had not yet undertaken a comprehensive review of its laws to ensure full compatibility with the Convention on the Rights of the Child.¹⁹

C. Institutional and human rights infrastructure and policy measures

7. The United Nations country team (UNCT) commended the Government on the appointment of the Ombudsman, established under article 191 of the Constitution, in 2014.²⁰

8. UNCT reported that the establishment of four rights commissions intended to “strengthen social justice and the rule of law” was provided for in the Constitution under article 212G, namely, the overarching Human Rights Commission and three sectorial commissions: the Indigenous Peoples’ Commission, the Rights of the Child Commission, and the Women and Gender Equality Commission.²¹ Within its follow-up framework, in 2010, the Committee against Torture (CAT) received information that the Human Rights Commission had yet to be established;²² in 2012, CEDAW expressed its concern that the Commission was not operational.²³ CEDAW noted also that Guyana had not yet established

an independent national human rights institution, despite having accepted the recommendation to do so made during its UPR in 2010. CEDAW called upon the country to establish an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).²⁴

9. UNCT noted that the delayed appointment of the Human Rights Commission meant that overarching human rights issues not covered by the sectoral commissions could be left unattended leaving a gap in the monitoring of “observance of international instruments to which Guyana accedes” as mandated by the Constitution. UNCT recommended that the Human Rights Commission be established without further delay and that the efficient and timely appointment of commissioners be ensured.²⁵

10. UNCT recommended guaranteeing that all the commissions have the required human, financial and technical resources to function effectively and ensuring that the current practice of appointing persons active in politics, including Members of Parliament, as commissioners be discontinued, as it was contrary to accepted international standards.²⁶

11. While noting the existence of the Women and Gender Equality Commission, CEDAW encouraged Guyana to clearly define the mandate and the responsibilities of the national machinery for the advancement of women and to provide it with adequate human, financial and technical resources for it to coordinate and promote gender equality and gender mainstreaming.²⁷

12. CRC was concerned that the Rights of the Child Commission did not have a fully functional complaints mechanism for children and had limited independence and powers. It recommended that the Commission be able to investigate and address complaints by children in a child-sensitive manner, to ensure the privacy and protection of victims and to undertake monitoring, follow-up and verification activities.²⁸

13. UNCT noted that the Ethnic Relations Commission, established separately from the other commissions under article 212A of the Constitution, was not fully functional due to the fact that the commissioners had not yet been appointed.²⁹

14. CRC encouraged Guyana to adopt a comprehensive policy on, and implement an action plan for, children. It also urged the country to provide human, technical and financial resources for an effective implementation of the action plan.³⁰

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies³¹

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2006	-	-	Fifteenth and sixteenth reports overdue since 2008.
CESCR	-	2012	-	Second to fourth reports pending consideration in 2015.
HR Committee	March 2000	-	-	Third report overdue since 2003.

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CEDAW	July 2005	2010	July 2012	Ninth report due in 2016.
CAT	November 2006	-	-	Second report due in 2016, initially due in 2008.
CRC	January 2004	2010	February 2013	Consolidated fifth and sixth reports due in 2018. Initial reports under OP-CRC-AC and OP-CRC-SC overdue since 2012.
CMW	-	-	-	Initial report overdue since 2011.

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CEDAW	2014	Legal status of the Convention; and national machinery for the advancement of women. ³²	-
CAT	2007	Detention conditions; extrajudicial killings by the police; widespread sexual violence; domestic violence; and human rights institutions. ³³	2008. ³⁴ Additional information requested. ³⁵

Views

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
HR Committee	1 ³⁶	Information requested. ³⁷

15. UNESCO encouraged Guyana to continue to submit State reports for the periodic consultations on the UNESCO education-related standard-setting instruments.³⁸ It highlighted a number of pending reports from Guyana on the measures taken for the implementation of the 1960 Convention against Discrimination in Education, the 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, and the 1976 Recommendation on the Development of Adult Education.³⁹

B. Cooperation with special procedures⁴⁰

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Minority issues (2008) Racism (2003)	-

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Visits agreed to in principle</i>	-	-
<i>Visits requested</i>	-	Torture
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review one communication was sent. The Government did not reply to this communication.	

16. CRC recommended that Guyana cooperate with the Special Representative of the Secretary-General on Violence against Children.⁴¹

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

17. Cooperation with Guyana is covered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) headquarters in Geneva.⁴² CEDAW called upon Guyana to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including OHCHR.⁴³

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

A. Equality and non-discrimination

18. CEDAW expressed its serious concern about the persistence of harmful norms, practices and traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. It was also concerned about women's disadvantageous and unequal status in education, public life and decision-making. It urged Guyana to put in place a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women and to target the media to strengthen understanding of the equality of women and men.⁴⁴ UNCT recommended that Guyana, inter alia, carry out more awareness-building and dissemination of the provisions of CEDAW to women in rural and remote areas and to incorporate CEDAW into domestic law.⁴⁵

19. CRC remained concerned about the prevalence of discrimination against Amerindian children and children with disabilities, as well as against other children because of their sexual orientation and/or gender identity.⁴⁶ UNCT stated that, in line with recommendation 70.22 of the first UPR cycle on efforts to eliminate all forms of discrimination through the implementation of a national action plan, especially in the work environment, some policy measures had been implemented, such as the workplace campaign "No tolerance for discrimination", and the "TELL" campaign, which encouraged children to disclose offences.⁴⁷ UNCT considered the parliamentary motion on the elimination of discrimination based on sexual orientation to be a positive change that was in line with UPR recommendations 70.47–70.53 on combating discrimination against individuals on the basis of their sexual orientation or gender identity and decriminalizing consensual sexual activity between adults of the same sex.⁴⁸

20. UNCT stated that enforcement of the policy of equal work for equal pay had yet to be fully realized.⁴⁹ It underscored that the Sexual Offences Act of 2010 did not specifically

protect males from sexual abuse and that transgender persons were discriminated against, since the Summary Jurisdiction (Offences) Act (sect. 153) made it an offence for a male to appear in female attire, even though the Constitution guaranteed freedom of expression.⁵⁰ UNCT also expressed its view that the Constitutional and Administrative Court had recently missed the opportunity to declare that freedom of expression encompassed the right to cross-dress.⁵¹

21. UNCT recommended that Guyana, *inter alia*, step up its efforts regarding the removal of all forms of discrimination and enact legislation that would criminalize discrimination against persons who have a different sexual orientation or gender, prohibit all forms of discrimination and decriminalize consensual adult same-sex relations.⁵²

B. Right to life, liberty and security of the person

22. UNCT reported that, regarding first-cycle UPR recommendations 70.23–70.32 on a moratorium on the death penalty and its abolishment, no moratorium on the death penalty had been established in Guyana. UNCT recommended that Guyana step up efforts to end the death penalty.⁵³

23. UNCT stated that, contrary to UPR recommendation 69.6 regarding the capacity of the Police Complaints Authority to investigate allegations of extrajudicial killings and the use of excessive force by police, no action had been taken to expand that capacity.⁵⁴ UNCT recommended strengthening the Police Complaints Authority.⁵⁵ CAT expressed its concern that four of the five bodies mandated to receive complaints of alleged extrajudicial killings by members of the police force were themselves bodies of the police force. It stated that victims or family members of victims might be unwilling or uncomfortable to bring allegations against members of the police forces to those bodies, fearing retribution or targeting.⁵⁶

24. CEDAW was concerned at the high prevalence of violence against women and at the acts of violence against lesbian and bisexual women and transgender persons in Guyana, with only one centre providing services to victims of violence.⁵⁷ CEDAW⁵⁸ noted and CRC welcomed⁵⁹ the enactment of the Sexual Offences Act of 2010. CEDAW urged Guyana, *inter alia*, to accord high priority to the full implementation of the Sexual Offences Act.⁶⁰ UNCT recommended that Guyana implement the National Task Force for the Prevention of Sexual Violence and implement fully the Sexual Offences Act.⁶¹ It affirmed that both the Domestic Violence Act and the Sexual Offences Act could be improved upon in terms of the quantum of the fines for breach of protection orders and for infringements.⁶² CAT reiterated its recommendation to provide support to victims of domestic violence, including the expansion of legal aid services.⁶³

25. While welcoming the country's Childcare and Development Services Act 2011, CRC expressed its regret that corporal punishment remained lawful, and recommended that Guyana explicitly prohibit it and strengthen awareness-raising campaigns to promote respect for children's rights.⁶⁴ UNESCO stated that corporal punishment was still legal at schools, and encouraged Guyana to take additional measures to ban it.⁶⁵ UNCT considered the parliamentary motion on the abolition of corporal punishment and the removal of corporal punishment in the recently tabled Education Bill to be positive changes in keeping with first-cycle UPR recommendations 70.36-70.41 on the prohibition and elimination of corporal punishment.⁶⁶

26. While welcoming the campaigns against the abuse of children, CRC was concerned that child abuse continued to occur frequently and recommended that Guyana strengthen awareness-raising and education programmes and to ensure that no young children were left unaccompanied at home.⁶⁷

27. CRC welcomed that Guyana had raised the age of sexual consent from 13 years to 16 years, and also welcomed the enactment of legislation to strengthen the protection of children from sexual abuse and exploitation. It was, however, concerned that sexual abuse remained prevalent and socially tolerated and that reporting and enforcement mechanisms were inadequate. The Committee recommended that Guyana, inter alia, strengthen its legal framework and legal enforcement mechanisms; establish procedures and guidelines to ensure mandatory reporting of child sexual abuse and exploitation cases; and ensure programmes and policies for the prevention, recovery and reintegration of child victims.⁶⁸

28. CRC recommended that Guyana develop a comprehensive national strategy and adopt a national coordinating framework to prevent and address all forms of violence against children.⁶⁹

29. CEDAW expressed concern at the continuing prevalence of trafficking in women and girls in Guyana. It called upon the country, inter alia, to address the root causes of trafficking and the exploitation of prostitution; ensure the recovery and social reintegration of victims; provide training to the judiciary, law enforcement officials, border guards and social workers; increase cooperation with countries of origin, transit and destination; harmonize legal procedures aimed at prosecution of traffickers; and ensure that trafficked women and girls had access, among other things, to high-quality medical care.⁷⁰ UNHCR highlighted the creation of a ministerial inter-agency national task force and the development of a national plan of action to combat human trafficking and protect victims of trafficking. It stated that victim identification had been improved and that the Government provided assistance for victims, including psychosocial support and medical care.⁷¹ UNCT reported that programmes for reintegration into society, care packages and paid-for job training had been provided for trafficked persons.⁷²

30. Regarding recommendation 69.12 of the first UPR cycle, on working to eliminate sexual violence, UNCT stated that while no specific action had been taken under the “Stamp it out” campaign during the present review cycle, the Ministry of Labour, Human Services and Social Security had carried out awareness campaigns regarding sexual abuse, child pornography and prostitution.⁷³

C. Administration of justice and the rule of law

31. UNCT pointed out the need to increase legal services, especially in hinterland areas, with respect to administration of justice.⁷⁴ CAT welcomed the legislative and judicial reform to improve the administration of justice and reduce the number of remand prisoners, as well as the Justice Administration Programme. The Committee was pleased to learn of the adoption of the Evidence Bill, the Criminal Law Procedure Amendment Bill, and the Criminal Procedure Plea Bargaining and Plea Arrangement Bill, and expressed interest in receiving information from the Government about their implementation.⁷⁵

32. CEDAW was concerned that, despite the fact that women’s access to justice was provided for in legislation, women’s ability to exercise that right and to bring cases of discrimination before the courts was limited. It recommended that Guyana, inter alia, establish permanent magistrates’ courts, ensure that the judiciary was familiar with the Convention on the Elimination of All Forms of Discrimination against Women, provide legal aid services in all regions and disseminate knowledge of ways to use available legal remedies against discrimination.⁷⁶

33. CRC regretted that the minimum age of criminal responsibility remained at 10 years of age and was concerned that the criminal majority was fixed at 17 years of age. The Committee expressed deep concern that the country’s draft juvenile justice bill from 2008 had yet to be considered by Parliament, resulting in further concerns, inter alia, the lack of

free legal advice and representation for children in conflict with the law. It urged Guyana to establish a clear timeline for considering its draft juvenile justice bill and ensure its full compliance with international standards.⁷⁷ UNCT reported that the Juvenile Justice Bill had not been assented to but that efforts in line with UPR recommendation 69.13 on ensuring the separation of juvenile prisoners from adult inmates had been made.⁷⁸ It also highlighted that the Government had taken action to train authorities of the police force and prison system and, to a lesser extent, those of the Guyana Defence Force, on the treatment of prisoners.⁷⁹

34. CAT remained concerned about the reported overcrowding in Georgetown prison and about the substandard hygiene and infrastructure of the prison system more broadly.⁸⁰ UNCT recommended ensuring that conditions of detention were in conformity with international standards.⁸¹

D. Right to privacy, marriage and family life

35. CEDAW remained concerned at reports that the phenomenon of early marriage persisted. It called upon Guyana to ensure de facto criminalization of early marriage and to carry out an awareness-raising campaign to better educate women about their rights, including with regard to traditional negative stereotypes that prevented their free choice regarding reproductive health.⁸²

36. CEDAW was concerned that women bore the greater burden of the responsibilities of raising children and taking care of dependants and that such responsibilities denied them their right to education, employment and other activities relating to their personal development. It called upon Guyana to promote the shared responsibility of both the father and mother.⁸³

37. CRC was concerned that fathers neglected their parental responsibilities or met them only on a limited basis, and that the social support and assistance provided to children in such situations and to children left behind by migrant parents were inadequate. It recommended that Guyana support public awareness-raising campaigns aimed at men and boys to exercise responsible parenthood, and recover effectively child maintenance.⁸⁴

38. While welcoming the enactment of the Minimum Operational Standards and Regulations for Children's Homes (2008), CRC was concerned at the increasing number of children being placed in institutional care and that alternative options for children deprived of a family were inadequate in scope and quality. It recommended that Guyana support and facilitate family-based care for children and facilitate contact between the child and her/his biological family.⁸⁵

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

39. UNESCO encouraged Guyana to decriminalize all defamation, and recommended it to develop self-regulatory mechanisms of the media.⁸⁶

40. In 2012 the special rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association, and on extrajudicial, summary or arbitrary executions sent a joint communication regarding allegations of widespread acts of violence against peaceful protesters in the context of the protests carried out since 18 July 2012 in Linden, Georgetown. They noted information received according to which on 18 July 2012 a group of residents from the mining town of Linden had participated in a protest to denounce a

disproportionate rise in electricity prices. It was reported that during the first day of the protests, organizers had called on residents to “march fearlessly against injustice”. According to the reports, police officers had violently dispersed protesters during the course of the demonstration, shooting live rounds and killing at least three persons and injuring about 20 others. Allegedly, a number of buildings had been set on fire, including the Linmine Secretariat building.⁸⁷

41. In 2013 the Special Rapporteur on the rights to freedom of peaceful assembly and of association urged that a thorough, impartial and independent investigation be conducted without delay into any allegation of excessive use of force and of torture and ill-treatment during peaceful demonstrations, that those responsible be held accountable and that full redress be provided to victims.⁸⁸

42. CEDAW noted that female representation in the parliament of Guyana had increased from 18.5 per cent in 1992 to 32 per cent in 2012. It was, however, concerned at obstacles to the advancement of women in political and public life and at the slow progress in ensuring the equal participation of Amerindian women in leadership and decision-making positions in political and public life. The Committee called upon Guyana to amend or adopt legislation aimed at increasing the de facto participation of women in political and public life, to adopt temporary special measures to accelerate that participation, in particular with regard to Amerindian women, and to carry out awareness-raising campaigns on the matter.⁸⁹

43. UNCT stated that a number of administrative mechanisms were in place in ministries to address concerns relating to women’s rights and to ensure that women were included in consultations on all new policies and programmes of the Government.⁹⁰

F. Right to work and to just and favourable conditions of work

44. UNCT reported that ratified ILO conventions have not always been adequately incorporated into national legislation and, as such, the rights and protections enjoyed by workers and employers were inconsistent with the conventions.⁹¹

45. CEDAW was concerned about the persistent pay discrimination against women and the high proportion of women engaged in unpaid family work. It urged Guyana to enforce effectively the principle of equal pay for work of equal value; intensify technical and vocational training for women; and adopt temporary special measures aimed at achieving de facto equal opportunities for men and women in the labour market.⁹² UNCT encouraged Guyana, inter alia, to prohibit discrimination in employment, and amend the Prevention of Discrimination Act No. 26 of 1997, with respect to equal remuneration to women and men performing work of equal value, to state that it takes precedence over the Equal Rights Act of 1990.⁹³

46. CRC noted as positive the efforts by Guyana to address child labour in 2011 through the TACKLE education programme. It was, however, concerned about the inadequate clarity regarding the definition of child labour, the lack of legal clarity regarding the types of hazardous work in which children were prohibited from being employed and about inadequate measures for monitoring and enforcing the country’s Occupational Safety Act.⁹⁴ UNCT recommended that Guyana, inter alia, update and enhance the inadequate legislative definition of and policy on what constitutes child labour and who constitutes a child, and provide data on children employed in the informal sector and the tourism industry.⁹⁵

G. Right to social security and to an adequate standard of living

47. CEDAW was concerned about the concentration of women in the informal sector with no social security or other benefits. It urged Guyana to establish a regulatory framework for the informal sector.⁹⁶

48. UNCT underscored that access to basic water and sanitation continued to be a challenge, and encouraged Guyana to implement UPR recommendation 69.26 on promoting the right to water and empowering inhabitants to enjoy that right. UNCT also encouraged Guyana to develop and integrate right-to-food legislation into existing laws.⁹⁷

49. UNCT stated that, regarding UPR recommendation 69.25 on strengthening measures to reduce hunger, the Government had made progress in the development of a national food and nutrition security strategy and action plan that contained provisions and actions relating to the right to food.⁹⁸ It commended the Government for the development of the draft sexual and reproductive health policy and reproductive health commodity security.⁹⁹

H. Right to health

50. CEDAW welcomed¹⁰⁰ and CRC noted as positive¹⁰¹ the National Health Sector Strategy 2008–2012.

51. CRC was concerned at the high maternal mortality rates and high infant and under-five mortality rates. It recommended that Guyana implement comprehensive programmes for addressing maternal and perinatal deaths and address the quality, access and utilization of all health and nutrition services.¹⁰²

52. CEDAW was concerned at the lack of a monitoring system to ensure women's adequate access to health-care services and at the lack of adequate mental health services for women and girls suffering from mental health problems.¹⁰³

53. CEDAW was also concerned at the inadequate access by women and girls to reproductive health-care services, information, education and contraceptive methods.¹⁰⁴ UNCT underscored that minors could not gain access to contraceptives, since there was a policy against the distribution of condoms.¹⁰⁵ CEDAW urged Guyana to increase access to affordable contraceptive methods throughout the country; include sexual and reproductive health education in all school curricula; and provide adequate and effective services, including psychosocial counselling, for women and girls suffering from mental health problems, in particular in hinterland, rural and remote areas.¹⁰⁶ CRC reiterated its previous concern regarding the high rate of adolescent pregnancies, and recommended that Guyana adopt a sexual and reproductive health policy.¹⁰⁷ UNCT recommended harmonizing policies among government ministries as they related to sexual and reproductive health.¹⁰⁸

54. CRC was concerned at the significant increase in HIV cases for persons between 15 and 19 years of age. It recommended that Guyana improve access to age-appropriate HIV and sexual and reproductive health services among adolescents.¹⁰⁹ UNCT encouraged Guyana to take ownership for HIV/AIDS by allocating its own national funds and resources.¹¹⁰

I. Right to education

55. CRC was concerned about the low quality of education and the shortage of trained teachers; the high rates of student withdrawal from schooling; and the significant disparities along regional, socioeconomic, ethnic and gender lines at the secondary level of education.

It recommended that Guyana allocate adequate human, technical and financial resources for improving teacher training and the quality of education.¹¹¹

56. CEDAW was concerned at the high dropout rates among girls at the secondary level in administrative region 8 of Guyana, and at the difficulties faced in gaining access to education facilities in hinterland areas. The Committee urged Guyana to ensure equal access by girls and women to all levels and fields of education; eliminate traditional stereotypes and structural barriers in social settings; provide girls with career counselling; and provide access to education facilities, in particular in hinterland, rural and remote areas.¹¹²

57. UNESCO stated that despite the efforts deployed by Guyana to increase the quality of and access to education, the emphasis placed on human rights education had been insufficient; it encouraged Guyana to strengthen human rights promotion within the educational system.¹¹³ UNCT recommended that Guyana develop a national strategy for human rights education in the school system in accordance with UPR recommendation 69.7 on the subject.¹¹⁴

J. Cultural rights

58. UNESCO encouraged Guyana to fully implement the relevant provisions that promoted access to and participation in cultural heritage and creative expressions and to give due consideration to the participation of communities, practitioners, cultural actors and non-governmental organizations from civil society, as well as vulnerable groups, and to ensure that equal opportunities were given to women and girls to address gender disparities.¹¹⁵

K. Persons with disabilities

59. CRC welcomed the adoption of the Persons with Disabilities Act of 2010 and the implementation of the National Commission on Disability Strategic Plan for 2008–2011. It was, however, concerned about widespread societal discrimination against children with disabilities and that accessible health treatment and rehabilitation services for those children were extremely limited in the hinterland. The Committee recommended that Guyana combat negative societal attitudes prevailing against children with disabilities; ensure the availability of health and rehabilitation services for such children; and provide for the inclusion of children with disabilities in the mainstream education system so as to address their educational needs.¹¹⁶

L. Minorities and indigenous peoples

60. CRC welcomed the establishment of the Indigenous Peoples' Commission to address discrimination and marginalization faced by Amerindian children.¹¹⁷

61. In 2013, CERD considered, under its early warning and urgent action procedure, the situation of the Kako and Isseneru indigenous communities in Guyana. It was concerned that Guyana had denied those communities any decision-making rights concerning the mining of lands over which they had title. It also expressed concern about the limits of the legislation that had allowed mining activities in indigenous traditional territories without the free and prior informed consent of the affected communities. It reiterated its recommendation to amend the Amerindian Act of 2006 to remove any discriminatory distinctions in the legislation, and requested Guyana to review the practice of granting

mining permits and concessions without obtaining the prior and informed consent of affected indigenous communities.¹¹⁸

M. Migrants, refugees and asylum seekers.

62. UNHCR reported that in response to recommendations relating to refugees made during the first-cycle UPR, Guyana had responded that “with competing priorities for limited resources, Guyana does not consider the drafting and adoption of national refugee legislation a priority at this time”.¹¹⁹ UNHCR considered that, given the regional context and protection challenges, accession to the 1951 Convention relating to the Status of Refugees should be a first priority and would provide a clearer basis for the Government to provide refugees with international protection.¹²⁰

63. UNHCR stated that while Guyana had not intentionally or knowingly violated the principle of non-refoulement, more efforts to identify persons requiring international protection were needed by the State, and that creating a national plan to identify vulnerable persons would reduce the country’s chances of inadvertently violating the non-refoulement principle.¹²¹ It continued to encourage the Government to develop formal procedures for determining refugee status.¹²²

64. UNHCR recommended that Guyana, inter alia, facilitate full and open access to asylum procedures for persons who have expressed a fear of returning to their country of origin,¹²³ engage in an enhanced dialogue and consultation with UNHCR regarding mixed migratory movements, and gather information on undocumented persons known to have arrived in the territory, including with regard to the determination of special protection needs.¹²⁴

65. UNHCR stated that citizenship was not conferred automatically through marriage and required registration, and that failure to document a person’s legal existence could prevent the effective enjoyment of a range of human rights, including access to education and health care.¹²⁵ It highlighted that registration was important not only for nationality purposes but also because it provided children with a degree of protection against child labour, illegal adoption, early marriage, sexual exploitation and trafficking.¹²⁶ It recommended that the Government issue birth certificates to all children born on its territory and increase access to and awareness of the importance of birth certificates, especially in rural and hinterland areas.¹²⁷

Notes

¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Guyana from the previous cycle (A/HRC/WG.6/8/GUY/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, at <https://www.icrc.org/IHL>.

⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention

- No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁷ International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers.
- ⁸ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.
- ⁹ International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.
- ¹⁰ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/GUY/CO/7-8), para. 47.
- ¹¹ Concluding observations of the Committee on the Rights of the Child (CRC/C/GUY/CO/2-4), para. 65.
- ¹² CEDAW/C/GUY/CO/7-8, para. 42.
- ¹³ CRC/C/GUY/CO/2-4, para. 65.
- ¹⁴ UNHCR submission for the UPR of Guyana, p. 1.
- ¹⁵ *Ibid.*, p. 5.
- ¹⁶ UNESCO submission for the UPR of Guyana, para. 25.
- ¹⁷ CRC/C/GUY/CO/2-4, para. 44.
- ¹⁸ CEDAW/C/GUY/CO/7-8, para. 13.
- ¹⁹ CRC/C/GUY/CO/2-4, para. 8.
- ²⁰ UNCT submission for the UPR of Guyana, p. 5.
- ²¹ *Ibid.*, para. 4.
- ²² Letter from CAT to the Permanent Mission of Guyana to the United Nations, dated 14 May 2010, p. 3, available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GUY/INT_CAT_FUF_GUY_12072_E.pdf.
- ²³ CEDAW/C/GUY/CO/7-8, para. 16.
- ²⁴ *Ibid.*, paras. 14–15.
- ²⁵ UNCT submission, p. 3.
- ²⁶ *Ibid.*
- ²⁷ CEDAW/C/GUY/CO/7-8, paras. 16–17.
- ²⁸ CRC/C/GUY/CO/2-4, paras. 18–19.
- ²⁹ UNCT submission, para. 5.
- ³⁰ CRC/C/GUY/CO/2-4, para. 11.
- ³¹ The following abbreviations have been used in the present document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
- ³² CEDAW/C/GUY/CO/7-8, para. 49.
- ³³ Concluding observations of the Committee against Torture (CAT/C/GUY/CO/1), para. 27.
- ³⁴ Available from http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=GUY&Lang=EN.
- ³⁵ Letter from CAT to the Permanent Mission of Guyana to the United Nations, dated 14 May 2010.
- ³⁶ CCPR/C/98/D/1246/2004.
- ³⁷ *Ibid.*, para. 17.
- ³⁸ UNESCO submission, para. 25.
- ³⁹ *Ibid.*, paras. 14–17.

- ⁴⁰ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ⁴¹ CRC/C/GUY/CO/2-4, para. 38.
- ⁴² “OHCHR Management Plan 2014–2017: Working for your rights”, North America and the Caribbean, p. 188. Available from http://www2.ohchr.org/english/OHCHRreport2014_2017/OMP_Web_version/media/pdf/45_North_America_Caribbean.pdf
- ⁴³ CEDAW/C/GUY/CO/7-8, para. 48.
- ⁴⁴ *Ibid.*, paras. 20–21.
- ⁴⁵ UNCT submission, para. 28.
- ⁴⁶ CRC/C/GUY/CO/2-4, para. 24.
- ⁴⁷ UNCT submission, para. 10.
- ⁴⁸ *Ibid.*, para. 9.
- ⁴⁹ *Ibid.*, p. 6.
- ⁵⁰ *Ibid.*
- ⁵¹ *Ibid.*
- ⁵² *Ibid.*, p. 6 and para. 28.
- ⁵³ *Ibid.*, para. 23.
- ⁵⁴ *Ibid.*, para. 21.
- ⁵⁵ *Ibid.*, p. 8.
- ⁵⁶ Letter from CAT to the Permanent Mission of Guyana to the United Nations, dated 14 May 2010, p. 2.
- ⁵⁷ CEDAW/C/GUY/CO/7-8, para. 22.
- ⁵⁸ *Ibid.*
- ⁵⁹ CRC/C/GUY/CO/2-4, para. 3.
- ⁶⁰ CEDAW/C/GUY/CO/7-8, para. 23.
- ⁶¹ UNCT submission, para. 28.
- ⁶² *Ibid.*, para. 11.
- ⁶³ Letter from CAT to the Permanent Mission of Guyana to the United Nations, dated 14 May 2010, p. 2.
- ⁶⁴ CRC/C/GUY/CO/2-4, paras. 32–33. See also CEDAW/C/GUY/CO/7-8, para. 29.
- ⁶⁵ UNESCO submission, paras. 24–25.
- ⁶⁶ UNCT submission, para. 9.
- ⁶⁷ CRC/C/GUY/CO/2-4, paras. 34–35.
- ⁶⁸ *Ibid.*, paras. 36–37.
- ⁶⁹ *Ibid.*, para. 38.
- ⁷⁰ CEDAW/C/GUY/CO/7-8, paras. 24–25.
- ⁷¹ UNHCR submission, p. 1.
- ⁷² UNCT submission, para. 22.
- ⁷³ *Ibid.*, para. 11.
- ⁷⁴ *Ibid.*, para. 28.
- ⁷⁵ Letter from CAT to the Permanent Mission of Guyana to the United Nations, dated 14 May 2010, p. 2.
- ⁷⁶ CEDAW/C/GUY/CO/7-8, paras. 14–15.
- ⁷⁷ CRC/C/GUY/CO/2-4, paras. 61–62. See also CRC/C/GUY/CO/2-4, paras. 8–9.
- ⁷⁸ UNCT submission, para. 19.
- ⁷⁹ *Ibid.* para. 20.
- ⁸⁰ Letter from CAT to the Permanent Mission of Guyana to the United Nations, dated 14 May 2010, p. 1.
- ⁸¹ UNCT submission, p. 8.
- ⁸² CEDAW/C/GUY/CO/7-8, paras. 38–39.
- ⁸³ *Ibid.*
- ⁸⁴ CRC/C/GUY/CO/2-4, paras. 39–40.
- ⁸⁵ *Ibid.*, paras. 41–42.
- ⁸⁶ UNESCO submission, paras. 26–27.
- ⁸⁷ A/HRC/22/67 and Corrs. 1 and 2, p. 93.
- ⁸⁸ A/HRC/23/39/Add.2, para. 169.
- ⁸⁹ CEDAW/C/GUY/CO/7-8, paras. 26–27.
- ⁹⁰ UNCT submission, para. 27.
- ⁹¹ *Ibid.*, para. 25. See also CRC/C/GUY/CO/2-4, para. 60.
- ⁹² CEDAW/C/GUY/CO/7-8, paras. 30–31. See also UNCT submission, p. 8.

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- ⁹³ UNCT submission, para. 28.
⁹⁴ CRC/C/GUY/CO/2-4, para. 59.
⁹⁵ UNCT submission, p. 8.
⁹⁶ CEDAW/C/GUY/CO/7-8, paras. 30–31.
⁹⁷ UNCT submission, p. 7.
⁹⁸ *Ibid.*, para. 17.
⁹⁹ *Ibid.*, para. 18.
¹⁰⁰ CEDAW/C/GUY/CO/7-8, para. 32.
¹⁰¹ CRC/C/GUY/CO/2-4, para. 47.
¹⁰² *Ibid.*, paras. 47–48.
¹⁰³ CEDAW/C/GUY/CO/7-8, paras. 32–33.
¹⁰⁴ *Ibid.*, para. 32.
¹⁰⁵ UNCT submission, p. 7.
¹⁰⁶ CEDAW/C/GUY/CO/7-8, paras. 32–33. See also CRC/C/GUY/CO/2-4, paras. 49–50.
¹⁰⁷ CRC/C/GUY/CO/2-4, paras. 49–50.
¹⁰⁸ UNCT submission, p. 7.
¹⁰⁹ CRC/C/GUY/CO/2-4, paras. 51–52.
¹¹⁰ UNCT submission, p. 7.
¹¹¹ CRC/C/GUY/CO/2-4, paras. 57–58.
¹¹² CEDAW/C/GUY/CO/7-8, paras. 28–29.
¹¹³ UNESCO submission, paras. 24 and 25.
¹¹⁴ UNCT submission, para. 28.
¹¹⁵ UNESCO submission, para. 28.
¹¹⁶ CRC/C/GUY/CO/2-4, paras. 45–46.
¹¹⁷ *Ibid.*, para. 24.
¹¹⁸ Letter from CERD to the Permanent Mission of Guyana to the United Nations, dated 1 March 2013, pp. 1–2, available from http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Guyana1March2013.pdf.
¹¹⁹ UNHCR submission, p. 2.
¹²⁰ *Ibid.*, pp. 2 and 3.
¹²¹ *Ibid.*, p. 2.
¹²² *Ibid.*, pp. 2 and 3.
¹²³ *Ibid.*, p. 3.
¹²⁴ *Ibid.*, p. 4.
¹²⁵ *Ibid.*, pp. 4 and 5.
¹²⁶ *Ibid.*, p. 5.
¹²⁷ *Ibid.*
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