



# International Covenant on Civil and Political Rights

Distr.: General  
19 April 2024

Original: English

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## Human Rights Committee 140th session

### Summary record of the 4101st meeting\*

Held at the Palais Wilson, Geneva, on Wednesday, 20 March 2024, at 3 p.m.

*Chair:* Ms. Abdo Rocholl

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Consideration of reports submitted by States parties under article 40 of the Covenant  
(*continued*)

*Third periodic report of Guyana (continued)*

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\* No summary record was issued for the 4100th meeting.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Third periodic report of Guyana (continued)* (CCPR/C/GUY/3;  
CCPR/C/GUY/QPR/3)

1. *At the invitation of the Chair, the delegation of the Guyana joined the meeting via video link.*
2. **Mr. Carazo** said that he would welcome information on the investigations undertaken into complaints of arbitrary arrest and detention, including of minors, and on the convictions secured and punishments handed down to the officials responsible in such cases. He also wished to know whether public defenders were assigned to persons charged with offences who were unable to afford private legal counsel and whether the State party had taken measures to address the use of prolonged pretrial detention and to increase the use of non-custodial alternatives.
3. **Mr. El Haiba** said that he would be grateful if the delegation could provide information on the measures taken to promote the social reintegration of children in conflict with the law. In that regard, it would also be useful to receive information on the types and lengths of sentences applied to minors in conflict with the law during the period under review; the measures taken to ensure that children were detained only as a measure of last resort and for the shortest possible time; the procedures in place to ensure that children were kept separate from adults in detention facilities; and any challenges encountered by the State party in ensuring the proper application of the Juvenile Justice Act of 2018, in particular in terms of resources and capacity.
4. He would welcome specific information on the measures taken to combat trafficking in persons and child labour, particularly in rural and hinterland areas. The delegation's comments on reports of hazardous forms of child labour, especially in mining, logging, farming, fishing and manufacturing industries and among Amerindian communities, would be welcome, as would an explanation of possible reasons for the increasing number of children in street situations or in conflict with the law. He would be interested in a description of how the National Action Plan for the Elimination of Child Labour 2019–2025 had been developed. What stakeholders had participated in its formulation? Lastly, he would appreciate information on the steps taken to promote birth registration and ensure that children were issued identity documents.
5. **Mr. Quezada Cabrera** said that, while he had noted the information provided regarding the effect of the Civil Procedure Rules of 2016 on the processing of civil cases, he would be grateful if the delegation could provide specific information on the backlog of criminal cases and the measures taken to reduce it. He would be particularly interested to learn whether any new criminal courts had been established over the reporting period. He would also welcome more information on the legal aid system, including the number and types of cases in which free legal aid had been sought, granted and denied during the period under review, and on any measures taken to improve access to justice and legal aid for persons in rural and hinterland areas and in Indigenous communities.
6. He wondered whether, since the submission of the third periodic report (CCPR/C/GUY/3), the State party had taken any steps towards adopting comprehensive national refugee legislation and asylum procedures and whether it was considering ratifying the Convention relating to the Status of Refugees and the Protocol thereto. He would welcome the delegation's comments on reports that Haitian migrants had been subjected to discrimination and mistreatment while in detention and that the Government had removed Haitian nationals from the list of foreigners who could enter Guyana and remain for a period of six months without a visa, in violation of the amended Treaty of Chaguaramas. Were Haitian asylum-seekers also subject to those restrictions?
7. It would be useful to receive information on the steps taken by the State party to combat the trafficking of refugee women and girls, particularly those from the Bolivarian Republic of Venezuela, and to ensure the protection of victims. He would be grateful for

clarification of how the State party provided adequate safeguards against refoulement, given the absence of a national asylum system. The Committee understood that Venezuelan victims of forced displacement were allowed to enter and remain in the country without risk of refoulement; he wondered whether that humanitarian policy was also applied to the nationals of other countries, including Haiti.

8. **Mr. Helfer** said that, according to reports received by the Committee, more than 90 per cent of the media in Guyana was controlled by the State or owned by Indo-Guyanese individuals who supported the Government, and the National Broadcasting Authority was neither fully independent nor impartial. He would therefore welcome an explanation of the steps the State party had taken or planned to take to ensure that the media in Guyana was independent and that opposition voices were not censored. He would also be grateful for the delegation's comments on reports of the surveillance, including through the use of spyware, of journalists, media workers and human rights defenders and of the harassment and filing of legal action against journalists critical of the Government, including by senior State officials. Moreover, in the light of reports that the Cybercrime Act of 2018, in particular the "sedition clause" in section 18 of the Act, had been used to silence persons who criticized the Government on social media, including the political activist Rickford Burke, he wished to know what steps the State party planned to take in order to follow through on its earlier statement that it would decriminalize defamation and to ensure that a climate of online intimidation was not allowed to flourish.

9. With regard to the rights of Indigenous Peoples, he would welcome an update on the planned amendment of the Amerindian Act of 2006 and information on the measures taken to ensure that the consultations held with Indigenous communities in that context were inclusive and representative. It would also be useful to learn what steps the State party planned to take to expedite the Amerindian Land Titling Project in the light of reports that only six certificates of title had been issued in 2023. He was interested in learning what steps were being taken to ensure proper environmental review and consultation with Amerindian communities in relation to extractive projects in view of reports that the State had entered into mining contracts and had agreed to expand the scope of others without seeking the informed consent of the relevant Indigenous communities. What was being done to protect sacred and cultural sites of Indigenous Peoples and the surrounding ecosystems? In addition, it would be useful to learn what measures the State party had taken to follow up on the recommendations made by the Inter-American Commission on Human Rights in its decision in the case of *Isseneru v. Guyana*, in which the Commission had found multiple violations of the rights of the Isseneru people by the State, and to provide reparations to the Isseneru for the violations that had been identified.

10. **Ms. Tigroudja** said that she wished to know what measures were being taken to reform the electoral system with a view to promoting pluralism and to break with the bipartisan logic of the current two-party system, which exacerbated ethnic cleavages and excluded Indigenous Peoples from political affairs. She would welcome further information on the work of the Electoral Commission and, in particular, an explanation of how it monitored the financing of political parties and election campaigns and how electoral disputes were settled. She would also appreciate clarification of the roles of the Court of Appeal and High Court in settling electoral issues. The Committee had received reports that the Electoral Commission had not put in place measures to allow persons with disabilities to vote in the March 2020 elections and that persons in pretrial detention were deprived of their right to vote. She therefore wished to know what measures the State party would take to ensure that persons with disabilities and persons in pretrial detention would be able to exercise their electoral rights in forthcoming elections.

11. **Mr. Santos Pais** said that, given the significant influence exerted by the President and the Parliament over the appointment of members of the judiciary, he would be interested to learn about the measures in place to ensure the independence of judges and prosecutors and about the rules governing their appointment, promotion and removal. In that regard, he wished to know whether, in the context of the constitutional reform process, the State party intended to establish a self-governing body staffed by judicial officers to deal with all career-related aspects of the judiciary as a means of preventing undue interference by other branches of government. It would also be useful to learn how many judges and prosecutors were on

the Judicial Service Commission, what the current gender balance among judges and prosecutors was and, lastly, what measures the State party had taken to ensure equitable access to the judiciary and the Office of the Director of Public Prosecutions and to foster public trust in them.

*The meeting was suspended at 3.30 p.m. and resumed at 3.45 p.m.*

12. **A representative of Guyana** said that, the previous day, a reference had been made to a report of children being held in the Hugo Chavez Centre and the Night Shelter. Those two facilities were not detention centres but rather residential facilities for persons experiencing difficult circumstances or homelessness. Regarding the appointment of the Director of the Environmental Protection Agency, he or she was appointed by the Environmental Protection Agency Board, in accordance with the procedures set down by law. In relation to investigations carried out by the Government, it should be clarified that the Government did not carry out investigations, as that was the role of the police and other statutory bodies.

13. The Guyana Extractive Industries Transparency Initiative was headed by a multi-stakeholder group comprised of three representatives of civil society, three representatives of the extractive industries and three representatives of the Government. The group was responsible for preparing reports on the extractive industries. Guyanese civil society was broad-ranging and included hundreds of non-governmental organizations, including women's organizations, youth organizations, trade union associations, religious associations and special interest groups. Consultation with civil society on a variety of matters, from oil revenues to the constitutional reform process, was required and regulated by Guyanese law.

14. It was not true that 90 per cent of the media was controlled by the State, and any such claims were based on misinformation. Only 1 of the 21 television stations and 8 of the 24 radio stations in the country were State-owned. There were numerous private newspapers and a range of talk shows aired a wide range of views openly with no interference from the State. Private media often criticized the Government. She could not comment on issues of freedom of expression as they related to private media companies. The State party had responded to the Inter-American Commission on Human Rights in relation to allegations of the harassment of journalists at the press conference given by the President and was awaiting a response.

15. The Government had committed to amending the Cyber Crime Act, particularly the provisions on sedition. Nevertheless, the charges against Rickford Burke, a Guyanese citizen living abroad, were legitimate as he had called for the overthrow of the Government by violent means and sought to stoke racial divisions.

16. The enactment of the Bail Act and the Restorative Justice Act would help to reduce the use of pretrial detention. New courts were being constructed and existing courts were being upgraded in different areas of the country to improve access to justice. Courts had been constructed in areas where Indigenous Peoples lived, and a travelling court was in operation to improve swift access to justice for those communities. The Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act provided for alternative sentencing options. The Restorative Justice Act provided for the establishment of a centre to oversee the restorative justice process. In order to address the backlog of court cases, new criminal procedure rules were being developed. Draft legislation had been submitted that aimed to further expedite trials by doing away with preliminary inquiries and establishing plea bargaining systems. Legal aid clinics were private entities, and the authorities did not have access to their data. The Government did know, however, that there had been a significant increase in funding for legal aid clinics to ensure services for women, vulnerable persons and persons living in poverty. Free legal assistance had been provided to over 3,000 people through an initiative developed in cooperation with the Guyana Bar Association.

17. The principle of the best interests of the child was enshrined in the Constitution and was reflected in the Juvenile Justice Act, which prioritized the rehabilitation, education and reintegration of children in conflict with the law. The Act had raised the age of criminal responsibility to 14 and provided that, if children must be detained, there were to be held separately from adults. Her Government reported on child labour issues to the Department of

State of the United States of America on an annual basis. The development of the 2019–2025 National Action Plan for the Elimination of Child Labour had begun in 2019 and a series of consultations on that plan had led to the introduction of certain changes to the plan before its launch. A report by the United Nations Children’s Fund (UNICEF) had noted a significant decrease in child labour, including in hazardous work, in Guyana in 2018–2019. Education was compulsory for children up to the age of 15, and there were plans to extend its length. Primary education was universal in Guyana. While some children might work in family businesses, the authorities were not aware of any cases of children working in manufacturing or mining, which was prohibited. Some children had worked when their schools were closed during the coronavirus disease (COVID-19) pandemic.

18. **Ms. Tigroudja** said that she would like to know whether any legislative or other measures had been taken to address the concerns raised by the Committee on the Elimination of Discrimination against Women regarding difficulties in acquiring Guyanese citizenship faced by children born abroad to Guyanese parents.

19. **Mr. Quezada Cabrera** said that detailed information would be appreciated regarding any measures taken, particularly legislative measures, to improve access to justice. He wished to know how legal aid for members of Indigenous communities was guaranteed.

20. **Mr. Helfer** said that he would like to learn more about the State party’s plans to decriminalize defamation. Information would be appreciated on the current status of the process involved in amending the Amerindian Act of 2006. He would be interested in hearing the delegation’s comments on the State party’s response to the decision of the Inter-American Commission on Human Rights in the *Isseneru v. Guyana* case, particularly with regard to measures for providing reparations to the Indigenous Peoples involved.

21. **Mr. El Haiba** said that he would welcome information on the number of femicides in the State party and on the corresponding trials and sentences. He wished to learn more about the steps taken to uphold the principle of the best interests of the child, including whether there were any plans to establish a specific child protection mechanism in line with international standards. More detailed information on child labour would be welcome, especially regarding children working in rural areas, children living in poverty and children belonging to Indigenous communities. He wondered whether there was an effective mechanism to ensure that children remained in school and completed their education.

22. **Mr. Santos Pais** said that he wondered whether the practice of having the head of the executive branch appoint judicial officials, including members of the Judicial Services Commission, might expose judges and prosecutors to undue influence from the executive or legislative branches of government. He would like to know whether the constitutional review process would include plans to establish self-governing bodies for judges and prosecutors.

23. **Mr. Carazo** said that it would seem that the governmental structure provided for the participation of opposition parties and of the public in political and social affairs, and he would hope that that structure could be expanded further to make greater room for the participation of civil society. He would like to know whether there were plans to revise or remove article 154 of the Constitution, which granted the Government the authority to excuse the State party from fully adhering to provisions of international treaties it had ratified.

24. **Mr. Ndiaye** said that he would be interested to learn whether the State party had a national policy to promote appreciation for its diverse ethnic background and to combat all forms of discrimination.

25. **A representative of Guyana** said that, since the governing party held only 33 out of 55 seats in the National Assembly, it would be very difficult for the Government to obtain the support of two thirds of the elected members in order to divest itself or limit the extent of its obligations under the Covenant. In that way, the Constitution was designed to protect the rights of the Guyanese people by preventing any Administration from capriciously disregarding the obligations that the State had assumed under international treaties.

26. In recent years, great strides had been made towards ensuring that everyone in the country had access to free education and health services, housing, water and electricity. There were nursery and primary schools in every Amerindian, Indigenous and rural village. Spaces in dormitories were made available for children who had to travel longer distances to attend

secondary school in larger regions. Under a government programme, solar panels had been installed on 28,952 homes in rural villages to provide their inhabitants with electricity and enable children to study at night. Wells had been built in many villages that had not previously enjoyed access to clean water.

27. The Judicial Service Commission was composed of the Chancellor, the Chief Justice and the Chairman of the Public Service Commission, as well as two members who were appointed by the President. The President made the first appointment from a shortlist of suitable candidates provided by the National Assembly. The President's second appointment must be made following meaningful consultation with the leader of the Opposition. The President did not, therefore, have the power to ensure that all or a majority of the members of the Commission were his or her political allies. Prosecutors were selected not by the Commission but by the Director of Public Prosecutions, who was appointed in accordance with a separate procedure established under the Constitution.

28. Under the Constitution, there were a number of public officials that the President could appoint only following meaningful consultation with the leader of the Opposition. Those rules had been introduced following the constitutional review that had taken place between 1999 and 2001 as part of a conscious effort to build harmony and a better working relationship between the President and the leader of the Opposition and to avoid conflict between the two main political parties. The Government was about to embark upon a new constitutional review process which would give the people of Guyana the opportunity to express their views on the suitability of the rules on appointments. Indeed, there were certain positions, such as those of the Chancellor and the Chief Justice, that had remained vacant for many years because the President and the leader of the Opposition had been unable to reach an agreement on the appointments.

29. The independence of the judiciary was not in question. On a number of occasions in recent years, judges had handed down rulings against the Government. For example, the Chief Justice had rejected two petitions submitted by the previous Administration to challenge the results of the national elections in 2020. The High Court, whose members included the very same Chief Justice, had subsequently ruled against the current Administration in various cases, notably concerning legal action brought by environmental activists against the Environmental Protection Agency. It was therefore offensive to suggest that the judiciary was compromised in any way.

30. Under the Constitution, the President appointed judges on the basis of recommendations made by the Judicial Service Commission. The President did reserve the right to voice concerns regarding any of the names put forward to the Commission. However, if the Commission did not accept the grounds on which the President opposed a particular individual, the President was obliged to proceed with the appointment. Indeed, there was a currently serving judge whose original appointment had initially been opposed by then President Donald Ramotar.

31. Any person who had been born in another country to a Guyanese mother or father had the right to Guyanese nationality. Upon producing his or her original birth certificate, the person would be issued a special birth certificate indicating that he or she was a Guyanese national born abroad. That person could then apply for a Guyanese passport. Currently, a person born abroad was not entitled to inherit Guyanese nationality from his or her grandparents. However, discussions on the rules governing the inheritance of nationality were likely to form part of the constitutional review process, since there were many second-generation descendants of Guyanese nationals living abroad who were interested in holding dual nationality. In any case, it was prohibited under the Constitution and the Guyana Citizenship Act of 1967 to render a person stateless, and the Government had taken action in specific cases to assist persons at risk of statelessness.

32. Between 2017 and 2021, suspicions had been raised concerning the trafficking of Haitian migrants in Guyana. More specifically, it had been reported that migrant smugglers were bringing Haitian nationals to the country by air before travelling with them overland to the southern border with Brazil, where they had applied for asylum. Following the discovery of a group of Haitians who had been abandoned by a migrant smuggler in the jungle, the Government had decided to impose a visa requirement for Haitians wishing to enter Guyana.

Other members of the Caribbean Community had taken a similar course of action around that time, and by no means had the Government imposed the restrictions out of bias or prejudice against Haiti or its people.

33. There were roughly 40,000 Venezuelan nationals living in Guyana. Many of them also held Guyanese nationality because they were the children of Guyanese nationals who had fled the country in the latter part of the twentieth century. Given that the Bolivarian Republic of Venezuela had welcomed and accommodated its people during that period, Guyana now felt the moral obligation to open its doors and adopt a humanitarian approach to the arrival of Venezuelan nationals. However, the Government did not tolerate the trafficking of persons. The smuggling of migrants was prohibited under the legislation on combating money laundering and the financing of terrorism that had been introduced in 2023, and the law prescribed very serious penalties for anyone found guilty of such acts. In 2022 and 2023, three people had been tried and convicted of trafficking offences and ordered to pay the victims a collective total of 8.4 million Guyana dollars in reparations. In 2023, seven people had been prosecuted in connection with 28 trafficking cases. That year, a number of female trafficking victims had been identified by the authorities. In accordance with the law and government policy, they had been accommodated in shelters and had been given a choice to stay in Guyana or return to their home country.

34. Guyana did not have a law on asylum and could not offer refugee status. There was an agency of the United Nations that handled applications for asylum in the country. However, the Government did not know how many people had been granted refugee status or who they were.

35. In 2023, the Government had started to hold consultations to review the Amerindian Act of 2006 in collaboration with the National Toshias Council. Prior to the start of the review process, 54 people had been trained in organizing consultations in Amerindian villages. Subsequently, 3,663 members of Amerindian communities had participated in workshops aimed at raising awareness of the Act and identifying key areas for reform. During the following stage of the process, the Amerindian people would be given the chance to express their opinions on the specific provisions that should be revised. The participation of Amerindian communities was considered critical not only to the review of that legislation but also to the constitutional review process and to any major decision the Government took.

36. With respect to mining activities in the Rupununi savannah, the company mentioned by the Committee member had only been granted a prospecting licence, not a full mining licence. Indeed, the companies that were conducting mining activities in that area had been granted special licences following extensive consultations with the Ministry of Natural Resources and the Guyana Geology and Mines Commission.

37. The multi-stakeholder group that had been set up to address the issue of Amerindian land titling was composed of representatives of the Amerindian People's Association, the National Toshias Council and civil society organizations representing the Amerindian people. Under its work plan for 2024, the group would examine 39 demarcation cases and 24 land titling cases.

38. **Mr. Santos Pais** said that it had in no way been his intention to offend the judiciary. However, he found it odd that the head of the executive branch and the leader of the Opposition played an active role in the appointment of judges. The politicization of the nomination process raised doubts as to the impartiality of the judiciary. Furthermore, he was particularly concerned about the negative effect that it might have on public trust. He would therefore like to know what measures the State party planned to take to foster trust on the part of the Guyanese people in their justice system. Given that prosecutors were appointed by the Director of Public Prosecutions, he would also like to know how the State party ensured the internal and external independence of the prosecution service.

39. **A representative of Guyana** said that the Government had made significant progress in its mission to ensure that no one was left behind. The physical infrastructure of the country had been overhauled to improve communication, access, transport and connectivity and to enhance economic activity. A series of critical rights were already set out in the constitutional and legal frameworks, so the challenge facing the Government now was to build the infrastructure to uphold those rights and make them accessible. In that regard, considerable

efforts had been made to ensure that courts were more responsive and accessible. As was apparent from the rulings against the Government that had been handed down, the judiciary was entirely independent and free from political influence. Moreover, a process was under way to appoint nine new judges, and it was the Judicial Service Commission, not the President, that would have the final say in their selection.

40. Issues relating to ethnicity had played no part in the unfortunate events surrounding the elections of 2020. All shortcomings in the national election laws had been addressed, and there had been no complaints concerning the manner in which local government elections had been conducted in 2023.

41. Guyana was a unique country with a unique history. And in Guyanese society, every citizen, every political party and every organization enjoyed freedom of expression and the right to have their voice heard. The Government was committed to building a truly democratic nation and combating the spread of disinformation by a small number of well-financed organizations whose views did not represent the will of the people. Those organizations were the authors of a number of petitions that were intended to discredit the Government. In that regard, she could not comment on the petition that had been brought before the Inter-American Commission on Human Rights because, to the best of her knowledge, the case was still open and she was unsure whether certain documents had been made available to the public.

*The meeting rose at 5.10 p.m.*