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Draft report of the Working Group on the Universal Periodic Review*

Guyana

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Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–4	3
I. Summary of the proceedings of the review process.....	5–67	3
A. Presentation by the State under review.....	5–31	3
B. Interactive dialogue and responses by the State under review.....	32–67	7
II. Conclusions and/or recommendations.....	68–71	13
Annex		
Composition of the delegation.....		21

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its eighth session from 3 to 14 May 2010. The review of Guyana was held at the 13th meeting, on 11 May 2010. The delegation of Guyana was headed by The Honourable Carolyn Rodrigues-Birkett. At its 17th meeting, held on 14 May 2010, the Working Group adopted the report on Guyana.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Guyana: Belgium, Bolivia (Plurinational State of) and Pakistan.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Guyana:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/8/GUY/1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GUY/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GUY/3).
4. A list of questions prepared in advance by Argentina, the Czech Republic, Denmark, Germany, Latvia, the Netherlands, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Guyana through the troika. Those questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Guyana stated that it was pleased to participate in the universal periodic review, which offered an opportunity to share experiences regarding its successes and challenges, and to engage in dialogue. The delegation stated that it was important to recognize that in 1992, Guyana had accumulated a debt of \$2 billion and 67 per cent of its people lived below the poverty line. In 2009, the debt had been reduced to approximately \$800 million, notwithstanding the fact that Guyana had continued to borrow in order to address critical social and economic needs. In addition, the poverty level had been halved. Over the past five years, Guyana had enjoyed positive growth rates despite the global and financial crises and severe flooding in 2005, with losses equalling 57 per cent of its gross domestic product. While there remained significant challenges, Guyana had made major advancements in several areas, which are mentioned below.
6. The delegation stated that in 1999, the 1980 Constitution had been subjected to an extensive constitutional reform process coordinated by a Parliamentary Constitutional Reform Commission with representatives of all parliamentary political parties, the religious community, labour, business and civil society. The revised Constitution was based on a model of inclusive governance, which was unique and, inter alia, provided for the appointment of five rights commissions – on ethnic relations, women and gender, children, indigenous peoples, and human rights – whose members were appointed through a

parliamentary consensual mechanism, with the participation of civil society in the nomination process.

7. The Ethnic Relations Commission was functioning, and the members of the Women and Gender Equality and Rights of the Child commissions had recently elected their chairpersons and were expected to be fully operational by mid-July 2010. The Indigenous Peoples Commission should be fully operational before the end of the year. The delegation described the method of appointing the members of the Human Rights Commission and reiterated its conviction that the rights commissions provided opportunities to receive and address complaints of violations of human rights.

8. The delegation stated that Guyana had enacted a series of statutes that specifically promoted and protected human rights. These included the Trafficking in Persons Act of 2005; legislation to increase the age of consent from 12 to 16 years; the Amerindian Act of 2006; and four pieces of modern legislation dealing with children's rights, including legislation providing for the establishment of the Child Care and Protection Agency, the Sexual Offences Bill (unanimously adopted on 22 April 2010) and the Persons with Disabilities Bill of 2009. Those progressive pieces of legislation had been enacted following extensive consultation with civil society, communities and special interest groups and had been subjected to additional review through the Parliamentary Select Committee process, a feature of the Guyanese lawmaking process for more than a decade and a half.

9. The delegation stated that in 2008, President Bharrat Jagdeo, in order to further strengthen and entrench this model of participatory democracy, had initiated the convening of National Stakeholders' Forums, comprising approximately 100 organizations from civil society representing all parliamentary political parties, all religious bodies, the labour movement, the business community, women's groups and Amerindian organizations, as well as the Guyana Human Rights Association and some citizen non-governmental organizations. During the reporting period, 13 such engagements had been held on diverse issues such as domestic and sexual violence, crime and security, the Economic Partnership Agreement with the European Union, the food and fuel crises and relief for Haiti.

10. The delegation noted that Guyana was cognizant of the threats facing it as a consequence of climate change. While a response to climate change must be global, Guyana could contribute by offering solutions to the problem. To that end, Guyana had developed a Low-Carbon Development Strategy calling for the provision of resources to small and vulnerable countries to enable them to adapt to and mitigate the impacts of climate change, and offered a sustainable development model, while contributing to the reduction in carbon emissions globally, in part through the preservation and sustainable use of forests. The delegation reiterated that the Strategy had been subjected to an extensive consultative process that had included more than 130 Amerindian communities.

11. The delegation stated that Guyana had made significant strides in relation to the development of its indigenous peoples, who represented some 9 per cent of its population. A Ministry of Amerindian Affairs had been established, and the Amerindian Act of 2006 provided for, inter alia, land claims, resource rights, traditional rights, the governance of communities and the establishment of a National Toshios Council. Access to social services had been significantly improved, and more indigenous children were now in school than in any previous period in the country's history. Over the past five years, the ownership of land by indigenous communities had increased from 6.5 per cent to approximately 14 per cent of Guyana's land mass, with 134 communities now having legal title to the lands that they used and occupied. Those legal titles were grants of State lands that were "absolute and forever" and allowed for their indisputable control by communities. Addressing land claims was a continuous process.

12. In response to an advance question, the delegation stated that the veto power of the Minister of Mines was used only in relation to large-scale mining deemed to be in the national interest. Since the enactment of the legislation in 2006, there had been no such case. The delegation clarified that communities had veto power in relation to small- and medium-scale mining and that several were engaged in these. The delegation noted that, with regard to the rights of indigenous peoples, Guyana had come a long way in a short period of time.

13. In response to the advance question relating to the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of the Child, to which Guyana was not a party, the consideration of these had advanced significantly. In relation to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it continued to be under consideration.

14. In response to an advance question, the delegation stated that outstanding reports to the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women had been submitted on 28 April and 7 May 2010, respectively. The delegation indicated that the report to the Committee on the Rights of the Child highlighted the many positive interventions for the protection of children, which included major legislative reform. The legislative reform process continued, with the consideration of a Juvenile Justice Bill, the Custody, Care, Guardianship and Maintenance Bill, and the Child Care Services Bill.

15. Concerning the question regarding the impact of the Child Care Protection Agency (established in July 2009), the delegation stated that to date, 1,500 children had received care. Of these, 160 had been placed in a Government-assisted centre owing to high-risk situations, 127 cases were with the police for further investigation, 71 were before the court, and 651 children and their families had been counselled. The delegation, in response to an advance question, stated that the dialogue on corporal punishment continued and was part and parcel of the consultations on the new draft Education Act agreed to by Parliament.

16. In relation to the advance questions concerning women, the delegation noted that the report to the Committee on the Elimination of Discrimination against Women described the status of women, including measures to reduce violence against women, such as the Sexual Offences Bill, and the increased participation of women at all levels of Government and national life. The level of domestic and sexual violence against women remained a concern and continued to be addressed through the national stakeholders-Government partnership.

17. With regard to the advance questions concerning discrimination against lesbian, gay, bisexual and transgender persons, the delegation indicated that no cases involving the harassment of lesbian or gay persons had been received by the Government through any of its complaint mechanisms. There had been one case in which a person had been charged with cross-dressing, and the matter was still before the court. Changes to laws required widespread consultation and a major change in attitude on the part of the populace. The Government's attempt to include the phrase "sexual orientation" in the anti-discrimination clause of the Constitution had been met with widespread consternation and protest.

18. Similarly, the issue of capital punishment had been met with an overwhelming call for its retention in the law books. No executions had taken place over the past decade, and any change in the status quo would have to be carried out with the involvement and acceptance of the people.

19. With regard to the advance questions concerning the security sector, the excessive use of force, and human rights training, the delegation stated that the Constitution protected citizens from torture and other cruel, inhuman or degrading treatment or punishment. Following a very violent crime wave from 2002 to 2008, increased budgetary and technical

resources had been made available to enhance the capacity of the security sector to protect the rights of citizens. There was also greater involvement on the part of national stakeholders in crime and security matters. The broad-based National Commission on Law and Order continued to function. The emphasis on building better police-community relations and trust and confidence for safer neighbourhoods had received support under the Enhanced Public Trust, Security and Inclusion Programme (2008-2011) of the Government of Guyana and the United Nations Development Programme (UNDP).

20. The Citizen's Security Programme of the Government of Guyana and the Inter-American Development Bank (IDB) was focused on modernizing the Ministry of Home Affairs and the Guyana Police Force with a view to increased quality of service and greater capacity to protect public safety. Thirty police stations had been renovated and included improved detention areas in keeping with international standards. This process was continuing. A programme aimed at the installation of closed-circuit televisions in police stations had commenced, and it would enhance the accountability and transparency of the police ranks.

21. Of special significance was the new Security Sector Reform Plan, which had emerged after three years of consultation and was being implemented. The Constitution had been amended to establish a new Parliamentary Standing Committee to oversee the security sector, and its terms of reference had been agreed to in the National Assembly early in 2010.

22. In relation to questions concerning prisoners' welfare and rights and detention facilities, the delegation stated that Guyana had increased the budgetary support for prisons but that the limited availability of financial resources for the construction of new facilities remained a challenge. The major cause of overcrowding had been delays in the courts, which had led to a relatively large remand population. This was being addressed through the Justice Reform Sector Programme of the Government and IDB.

23. To ensure the independent monitoring of the conditions in detention and prison facilities, the Ministry of Home Affairs had established a visitation programme. Prison Visiting Committees had also been established, comprising representatives of civil society who ensured justice for inmates and the protection of their human rights.

24. In response to advance questions, the delegation stated that human rights training was included in the curriculum of the training programmes for recruits of the Guyana Police Force, the Guyana Defence Force and the Guyana Prison Service. This aspect of training continued at the cadet level for police, army and prison staff. Representatives of the Guyana Human Rights Association had trained police recruits and officers in human rights. In 2006, through an agreement between the Government and UNDP, the Association had received funding for the production of a human rights training manual for the Guyana Police Force, based on international human rights treaties. Police instructors had been trained in the use of the manual, which was now included in the syllabus.

25. The delegation described the functions of the Police Complaints Authority, which investigated complaints against the police. The Office of Professional Responsibility of the Guyana Police Force and other internal mechanisms, including boards of inquiry, commissions and the Ministry of Home Affairs, also received and investigated complaints. The findings of the latter were posted on various websites.

26. In 2003 and 2004, the High-level Commission of Inquiry on the Disciplined Forces had held hearings to investigate allegations against the Disciplined Forces and made 164 recommendations to Parliament. Those recommendations had been resubmitted to a parliamentary body, which was expected to complete its work by mid-2010.

27. The delegation stated that the second Commission of Inquiry investigating allegations of extrajudicial killings in 2004 and 2005 had vitiated the then Minister of Home Affairs, who had nevertheless resigned. The relevant report had included recommendations concerning the use of firearms and other force as well as a more transparent method of issuing firearms, and all of those recommendations had been implemented.

28. In relation to the advance questions regarding the case of Twyon Thomas in October 2009 and the so-called Phantom Squad of 2002-2006, the delegation stated that to date, two police ranks had been charged and the Medical Doctor involved in the case had been censored by the Guyana Medical Council. Through proper leadership and supervision, coupled with the installation of security cameras, the police interrogation would be monitored, and the allegations of the Phantom Squad were currently being investigated. One of the cases was currently before the Court. The delegation stated that, despite severe challenges to and within the security sector, many interventions continued to bear fruit, and that Guyana remained committed to ensuring public safety and the protection of the rights of its citizens.

29. The delegation stated that, while Guyana remained committed to complying with all its treaty obligations, it did not possess sufficient human and financial resources to staff a department for that purpose. It had, however, established a unit to work towards complying with outstanding reporting obligations by the end of 2010.

30. The delegation indicated that, as Guyana strived to achieve the Millennium Development Goals and to carry out its Poverty Reduction Strategy, it would need to make critical choices with respect to where its scarce resources – especially financial resources -- should be directed. In that regard, the delegation stated that such choices included building a new school to cater for added enrolment or providing lunch for hinterland schoolchildren, as opposed to rehabilitating a prison. Both were issues of human rights, but those concerning children were of priority.

31. Guyana was also required to deal with the effects of climate change by allocating scarce resources to the installation of critical infrastructure to protect its coast, as well as the provision of assistance to farmers whose crops had been lost or who had been otherwise affected by adverse weather patterns.

B. Interactive dialogue and responses by the State under review

32. During the interactive dialogue, 32 delegations made statements. Recommendations made during the dialogue are found in section II of the present report. Delegations welcomed the national report, which had been drafted as a result of national consultation and commitment to the promotion and protection of human rights, as well as to the universal periodic review.

33. Algeria highlighted the adoption of the Inclusive Governance Model, aimed at reducing violence by ensuring the participation of all stakeholders in matters affecting them. It noted with satisfaction efforts aimed at promoting food security and alleviating the impact of the global economic crisis and climate change. It added that Guyana had been able to move from least-developed-country status to low-middle-income status in 2006, and asked for further information about the programme to address violence against women, entitled “Stamp It Out”. Algeria made recommendations.

34. India commended Guyana on notable efforts to reconstruct the country and consolidate its democracy. The Poverty Reduction Strategy Programme had contributed substantially to the reduction of poverty. As for education, India requested further information about high drop-out rates among boys. India encouraged Guyana to establish

an independent national human rights institution in full compliance with the Paris Principles. India also encouraged Guyana to consider ratifying the Convention on the Rights of Persons with Disabilities and the two Optional Protocols to the Convention on the Rights of the Child.

35. Brazil noted the establishment of commissions on ethnic relations, women and gender equality, the rights of the child, indigenous peoples, and human rights, as well as the positive measures to eliminate hunger and to promote food security, Guyana's housing programme, and the country's increased capacity to offer social services. Brazil commended the Government on having launched a poverty reduction strategy and a national development strategy. Brazil also noted challenges in areas of education, health, food, ill treatment and discrimination. Brazil expressed concern about reports of ill treatment by police forces, the lack of respect for equality between women and men, and discrimination against Afro-Guyanese. Brazil made recommendations.

36. Cuba congratulated Guyana on its efforts to ensure basic human rights such as health, education and food. It stated that cultural, religious and ethnic diversity was protected in the Constitution, which also provided for the rights of indigenous people. Free health care services had resulted notably in a drastic decrease in the infant mortality rate and in a high immunization rate for children. Cuba acknowledged the priority placed by Guyana on the right to food and highlighted measures taken to alleviate the impact of climate change. Cuba made recommendations.

37. China noted that Guyana had prioritized issues such as combating poverty and climate change. China appreciated the progress made in promoting cultural diversity, fighting hunger, protecting the right to food and improving children's and women's rights. China noted that Guyana had ensured free public health, asking about the experience and good practices in that regard.

38. Norway noted Guyana's commitment to promoting the rights of indigenous peoples. Norway also welcomed legislation that provided for the statutory legitimacy of an independent national human rights commission and an independent national indigenous peoples' commission. Norway noted the bilateral cooperation with Guyana covering governance, development and forest-related issues. Norway highlighted the fact that a constructive public discourse was an asset to policy development, and encouraged Guyana to benefit from the engagement and interest shown by actors in adjusting and improving the consultations. Norway stated that transparency and inclusiveness were important qualities of any effective policy development process. Norway made recommendations.

39. The Libyan Arab Jamahiriya noted the steps taken by Guyana to promote and enhance human rights in spite of difficulties and challenges such as the scarcity of the population and the lack of expertise. The Libyan Arab Jamahiriya made recommendations.

40. The Netherlands was concerned about reports of the excessive use of force by the army and police forces, asking whether measures to ensure independent investigations were being considered. It welcomed the Sexual Offences Bill of 2009 as well as the introduction of a National Domestic Violence Policy, and requested further information about the implementation of the Policy. It was concerned about violence and discrimination on the basis of sexual orientation. The Netherlands made recommendations.

41. Hungary commended Guyana for efforts made in improving its democratic institutions, particularly its poverty reduction strategy programmes for the most vulnerable peoples, which had contributed to the overall well-being of its citizens. Hungary made recommendations.

42. Chile valued the fact that international human rights instruments had been incorporated into domestic law and could be invoked in courts. It emphasized the progress

made in building schools, hospitals and health centres. Chile echoed the concerns expressed by the Committee on the Elimination of Discrimination against Women regarding domestic violence. Chile made recommendations.

43. Slovenia welcomed Guyana's efforts aimed at poverty reduction and access to health care, including HIV testing and treatment. Slovenia also noted with satisfaction the resulting increase in life expectancy and the reduction in the infant, under-five and maternal mortality rates. Slovenia also welcomed the Government's efforts to further protect the rights of the child, requesting additional information about the draft legislation under preparation concerning that issue. Slovenia made recommendations.

44. Nicaragua highlighted Guyana's ongoing process of reviewing its national policies and its legal framework in order to strengthen democracy and its law and to guarantee the full enjoyment of all human rights. Nicaragua highlighted citizens' participation and exercise in democracy as one of the principal guarantees for the achievement of an egalitarian society in Guyana. Nicaragua commended the various programmes implemented to make progress towards development, to eradicate poverty and to consolidate its model of participatory democracy. Nicaragua made recommendations.

45. Spain highlighted the existence in Guyana of a de facto moratorium on the death penalty since 1997. Spain made recommendations.

46. France welcomed legislative measures and specific mechanisms for the processing of complaints by victims of police abuse, but remained concerned at reported excessive use of force by the police. France inquired about how Guyana intended to stop that practice and ensure that complaints would lead to impartial investigations and prosecutions of alleged offenders whenever relevant. France noted that courts were continuing to pronounce death sentences, although no executions had taken place since 1997. France made recommendations.

47. Pakistan noted policies aimed at the well-being of Guyanese peoples in all spheres, particularly food, housing, water, social security, health, education and culture. Pakistan also noted Guyana's Low-Carbon Development Strategy, which offered a sustainable development model while contributing to the reduction of carbon emissions globally. Pakistan appreciated consultation with national stakeholders on all Government policies, an important feature of governance in the country aimed at maintaining visibility, accessibility, transparency and accountability. Pakistan asked about the status, competence and composition of the five human rights commissions established under the revised Constitution. Pakistan agreed with the principle that the exercise of each freedom comes with certain responsibilities, noting that the Guyanese Constitution provided for certain limitations on freedom of expression. Pakistan made recommendations.

48. Bolivia (Plurinational State of) appreciated the participatory and inclusive model of governance currently promoted by the Government. It highlighted the positive measures adopted to eliminate hunger and promote food security while bearing in mind a sustainable environment. It noted the considerable efforts made to eradicate poverty, which had reduced maternal mortality and increased life expectancy. Bolivia inquired about Guyana's experience relating to cultural, ethnic, religious and linguistic diversity. Bolivia encouraged Guyana to recognize all rights of indigenous peoples, notably by amending the Amerindian Act of 2006 to include the right to land. Bolivia made recommendations.

49. Canada noted with appreciation Guyana's efforts to reduce youth unemployment, such as the Single Parent Assistance Programme. However, it noted with concern reports of the excessive use of force by security forces and the recent documented torture of 15-year-old Twyon Thomas by police officers. Canada also expressed concern about alleged murders and extrajudicial killings allegedly committed by members of the armed forces and the "Phantom Squad". Canada made recommendations.

50. Mexico recognized Guyana's efforts aimed at social security, the right to health, and poverty reduction. While highlighting the relevance of establishing five legislative commissions for human rights, Mexico underscored the importance of establishing an independent mechanism in conformity with the Paris Principles. Mexico noted the difficulties concerning the effective application of international human rights standards, suggesting that Guyana seek technical assistance from international and regional organizations for adequate implementation. Mexico expressed appreciation for the information provided by Guyana concerning the land property rights of indigenous communities, requesting additional information about efforts to be made to ensure the participation of indigenous women in political processes. Mexico made recommendations.

51. Germany acknowledged the achievements made relating to the trafficking in human beings and inquired how those efforts had contributed to the protection of victims. While echoing what the national report had stated about the importance of the right to water, Germany asked about the challenges faced in developing and implementing a national policy and a legal and institutional framework and strategies regarding access to drinking water and on waste management. Germany made recommendations.

52. The delegation of Guyana responded to issues raised during the dialogue. It took note of the issues raised in relation to corporal and capital punishment, as well as the criminalization of lesbian, gay, bisexual and transgender persons, and reiterated that those issues would take time to address and would require widespread consultation. With regard to the international human rights instruments that had not been ratified, many of them were being actively considered for ratification. Concerning health services, the delegation indicated that such services were free, without any distinction between nationals and non-nationals. This would not have been possible without the assistance of Cuba, as the first 100 Guyanese-trained doctors had arrived from Cuba, with an additional 600 students expected. These new doctors would transform the health services. The delegation stated that protecting the rights of indigenous people was of paramount importance and that those rights, including the right to land, were included in the Amerindian Act. The political representation of indigenous women was important, and, as of December 2009, three out of the six women in the Cabinet were indigenous women. The delegation also indicated that indigenous women occupied positions in the various administrative structures. In relation to the Low-Carbon Development Strategy, the delegation reiterated that it had been initiated following broad consultation. With respect to domestic violence, the delegation indicated that, as a result of the various measures already indicated by the Government, there was an increased willingness on the part of people to appear in court, but the issue required continued effort. As regards the media, the delegation indicated that the private sector controlled the television media, with only one Government-owned station. It reiterated that Guyana was a free-press country. In terms of radio broadcasting licences, the delegation provided the assurance that, as a result of an agreement with the opposition party to place a hold on the issuance of new licences until broadcast legislation had been adopted, the new Broadcast Bill, coupled with a new Telecommunications Act and Commission, was expected to be considered this year in the National Assembly. The delegation recalled measures relating to the modernization of the police force and the manner in which the administration of justice took place. In terms of pre-trial detention, no one could be held for longer than 72 hours unless an order of court was issued in that regard. With respect to detainees awaiting trial, the delegation recalled efforts to reduce the backlog of court cases. As for the appointment of independent commissions, the delegation described in detail the methodology for appointing the human rights commissions from among civil society, which would act as independent complaint mechanisms. This also applied to boards and commissions of inquiry investigating allegations of abuse, excessive force and torture.

53. The United Kingdom of Great Britain and Northern Ireland believed it important that the Human Rights Commission and its associated commissions become operational as

soon as possible. It also welcomed steps to identify and prosecute individual security agency personnel for torture and mistreatment. It was encouraged by the attention devoted to addressing violence against women and other members of vulnerable groups, including through the recent adoption of sexual offences legislation. The United Kingdom made recommendations.

54. Argentina noted the human rights and fundamental freedoms guaranteed in the Constitution and in law, particularly the exhaustive standards for the protection of freedom of religion and conscience in the context of the existing cultural, ethnic, religious and linguistic diversity. Argentina also highlighted the fact that the death penalty had not been implemented since 1997. Argentina made recommendations.

55. Maldives commended Guyana for its commitment to equality and non-discrimination, and welcomed the establishment of five national commissions, notably those on children's rights and on women and gender equity. Maldives also highlighted the importance accorded to children's rights. Maldives made a recommendation.

56. Uruguay commended Guyana for its poverty reduction strategy and other programmes to meet basic needs of the population such as housing and drinking water. It encouraged Guyana to continue to implement the provisions of the various international human rights instruments at the national level. Uruguay noted the progress made in the protection of children at risk, while indicating the concerns expressed by the Committee on the Rights of the Child and the International Labour Organization (ILO) Committee of Experts regarding the worst forms of child labour and child prostitution. Uruguay made recommendations.

57. Australia commended Guyana for the wide consultation on and successful adoption of the Sexual Offences Act, particularly those initiatives that broadened the definition of rape and criminalized marital rape. Australia praised the successful introduction of the National HIV/AIDS Workplace Policy and the concomitant reduction in workplace discrimination. Australia expressed concern about allegations of police brutality and the incarceration and torture of minors. Australia also expressed regret at the maintenance of criminal sanctions against sexual activity between consenting adults of the same sex, punishable by up to 10 years in prison, and at the retention of the death penalty, including as a mandatory sentence for some crimes. Australia made recommendations.

58. Sweden mentioned reported allegations of excessive use of force and numerous instances of torture by security and police forces, and noted that impunity for Government officials was a serious problem. Sweden inquired about what measures had been taken to investigate alleged human rights violations committed by a death squad between 2006 and 2008. While noting laws criminalizing sexual activities between people of the same sex, Sweden inquired about measures taken to guarantee non-discrimination against lesbian, gay, bisexual and transgender people. Sweden made recommendations.

59. Latvia stated that Guyana had ratified most of the international human rights instruments, including the Rome Statute of the International Criminal Court. Latvia also noted Guyana's positive cooperation with special procedures mandate holders. Latvia made a recommendation.

60. Italy noted that the Constitution and domestic legislation contained a number of provisions aimed at protecting human rights and fundamental freedoms, such as freedom of expression, the press and association. Italy made recommendations.

61. The United States of America commended Guyana on efforts in establishing a national independent human rights institution, saying that it looked forward to its establishment. It remained concerned about reported extrajudicial killings and use of excessive force by police. It also remained concerned about the continuing discrimination,

violence and exploitation against vulnerable groups, particularly children; women; lesbian, gay, bisexual and transgender people; and indigenous communities. The United States made recommendations.

62. Jamaica stated that Guyana enjoyed very close relations with it both bilaterally and as members of the Caribbean Community, and that it had a greater understanding of the socio-economic challenges confronting Guyana. Jamaica commended Guyana on programmes in the areas of health, water, sanitation and education. Jamaica also noted the special attention devoted to the most vulnerable groups within society, such as women, children and Amerindian communities.

63. Trinidad and Tobago stated that Guyana had sought to progressively address historical wrongs and forms of exclusion to ensure that its people could freely exercise their human rights. It commended Guyana for the legislation permitting the titled ownership of land by indigenous peoples, and measures for their better integration into Guyanese society. It also noted the establishment of several parliamentary commissions in relation to human rights. Trinidad and Tobago also appreciated the prudent approach taken to supplant conflict and contention with conversation and consensus; the review of the age of criminal responsibility; the development of comprehensive empirical studies to assess the incidence of prostitution within the secondary school system; and the design and implementation of intervention strategies to reduce and eliminate the sexual exploitation of all children.

64. Slovakia commended Guyana for the establishment of five parliamentary commissions dedicated to human rights. However, it commented that capital punishment was mandatory for the most serious crimes and that new death sentences had continued to be handed down even in 2009, despite a de facto moratorium on the death penalty since 1997. Slovakia mentioned the concerns expressed and observations made by the Committee on the Rights of the Child in 2004 and by the ILO Committee of Experts in 2009 about the increased reporting of the ill treatment of children. Slovakia made recommendations.

65. Haiti referred to the progress achieved and challenges faced in protecting human rights, welcoming the fact that international instruments could be invoked in courts. Haiti referred to the 2006 report of the Independent Expert on minorities, which indicated that Afro-Guyanese people could not fully participate in political life and did not fully enjoy equal rights in various areas. Haiti asked what measures had been taken to tackle those issues. Haiti made recommendations.

66. The delegation of Guyana responded to issues raised during the interactive dialogue. In relation to discrimination against the indigenous community, the delegation reiterated that there was a specific ministry and specific legislation to ensure that issues relating to indigenous communities were addressed. Some sections of society believed that too much was being done, and there was thus a need to strike a delicate balance. If there was any discrimination, it was positive discrimination to close the gap due to historical neglect. In relation to the employment of Afro-Guyanese persons, the delegation reiterated that there was no policy against any particular group and disagreed with the report of the United Nations Independent Expert on minorities, as adumbrated in Guyana's response.

67. With respect to extrajudicial killings, in recent times there had been considerable improvement. Concerning the issue of child prostitution, the delegation indicated that Guyana did not have widespread child prostitution. Regarding the issue of lesbian, gay, bisexual and transgender persons, there was some degree of tolerance, but there remained a need for education and awareness, and that would take time. The delegation thanked Jamaica and Trinidad and Tobago for their respective statements. With regard to the low age of criminal responsibility, the delegation noted that a draft Juvenile Justice Bill was being contemplated, reiterating that facilities were being completed to separate juvenile

prisoners. In relation to the issuance of standing invitations, the delegation indicated that the existing process had worked thus far and that Guyana intended to continue in that regard.

II. Conclusions and/or recommendations

68. **The following recommendations, which were formulated during the interactive dialogue, enjoy the support of Guyana:**

68.1. **Consider ratifying the Optional Protocol to CEDAW and the Optional Protocols to CRC (Brazil);**

68.2. **Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the two Optional Protocols to the Convention on the Rights of the Child (Spain);**

68.3. **Sign the Optional Protocol to CEDAW and the Optional Protocols to CRC (Argentina);**

68.4. **Accede to the Optional Protocols to the Convention on the Rights of the Child (Slovenia);**

68.5. **Ratify the Optional Protocols to CRC (Slovakia);**

68.6. **Ratify the remaining international human rights instruments, in particular the two Optional Protocols to the Convention on the Rights of the Child (Chile);**

68.7. **Sign, ratify or accede to, as appropriate, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Uruguay);**

68.8. **Take further steps in advancing the protection of women and children, by ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Maldives);**

68.9. **Adhere to the principles of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and consider favourably its eventual ratification (Mexico);**

68.10. **Continue to review and bring into line its domestic legal framework with international human rights norms to which Guyana is a party, in particular to make progress towards non-discrimination against minorities, indigenous peoples, women and children (Nicaragua);**

68.11. **Establish a national human rights institution, accredited by ICC (Germany);**

68.12. **Improve further its cooperation with all United Nations human rights mechanisms, submitting, among others, its overdue reports to treaty bodies (Slovakia);**

68.13. **Strengthen and enforce its various commitments to embracing its cultural diversity and ensuring the safety of and equal opportunities for all citizens (United States of America);**

- 68.14. **Ensure the coordinated implementation of the National Domestic Violence Policy (Netherlands);**
- 68.15. **Expedite implementation of the law against Sexual Offences, and ensure coordinated implementation of the National Domestic Violence Policy (Uruguay);¹**
- 68.16. **Continue undertaking efforts to address the issue of violence against children and particularly, with regard to sexual exploitation against girls (Algeria);**
- 68.17. **Continue, in implementing the Sexual Offences Act, to work towards a fuller realization of the rights of victims of sexual offences (Australia);**
- 68.18. **Ensure that the conditions of detention are in conformity with minimum international standards (Netherlands);**
- 68.19. **Undertake all necessary measures to prevent the torture and mistreatment of inmates (Canada);**
- 68.20. **Continue its efforts under multi-sectoral approach to address the issue of human trafficking (Pakistan);**
- 68.21. **Continue to implement the Poverty Reduction Strategies Programme II (Nicaragua);**
- 68.22. **Continue its policies and efforts to enhance the solidarity and equality among its diverse population (Pakistan);**
- 68.23. **Continue progress in protecting and promoting the human rights of indigenous people (Cuba);**
- 68.24. **While commending ongoing efforts of the Government, strengthen the efforts aimed at protecting Amerindians from marginalization and at defending their issues and not subject them to any discrimination (Libyan Arab Jamahiriya);**
- 68.25. **Seek, whenever needed, technical and financial assistance from the Office of the United Nations High Commissioner for Human Rights in order to submit the outstanding reports to the treaty bodies (Algeria);**
- 68.26. **Undertake a participatory and inclusive process with civil society organizations, including indigenous peoples in the implementation of universal periodic review recommendations (Norway).**
69. **The following recommendations enjoy the support of Guyana, which considers that they are already implemented or in the process of implementation:**
- 69.1. **Start establishing a national human rights institution in accordance with the Paris Principles (Libyan Arab Jamahiriya);**
- 69.2. **Establish a national human rights institution in accordance with the Paris Principles (Haiti);**
- 69.3. **Make an immediate commitment to holistic and wide-ranging reform of the security agencies and the criminal justice sector, underpinned by wide**

¹ The recommendation as read during the interactive dialogue: “Expedite adoption and implementation of the draft law against Sexual Offences and ensure coordinated implementation of the National Domestic Violence Policy” (Uruguay).

consultation and transparency (United Kingdom of Great Britain and Northern Ireland);

69.4. Provide Guyana security force members with adequate training on the appropriate use of force in accordance with international standards (Canada);

69.5. Ensure that members of the Guyana Police Force are adequately trained on the appropriate use of force and firearms in accordance with international standards (Sweden);

69.6. Provide human rights training for officers, and increase the capacity of the Police Complaints Authority to investigate allegations of extrajudicial killings and the use of excessive force by police using prompt and impartial proceedings (United States of America);

69.7. Develop a national strategy for human rights education in the school system in accordance with the Plan of Action of the World Programme, which outlines a process, including an assessment of the current situation as well as the development of a national strategy, with the full participation of all relevant stakeholders (Italy);

69.8. Adopt law and mechanisms to combat discrimination against groups in vulnerable situations (Argentina);

69.9. Take concrete steps to protect members of vulnerable groups from violence, encouraging more reporting of offences, more sympathetic handling of cases by the police and more convictions with appropriate sentences (United Kingdom of Great Britain and Northern Ireland);

69.10. Implement necessary policies and programmes to address the issues of ill treatment of children, including sexual abuse, and child prostitution (Slovakia);

69.11. Take measures to reduce the numbers of domestic violence cases and ensure that all victims get immediate access to reparation and protection measures, including judicial protection orders, legal assistance and reception centres in sufficient numbers (Chile);

69.12. Put emphasis on the rights of women and children, and continue to work to eliminate sexual violence under the “Stamp it Out” policy and implement it in a comprehensive manner (Libyan Arab Jamahiriya);

69.13. Ensure separation of juvenile prisoners from adult inmates (Slovakia);

69.14. Undertake efforts to improve all prison facilities in Guyana (Canada);

69.15. Ensure the effective enforcement of laws against trafficking in persons and child prostitution through more effective training of police forces and judicial organs in order to promote better protection for victims (Uruguay);

69.16. Intensify efforts against sexual abuse and child pornography, with more awareness campaigns about the punitive character of these crimes, particularly in rural areas (Spain);²

² The recommendation as read during the interactive dialogue: “Implement legislative measures to prohibit all forms of corporal punishment against minors, and intensify the efforts against sexual abuse and child pornography, with more awareness campaigns about the punitive character of these crimes, particularly in rural areas” (Spain).

- 69.17. Disseminate information concerning trafficking and sexual exploitation throughout rural areas with an emphasis on boy and girl children and adolescents, with a view to prevention (Uruguay);
- 69.18. Conduct reforms to diminish the backlog of pre-trial detainees (Canada);
- 69.19. Ensure that thorough and independent investigations take place into complaints of human rights violations by the police and army forces and that perpetrators are prosecuted and effective remedies are provided to the victims (Netherlands);
- 69.20. Ensure that all complaints of human rights violations by the security forces are subject to immediate, accurate and independent investigations (Italy);
- 69.21. Investigate complaints and possible violations of human rights committed by State security agencies in order to punish those responsible and avoid impunity (Mexico);
- 69.22. Conduct thorough and impartial investigations into all allegations of killing, torture and physical abuse, and bring to justice anyone suspected of having committed excessive use of force, torture or other human rights violations (Sweden);
- 69.23. Increase its efforts in order to ensure the participation of women in political processes in the country (Mexico);
- 69.24. Continue and intensify programmes aimed at mitigating climate change negative impacts on food security and environment, and share the experience gained in this field with interested countries (Algeria);
- 69.25. Strengthen the ongoing measures to reduce hunger and to promote food security (Cuba);
- 69.26. Work towards promoting the right to water for its citizens, as water is a main component of the rights to life, health and food basic right and empower inhabitants to enjoy this right and cooperate with relevant international stakeholders (Libyan Arab Jamahiriya);
- 69.27. Pursue its efforts in the field of reducing poverty and promoting access to food (Algeria);
- 69.28. Promote and advance policies that focus on the alleviation of poverty and the advancement of its entire people, irrespective of race, colour or ethnicity (Pakistan);
- 69.29. Increase education institutions and health services in rural areas, and seek international cooperation to this end (Plurinational State of Bolivia);
- 69.30. Ensure Afro-Guyanese people's rights (Haiti);
- 69.31. Enhance freedom of expression through radio by enacting legislation that ensures the mechanism for impartial issuing of broadcasting licenses (Canada).³

³ The recommendation as read during the interactive dialogue: "Enhance freedom of expression through the press and television by enacting legislation that ensures the mechanism for impartial issuing of broadcasting licenses" (Canada).

70. The following recommendations will be examined by Guyana, which will provide responses in due course, but no later than the fifteenth session of the Human Rights Council, in September 2010:

70.1. Consider ratifying the remaining international human rights instruments (Bolivia);

70.2. Accede to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and incorporate its principles into domestic law (Australia);

70.3. Ratify, as soon as possible, the Convention on the Rights of Persons with Disabilities (Slovenia);

70.4. Ratify the remaining international human rights instruments, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Chile);

70.5. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as ratify the Convention on the Rights of Persons with Disabilities (Spain);

70.6. Sign the Second Optional Protocol to ICCPR, the Optional Protocol to CAT, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

70.7. Sign, ratify or accede to, as appropriate, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Inter-American Convention on Human Rights (Uruguay);

70.8. Consider ratifying the Inter-American Convention on Human Rights, the Second Optional Protocol to ICCPR, the Optional Protocol to CAT and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (Brazil);

70.9. Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take the steps necessary to remove the death penalty from Guyana's justice system (Australia);

70.10. Consider ratifying ILO Convention No. 169 (Bolivia);

70.11. Ratify ILO Convention No. 169 (Germany);

70.12. Consider ratifying ILO Convention No. 169, concerning Indigenous and Tribal Peoples, and take operational steps to implement the United Nations

Declaration on the Rights of Indigenous Peoples, including through constitutional and statutory recognition of land and resource rights and effective political participation (Norway);

70.13. **Ratify the remaining core human rights and other relevant international treaties, in particular the 1951 Geneva Convention relating to the Status of Refugees and its Protocol (Hungary);**

70.14. **Accede to the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol, and initiate the drafting and adoption of national refugee legislation based on this (Germany);**

70.15. **Consider issuing a standing invitation to United Nations human rights special procedures (Brazil);**

70.16. **Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);**

70.17. **Extend an open and standing invitation to all the special procedures (Spain);**

70.18. **Extend an open and standing invitation to United Nations human rights special procedures mandate holders (Chile);**

70.19. **Invite the United Nations Special Rapporteur on Torture to conduct an assessment of torture in the country (Canada);**

70.20. **Ensure access to comprehensive human rights training for all prison staff (Canada);**

70.21. **Eliminate discriminatory provisions in its legislation (Brazil);**

70.22. **Continue its efforts to eliminate all forms of discrimination through the implementation of a National Action Plan, especially in the work environment (Bolivia);**

70.23. **Continue the de facto moratorium on executions with a view to abolishing the death penalty and, in this respect, commute all death sentences into terms of imprisonment (Italy);**

70.24. **Declare a moratorium on executions with a view to abolishing the death penalty (Brazil);**

70.25. **Establish a moratorium on executions with a view to abolishing the death penalty (Netherlands);**

70.26. **Establish a moratorium on executions with a view to abolishing the death penalty, and commute sentences to the death penalty to prison terms (France);**

70.27. **Establish a moratorium on the death penalty, and take all necessary measures for its abolition (Uruguay);**

70.28. **Adopt a formal moratorium on executions, and remove all legal provisions for mandatory death sentences with a view to abolishing the death penalty (United Kingdom of Great Britain and Northern Ireland);**

70.29. **Consider the abolition of the death penalty, and declare a moratorium on executions (Slovenia);**

- 70.30. **Abolish the death penalty completely and, in the meantime, establish a moratorium on executions as urged by the respective United Nations General Assembly resolutions (Hungary);**
- 70.31. **Repeal the death penalty from its legislation and, should this be unsuccessful, establish a moratorium on the death penalty (Chile);**
- 70.32. **Give consideration to full abolition of death penalty in all cases, withdraw provisions making the death penalty mandatory, and consider ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);**
- 70.33. **Amend the concerned legislation with a view to abolishing the capital punishment entirely, in line with General Assembly resolutions 62/149 and 63/168 as well as the second Optional Protocol to ICCPR, and transfer the existing death sentences to imprisonment terms (Slovakia);**
- 70.34. **Abolish definitely the death penalty from its national legislation (Argentina);**
- 70.35. **Abolish the death penalty (Haiti);**
- 70.36. **Implement legislative measures to prohibit all forms of corporal punishment against minors (Spain);⁴**
- 70.37. **Adopt a law prohibiting corporal punishment against children in all spheres (Uruguay);**
- 70.38. **Expressly prohibit in law corporal punishment in the family, schools and other institutions (Chile);**
- 70.39. **Prohibit corporal punishment, especially in schools, in accordance with article 19 of the Convention on the Rights of the Child (Slovenia);**
- 70.40. **Eliminate all forms of corporal punishment with a view to abolishing them (Brazil);**
- 70.41. **Forbid corporal punishment of children (Brazil);**
- 70.42. **Take all necessary measures to guarantee that the mandatory limits for pre-trial detention are respected in practice, and seek international assistance to address the issue of corporal punishment as well as the one of street children (Germany);**
- 70.43. **Raise the minimum age of criminal responsibility to an acceptable level, in compliance with international standards (Slovakia);**
- 70.44. **Establish an independent commission, supported by international experts as necessary, to investigate the allegations of grave human rights abuses, including murders and extrajudicial killings, allegedly committed by members of the armed forces and the “Phantom Squad” in the period 2002-2006 (Canada);**

⁴ The recommendation as read during the interactive dialogue: “Implement legislative measures to prohibit all forms of corporal punishment against minors, and intensify the efforts against sexual abuse and child pornography, with more awareness campaigns about the punitive character of these crimes, particularly in rural areas” (Spain).

- 70.45. Establish an independent inquiry into abuses allegedly committed by a “Phantom Squad” between 2002 and 2008, and ensure all those responsible are brought to justice (United Kingdom of Great Britain and Northern Ireland);
- 70.46. Ensure thorough and independent investigations of all allegations of extrajudicial killings, taking into account findings in the report of the United Nations Independent Expert on Minority Issues on the “phantom death squad” (Canada);
- 70.47. Remove legislation which discriminates against individuals on the basis of their sexual orientation or gender identity (Australia);
- 70.48. Combat discrimination on the basis of sexual orientation, and further promote dialogue in society so that no discrimination is justified on the grounds of culture, religion or tradition (Netherlands);
- 70.49. Repeal the laws which criminalize sexual activity between consenting adults of the same sex (Slovenia);
- 70.50. Decriminalize homosexuality between consenting adults, and repeal all legal provisions used to discriminate against LGBT persons (Italy);
- 70.51. Repeal the laws that criminalize consensual sexual activities between people of the same sex, and protect lesbian, gay, bisexual and transsexual persons from discrimination and violence (Sweden);
- 70.52. Repeal all provisions criminalizing sexual activities between consenting adults of the same sex, and reinforce its commitment to end violence and connected human rights violations committed against individuals based on their sexual orientation and identity (France);
- 70.53. Reconsider those provisions which criminalize consenting sexual relations between adults of the same sex, and intensify political initiative and legislative measures to combat any act of discrimination, including those committed against gender identity or sexual orientation (Spain);
- 70.54. Develop domestic procedures and institutions for asylum in order to grant proper services to persons of concern in need of international protection (Hungary);
- 70.55. Adopt national legislation on refugees and asylum-seekers (Argentina).
71. All conclusions and/or recommendations set out in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Guyana was headed by Minister for Foreign Affairs of the Republic of Guyana, Carolyn Rodrigues-Birkett, and was composed of two members:

- Ms. Gail Teixeira, Presidential Adviser on Governance, Office of the President, Republic of Guyana;
 - Dr. Patrick Gomes, Ambassador of Guyana to Belgium, Embassy of Guyana in Brussels.
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