



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
22 July 2005

Original: English

Committee on the Elimination of Discrimination against Women Thirty-third session 5-22 July 2005

Concluding comments: Guyana

1. The Committee considered the combined third, fourth, fifth and sixth periodic report of Guyana (CEDAW/C/GUY/3-6) at its 689th and 690th meetings, on 8 July 2005 (see CEDAW/C/SR.689 and 690).

Introduction by the State party

2. In introducing the report, the representative of Guyana noted that her Government accorded high priority to fully implementing national and international legal instruments to achieve the important objective of gender equity. Its efforts for the past four years had resulted in the passage of legislation to ensure that women enjoy all their human rights and fundamental freedoms and the improvement of mechanisms aimed at the elimination of violence against women and the eradication of the feminization of poverty and to improve the standard of living of aged, rural and indigenous women.

3. A stated goal was the development of a “critical cadre of women” in key political and decision-making positions at all levels. Currently, 30.7 per cent of parliamentarians were women and in Regional Democratic Councils women’s representation had grown to 30 per cent. While success was acknowledged, challenges to progress persisted, such as patriarchal norms and stereotypical and discriminatory cultural practices towards women, a huge debt burden, unfavourable terms of trade for commodities and inadequate financial resources. Women’s qualitative representation in decision-making was of concern and measures were being put in place to empower women to fulfil their mandates with confidence and assertiveness.

4. The representative informed the Committee that the Women and Gender Equality Commission, under the Human Rights Commission, had superseded the National Commission on Women and would shortly commence operations. This new body would, inter alia, monitor the implementation of the Convention and track the status of women. The role of the Women’s Affairs Bureau within the Ministry of



Labour, Human Services and Social Security, had been expanded and its resources, both human and financial, had been increased, thereby enabling acceleration of the implementation of its programme of activities across the country. Its reach had been extended through Regional Women's Affairs Officers, who monitor programmes and projects of Regional Women's Affairs Committees in all administrative regions. Moreover, the Bureau had established the Inter-Ministry Committee composed of senior personnel in the public service, through which it monitored gender mainstreaming and gender equity in the ministries.

5. The new National Policy on Women would inform the National Plan of Action for Women, which was in the process of being updated — a process involving broad-based consultations with civil society, including women in rural and hinterland communities. It would take a comprehensive approach to critical issues affecting women, such as health, education, employment, leadership, gender-based violence, trafficking in persons and HIV/AIDS. The National Plan of Action for Women would also articulate strategies to ensure that development policies are designed to ensure gender equity and the removal of all forms of discrimination.

6. Maternal and child health services had been upgraded and substantial advances had been made in the reduction of maternal and infant mortality rates as well as the incidence of malnutrition. The representative described the holistic and multifaceted approach to HIV/AIDS that had been adopted to deal with the steady increase in the proportion of women infected and affected by HIV/AIDS. She also noted the major concerns and challenges to women posed by cancer. Guyana's health system was not yet equipped to fully treat cancer patients to completion. However, it was underscored that the Government subsidizes the treatment of cancer patients overseas and was involved in ongoing discussions with private partners to establish a full range of cancer diagnosis and treatment locally.

7. The Government had taken a more gender-sensitive approach to education and had introduced health, family life education and human rights education in the curricula. Efforts to address gender imbalances at tertiary-level technical and vocational schools were being made and special attention was being given to educational programmes in rural and hinterland areas. The Government had been sensitive to the specific needs of women in remote hinterland areas, when addressing the issue of women and poverty.

8. The representative indicated that there had been some positive developments in the area of violence against women. Examples included the appointment and authorization of social workers to represent victims of violence in court and the establishment of a National Task Force on Gender-based Violence. The link between trafficking in persons and violence against women was recognized and was being addressed under a comprehensive Plan of Action. To date a series of measures had been undertaken, including the enactment of the Trafficking in Persons Act No. 2 of 2005, public awareness-raising, and the establishment of victim protection programmes.

9. In conclusion, the representative noted the increasing recognition that gender equity was a prerequisite for eradicating poverty and promoting sustainable development and that progress needed to be accelerated and expanded in order to break the cycle of poverty, violence and residual gender-based discrimination. The Government would work together with the private sector, non-governmental

organizations and the public to further this goal and move forward in partnership on the issues of concern to women.

Concluding comments of the Committee

Introduction

10. The Committee expresses its appreciation to the State party for its combined third, fourth, fifth and sixth periodic report, for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications in response to the questions posed by the Committee.

11. The Committee welcomes the State party's high-level delegation, which was headed by the Minister of Labour, Human Resources and Social Security, and appreciates the constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

12. The Committee notes with satisfaction that through the constitutional reform undertaken in 2001, all international human rights instruments, including the Convention are incorporated into domestic legislation.

13. The Committee notes the establishment, through the constitutional amendment of 2001, of the Women and Gender Equality Commission, which falls under the umbrella of the Human Rights Commission. In this regard, the Committee welcomes the recent appointment of the members of the Commission, thus allowing it to start functioning.

14. The Committee commends the State party for the adoption of the Combating of Trafficking in Persons Act No. 2 of 2005 and the formulation and launching of the National Plan of Action to eliminate trafficking in persons in 2004.

15. The Committee welcomes the intention of the Women's Bureau to develop gender-responsive indicators to assess the implementation of the Poverty Reduction Strategy Paper (PRSP).

Principal areas of concern and recommendations

16. The Committee notes the State party's obligation with respect to the systematic and continuing implementation of all provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

17. The Committee is concerned that the State party has taken inadequate steps to implement the recommendations in regard to most of the concerns raised in the Committee's previous concluding comments adopted in 2001 (A/56/38) and that,

consequently, insufficient progress has been achieved towards the practical realization of the principle of equality of women and men called for in article 2 of the Convention.

18. The Committee reiterates the concerns and recommendations raised in the concluding comments adopted in 2001 and urges the State party to put in place comprehensive follow-up measures and provide information on progress achieved in the next report.

19. The Committee notes with concern that, although the Constitution refers to the principle of equality, the term most commonly used in government plans, programmes and official statements is “equity”, which the State party considers to mean “substantive” or de facto equality as required under the Convention.

20. The Committee urges the State party to take note that the terms “equity” and “equality” are not synonymous or interchangeable and can lead to conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee therefore recommends that the State party use the term “equality” henceforth.

21. The Committee is concerned about the persistence of discriminatory legal provisions, particularly the Criminal Law (Offences) Act provision which makes it a criminal act for a girl of 16 years to have sexual intercourse with a relative such as a grandfather or brother and making her liable to imprisonment for up to seven years; and the Married Persons Property Act that prevents non-working spouses from acquiring the same rights in matters of division of property, and which disproportionately affects women.

22. The Committee urges the State party to undertake comprehensive legal reform in accordance with its obligations under the Convention, and in particular, to eliminate discriminatory provisions without delay in the Criminal Law (Offences) Act, and civil law so as to ensure full compliance with articles 2 and 16 of the Convention. The Committee requests the State party to provide the necessary support to the Women and Gender Equality Commission so that it may place high priority on reviewing existing and future legislation for its compliance with the provisions of the Convention and submitting recommendations for compliance with international instruments to which the State is a party.

23. While welcoming laws to eliminate discrimination against women, including the Equal Rights Act of 1990 and the Prevention of Discrimination Act of 1997, the Committee is concerned about the lack of systematic enforcement of existing legislation, of mechanisms to monitor and ensure compliance, and of effective remedies in case of breach. The Committee is also concerned about the insufficient availability of legal aid to women, in particular women living in rural areas and hinterlands; their lack of awareness about legislation aimed at eliminating discrimination against women, and continuing reluctance, or inability of women to seek legal redress in cases of discrimination.

24. The Committee urges the State party to strengthen its efforts to protect women against any act of discrimination, including the strengthening of existing complaints mechanisms such as the Ombudsman and Chief Labour Officer, and putting in place sanctions for acts of discrimination against

women. **The Committee further urges the State party to ensure full compliance by public authorities and institutions with legislation aimed at prevention of discrimination against women, increase the availability of legal aid to women in all parts of the country, and sensitize the judiciary and law enforcement personnel to gender equality issues. The Committee urges the State party to take special measures to enhance women's awareness of their rights and legal literacy so that they can better avail themselves of available remedies and mechanisms of redress against violations of their rights under the Convention.**

25. The Committee regrets the lack of data disaggregated by sex in regard to many of the provisions of the Convention, including all forms of violence against women.

26. The Committee requests that the State party provide sufficient data disaggregated by sex, and over time, in its next report so that a clear picture of progress and obstacles in the implementation of all the provisions of the Convention can emerge.

27. The Committee is concerned that it did not obtain a clear picture of the mandates and responsibilities of, and coordination among the Women's Affairs Bureau, the National Commission on Women, the Women and Gender Equality Commission and Regional Women's Desks, as well as the human and financial resources available to these mechanisms. The Committee also remains concerned about the limited capacity of the national machinery for the advancement of women to support implementation of the gender-mainstreaming strategy in all public institutions.

28. The Committee recommends that the State party strengthen its national machinery for the advancement of women, clearly define the mandate and responsibilities of its different components, and enhance coordination among them. It calls on the State party to provide the national machinery with adequate decision-making power and human and financial resources to work effectively for the promotion of women's human rights at all levels. The Committee recommends that the State party enhance the use of the gender-mainstreaming strategy in all policies and programmes through gender training and the creation of focal points with sufficient expertise in gender equality issues.

29. Noting the completion of a new National Policy on Women and the ongoing process of updating the National Action Plan for Women, which will cover the period 2005 to 2007, the Committee is concerned that no assessment or impact analysis has been conducted of past policies, programmes and action plans on gender equality, and that therefore necessary corrective measures may not be adequately reflected in the new action plan.

30. The Committee urges the State party to undertake an assessment of its past policies and programmes on gender equality with a view to identifying shortcomings, gaps and lack of progress, and use this assessment to inform the formulation of the new plan. It calls on the State party to monitor systematically the implementation of its new gender equality policies and programmes, to assess their impact and the extent to which stated goals are achieved, and undertake corrective measures whenever necessary. The Committee encourages the State party to explicitly reflect the provisions of the Convention as well as the Committee's concluding comments and the

programmatic steps outlined in the Beijing Declaration and Platform for Action, which reinforces the provisions of the Convention, in the National Action Plan 2005-2007 so as to ensure a comprehensive approach to the promotion of legal and substantive gender equality. It requests the State party to include information on the impact of policies and plans in its next periodic report.

31. The Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention may not be widely understood in the State party, and that such measures, which aim at accelerating de facto equality as well as programmes and policies targeted specifically at women, may be considered as discriminating against men.

32. The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies that also benefit women and temporary special measures under article 4, paragraph 1, of the Convention that are necessary to accelerate the achievement of de facto equality for women in various areas, as clarified by the Committee in general recommendation 25. It also recommends that the State party implement information and awareness-raising campaigns on a regular basis on the content of, and obligations resulting from the Convention and the general recommendations of the Committee, with particular focus on the role of legislators, policymakers, senior public officials, the judiciary, and the legal profession. The Committee urges the State party to design, implement and strengthen awareness-raising measures to foster a better understanding of equality between women and men at all levels of society.

33. While noting the Domestic Violence Act of 1996, the Committee expresses concern about the insufficient measures to ensure its effective implementation; lack of an effective monitoring mechanism; and insufficient support measures for victims of domestic violence, such as shelters and legal, medical and psychological support. The Committee is also concerned that victims are reluctant to report cases of abuse for fear of being stigmatized. The Committee regrets that the State party provided only some information on domestic violence, but did not address other forms of violence against women.

34. In the light of its general recommendation 19, the Committee urges the State party to accord priority attention to the effective enforcement and monitoring of legislation on domestic violence to ensure that all women who are victims of violence, including Amerindian women and those living in rural and hinterland areas, have access to immediate means of redress and protection, including protection orders, legal aid and shelters in sufficient numbers. The Committee calls on the State party to provide adequate funding for such protection and support measures. The Committee requests the State party to strengthen its efforts to train the police and ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and adequately equipped to support victims of such violence. The Committee also calls on the State party to take measures, through the media and public education programmes, towards changing social, cultural and traditional attitudes that remain permissive of all forms of violence against women, including sexual violence against young girls. The Committee requests that the

State party provide in its next report comprehensive information, including statistical information, on all forms of violence against women and measures to prevent and eradicate it.

35. The Committee recognizes the efforts of the Government to put in place comprehensive health structures. However, the Committee is concerned that women's access to health services is not monitored and there is no data to establish the de facto impact of such measures.

36. The Committee recommends that a broad framework for health services in line with the Committee's general recommendation 24 on article 12, on women and health, be put in place, and that access by women, especially Amerindian women and other women living in rural and hinterland areas, be monitored. It also recommends that the State party provide information on women's access to health services in its next periodic report.

37. While welcoming the adoption of the National Strategic Plan for HIV/AIDS 2002-2006, the Committee notes with concern the high and growing prevalence of HIV/AIDS among women, especially younger women, who are particularly vulnerable because of unequal power relations and limited socio-economic opportunities. The Committee is especially concerned that the low minimum age of sexual consent (13 years) puts young women and girls at particular risk of becoming victims of sexual exploitation and infection with the virus.

38. The Committee urges the State party to strengthen attention to the gender dimensions in its efforts to combat the HIV/AIDS pandemic. It calls on the State party to increase its emphasis on men's responsibilities in preventing the spread of the disease, including through awareness-raising and prevention campaigns, and the implementation of education programmes on sexual and reproductive health and rights directed at both women and men, including the provision of condoms. It also urges the State party to increase the minimum age of sexual consent to protect girls effectively against sexual exploitation.

39. While noting that women are disproportionately affected by poverty and the existence of a National Development Strategy and a Poverty Reduction Strategy Paper, the Committee is disappointed that these policies insufficiently address the gender dimensions of poverty, nor do they target women specifically, notwithstanding the participation of women's groups in consultations for their preparation. The Committee is especially concerned about the consequences of this omission for Amerindian women and women living in rural and hinterland areas.

40. The Committee urges the State party to make the promotion of gender equality an explicit component of its national development strategies and in particular those aimed at poverty alleviation and sustainable development. It encourages the State party to include programmes that target vulnerable groups of women, such as Amerindian women and poor women living in rural and hinterland areas. The Committee invites the State party to strengthen these policies so as to enhance compliance with the Convention, especially article 14 on rural women. It encourages the State party to place emphasis on implementation of the Convention and women's human rights in all development cooperation programmes with international organizations and bilateral donors. It also recommends that the State party channel resources available through the Highly Indebted Poor Countries (HIPC) initiative towards the empowerment of women,

especially Amerindian women and women in rural and hinterland areas. It also requests the State party to provide in its next periodic report data on how women have benefited from the implementation of the Poverty Reduction Strategy Paper.

41. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

42. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

43. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the MDGs, and requests the State party to include information thereon in its next periodic report.

44. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Guyana to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

45. The Committee requests the wide dissemination in Guyana of the present concluding comments in order to make the people of Guyana, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

46. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in September 2006.

Notes

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.