



Economic and Social Council

Distr.: General
11 September 2015

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

Fifty-sixth session

21 September-9 October 2015

Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the combined second, third and fourth periodic reports of Guyana

Addendum

Replies of Guyana to the list of issues*

[Date received: 3 September 2015]

General Information

Provide information on the legislative measures taken to give the provisions of the Covenant full effect in its domestic legal order of the State party, and examples of cases in which the provisions of the Covenant have been invoked before and/or applied by domestic courts. Also state measures taken to raise awareness of the Covenant among the responsible officials and general public.

1. The Government of the Cooperative Republic of Guyana has amended legislation to ensure compliance with its treaty body commitments and to ensure the protection of the rights of its people particularly the most vulnerable.
2. Work on these rights issues have not been restricted to the Legislature, as the government continues to hold engagements with the private sector and NGOs with a view to ensuring the protection and promotion of the economic, social and cultural rights of its citizens.
3. The Government also works closely with the Country Representative for the United Nations Development Programme to ensure that policies are formulated in a timely manner.

* The present document is being issued without formal editing.



Provide detailed information on the status and functioning of the five parliamentary commissions.

4. The Constitution embodies several important provisions including the appointment of five Rights Commissions — Ethnic Relations, Women and Gender Equality, Children, Indigenous Peoples and Human Rights. Four of the five Constitutional Commissions have been established and are functioning. The Government plans to establish the Human Rights Commission as soon as possible by ensuring that a Chairperson is named.

Article 1 – Free disposal of natural wealth and resources

Please explain how the principle of free, prior and informed consent is guaranteed, both in law and in practice, in the decision-making on, and implementation of, development and extractive projects affecting indigenous peoples.

5. Guyana is divided into 10 Administrative Regions; the indigenous communities are located in all Administrative Regions with predominance in the hinterland regions. Noteworthy is the fact that 97 absolute land titles have been issued to 134 villages covering 14% of Guyana's land mass. These lands are communally held as decided by the indigenous peoples themselves and enacted in the Amerindian Act 2006. Furthermore, there are 22 communities that have made applications for land titles and or extensions to the boundaries of their titled lands. These are currently being addressed by the Government and are at different stages of advancement.

6. The Government respects, recognizes and upholds the principle of free, prior and informed consent, and has established procedures and mechanisms to guide how outsiders should communicate, and relate, with the Indigenous communities to obtain their free, prior and informed consent in accordance to their customary laws and practices.

7. Indigenous villages are administered or governed by Village Councils which are headed by Toshaos (Village Captains) in accordance with Section 10 of the Amerindian Act 2006. The National Toshaos Council is the sole legitimate national body that represents all Amerindian communities and all Toshaos are represented on this body. This council was recently convened in August, 2015.

8. The Guyana Geology and Mines Commission (GGMC) is the agency charged with ensuring that the mining sector functions in a way that is in conformity with the Amerindian Act and with the Mines Act and Regulations that govern the mining sector. The underlying principle of free, prior and informed consent is embedded in the Amerindian Act 2006, which guides the GGMC in its decision making on, and implementation of, extractive projects affecting Indigenous Peoples.

9. In the first instance, the Commission exhorts all persons who are conducting any research relating to natural resources to apply for and obtain in advance (a) the permission of the Village Council, (b) all permits required under any other written law and (c) the permission of the Minister in accordance with Section 5 of the Amerindian Act 2006.

10. Secondly, the Commission, in its conduct of official business, strives to abide by section 8 of the Amerindian Act 2006 by ensuring that the Village Councils are informed of the nature of the Commission's business and expected length of stay within Village Lands. The Commission must also comply with, and respect the rules made by the Village Councils.

11. In the case of Forestry concerns, the Amerindian Act allows for the Village Council to give permission for forestry activities within titled village lands. The Act also requires the Guyana Forestry Commission (GFC), which is the State agency responsible for forests in the State-Party, to "consider the impact on the village" when the GFC "intends to

issue a permit, concession, license, timber sales agreement or other permission in respect of any State forests which are contiguous with Village lands.”

Article 2, paragraph 1 – Maximum available resources

Please provide information on the steps taken to ensure the transparency of governance as well as to prevent and combat corruption at all levels of public administration, including the status of the enactment of a public administration bill and the establishment of a national procurement and tender administration board. Please also provide information on the number of prosecutions and sentences passed, if any, against high-level officials found guilty of corruption or persecution of witnesses of corruption and anti-corruption activists.

12. After the May 11, 2015, General and Regional Elections, the new Government of the Cooperative Republic of Guyana moved to institute 56 internal forensic audit examinations, focusing on the fiscal accountability and transparency, performance and efficiency of publicly-owned entities, statutory bodies, projects and activities financed by or through public funds. Benefits likely to flow from this exercise include the identification of revenue leakages, enhancement of revenue collection and restoring public trust. In addition, a State Asset Recovery Unit (SARU) has been established to identify and recover what is likely to be millions of dollars’ worth of assets illegally transferred into private hands.

13. As a result of this exercise several files were transmitted to the Chambers of the Director of Public Prosecutions for guidance and advice. This resulted in the Criminal Intelligence Unit and Fraud Section of the Criminal Investigations Department of the Guyana Police Force arresting and charging two officials with attempting to commit a Felony contrary to Section 36 of the Criminal Law (Offences) Act, Chapter 8:01.

14. Sections 26 to 35 of the Financial Administration and Audit Act set out the functions, powers and responsibilities of the office of the Auditor General.

15. Constitutionally, timely reports are required from the Auditor General on the audit of Government accounts. The Act gives the Auditor General comprehensive powers to inspect, at any time, all records on financial matters, to summon persons, whether public officers or not, and to give information regarding receipt or expenditure of public monies.

16. The Act requires the Accountant General, accounting officers, and principal receivers of revenue to submit the various Statements and accounts to the Auditor General, within a period of four months, after the close of each financial year.

17. Section 11 of the Fiscal Management and Accountability Act imposes on each Head of a Budget Agency a duty to “manage the affairs of that budget agency in a manner that promotes the proper use of the public resources...” including (b) “to maintain an effective internal audit capability within the budget agency.” That Act was passed in 2003 but, to date, few budget agencies, if any at all, can boast a proper system of internal audit that meets the test of competency, independence and professionalism required for the oversight of the spending of hundreds of millions of dollars.

18. The manner in which public sector entities maintain internal control and how they are held accountable has evolved to require more transparency and more accountability from these organizations that spend taxpayer funds. The role of internal auditing has evolved from an administrative procedure with a focus on compliance, to an important element of good governance. The Government has, therefore, instructed the Finance Secretary to head a project to review the needs and capacity of each budget agency or cluster of budget agencies, to implement a proper system of internal audit.

19. In 2015, the Government appointed the National Procurement and Tender Administration Board (NPTAB) and will move shortly to have the Public Procurement Commission established.

Article 2, paragraph 2 – Non-discrimination

Please specify the legislative, policy and organizational, measures taken by the State party to combat racial discrimination. Provide information on the cases of racial discrimination and racial hatred brought before the Ethnic Relations Commission and the results of the Commission’s investigation. Provide information on the cases concerning racial discrimination brought before the courts, including relevant figures, in particular regarding the numbers of perpetrators prosecuted and sentenced under the Racial Hostility Act of 1973 (amended by Act No. 9 of 2002).

20. Article 212 of the Constitution of the Cooperative Republic of Guyana makes provision for the creation of an Ethnic Relations Commission (ERC) and for the ERC to promote the elimination of all forms of discrimination on the basis of ethnicity as well as to investigate and make recommendations on complaints of racial discrimination.

21. The Cooperative Republic of Guyana is a signatory to the International Convention on the Elimination of all forms of Racial Discrimination and upholds the principle that all human beings are equal before the law and are entitled to equal protection of the law against any forms of discrimination as well as any incitement to discrimination.

22. According to the Constitution, “discrimination may be interpreted as affording different treatment to different persons attributable wholly or mainly to their parents or guardians respective descriptions by race, place or origin, political opinion, colour, creed, age, disability... whereby persons of one such description are subjected to disabilities or restrictions to which persons of the same or another such description are not made subject or are accorded privileges or advantages which are not afforded to persons of another such description”.

23. The ethical imperative of respect for another person’s race, colour, place of origin and the like has always been guaranteed by the Constitution and is enforceable in a court of law. The enforcement may be sourced in Article 153 of the Constitution which invests the High Court with the original jurisdiction to hear and determine applications for redress allegedly arising from contravention of any of the provisions protecting fundamental rights and freedoms.

24. Under the Racial Hostility Act there are provisions for preventing conduct tending to excite hostility or ill-will against persons by reason of their race. In addition, Sections 139 D and 139 E were inserted in the Representation of the People Act, Cap 1:03 by the Representation of the People (Amendment) Act 2001 to prohibit any person or political party from causing racial or ethnic violence or hatred.

25. For the period 2006 to 2014, the Commission received approximately 310 complaints of which 101 were cases/complaints of racial discrimination. All complaints received were duly investigated and the majority was resolved without the necessity of a resort to Court.

26. However, as at the end of 2014, the ERC has a total of 24 outstanding complaints pending decisions from the Commissioners and five complaints received during 2013 and 2014 are to be investigated.

27. In 2015, a former President of the Cooperative Republic of Guyana, Bharrat Jagdeo, was taken to court for inciting racial hostility. This charge is still pending in court.

28. The Prevention of Discrimination Act of 1997 also provides for the elimination of discrimination in employment, training, recruitment and membership or professional bodies and the promotion of equal remuneration to men and women in employment who perform work of equal value, and for matters connected therewith on the basis of race. This Act designates the Chief Labour Officer as the officer who may institute or cause to be instituted any prosecution for the purpose or enforcing any of the provisions of this Act and any officer or the Department of Labour may appear as prosecutor for and on behalf of the Chief Labour Officer.

Please clarify the basis of what criteria a person is deemed “undesirable” under the Expulsion of Undesirables Act and the cases in which the Act was applied.

29. The expulsion of a person considered to be an alien is governed by the Immigration Laws and the Expulsion of Undesirables Act, chapter 14:05 of the Laws of Guyana, which governs the treatment of “undesirables”. The Act defines an undesirable person as any person, other than a citizen of Guyana, in respect of whom the President deems it conducive to the public good to make an expulsion order, it also regulates the status of any person deemed undesirable who wishes to enter the country.

30. The President may at any time make an order against an undesirable person requiring him to leave Guyana within a time fixed by the order and thereafter to remain out of Guyana, or directing that such person be apprehended by any member of the police force and be deported from Guyana. The President may extend the time fixed by any such order.

31. Extradition treaties permit the Government of Guyana to extradite Guyanese or aliens who have committed crimes abroad to countries where there is a bilateral treaty in force once cogent evidence has been submitted to a competent court. Anyone accused of committing an extraditable offence has an opportunity to retain counsel and defend himself against such extradition.

32. In the case of *Rolf Brandt v. A. G. of Guyana and C.A. Austin* (1971) 17 WIR 448 Cummings, J.A., stated at page 502 of his decision that all the President “... has to determine is whether the person against whom a deportation order is proposed is an alien, and if so, whether it is conducive to the public good to make the order; ...” The Justice of Appeal stated at page 514 of his decision in the said case that an alien is entitled to the protection of the fundamental rights provisions once “he does not prejudice the rights and freedoms of others or the public interest”. Therefore a person is undesirable if their conduct is determined by the President to be in conflict with the benefit or interest of the nation.

33. The case of *Rolf Brandt v. A. G. of Guyana and C.A. Austin* is the only reported case in which the Act was applied. In that case, the Court of Appeal was asked to determine whether the alien was required to have a hearing before the deportation order was made. The Court held by a majority decision that an alien had no right, before a deportation order is made and that representations by him should be heard, and that the rules of natural justice were of no avail to him in this regard. However, it should be noted that section 5 of the Act makes provision for the alien to make representations on his behalf to the President who is then required to consider and make a decision on the representations made.

Please provide information on legislative, administrative and other measures taken to prevent and combat discrimination, in particular against persons with disabilities, lesbian gay, bisexual and transgender persons and people living in remote areas. Please also provide information on the concrete measures taken by the state party to improve the access of persons with disabilities to education, employment and public services and activities. Please indicate whether the anti-discrimination legislation covers all the prohibited grounds of discrimination set out in article 2, paragraph 2 of the Covenant.

34. Discrimination on any of the listed grounds is prohibited by Article 149(1) of the Constitution of the Cooperative Republic of Guyana in legislation or in the performance of the functions of any public office or authority. The grounds of discrimination listed are “race, place of origin, political opinion, colour, creed, age, disability, marital status, sex, gender, language, birth, social class, pregnancy, religion, conscience, belief or culture”. Similarly, section 4 of the Prevention of Discrimination Act, Act No. 26 of 1997 prohibits discrimination on the grounds of “race, sex, religion, colour, ethnic origin, indigenous population, national extraction, social origin, economic status, political opinion, disability, family responsibilities, pregnancy, marital status or age in employment or occupation.

35. Persons with disabilities are also protected by the Persons with Disabilities Act, Act No. 11 of 2010. This Act provides for equal opportunity for employment, the creation of special training programmes and free primary and secondary school education for persons with disabilities. There is also provision for the integration of persons with disabilities into schools. Social requirements such as health, housing, voting and water are also addressed in the Act. It also establishes a National Commission of Disabilities.

36. There currently exists an active and vibrant National Commission on Disabilities and efforts are continually ongoing to improve facilities in public spaces and activities to accommodate persons with disabilities. There are now schools created with ramps for wheelchair access and the most recent play park addition to the National Park caters for children with disabilities.

37. The Occupational Safety and Health (HIV and AIDS) Regulations 2013 prohibit discrimination in employment against persons with HIV/AIDS or persons who are presumed to have the disease. It also prohibits testing for HIV/AIDS as a precondition to employment, thereby protecting the right of every citizen from formal discrimination in this regard.

Article 3 – Equal rights of men and women

Provide information on the measures taken to address the negative impact of gender role stereotypes and the persistent attitudes regarding the role of women in the family and society on the enjoyment of economic, social and cultural rights.

38. In Guyana, men and women are considered equal, Article 29 (1) of the Constitution of the Cooperative Republic of Guyana provides for the equal rights of men and women and the same legal status in all spheres of political, economic and social life. It also condemns as illegal all forms of discrimination against women on the basis of their sex. This equality extends to the courts and tribunals of the country.

39. The Government of Guyana is keen on implementing the internationally agreed goals and commitments in regard to gender equality and empowerment of women and has enacted policy responses in the following policies and measures:

40. The Women’s Affairs Bureau (WAB) established in 1981 is the unit within the Ministry of Social Protection, which gives technical advice on issues relating to the

National Policy on women. In support of the accepted strategy of mainstreaming gender issues, the WAB is provided with required technical and financial support for its national programmes, as well as for meaningful participation in regional and international organizations. In addition, there is recognition at the national level of the linkages between the WAB, the Ministry of Foreign Affairs and other national, regional and international agencies mandated to address issues that concern the condition and position of women.

41. In 2010, a Men's Affairs Bureau was established and enjoys equal funding and support. Prior to the passing of a Constitutional Reform Bill in 2001, the Women and Gender Equality Commission (WGEC) was established and charged with the responsibility of ensuring, through its programmes, that all forms of discrimination against women will be eliminated and that women are empowered to contribute fully and meaningfully to national development at all levels of the decision.

42. The WGEC is committed to capacity development, raising awareness and advocacy on women's and gender rights. The Commission developed a five-year strategic plan in 2013 and this provides guidance for the execution of its mandate. This Commission is required to submit, and, does so, annually to the Speaker of the National Assembly its report and any special report it so requires.

43. In 2008, the government adopted a National Policy on Domestic Violence. The purpose of the policy is to inform and guide the Government's future interventions in activities and programmes towards the prevention of domestic violence and the provision of services to victims and survivors.

44. Other programmes and policies put into action by the government of the Cooperative Republic of Guyana aimed at empowering women; especially those who are single parents as hundreds more were trained under the Board of Industrial Training (BIT) while many more were empowered under the Women of Worth (WoW) programme in 2013 which allowed them to establish small businesses.

45. The legal framework has been further strengthened to advance the rights of women through the enactment of the following legislations:

- The Medical Termination of Pregnancy Act 1996 provides for women's right to choose and requires counselling and family planning guidance.
- Domestic Violence Act, No. 18 of 1996 has provided relief to women and children in domestic conflict such as protection orders, tenancy orders and occupation orders. It also made provisions for user-friendly service delivery.
- Prevention of Discrimination Act, No. 26 of 1997 recognizes the right of women to equality of opportunity and treatment in any employment or occupation by stipulating that discrimination on the ground of sex, indigenous population, social origin, economic status, family responsibilities, pregnancy and marital status is prohibited. Women may seek redress for sexual harassment in the workplace under the provisions of this Act.
- Termination of Employment and Severance Pay Act, No. 19 of 1997 makes provisions, which remove discrimination against a woman on the ground of her pregnancy. The legislation protects the woman's right to uninterrupted service if her absence from work is due to maternity leave. Furthermore, an employer is liable to summary conviction if (s)he fails to maintain records that demonstrate compliance with the provisions of this Act. The legislation further enhances an aggrieved woman's three approaches for legal redress; she could file a complaint with the Ministry of Labour and Chief Labour Officer; she could directly file proceedings in the Magistrates' Courts or in the High Court.

- Combating Trafficking in Persons Act of 2005 prohibits trafficking and makes it a criminal offence, provides a basis for a multi-sect oral approach to combating trafficking in persons and the establishment of the Ministerial Task Force on TIPs.
- Age of Consent Act of 2006 amended the Marriage Act and the Criminal Offences Act to increase the age of sexual consent to 16 years for females.
- Marriage Amendment Act 2006 brought the legal age for marriage to 16 years with parental consent.
- Sexual Offences Act of 2010 provides legal remedies to protect victims of various sexual offences, including rape, sexual assault, incest, sexual indecency, grooming and voyeurism. The Act is gender neutral.
- The Persons with Disabilities Act of 2010 requires the promotion and protection of the rights of people with disabilities. The Act is guided by principles established in the Convention on the Rights of Persons with Disabilities and sets out certain steps that the Government must take to make sure that the rights of persons with disabilities are respected, protected and fulfilled. It aims to prevent PWDs from being discriminated against on the basis of disability, and, sets out offences and penalties.
- Rights of Persons in Common Law Union (Amendment) Act of 2012 amends the Civil Law Act to provide for the right to be a beneficiary of the estate of their deceased partner/spouse after five years together. The Act provides that a single woman living with a single man in a common law union for not less than five years or vice versa to “have the same power and rights regarding intestate succession under the law as a widow or widower or a surviving spouse.” Prior to this amendment a common-law spouse could not benefit from deceased person’s estate and the period that legally recognized cohabitation was 10 years.

Please provide statistical data on the number of women in public decision-making positions, including in the executive, the judiciary and the legislative (national and regional). Please specify the measures, including temporary special measures, taken to promote a gender balanced representation at the decision-making level.

46. The World Economic Forum Global Gender Gap Report 2012 ranks Guyana at 32 of 134 countries with women’s political empowerment and 25 with women in ministerial positions and 25 with women in parliament. Over the past 20 years the status of women in public life has been commendable. Guyana’s first female president, Mrs. Janet Jagan, was elected to office in December, 1997 and served until August 1999. Women have occupied and in some cases, continue to occupy, key ministerial positions in Home Affairs, Health, Education, Foreign Affairs and International Cooperation, Human Services and Social Security, Amerindian Affairs, Public Service, Culture, Youth and Sport.

47. Women also hold, and have held key decision-making portfolios which include the Chancellor of the Judiciary, Director of Budget, Director General of the Ministry of Foreign Affairs, Director of Public Prosecutions, Registrar of the Supreme Court, Registrar of the Land Registry, Registrar of the Deeds Registry, Registrar General of the General Registration Office, Chief Magistrate and Principal Magistrate. Today in Guyana, there are several High Court Judges and Magistrates who are female and there are more female lawyers practicing at the Bar than male lawyers.

48. In previous years, three of the nine Heads of Missions were female in Cuba, South Africa and Brazil. The Chief Whips for the Government and Opposition in the 10th Parliament are female and the Deputy Speaker in the 8th 9th and 10th Parliaments was a female member of the major opposition party. Currently, five of the 16 Permanent

Secretaries are female administering the Ministries of Home Affairs, Education, Social Protection, Foreign Affairs, and Legal Affairs.

49. Representation of People's (Amendment) Act 2000 (Section 11B, Articles 5-7) provides for gender representation as eligibility criteria for political parties wishing to contest National and Regional Elections. It states that each political party must have at least one-third women on the list of candidates submitted to the Guyana Elections Commission (GECOM). Any political party that fails to comply with this provision will not be eligible to contest elections.

Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – The right to work

Provide information on the trends in the development of the labour force in the past five years, including statistical data, disaggregated by sex, age group and ethnic group, on the total labour force and categories of employees, such as self-employment and the unemployed.

50. The Guyana Demographic and Health Survey (DHS) 2009 report states that 66.3% of women are self-employed in the agricultural sector and 21.3% in the non-agricultural sector. This is a significant improvement. This trend is also reflected in the increase in the number of contributors to the National Insurance Scheme. According to the 2009 annual report of the National Insurance Scheme, a total of 12,481 new persons were registered as employed, 54% male and 46% female, and 75% between the ages of 16-24 years of age, and 20% were between 25-39 years of age.

51. These new entrants represented an increase in 10% over the previous year. The overall average age was 23 years. The number of contributors to the NIS who were self-employed persons also showed an upward trend between the years 2005-2009 with 68% males and 32% females, with 82% being under the age of 45. Women in the unionized agricultural production comprise 20% percent of the work force, the largest percentage work in the Guyana Sugar Corporation. Women are also engaged in their own plots or family owned plots in agricultural production.

Please provide information on the concrete measures taken to increase the employment of women and young people.

52. There has been much progress made in areas related to the economic empowerment and advancement of women and young people in Guyana, and this is evident through the budgetary allocations provided annually as well as the greater involvement of women and youths in the economy as workers.

53. In 2009, women attained a greater proportion at the secondary education level and in 2008 at the tertiary level. Overall, the highly skilled workers were almost entirely in the services sector; therefore, the first and critical contributor to enhanced participation of women in the economy and improvement in their economic independence and empowerment is through access to education from nursery to secondary and then post-secondary and tertiary education.

54. The second contributor is provision of and access to a variety of skills training programmes for those who either did not complete their secondary education or who for a variety of factors need to be trained or retrained with new skills. One example of these skills programmes which is specifically focused at single mothers is the Single Parent

Assistance Programme (SPAP) which began in March 2009 providing training in selected “child-friendly” professions.

55. This has benefited 1,106 single parents up to 2012. From 2012 to 2013, an additional 400 single mothers have benefitted. Upon successful completion of this training, graduates receive grants of G\$65,000 (US\$325) to enable the start-up of a business in their area of training. A follow-up study on the success of this programme is currently being conducted. The second component of the SPAP offers day care vouchers to subsidize the cost of childcare.

56. The third contributor is access to micro-credit to allow women to develop their own economic activity to supplement their families’ incomes or as the main bread winner of the household. In addition to training the Government introduced the Women of Worth (WOW) microcredit facility in June 2010 which emerged out of a GOG/locally owned commercial bank partnership specifically targeting women between the ages of 18-65. This facility allows women to access low interest loans without collateral to start up or develop businesses. From 2010 to date, 1,500 women have been able to access these low interest loans and 100 are second time borrowers totalling G\$154M (US\$770,000).

57. The fourth contributor is progressive labour laws and policies that uphold the constitutional provisions of equality for women and men in all spheres of life. There are policies for the protection of all workers including domestic workers. These policies are implemented through programmes formulated by a tripartite body comprising representatives from government, organized labour, private sector, civil society and employers. In Guyana, women are granted maternity leave up to thirteen weeks.

58. The fifth contributor relates to providing the opportunity to the population, specially the poor and vulnerable, to equal access to new technology. Since 2010, the Government identified information and communication-based technology as an emerging growth sector, which identified the need for greater diversification of the labour pool.

59. Following wide consultations with various youths, youth groups and other organizations, the Government has drafted a National Youth Policy 2015. The National Youth Policy 2015 aims to build a nation where our youth are safe and healthy, have equal access to opportunities, can participate in public life and are empowered to meaningfully contribute to Guyana’s sustainable development. This comprehensive document captures the Government’s vision for the youths of Guyana. It caters for the needs of youth between the ages of 15-35, which is over 50 percent of the population. Once accepted, a National Youth Policy Action Plan will be crafted and implemented.

60. The Government intends to review the existing youth development programmes with a view to enhancing the employment opportunities for Guyanese youths while promoting new initiatives for social and economic advancement and designing tracer studies to effectively monitor the employment of all trainees under national youth programmes.

Please provide information on measures taken to address the brain drain and skilled migration as well as the imbalance between demand and availability of skilled and experienced workers. Also inform the Committee on the impact of the privatization process and the joining of the Caribbean Single Market and Economy on the Guyanese job market and employment.

61. Measures to address the brain drain are largely in the realm of persuasion and a remigrant initiative. The imbalance between the demands for and availability of skilled workers is being addressed by continual training and education at the Technical and Vocational institutions.

62. It is expected that as the economy improves the flow of skilled labour leaving will diminish.

63. Data on the impact of the Privatization process and the joining of the CARICOM Single Market Economy, (CSME) on the Guyanese job market is not readily available.

Article 7 – The right to just and favourable conditions of work

Please provide precise information on the official working hours per week, annual leave and paternal leave (paid and unpaid). Also inform the Committee whether equal remuneration for work of equal value and equal pay for equal work is guaranteed, in particular with regard to women, persons with disabilities, indigenous peoples and other groups that may be disadvantaged or marginalized.

64. By virtue of Guyana's National Minimum Wage Order # 5 of 2013, the official working hours are eight (8) hrs per day and forty (40) hrs per week. Annual leave or leave with pay is provided to every class of worker.

65. The Laws of Guyana do not provide for paternal leave, however, there is provision for the uninsured mother to gain coverage under the insured father's social security benefits once he has reached the minimum level of contributions required by the National Insurance Scheme.

66. The Laws of Guyana provides for equal remuneration for work of equal value and equal pay in relation to all classes of employees including women, persons with disabilities, indigenous peoples. There is no tangible evidence of marginalization in any shape or form.

Please explain what hinders the State party in establishing a national minimum wage policy. Please provide information whether the minimum rates of wages have been set for workers not covered by collective labour agreements, the number of such workers and whether the minimum wage is sufficient to guarantee the workers and their families a decent living.

67. The Minister of Labour is empowered to prescribe the number of hours to be worked in various occupations/industries. Where no hours are prescribed the hours are agreed upon by the parties or by collective agreements. For all industries deemed a factory the hours shall be eight hours per day unless otherwise prescribed.

68. Some prescribed hours are:

- Printing Industry: 42 hours per week
- Restaurants, Hotels: 40.75 hours per week
- Security Guards: 44 hours per week

69. Minimum wage rates are set through Minimum Wage Orders made under the Labour Act and Wages Council Act. There is not a national minimum wage, but rates are set for a number of occupations and industries. There is no difference in rates for male and female employees.

70. Where rates have not been fixed by minimum wage orders wages can be agreed upon by individual or collective agreement. Nothing prohibits the payment of higher rates than those fixed by minimum wage orders. It is an offence for an employer to pay less than the prescribed or agreed rates.

71. On July 1, 2013, the National Minimum Wage Order was introduced for regular working hours (for all workers in Guyana), made under Section 8 of the Labour Act, Chapter 98:01. The Government approved a national minimum wage and a forty-hour work

week for both private and public sector employees. The national minimum wage specifies that a minimum wage shall apply, but is not limited to workers employed in all the sectors, and shall be applicable to all workers in similar categories.

72. In keeping with the theme for the 2015 National Budget, A fresh approach to a good life in a green economy, the government has implemented an increase in the minimum basic salary of each public servant to GYD \$50,000, effective July 1, 2015. This translates to a 26.4 percent increase for those still earning the old minimum wage of GYD \$39,540 and 17.1 percent for over 4,000 public servants earning the current minimum wage of GYD \$42,703.

Provide updated information on the numbers of complaints concerning conditions of work brought by the employments to the Ministry of Labour and other complaint mechanisms, if any, in the past five years and what are the major subjects of complaints.

73. During the past five years (2010-2014) an average of 1064 complaints per annum was logged with the Ministry of Labour (now Ministry of Social Protection). The substance of those complaints were dismissal, termination, non-payment of wages, non-payment in lieu of leave with pay and a failure to pay overtime rates of pay.

Provide updated information on the labour inspections carried out by the Ministry of Labour in the past five years, including the number of identified cases of violations of labour rights and the main areas of concern, in light of the Covenant, identified during the inspections and actions taken by the Ministry.

74. In the past five years (2010-2014) a total of 8,511 complaints or a yearly average of 1,702 labour inspections were conducted. During those inspections a range of breaches were unearthed. Those include failure to pay prescribed wages, failure to grant leave with pay, and a failure to keep and produce prescribed records. Some employers also failed to provide adequate PPE and generally maintain a safe and healthy working environment.

Article 8 – Trade union rights

Provide updated data, disaggregated by sex and ethnic group, on the number of trade unions and their members both in the public and private sector in the last five years, including the numbers and percentages of employees belonging to trade unions. Please update information on the two national trade unions, namely, the Guyana Trades Union Congress and the Federation of Independent Trade Unions of Guyana, including the number of individual members and member unions as well as industries covered by each of them.

75. There has been some measure of delinquency on the part of Trade Unions is so far as the up keep of their membership registers are concerned. However, from the available data the approximate number of unionized workers is 41,557. Of that amount 37% are in the Public Sector and 63% in the Private Sector.

76. The gender composition is approximately 40% female — 60% male. Due to the fact that ethnicity is not a guiding principle in the field of employment practice, data on the ethnic makeup of the work force was not readily available. This may be available in the future.

In the light of paragraphs 251 and 252 of the report, please clarify whether all public servants of the State party may not form a trade union or join a trade union. Please also provide information on the schemes that protect the rights of the members of the Disciplined Services and clarify whether those professional associations are comparable to trade unions in terms of protecting rights of workers.

77. By virtue of the Trade Union Recognition Act, Cap 98:07, all employees inclusive of managers are entitled to be the members of the trade unions of their choice. In fact there is at least one company at which the managers are unionized.

78. In so far as the Disciplined Services are concerned, they are professional associations which function in like manner to a trade union representing the rights of their members, but they do not engage in strikes or other forms of protest actions.

79. It is apposite to note that in August 2015, the Government restored the annual subventions once paid to the trade union umbrella bodies in the sum of GYD \$16,000,000.

Provide detailed information on the National Insurance Scheme, with statistical data, including the numbers of the contributors and beneficiaries of the social security programmes under the Scheme and level of benefits of the social security programmes. Please explain how the level of social benefits, such as unemployment benefits and pension benefits, is determined and how often it is reviewed. Please also provide information on the average benefits provided under the Old Age Benefits scheme and the benefits under the Old Age Pension Programme and explain whether the benefits are sufficient to ensure a decent living.

80. Subject to Subsections (2) and (3) of the National Insurance and Security Act, Benefits shall be of the following Description:

(i) Old Age Benefit, that is to say, a payment or periodical payments to an Insured Person who has reached sixty years of age.

(ii) Invalidity Benefit, that is to say, a payment or periodical payments to an Insured Person who is rendered permanently incapable of work otherwise than as a result of Employment Injury.

(iii) Survivors' Benefit, that is to say, a payment or periodical payments made in respect of an Insured Person who dies and who, immediately before his/her death, was receiving Old Age Benefit or Invalidity Benefit, or in respect of an Insured Person who dies otherwise than as a result of Employment Injury.

(iv) Sickness Benefit, that is to say, in addition to such free Medical Care and attention as may be prescribed, periodical payments to an Insured Person who is rendered temporarily incapable of work otherwise than as a result of Employment Injury.

(v) Maternity Benefit, that is to say, a payment and / or periodical payments to an Insured Person, or to the Uninsured Spouse of an Insured Person, in the case of her pregnancy or confinement.

(vi) Funeral Benefit, that is to say, a payment on the death of an Insured Person, or of a person in such relationship to an Insured Person, as may be prescribed.

(vii) Child Care Benefit, that is to say, in addition to free Medical Care, a payment or periodical payments to a mother who has been absent from work for the sole purpose of caring for her sick child.

(viii) Constant Attendance Benefit, that is to say, a payment or periodical payments to an Invalid or disabled person, who is in receipt of a Pension under this Act.

81. The Old Age Pension Plan (OAPP) is a monthly payment available to all Guyanese aged 65 or older. You must apply to receive benefits. If you meet the eligibility requirements explained below, you may be entitled to receive the Old Age Pension even if you are still working or have never worked.

82. The Ministry of Social Protection looks at three factors to determine if you can receive the Old Age Pension: your age, your legal status, and the number of years you have lived in Guyana.

- You must be 65 years of age or older.
- You must live in Guyana and be a Guyanese citizen or a legal resident at the time we approve your pension application.
- You must have lived in Guyana for at least 10 years, 2 years of which you must be domiciled in Guyana preceding your application for Pension.

Number of contributors to NIS

83. As at the end of March 2015, the number of active contributors totalled 135,640 individuals. This information is based on the monthly report, Table 3 Active Contributors and Pension Population, received from the Assistant General Manager — Operations.

Number of pensioners – NIS

84. As at the end of March 2015, the number of pensioners totalled 45,459. This figure includes old age pension, survivors' pension, invalidity pension, disablement pension and industrial death pension. This information was obtained from the National Incident Management System (NIMS) report — Active Pensioners by Local Office Summary.

Review of Benefits

85. A mandatory actuarial review is conducted every five years, part of which includes an analysis of the current benefits. It is highly likely that benefits are reviewed outside of the actuarial review; however no information is available about the other intervals at which this review is done.

Average Old Age Benefit – NIS

86. There are currently 32,066 persons who are considered as active old age pensioners on NIMS. Out of this number, 26,178 are receiving a pension that is between the minimum (\$21,352) and maximum (\$94,777). The average pension for persons within this range is \$30,888. It should be noted that there are 5,888 persons whose pension amount is below the minimum, most likely due to the individual not submitting a life certificate within the required time which has resulted in their benefit amount not being updated.

87. It should be noted that the current minimum wage is \$35,000 and the average old age pension (\$30,888) is approximately 88% of the minimum wage. In addition, the minimum pension (\$21,352) is approximately 61% of the current minimum wage.

Article 10 – Protection of the family, mothers and children

Provide information on the legislative, policy and other measures taken to protect women and children against domestic violence, in particular the Domestic Violence Act 1997 and the “Stamp it Out” policy, and their impact on the prevention of domestic violence. Please also provide updated information on the enactment of a family code and the establishment of a family court.

88. The Government of Guyana recognizes sexual violence as a historic societal problem, the Sexual Offences Bill of 2010 implemented desirable measures to reduce violence against women by broadening the definition of rape and criminalizing marital rape.

89. Under the Domestic Violence Act of 1996 and the Criminal Offences Act, offences such as murder, rape and assault can be vehemently prosecuted. The Prevention of Crimes Act No. 11 of 2008 allows for the mandatory supervision of persons convicted of scheduled sexual crimes.

90. In 2007, a policy paper entitled “Stamp it Out” was introduced which sought to prevent the incidence of domestic and sexual violence and affirmed the Government’s commitment to fostering equality and equal access for women.

91. Similarly, in 2007 under the supervision of the Government, the Guyana Human Rights Association (GHRA) released its third Report “Getting Serious: Detecting & Protecting Against Crimes of Sexual Violence in Guyana”, to develop characteristics of potential victims and likely predators in sexual violence crimes.

92. Legislative measures and awareness programmes such as the ones mentioned above have advocated and managed issues of the benefit to women, children and family life. The Government is also committed to working with NGOs such as Help and Shelter to assist victims of abuse.

93. Women’s organizations and faith-based groups have organized skills training programmes to adapt women to the new demands of a changing economy through sustainable livelihood opportunities and income generation. The Single Parent Assistance Programme offers assistance with day-care costs and project funds to start micro-economic activity.

94. The protocols have been created for the operation of a Family Court, the building has been identified and a process to identify the necessary human resource needs and have those fulfilled is ongoing.

Article 11 – The right to an adequate standard of living

Provide information on the concrete measures undertaken by the State party to address the poverty gap between urban and rural areas as well as between the Amerindian population and the non-Amerindian population.

95. Poverty is a critical issue in Guyana. Several factors contribute to its pervasiveness. Efforts are ongoing to improve the standard of living for Amerindians who are considered most vulnerable. In Education, for example, programmes are in place to provide equal educational opportunities to all Guyanese students, including Amerindians.

96. The Government continues to ensure that a significant number of hinterland students are offered local and international scholarships to further their studies. Advanced education has been boosted by more secondary schools being built within hinterland communities.

97. This system allows young Amerindians to build on their primary foundation as well as to venture into technical and vocational areas. A recent analysis of the performance of hinterland students at the CXC exams indicates that these students are performing well in Science and History, especially.

98. This has been the pattern of development in Amerindian communities over the past few years, and Government, in its national development drive, continues to focus on hinterland communities.

99. These efforts are evident also in the many programmes and projects that are currently on stream to make Amerindian communities more sustainable and economically viable. Several communities in the Barima area Region 1 are involved in cultivating “manicole” heart of palm cabbage. These plants would be marketed to the Amazon Caribbean Guyana Limited (AMCAR) Company, which packages and exports the produce to overseas markets.

100. The company also employs a significant number of Indigenous persons from the Region, who are able to contribute to the economic and social enhancement of their families and communities.

101. A similar project is on stream in Mainstay/Whyaka, where farmers who have at least two large crops of pineapples per year are now assured of market at the local pineapple factory. The factory also employs local persons for its operations which include processing pineapple products for the local and overseas markets.

102. In several of the communities in Regions Eight and Nine, women are involved in small-scale sewing enterprises which assist in generating additional incomes for their homes. Most of the sewing machines were donated by Government or non-governmental organizations to get women involved in economic activities.

103. In Orealla (Region Six), women are employed as overseers at a local fruit cheese factory. This enterprise too, is income-generating and employs several local persons.

104. Meanwhile, several of the communities in the Rupununi District are constantly searching for markets for their local naturally-grown cashew nut products. The New Guyana Marketing Corporation (NGMC) plays a major role in marketing this product.

105. The St. Ignatius Helping Hand Women’s group also packages and sells the cashew nuts, which they produce. Several communities are also venturing into peanut production as well.

106. These small-scale activities may not seem very significant, but they contribute to generating income for households, which ultimately, contribute to an improved standard of living.

Please provide updated and detailed information on the Squatter Settlements and Depressed Areas Upgrading Project. Please include relevant statistical data, such as the number of affected households and persons, including both areas for supportive interventions and the zero-tolerance areas, and the number of households that have benefitted from the project. Please also provide information on the measures undertaken to ensure the right to adequate housing for those in zero-tolerance areas.

107. With respect to the Squatter Regularization & Upgrading programme, Table 1 below outlines the statistical data with respect to the total number of households and persons for both zero tolerance areas and areas that support interventions.

108. With respect to the measures undertaken to ensure the right to adequate housing for those in zero tolerance areas, the following were undertaken:

- (a) Allocation of lots within Government housing schemes;
- (b) Support of finances and transportation for relocation;
- (c) Some relocated households benefitted from Home Improvement pilot project and the sanitation programme under the International Development Bank and European Union funded Low Income Settlement (LIS) programme.

Table 1
Information for period 1990-2015

Type of Area	No. of areas	No. of Households	No. of persons	Areas/Households benefitted from Intervention measures			Remarks
				Areas	House-holds	persons	
Areas for supportive interventions	186	26 370	105 480	114	20 440	81 760	With respect intervention measures, this involves the process of regularization and upgrading of areas, whereby households enjoy access to basic services and security of tenure. The 114 areas obtained at least 85% regularization.
Zero tolerance areas	45	1 200	4 800	-	400	1 600	All 45 zero tolerance areas have been addressed in some way or the other. However, processed was completed for 400 households, since these were successfully relocated.
Total	231	27 570	110 280		20 800	83 360	

Article 12 – The right to physical and mental health

Please provide detailed information on national health policies and strategies, including the implementation of the National Health Sector Strategy 2008-2012 and the mid-term strategy of the Ministry of Health, and the impact of these policies and strategies. Please specify the measures taken by the State party to ensure equal access to health services for all, in particular disadvantaged groups, including persons with disabilities, non-nationals, indigenous peoples and people living in remote areas.

109. The Government of Guyana in responding to various health challenges has put in place the National Health Sector Strategy 2008-2012 (NHSS). The NHSS sets out government's plans for providing equitable access to high quality and "consumer-friendly" health services.

110. The strategy covers all health care provided in the country by public, private and voluntary services and is guided by the values and principles outlined in the National Development Plan and the Poverty Alleviation Strategy i.e. to protect the most vulnerable and assure sustainability, accountability and transparency in government-led processes.

- (a) Equity in distribution of health knowledge, opportunities and services;
- (b) Consumer-oriented services: people focused and user friendly;
- (c) High quality services (and good value for money);
- (d) Accountable providers and government.

111. To achieve these broad sector goals, the NHSS 2008-12 focuses on achieving strong organizations with built-in incentives to drive change. The sector strategy is divided into five main components:

- (a) Decentralization of health services providers. The decentralization process will be completed: authority over health services will be transferred to semi-autonomous Regional Health Authorities (RHA) operating under service agreements (contractual relationships) with the Ministry of Health, following the model of the Georgetown Public Hospital Corporation. Management will be stronger at all levels of RHAs down to services in clinics and hospitals, and services will be more responsive to local needs. Service agreements will be guided by the Package of Publicly Guaranteed Health Services, and other national policies and required standards.
- (b) Strengthening the skilled workforce and HR systems Retention of skilled staff will be improved by the higher remuneration possible under the employment of autonomous RHAs in return for enhanced productivity. RHAs will introduce modern Human Resources Management (HRM) systems including performance management. The Ministry of Public Health will support capacity building of RHA and GPHC staff, and will work with education and training institutions to improve programmes and to introduce new ones to alleviate shortages in key clinical skills.
- (c) Strengthening government capacity for sector leadership and regulation The Ministry of Public Health will be restructured and strengthened to provide leadership in governance, policy and contracting providers of services (through service agreements), improving services and facilities standards through licensing, inspection and assessment programmes, promoting the use of national treatment guidelines and professional codes of ethics, requiring licensing and registration for all health care professionals, enshrining a patient charter, ensuring that national level functions like media-based health education are delivered to high standards, accelerating investment in new health services, buildings and equipment, and ensuring the availability of drugs and supplies.
- (d) Strengthening sector financing and performance management systems Government and donor funding will be consolidated into a single funding arrangement, and a new planning, budgeting and sector performance management process institutionalized that ensures all funding is coordinated and put to the best possible use in meeting the NHSS 2008-12. New sources of financing will be explored to allow expansion of services to meet the Package of Publicly Guaranteed Health Services.
- (e) Strengthening strategic information A strategic information capacity will be developed to lead relevant data collection, analysis and use in planning, management and evaluation at all levels. The Ministry of Public Health has already implemented initiatives or lines of action within these components of the NHSS 2008- 12 and aimed at making progress towards the sector goals of improving equity of access, user friendliness, and quality of services, and accountability in those providing those services.

Provide information on the measures taken by the State party to reduce the high prevalence of HIV/AIDS, malaria and tuberculosis, which have been on the rise in recent years.

112. Guyana has made good progress towards combating HIV/AIDS, malaria and other diseases such as tuberculosis. Priority is being placed on increasing access to facilities in

hinterland regions, maintaining existing facilities and promoting up to standard sanitary practices. Several pieces of legislation and regulations guide the health care system in Guyana including the Ministry of Health Act (2005). Proposed legislative measures within the sector include the Revision of the Food Safety Regulations and the new Public Health Bill.

113. In 2008, Guyana commenced the implementation of the National Health Sector Strategy (NHSS) (2008-2012) which was guided by the National Development Strategy and the Poverty Reduction Strategy Paper and aimed to protect the most vulnerable. Key elements of the NHSS included: decentralization of health services; strengthening of the skilled workforce; sector financing; performance management systems; and strategic information. In 2012, Guyana commenced the development of a new strategy — Health Vision 2020 — which is strategically linked to achieving many Millennium Development Goals. It includes aspects such as non-communicable disease; accidents, injuries and violence; and healthy environments (healthy city, communities, hospital, workplace and homes). Several initiatives were undertaken to develop national behavioural change and public education to support health promotion and risk reduction. The mass media was used to support this effort.

Please provide information on the mental health-care services, including any challenges in this area and measures taken so far to overcome them.

114. The Government has realized that mental health services in Guyana are inadequate and not available or accessible to the vast majority of the population. In addition there are limited numbers of general health human resources with the necessary mental health competencies to provide mental health care services at any level of general health care services.

115. The specific targets identified in mental health are the development and implementation of prevention and management services for suicide, depression and substance abuse in first contact (primary) clinical care. Improvements will be achieved through prevention and management of suicide, depression and substance abuse in first contact clinical care. The number one priority of the mental health programme will be the movement of mental health into the primary health care system.

116. Mental health Indicator: mental health care services for the identification and treatment of common mental disorders including substance use disorders are available at first contact health facilities with at least 10% of primary health care facilities offering such services by the end of 2009. There has been progress in this regard.

117. In addition to the profile given to mental health in the Health Sector Strategy, the Ministry's commitment to the development of mental health care in Guyana is clearly demonstrated in recent initiatives undertaken by the Ministry to improve mental health services:

- The development and completion of the Draft Mental Health Policy.
- The development and completion of the Draft Mental Health Plan.
- An annual budget for mental health to support the functions of the Mental Health Unit and has sourced funding to support the implementation of priority programmes in mental health.
- Development of a local capacity to provide mental health care services at the community and primary care levels.
- A programme to train Medex in basic mental health competencies was launched through the embedding of a mental health training curriculum within the Medex

health professional school training programme provided by the Department of Health Sciences Education. This initiative was expanded to include the development of mental health training materials for all health professional school training programmes of the Department of Health Sciences Education.

- The establishment of a Mental Health Unit (MHU) within the Ministry of Health and secured an annual budget to support the functions of the unit as well as a position of National Mental Health Coordinator. In addition, the Ministry of Health appointed a Mental Health Technical Advisor to the MOH to provide ongoing technical guidance to the development of the Mental Health and Substance Abuse Programme. A multi-sectoral Mental Health Advisory Committee (MHAC) to the MHU has also been appointed. The MHAC is accountable to the Minister of Health and is responsible for overseeing the development of priority mental health areas in line with the directions set by the Ministry in the Draft Mental Health Policy and through the strategies identified in the Draft Mental Health Strategic Plan.

Article 13 and 14 – The right to education

Please provide precise information on the measures taken to reduce the number of children out of school, particularly boys.

118. Programmes have been developed at the secondary level to cater for different interests and abilities of students primarily focusing on ensuring retention of students within the education system. A major life skills programme has been implemented at the secondary level and enrichment activities such as arts, sports and physical education all comprise a well-rounded approach aimed at keeping students engaged in the schooling experience.

119. The inclusion of Physical Education, Theatre Arts and Visual Arts as examinable subjects at the Caribbean Secondary Education Certificate (CSEC) assessment, has greatly improved the array of options available to students. In addition, the Secondary Certificate Competency Programme (SCCP), a competency based educational programme, provides an alternative pathway for students who have a greater interest in technical and vocational subject areas. It must be noted that the dropout rate has dropped generally for both males and females and the disparity between the sexes was considerably reduced.

120. There has been no stringent study as to why this has happened but it is felt that the opportunity for more boys to have access to a full five-year secondary programme with the opportunity to do subjects offered by CXC was one factor. In addition, it is felt that the automatic promotion policy has contributed to enabling students to continue pursuing the subjects they are good in while not suffering the negative impact of grade repetition.

Please provide information on the concrete measures taken to improve the quality of education, including the qualification of teachers, school infrastructure and educational methodologies and materials.

121. Improving the quality of education has been a priority of the Ministry of Education (MOE) over the last two planning periods and it is an integral part of the new Education Bill. Clause 3 (1) states that “The Minister (of Education) shall, subject to the resources of the State, ensure that all citizens of Guyana regardless of age, race, or creed, or gender, physical or mental ability or socioeconomic status are given the best opportunity to achieve their full potential through equal access to quality education as defined by the standards and norms outlined by the Ministry. The Bill further states that one of the general objectives is “to establish a varied, adequate and comprehensive education system that is characterized by excellence.”

122. There is no specific definition in the legislation as to what constitutes quality but within the Ministry it has been associated with the academic and professional qualifications of teachers, the assumption being that better qualified and more trained teachers will help to improve learning, so the proportion of trained teachers is one indicator of quality. Access to education material, in particular textbooks, is also seen as an indication of quality so the ratio of students to a book is another indicator with the ideal being one book per student for each subject.

123. In this age of rapid expansion in technology, access to computers, computer programmes and properly equipped laboratories and workshops, is also seen as essential. Ultimately it is felt that a good quality education leads to better demonstration of knowledge and skills by students, generally as measured in national assessments or tests. In Guyana there are three major national assessments, at Grades 2, 4 and 6, at the primary level and at Grade 9 at the secondary level. There are also the major summative examinations taken at grades 11 and 12 at the secondary level.

124. It is now fully acknowledged by the Ministry that improvement in the factors listed above, while important; do not guarantee better performance by students. In particular it is recognized that the quality of teaching is not only related to teacher qualification, but more significantly to teaching methodology. A persistent criticism of the teaching climate in Guyana is that it is still very authoritarian. A lot of the teaching is strongly rooted in drill and rote memorization and children are not encouraged to ask questions, think for themselves or to work independently. This often leads to a lack of understanding, boredom and ultimately poor performance on the part of students.

125. The MOE is trying to deal with the quality of teaching in several ways. The Guyana Improving Teacher Education Project (GITEP), which is being implemented with a loan from the World Bank, is aimed at improving the quality of education offered at the teacher training institutions, the UG and CPCE.

126. The GITEP aims to improve the quality of teachers by focusing on improving the qualifications and capacity of teacher-educators, improving the quality and structure of programmes offered at the Cyril Potter College of Education (CPCE), and ensuring that the new Associate Degree in Education (ADE) programme is well articulated with the Bachelors in Education programme offered by the University of Guyana. All graduates of the pre-service ADE programme have to go through an induction year during which they are monitored and supported by officers of the Ministry.

127. The proportion of trained teachers in the system increased from 58% at the beginning of the 2008 to the target of 70% set for attainment by 2013. GITEP provided lap tops and notebooks at subsidized cost to the lecturers and teacher trainees in order to integrate the use of technology into the programme. It is expected that graduates of the programme will leave the College with the basic computer skills as well as some skill in using the technology to support their delivery of education.

128. The physical infrastructure of many schools was enhanced during the ESP 2008-2013 period. Nearly G\$2 billion was spent on the maintenance of buildings. Under the EFA-FTI programme special attention was paid to improving sanitary facilities and providing basic utilities such as water and a source of power to hinterland and riverain schools. Under this programme, 122 teachers' houses were built; 43 schools were provided with electricity; and 67 schools had sanitary facilities constructed or rehabilitated. In response to questions on the physical condition of their schools in the MoE 2012/2013 administrative survey, Head Teachers indicated that 74% of schools were in either an average condition (in general fair condition with need for modest repairs) or in an above average condition (in general good condition with minor defects).

129. In addition to physical improvements, the School Health, Nutrition and HIV&AIDS Unit and the MOE's Community Involvement Specialist, with assistance from PAHO and UNICEF, worked with schools to develop School Health Plans and programmes to help maintain a clean, safe school environment.

130. The education sector has also made notable strides in TVET with a paradigm shift from the traditional TVET to competency-based programmes, geared at making TVET more relevant to a technologically advancing society. The reforms included the piloting of Caribbean Vocational Qualification (CVQ) and Competency-Based Education and Training (CBET) in eight out of the ten TVET institutions. The Basic Competency Certificate Programme (BCCP) was revitalized in 2010 and is now called the Secondary Competency Certificate Programme (SCCP). This programme, which utilizes the CBET mode of training, was initially rolled out into 22 secondary schools and 7 Practical Instruction Centres (PICs). By 2013 this programme was offered in 50 Secondary Schools and 10 PICs in all Regions, except Region 9. These changes resulted in over 2,000 students graduating from the SCCP programme. Most TVET institutions were equipped with functioning computer laboratories, and all students are exposed to Basic Computer Science. Over half of the institutions have at least three teachers who are using ICT in the classrooms. The MoE intends to expand these programmes through training, institutionalizing SCCP/CVQ, introducing more electives to the programmes, and other initiatives.

131. In August 2015, the Government established a Commission of Inquiry into the whole delivery of Education in Guyana and will report on this in six months.

Please provide information on the measures taken to improve the academic achievement of students, particularly for children in remote areas.

132. Access to education has been a critical contributor to the empowerment of all Amerindians. There are approximately 13 secondary schools with dormitories in the 4 Administrative Regions in the interior catering to over 5,500 students. This access to secondary education for Amerindian children over the last 15 years has opened many opportunities for advancement and further training as teachers, nurses, doctors, and law enforcement and defence.

133. Projects such as the Primary Education Improvement Project (PEIP); Secondary School Reform Programme (SSRP); Guyana Basic Education teacher Training Programme (GBET); Basic Education Access Management Support (BEAMS) programme; and Education for All- Fast Track Initiatives (EFA-FTI) all had components that targeted the improvement of student achievement with specific focus on hinterland regions.

134. In addition, specific interventions focused on other areas including improving the quality of teacher education, aligning the teaching and learning resources to improve student output, improving the quality of physical facilities, fostering stronger community alliances and strengthening the quality of education supervision in remote areas.

135. New schools are being built where necessary, as well as the expansion of dormitories to accommodate greater numbers of students who access a discrete secondary education. School feeding programme (SFP) for hinterland schools was also designed to improve students' attendance/participation in schools and as a result student attendance increased from 64% to 81% over the last five-year period.

136. To reduce the disparity in performance between the hinterland and coastal regions, the Ministry will look very carefully at its teacher preparation, curriculum materials, and access to supportive materials and services. It will also pay special attention to any gender disparities in performance and take action to reduce them.

Article 15 – Cultural rights

Please provide information on measures undertaken by the State party to promote education in the languages of the Amerindian and ethnic minorities, as well as to protect their cultural identity.

137. Traditional language and culture have played and continues to play an important and sacred role in maintaining rights and identity of Amerindian communities in Guyana and all across the globe. Many communities assert that their language and culture is at the heart of what makes them unique. There are nine Indigenous groups in Guyana, these are: Arawak, Carib, Warrau, Arekuna, Akawaio, Patamona, Wapishana, Macushi, and Wai-Wai. These groups/tribes speak nine distinctive languages. Wapishana, Macushi, WaiWai, Akawaio, Arekuna and Patamona languages are spoken routinely in the villages and communities. In the Amerindian Villages of Baramita and Kurutuku mostly Carib is spoken. However, with the exception of these two villages the Carib, Warrau and Arawak languages are facing extinction. Arawak can be described as the most “endangered” language due to the fact that most of the coastal Indigenous communities are Arawak communities.

138. In an attempt to revive and maintain Amerindian languages, efforts are constantly being made to ensure that Indigenous languages are kept alive. The biggest challenge is to have these languages written phonetically correct using trained linguists as there are variants amongst the speakers in the various communities. This will require painstaking work with each linguistic group to construct a written language which is accepted by all concerned.

139. Notwithstanding this challenge, an Arawak dictionary was compiled by Cannon Bennett of Kabakaburi, Administrative Region 2. In the North Rupununi of Administrative Region 9, the Macushi Research Unit, inter alia, promotes the Macushi language; a Macushi dictionary and other publications were developed. This unit has also documented the uses of medicinal plants and is currently working on including the Macushi language in the primary school curriculum. In Southern Guyana efforts are being made to teach the Wapishana language. In addition, the Holy Bible has been translated into the Patamona and Akawaio languages. Word lists in five (5) Amerindian Languages have been published.

140. The Walter Roth Museum of Anthropology and Archeology (established in 1975 and the only Museum in the English-speaking Caribbean dedicated to the Amerindian/indigenous peoples) has worked with the University of Guyana Amerindian Research Unit and Amerindian communities to develop word lists of 5 Amerindian languages. The National Anthem of Guyana has been translated into the Akawaio language. This Museum is the key repository of anthropological and archaeological artefacts that are specific to Guyana’s pre-history, documenting the advent of the arrival of its first peoples and Amerindian way of life.

141. The Umana Yana is a declared national heritage site, constructed in the 1970s by the WaiWai people and maintained by them with government funding on a regular basis. The style of this traditional “meeting house” called a Benab, is unique to the WaiWai. The second “Benab” constructed at the National Exhibition Centre is built in the Arawak style. Both edifices display the unique Amerindian architecture and are strategically located for international, local conferences and cultural shows in the capital, Georgetown. Unfortunately, the Benab was destroyed in a 2014 fire and efforts are underway to reconstruct it.

142. Leading Amerindians in the field of research in anthropology, archaeology and art have contributed in no small measure to the preservation and promotion of Amerindian culture and languages such as cultural anthropologist and linguist, Dr. Desrey Fox, an Akawaio, (now deceased) former Curator of the Walter Roth Museum and former Minister

within the Ministry of Education; George Simon, a Lokono/Arawak (former archeologist at the Walter Roth Museum, Lecturer at the University of Guyana and renowned artist), Basil Rodrigues, an Arawak, teacher and song writer produced a number of songs that whilst in English promote the Amerindian culture.

143. The University of Guyana- Guyana's highest educational institution- in recognition of the need to promote and protect Amerindian languages and culture in 1975 established an Amerindian Research Unit. This Unit started as an Amerindian Language project but has evolved to facilitating the translation of several texts to the Amerindian languages, and documenting the rich history and culture of the Amerindians. There are currently over one thousand books, publications, reports, dictionaries etc. in the units' library, several of these books are based on Amerindian languages, anthropology, lifestyles, history, culture, folklore, customs and beliefs.

144. Further, Amerindian traditions, practices and culture are highlighted nationally every year in the month of September which the Government of Guyana in 1995 dedicated as Amerindian Heritage Month, following consultations with the Amerindian communities. These celebrations are spearheaded by the Ministry of Indigenous Peoples' Affairs. The entire month of celebration highlights music, literature, research and contributions of these communities to the history and development of Guyana. The celebration also highlights special achievements of renowned Amerindians, past and present; Amerindian music and art; Amerindian culinary art; Amerindian literature and languages; and the Amerindian Villages unique sub-culture are promoted. Funding is also made available by the Government for villages to organize and hold their celebrations at the village level. At these community celebrations Guyanese of other ethnic groups attend and participate, thereby deepening respect for the Amerindian culture and celebrating the country's ethnic diversity. The constant growth of these celebrations each year has seen villages and communities organizing their commemorative activities with or without Government's funding — a good testimony of Amerindians being proud of their culture and happy to promote and keep it alive.

145. The protection of Amerindian culture is enshrined in the Amerindian Act (2006). The functions of the Village Councils as outlined in Section 13, inter alia, to encourage the preservation and growth of Amerindian culture and ensure that places and artefacts located within village lands and which hold sacred or cultural values to the village be protected and cared for. The Toshao is prescribed by the same Act as a Rural Constable, which fortifies the protection of culture from outside forces. In addition, the Village Councils are also empowered to determine the entry and access of visitors as outlined in the Amerindian Act (2006).

146. Many Amerindian villages are maximizing the use of their culture and heritage to spur community tourism. Most Amerindian villages are located in geographically beautiful and picturesque areas with virtually untouched natural attractions — waterfalls, rivers, mountains, plants etc. These, coupled with, their distinct culture, history, art, architecture, lifestyle, values, festivals and heritage create an exciting package for tourism. This has allowed for the diversification of village economies and preservation of the communities' unique character.

147. In Guyana's Memorandum of Agreement with the Kingdom of Norway, funding will be made available for economic and developmental projects in villages. Community development projects were developed by Amerindian Villages with technical advice from the Ministry of Amerindian Affairs. Cultural Heritage tourism accounts for sixty six million eight hundred and seventy four thousand dollars (GYD\$66,874,000) (approximately US\$300,000) which is eight per cent (8%) of the total projects proposed.

148. In order to protect and promote Amerindian culture while simultaneously ensuring that Amerindian development is mainstreamed in the national process, the Government of Guyana established a Ministry of Amerindian Affairs. In an effort to share Guyana's experience with the rest of the world, Guyana lobbied the international community and Toshao Bertie Xavier, a Macushi Amerindian, was elected to the United Nations Permanent Forum on Indigenous Issues.

149. It is recognized by all stakeholders involved in the social and economic development of Amerindians in Guyana, that language and culture in general play an important role in the promotion and protection of the rights and identity of indigenous peoples. The implementation of legislation, creation of special units to protect and foster languages and culture, allocating a national month for celebration and promotion of Amerindian culture and languages and the establishment of the Ministry of Amerindian Affairs are some of the many measures taken to ensure that the Amerindian culture is kept alive.

Please provide information about the steps taken to ensure the participation of indigenous peoples in decision-making affecting them, as well as about measures taken to support the maintenance of indigenous cultures, lifestyles and livelihoods.

150. September every year has been in recognition of the sacrifices and contributions of Guyana's first inhabitants, the Amerindians. Similar observances are held in other countries to honour the contributions of their native or indigenous peoples.

151. Every September is designated as Amerindian Heritage Month and Amerindians across the Cooperative Republic of Guyana are given opportunities to showcase their cultural diversity to the rest of the nation.

152. Section 4 of the Amerindian Act provides for the establishment of locally-elected Village Councils and Community Councils whose mandate is to ensure good governance and management, and use of land and natural resources in their respective villages. The election of the Toshaos and Amerindian Village Councils and Community Councils takes place every 3 years as required by the Amerindian Act 2006.

153. The National Toshaos Council is mandated to choose their representatives to sit on the 3 constitutional rights commissions — the Indigenous People's Commission, the Ethnic Relations Commission, and the Women and Gender Equality Commission — which offer direct opportunities to address any violation of their rights and to advocate for change.

154. Guyana's model of inclusionary governance facilitates the participation of indigenous leaders and people in the political landscape, free to determine their political status and pursue their economic, social and cultural development. Amerindian elected leaders and communities are included and participate in all major national strategic, legislative, and developmental forums.

Please provide information about access to the Internet and measures taken by public authorities to ensure such access by the disadvantaged and marginalized individuals and groups, as well as those living in remote areas.

155. The Hinterland Electrification Programme was launched in 2005 when the Government of Guyana sought to explore options for the sustainable electrification of the hinterland, as part of the national Unserved Areas Electrification Programme (UAEP). The programme being executed by the Hinterland Electrification Unit of the Office of the Prime Minister will empower villagers with the necessary skills in the use and maintenance of these sustainable energy sources.

156. The solar home system distributed would provide each home with power for lighting small household appliances, and to generate income, is part of government's initiative to

improve the standard of living and livelihood of those residing in Indigenous villages and clusters across the country.

157. Since 2010, the Government identified information and communication-based technology as an emerging growth sector, which identified the need for greater diversification of the labour pool. Subsequently the Government has been promoting an information communication technology project the “One Laptop Per Family” (OLPF) programme that is aimed to provide 90,000 households with a lap top each and computer training free of cost.

158. The Ministry of Indigenous Affairs has distributed 574 solar panels to 16 indigenous communities in Regions 1, 2 and 9, under the UALP, which saw 1,750 hinterland homes benefiting from electricity.
