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Committee on Economic, Social and Cultural Rights**Fifty-sixth session****Summary record (partial)* of the 61st meeting**

Held at the Palais Wilson, Geneva, on Tuesday, 29 September 2015, at 10 a.m.

Chairperson: Mr. Sadi**Contents**Consideration of reports (*continued*)

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined second to fourth periodic reports of Guyana (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined second to fourth periodic reports of Guyana (continued)
(E/C.12/GUY/2-4; E/C.12/GUY/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Guyana took places at the Committee table.*
2. **Mr. Uprimny**, noting the discrepancy between the statistics supplied by the Government and those provided by the World Bank and the United Nations Children's Fund (UNICEF), asked whether the State party intended to adopt more effective data collection mechanisms in order to strengthen the quality and accuracy of its data, particularly in the area of education.
3. **Mr. Kedzia** (Country Rapporteur) asked what measures had been taken to address the significant numbers of children of primary school age who did not attend school and the disproportionately high dropout rate for boys compared with girls. He also wished to know more about the national programme to provide laptop computers to families, including whether specific measures had been taken to target vulnerable and disadvantaged persons as part of the scheme. Lastly, he asked whether a free legal aid system had been established for victims of human rights violations.
4. **Mr. Trotman** (Guyana), replying to questions posed by the Committee members, said that free legal aid funded by the Government and the United States Agency for International Development (USAID) had been made available to victims of human rights violations. However, many victims failed to access the legal remedies available for fear of stigmatization or owing to the distance required to travel in order to file a complaint. Some 50,000 laptop computers had been provided to low-income families following means-based testing as part of national efforts to improve computer literacy and Internet access. The laptop computer programme had recently been replaced by a project to provide computers to teachers, starting with trainee teachers in teacher training college.
5. In regard to national school enrolment and attendance rates, recent UNICEF statistics had shown that 83 per cent of children attended primary school. The average enrolment rate for boys stood at 82 per cent compared to 85 per cent for girls. The Government had been tackling the growing phenomenon of boys opting for work rather than study and had implemented a variety of measures to encourage their enrolment and attendance at school. It had also introduced scholarships and travel subsidies with a view to improving school attendance rates for indigenous children and children living in rural areas. Voluntary Service Overseas (VSO) teaching volunteers had also provided additional teaching support in many schools. Reports that there had been an overall decline in spending on education belied the truth. Some 14.9 per cent of gross domestic product (GDP) had been spent on the education system in 2015, which represented a considerable amount in the light of the impact of the global economic crisis on the national budget. Furthermore, the Government had taken numerous steps to stamp out corruption in the national school construction programme in order to maximize the effectiveness of the funds allocated.
6. Concerning the implementation of international human rights treaties and conventions, the Government already abided by the main principles of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), such as the right to prior consultation, and would consider ratifying

the Convention in the near future. It also intended to ratify the American Convention on Human Rights following a thorough review of its provisions.

7. In respect of national data-collection mechanisms, efforts were still being made to collate and analyse data from the 2012 census in order to make detailed and accurate data available. There were currently no data available regarding the number of complaints of human rights violations submitted by persons with disabilities to the National Disability Commission or regarding their access to the labour market.

8. As to gender-neutral legislation, the Government had amended the 2010 Sexual Offences Act to include references to men and boys in addition to women and girls so as to ensure that victims of both sexes had access to justice. However, the Committee's concerns regarding the language used in the provisions of the Act would be borne in mind for future reference.

9. Concerning the right to health, there had been a steady decrease in the number of persons with HIV/AIDS from 1,023 persons in 2002 to 856 persons in 2014. UNICEF statistics had however recorded a significant increase in the national under-5 infant mortality rate, from 15.7 deaths per 1,000 live births in 2013 to 23.9 deaths per 1,000 live births in 2014. The Government intended to take decisive measures to reverse that rising trend and had established health centres across the country, including in the indigenous communities, in order to improve access to modern health facilities. However, many indigenous communities preferred to use traditional forms of medicines.

10. In respect of poverty alleviation efforts, the Government had implemented a poverty reduction plan and low-carbon development strategy and had developed specific measures for the indigenous communities under the 2006 Amerindian Act, such as the Amerindian Development Fund, which was financed through royalties from mining and extractive activities. In addition, it intended to launch a dedicated parliamentary food security panel by the end of 2015. Programmes such as the national solar panel scheme had also been started with a view to improving access to electricity and water, particularly in remote and rural areas. By the end of 2016, it was hoped that 95 per cent of the population would have access to a potable water supply.

11. Regarding the application of scientific and technological research, the greatest national advance in recent years had been the introduction of cellular technology, which had enabled persons in remote and rural areas to access the Internet and telephone network using their mobile phones. Guyanese researchers had also developed a strain of rice that produced high yields in difficult growing conditions, which had helped to strengthen food security in the country.

12. **Ms. Shin** said that, when the Government reviewed its practices in the wake of such a long period of one-party rule, it might wish to introduce a system for checking that every new amendment or law was in line with international human rights instruments and consistent with other domestic legislation. She also encouraged the Guyanese Government to take a holistic approach in its consideration of gender equality, as merely guaranteeing that laws were gender-neutral might disregard indirect social or systemic discrimination suffered by marginalized groups.

13. **Ms. Bras Gomes** asked who the national insurance scheme covered; whether the scheme catered for self-employed informal workers; and whether the inclusion of other categories of workers had been translated into increased benefits for all contributors to the scheme. Prior to adopting any legislation on lesbian, gay, bisexual, transgender and intersexual (LGBTI) rights, it was crucial to raise public awareness of related matters. What proactive measures would the Government take to change the mindset of the general public? When reformulating the gender equality policy, the

Government should look at the Committee's general comment No. 16 on the need for equal rights not only for women, but also for men.

14. **Mr. Dasgupta** asked the delegation for clarification of the discrepancy between the statistics on health and education provided by United Nations agencies and those of the Government of Guyana, especially regarding the maternal mortality rate and net enrolment in primary schools. The State party report seemed to indicate that the latest enrolment figures were population projections based on the 2002 census rather than recent statistics gathered from school authorities. He asked how the most recent statistics had been worked out.

15. **Mr. Martynov** asked whether the Government had enforced any legal mechanisms, such as employment quotas or tax incentives, to ensure the employment of persons with disabilities. He also wished to know what policies existed in Guyana to cover accessibility of buildings for persons with disabilities and reasonable accommodation at workplaces.

16. **Mr. Kedzia** said that he was doubtful whether Guyana would have the means to implement the plans mentioned by the delegation without resorting to further international assistance. He asked whether the Government therefore intended to establish initiatives for international support for economic, social and cultural rights and what the main targets of such initiatives would be. He also inquired as to whether the new administration had drawn up a clear vision and timetable for its planned reforms.

17. **Mr. Uprimny**, reiterating the importance of accurate statistics, said that even the State party report contained contradictory data, as tables 2 and 21 of appendix II appeared to give two different figures for the percentage of spending on education in 2009. He agreed that a reduction in spending on education did not per se imply retrogression in the right to education; however, if coupled with a reduction of student enrolment, it did indicate that some retrogression had taken place.

18. **Ms. Bras Gomes** said that the Office of the High Commissioner for Human Rights had been working on a system of human rights indicators. The delegation might wish to consider the Office's work, with a view to moving towards a system for measuring compliance with human rights obligations, as opposed to solely trends within the country.

19. **The Chairperson** said that the delegation appeared hopeful that the new administration would make amends for the actions of previous administrations, but that he wondered to what extent that optimism would be translated into commitments by the authorities. For example, if the delegation's statement that Guyana fully complied with the provisions of ILO Convention No. 169 was true, why had the authorities not ratified that Convention? Similarly, the delegation had said that LGBTI rights would inevitably be addressed, but it had provided little justification for that statement. He pointed out that the Committee had scarce possibilities of judging the accuracy of statistics and therefore relied on the delegation to ensure that statistics were as precise as possible.

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

20. **Mr. Trotman** (Guyana) said that his delegation regretted the large disparities in the data provided to the Committee. While the current administration was not accountable for the previous Government's shortcomings, it was accountable as a representative of the State party and therefore took responsibility for improving the collection, analysis and accuracy of national statistics.

21. In response to fears that the country's ambitions might be curtailed by limited capacity, he assured Committee members that the Government had the willpower to

achieve them. Inevitably, some of the aims would be accomplished and others not, but every effort would be made to improve the current situation. The new administration was enjoying a honeymoon period of goodwill following two decades of one-party rule and there had been a sudden upsurge of offers of technical assistance from other States and local and international organizations, which the Government would do its best to accommodate.

22. The Minister of Finance had made a statement in August 2015 to the effect that the Bureau of Statistics had been performing under pressure and poor conditions, but that the timely availability of quality statistics was indispensable to proper planning, policy development and budgeting. To address problems related to the country's statistics, US\$ 750,000 had already been allocated in the budget for the end of 2015 to procure a new building and new equipment for the Bureau.

23. In reply to the question by Ms. Shin, he said that although it would be useful to establish a system to check the compliance of new legislation, it would be impossible to prevent all discrepancies. The national courts, however, acted as effective guardians to ensure that any contraventions to the Covenant or the Constitution were resolved immediately.

24. In reply to the question by Ms. Bras Gomes, he said funds from the national insurance scheme allowed for a range of benefits to the self-employed and to public sector employees, including old-age benefit, invalidity benefit, survivors' benefit, illness benefit, funeral benefit, childcare benefit and constant attendance benefit. The scheme was open to all those in work, including agricultural workers, and the benefits were awarded on the basis of the level of contributions made. Not everyone in the country currently contributed to the scheme, but efforts were being made to widen the net. With regard to LGBTI rights, the Government was doing its best to change public attitudes. For example, a social cohesion round table had been held in September 2015. The Government was also currently working with local NGOs and foreign agencies to devise ways in which to accompany a change in attitude in order to ensure that legislation on LGBTI issues would be respected.

25. Both the Persons with Disabilities Act 2010 and the Prevention of Discrimination Act prohibited discrimination against persons with disabilities. Since the new administration had taken office four months earlier, consultations had been held with various groups representing persons with disabilities. Many challenges remained, including insufficient data on children with disabilities and access to educational services. Evidence had also been discovered of discriminatory practices, violence, neglect and abuse and a lack of services in rural and remote areas. All new buildings were required to have public access for persons with disabilities, and the Government intended in the future to address any outstanding accessibility issues. It was envisaged to offer training to families of persons with disabilities. In August 2015, the requirement for persons with disabilities to undergo a medical examination every two years to qualify for disability payments was abolished on the grounds that it was obvious in most cases whether or not people suffered from disabilities. A number of persons with disabilities currently sat on national boards in recognition of their suitability for such work and ongoing efforts were being made to allow disabled access to voting.

26. In reply to Mr. Kedzia's query, he said that the delegation would provide two documents showing the Government's vision and timetable for its planned reforms: a presentation of the 2015 August budget and the governing party's manifesto.

27. With regard to the promotion of education in the languages of the Amerindian community, he acknowledged that those languages were under threat but said that the Government was committed to preserving them. In particular, on 1 September 2015, in

his speech to launch the Amerindian Heritage Month, the President of Guyana had announced that, whenever possible, children of indigenous communities would receive some of the formal school instruction in their native languages. The Government was also establishing a hinterland language and sports commission with a view to preserving the culture and language of Amerindian communities and offer them opportunities in sport.

28. Efforts were being made to strengthen cooperation between education, health and social protection agencies in order to ensure a holistic approach to early childhood development. The Government would also strengthen the links between educational institutions, the labour administration and the private sector to ensure efficient planning and a swift transition from school to employment for young people. In addition, under a special programme, school children received school uniforms. A large sum of money had also been allocated to primary schools in order to enable them to provide children with hot meals and snacks. Around 700 children, not all of whom orphans, were currently in children's homes. Many of them were children of parents who could not afford to care for them or who had left the country. The Ministry of Social Protection, the Ministry of Education and the United Nations Children's Fund (UNICEF) ensured that those children received proper care. A project on the reintegration of children into their families, a foster care programme and an adoption programme were in place. He stressed that placing children in institutions was only used as the last resort, once all other options had been exhausted. Concerted efforts were being made to ensure that children under 3 years of age would not be placed in institutions. Fewer than 30 children under the age of 3 years were currently in children's homes.

29. In reply to another question, he said that a programme for free-of-charge condoms, under which thousands of condoms had already been distributed, was being actively implemented in the country. A special parents' association also provided prenatal care and counselling to women. With regard to the question on termination of pregnancy, he said that a special Act had been adopted allowing women wishing to terminate their pregnancy to do so. In reply to the question on International Labour Organization (ILO) Convention No. 169, he said that Guyana had already ratified 43 ILO conventions and would examine the Committee's recommendation to ratify the above-mentioned Convention.

30. Replying to a question on the age of consent, he said that the low age of consent for sexual activity and marriage could be explained by historical and cultural factors. Many indigenous workers had come to Guyana in the nineteenth century and their children married at the age of 12 or earlier. The age of consent had recently been raised to 16 years and, despite some opposition based on traditions and religious beliefs, steps were being taken to increase it further to 18 years.

31. **Mr. De Schutter**, referring to paragraphs 448, 454, 455 of the State party report, welcomed the progress achieved in reducing child mortality. He expressed concern, however, regarding the apparent discrepancy between the reduced child mortality rates and recent data according to which 14 per cent of children under the age of 5 years were suffering from stunted growth in 1997, 18 per cent in 2006, and 20 per cent in 2009. The fact that exclusive breastfeeding in the first six months of life was not sufficiently encouraged could explain the high rate of stunting. In that regard, he asked what efforts the Government was making to encourage exclusive breastfeeding. He was also concerned that employers were not systematically encouraged to allow women to breastfeed at work. Furthermore, Guyana had not yet implemented the International Code of Marketing of Breast-milk Substitutes of the World Health Organization (WHO). He wished to know when the Government would incorporate the Code into its domestic legislation and implement it. In conclusion, he said that there

seemed to be few “baby-friendly hospitals” in Guyana and enquired whether the Government planned to establish more “baby-friendly” health facilities in accordance with the recommendations of the Committee on the Rights of the Child.

32. **Ms. Shin**, referring to the minimum age of consent for marriage, said that, although she understood that there were cultural barriers to increasing that age to 18 years, the Government should make additional efforts to do so, by, for instance creating schooling opportunities for children up to the age of 18. It was clear that marriage before the age of 18 was fraught with grave consequences for the health, employment and other aspects of the life of the girls concerned. She would also appreciate an answer to her earlier question concerning the high number of households in Guyana headed by women. What measures were being taken to combat poverty and what were the particular needs of those households?

33. **Ms. Bras Gomes** asked what social protection measures were in place for persons who did not contribute to the National Insurance Scheme. Was there a minimum amount to which such people were entitled? It would also be useful to know whether there was a connection between the minimum wage and the old age pension. According to the information provided by the State party, the minimum pension was 88 per cent of the minimum wage in the case of the persons who contributed to the National Insurance Scheme, and 61 per cent for those who did not. She asked whether that was enough to ensure an adequate standard of living.

34. **Mr. Uprimny** said that, according to the Committee’s information, a court ruling had been issued releasing companies that had been granted a mining authorization prior to the Amerindian Act 2006 from the obligation to consult the indigenous communities. He asked whether that information was correct and, if so, what the Government planned to do about it. Given that many companies had received mining authorizations prior to the adoption of that Act, the above-mentioned court ruling would lead to violations of the rights of indigenous people.

35. **The Chairperson** said that, notwithstanding the existence of customs and traditions that made it difficult for the Government to raise the minimum age of consent for marriage to 18 years, it was the State party’s obligation under the Covenant to do so.

36. **Mr. Trotman** (Guyana) said that he did not mean to give the impression that the Government tolerated marriages of minors. On the contrary, although such marriages did take place from time to time, the Government took whatever measures it could to eradicate the practice and to punish those responsible.

37. With regard to breastfeeding, he said that a number of measures were in place to promote the practice, including special programmes with UNICEF, the Food and Agriculture Organization (FAO) and the Ministry of Health. Those programmes also targeted employers. Numerous posters and television commercials raised public awareness of the importance of breastfeeding. In addition, a programme on the establishment of baby-friendly hospitals was being implemented in three hinterland regions in cooperation with UNICEF.

38. Replying to the question on households headed by women, he acknowledged that their number was high and said that it was partially due to the fact that many fathers had either migrated to other countries or had gone abroad to do agricultural or mining work. The Government would make efforts to ensure that fathers were held morally and legally responsible for the upbringing of their children. Parenting education programmes for fathers were also conducted by childcare and protection agencies.

39. With regard to social protection measures for persons who did not contribute to the National Insurance Scheme, he said that they would need to rely on other facilities

and may want to request assistance from the Ministry of Social Protection. Those who chose not to contribute to the scheme normally relied on relatives or other persons for support. Many households were also receiving remittances from North America, which were of great help. The total amount of remittances which were transferred to Guyana per year had been estimated at US\$ 400 million. The current minimum pension amounted to US\$ 7 per month, which was probably not adequate but was supplemented by remittances, savings and contributions from family members. The figure was adjusted every year.

40. With regard to the court ruling on the rights of miners who had received their mining permits prior to the adoption of the Amerindian Act 2006, he said that such a ruling had indeed been issued but that the case was currently under appeal and the Government was awaiting the final ruling. He acknowledged that the issue was an important one, but that the courts were best placed to resolve it.

41. **Mr. Kedzia** said that one of the recurring issues had been the need to combat discrimination in all its forms and ensure the equal enjoyment of economic, social and cultural rights across the country. He welcomed the importance the State party attached to countering discrimination against members of various communities, as well as gender-based discrimination. The Committee also welcomed the Government's intention to strengthen its commitment to human rights and to reinforce international cooperation in that field.

42. **The Chairperson** thanked the delegation for the open and constructive dialogue and welcomed its renewed commitment to upholding economic, social and cultural rights.

The discussion covered in the summary record ended at 12.10 p.m.