

Opening Statement to the Working Group of the Universal Periodic Review
By Honorable Carolyn Rodrigues-Birkett, Minister of Foreign Affairs of Guyana

Mr. President

Excellencies

Distinguished members of the UPR Working Group

Guyana is a nation with a population of approximately 750,000 that is multi-ethnic, multi-cultural and multi-religious. We are an emerging democracy and a developing nation with great aspirations.

The period 2007- 2014 represents the longest period of uninterrupted real economic growth since Independence with an average growth rate of 4.75 % in the last five years. This positive growth has encouraged the expansion and diversification of the economy and attracted foreign investment in several areas as well as an expansion of private sector credit. These have all contributed to the reduction of unemployment to below 10% although we acknowledge that some sections of the country recorded higher levels.

Guyana has continued to maintain one of the lowest human, education and income inequality ratios in the LAC region.¹

Distinguished delegates, against this backdrop, Guyana is pleased to present its report to the 2nd Universal Periodic Review and give an account of the status of the implementation of the recommendations made at the 15th session of the United Nations Human Rights Council (UNHRC) in September 2010.

I ask the Committee to note Guyana's State Party reports to the Commission on the Elimination of Discrimination against Women (CEDAW) and the Commission on the Rights of the Child (CROC) and the ICSEER, all of which provide valuable information on Guyana's efforts to meet its Treaty obligations. Guyana has also submitted its National Review of the Beijing Declaration and the Implementation of the Plan of Action.

Guyana's Initial Report to the Convention on the Rights of the Child Optional Protocol on Children in Armed Conflict was submitted in January 2015. The initial reports to the CROC Optional Protocol on the Sale of Children, Child Prostitution and Pornography and the Convention on the Rights of Migrant Workers and their Families, will be submitted shortly. Guyana has also brought up to date 80% of the outstanding reports to the International Labour Organisation (ILO).

In the reporting period, Guyana ratified/acceded to the following:-

1. The Occupational Safety and Health Convention, 1981 (No. 155)ⁱⁱ
2. The Domestic Workers Convention, 2011 (No. 189)ⁱⁱⁱ

3. The UNESCO Convention on the Protection of Underwater Cultural Heritage^{iv}

4. The Convention on the Rights of Persons with Disabilities. ^v

Guyana is actively considering ratifying the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol.^{vi}

Guyana's presentation today will reiterate pertinent sections from our National report. As of Sunday January 25 2015 the report was not posted on the UPR website and therefore many of the questions submitted in advance relate to issues that have been answered in the national report.

Guyana also noted the contents of the Mid-Term Assessment (MIA-Guyana) and wishes to inform that no communication was received from the UNHRC prior to this assessment being done.

Distinguished delegates, as you are aware, in 2010, Guyana voluntarily committed to consult on 28 of the 55 Recommendations. These include (14) recommendations with regard to the abolition of the death penalty, six (6) with regard to the abolition of corporal punishment, seven (7) with regard to decriminalizing consensual same sex adult sexual relations and discrimination against LGBTs and one (1) concerning the age of criminality.

Guyana notes the advanced questions submitted by the United Kingdom of Great Britain and Northern Ireland, Norway and the Netherlands on these matters and

wish to inform that as part of the consultative process, following General and Regional elections in November 2011 and the commencement of the 10th Parliament, a decision was taken to bring these recommendations before the National Assembly. The Government therefore tabled a motion and asked that these matters be sent to a Parliamentary Special Select Committee. This was approved by the National Assembly on August 9, 2012 and the 9 member Parliamentary Special Select Committee was appointed and commenced meeting on November 28, 2012.

The Committee did not conclude its work at the time of reporting but had commenced by focusing firstly on the abolition of corporal punishment. Public hearings were held and submissions were received from government agencies, civil society and experts. It became evident during these hearings that the abolition of corporal punishment in schools remains an issue on which sections of society are staunchly and equally divided; there has been no general consensus in civil society or in the PSSC on the way forward thus far.

Noteworthy is that the government enacted The Training School (Amendment) Act 2010¹ and the Juvenile Offenders (Amendment) Act 2010² which abolished corporal punishment in juvenile correctional institutions.

¹ See Cap:11:06 at www.legalaffairs.gov.gy/information/laws-of-guyana

² Ibid Cap:10:03

The new Child Care and Development Services Act (2011) also prohibits corporal punishment in institutional residences.

We believe that these small, yet significant steps have moved Guyana closer to implementing these recommendations based on a democratic process.

Although the Parliamentary Special Select Committee did not complete its mandate with regard to the recommendation on the abolition of the death penalty, it should be noted that The **Criminal Law Offences (Amendment) Act 21 of 2010**³ removed the mandatory death penalty for persons convicted of murders and made provisions for life imprisonment and imprisonment with the possibility of parole. The death penalty was retained in limited cases such as murder of a police officer on duty, a judicial officer or treason.

As a result, during the past 5 years over 15 prisoners on death row have had their sentences commuted to life imprisonment, and, some of these will be coming up for parole in the 3 years time. One prisoner on death row was exonerated in 2012. At the time of reporting there are 13 male prisoners on death row. In this period no prisoner on death row has been executed.

³ October 10, 2010. See www.legalaffairs.gov.gy/information/laws-of-guyana, Cap11:01, S100A pages 53-58

The mandate of the Parliamentary Special Select Committee (PSSC) was to receive and hear submissions on the attitude of Guyanese to changes in legislative provisions and the criminal code regarding consensual adult same sex relationships and discrimination, perceived or real, against Lesbians, Gays, Bi-Sexual and Transgender persons. It should be noted that there is nothing in Guyana's laws prohibiting consensual adult female same sex sexual relations. Due to the prorogation of the 10th Parliament the Select Committee's work has ceased. It is the hope of the Government to resubmit these matters to the National Assembly following General Elections in May this year.

Distinguished delegates, during this period, there has been free and unfettered freedom of expression by NGOs including the Society Against Sexual Orientation Discrimination (SASOD), religious organizations and the media on these issues.

In response to SASOD's June 15th 2014 submission to the UNHRC UPR on LGBT Rights in Guyana, the Government wishes to reiterate that the State does not discriminate^{vii} against persons based on their sexual orientation and that every Guyanese is entitled to their right to freedom of expression, employment, housing, medical care, education as provided for in the constitution, laws and policies of Guyana. The Government is unaware of the references made in SASOD'S submission with regards to discrimination in employment. Regrettably these complaints appear to have not been brought to the attention of the Chief Labour Officer, the Public Service Commission or to the courts' attention.

Guyana wishes to emphasise that any aggrieved person is free to approach the courts on a constitutional motion on their human rights. To date there has been one such case in February 2010 seeking constitutional relief in relation to four men 4 men found guilty of cross-dressing.

Guyana, however, acknowledges that there are interpersonal prejudices based on cultural attitudes and religious beliefs as reflected in a 2013 survey which indicated that 25% of Guyanese are homophobic, thus the model of consultation chosen on this matter.

Discussions on these particular issues have not been restricted to the Legislature. Consultations have been held across the country by the Ministry of Education on the abolition of corporal punishment. The media and some NGOs including religious organizations have had their own public discourses on the abolition of corporal punishment and the decriminalization of consensual adult same sex sexual relations and discrimination against LGBTs.

Amnesty International met the government in 2014 and is working with The Justice Institute to advocate for an official moratorium on the death penalty with the aim of its ultimate abolition.

Distinguished delegates, in 2010, Guyana informed the UPR about the Low Carbon Development Strategy and Guyana-Norway partnership which is the second largest interim REDD+ partnership in the world and the first national scale model. Under this partnership, Guyana is targeted to earn up to US\$250 Million for its forest climate services.

So far, Guyana has earned approximately US\$150 million. These funds are being used for the implementation of projects and initiatives identified in Guyana's Low Carbon Development Strategy. A significant portion of the funds disbursed have gone to interventions that focus on the indigenous population; the US\$8.2M Amerindian Development Fund project, provides funding to enhance the socio-economic development of Amerindian communities and US\$10.8 M is allocated to funding the Amerindian Land Titling Project.

The funds are also used to mitigate the impacts of climate change through various adaptation projects and providing clean and affordable energy solutions for the country.

With regard to the recommendations on poverty reduction and equal access to education, water, health, housing and food security for the poor and vulnerable, including indigenous peoples, Guyana has much to be proud of in this period.

The poverty reduction programme and pro-poor pro-growth developmental approach continue and have contributed to significant improvements in the quality of life of Guyanese citizens, especially children. (see Para # 116-148).

Through continuous investments in the social sector which now receives 34.5% of the 2014 annual budget, Guyana continues to make strides in its poverty reduction goals. (Table 2, Appendix 1, Allocations to the Social Sector, 2009-2014.)

The 2011-2015 Poverty Reduction Strategy Programme (PRSP) continues targeting the poor and vulnerable sections of the population and aims to provide equal access to and delivery of goods and services, support greater integration and social cohesion, improve the quality of life and realization of human rights.

The Government enacted A National Minimum Wage by Order in July, 2013 for all workers, thus providing protection for all workers.

In 2010 we reported that we were working towards introducing equal access to information technology for the low income and poor households through a new initiative called the One Lap Top Programme. We are proud to report that this Programme provided training and free lap tops to over 51,000 households by

mid-2014. By the end of 2015, it is anticipated that the target of 90,000 households will be met.

Education

Progress within the Education sector has been significant. The MDG Guyana Progress Report 2011 noted that Guyana has made excellent progress towards achieving universal primary education. In addition, Guyana has met its target of eliminating gender disparity in primary and secondary education, and strives towards parity at the tertiary level.

According to the 2013 **Global Gender Gap Report** Guyana⁴ is ranked 1 out of a total of 136 countries in Educational Attainment.^{viii} This is a major achievement for a small developing country.

Guyana continues to offer free education from nursery, primary and secondary levels at government funded schools. Less than 15% attend private schools.

As a result, hundreds of schools have been built and or refurbished across the country; 72 % of teachers are trained and more than 50 percent of the teachers in the Hinterland regions are now trained teachers. As a result, the attendance and academic performance of school children at all levels have shown dramatic improvement at national and regional periodic assessments.

⁴ World Economic Forum – The Global Gender Gap Report 2013, Guyana Profile

This sector has played a critical role in equalizing access to opportunities for children regardless of where they live, ethnicity, religion or class. This is most evident in the interior and Amerindian communities where all children have access to nursery and primary education and over 90 percent to secondary education. I have noted the advanced question from Sweden regarding the steps taken to improve the situation of Indigenous peoples. Indeed many measures have been taken. Today, there are 116 nursery schools, 139 primary schools, and 13 secondary schools⁵ with dormitories in the far interior of Guyana, an increase from 130 in 1994 to 400 schools in 2014. Almost 6000 indigenous children attend secondary schools in the interior.

Over GY\$1B was expended on the National School Feeding Programme which benefitted over 65,000 poor children across the country. More than 16,000 school children in three interior regions benefitted.

The government offers universal school uniform allowances to all children enrolled in the government education system.

In 2014, the Government introduced the “Because We Care” Cash Grant of \$10,000 (\$50USD), for every child enrolled in the public school system^{ix}. These two programmes jointly cost GY \$4B (US\$20M.) These initiatives as well as

⁵ See CRC/C/GUY/Q/2-4/ Add.1. para 9, Table 1

free exercise and textbooks are all part of a national developmental programme to reduce poverty, and, secure the well-being and future of the next generation.

The new Education Strategic Plan (2014-2018) will focus on improving literacy rates, early childhood development and teacher training among other areas.

A new initiative, the Hinterland Education Improvement Project (HEIP) will lay the foundation for a special five-year action plan.^x

Health

Distinguished delegates, Guyana continues to invest in the health sector with the aim of improving the quality and longevity of people's lives. Health care services offered by the government remain free.

The recently launched National Health Strategy, Health Vision 2020 (2013-2020)⁶, seeks to further these objectives.

The MOH is implementing the Maternal, Peri-natal Strategy and Integrated Child Health Strategy 2011-2015.^{xi} In 2014, 96 % of all births are attended by skilled health personnel in comparison to 85.6 % in previous years.

⁶ www.paho.org/guy/index

Guyana continues to offer free Prevention of Mother to Child Transmission Treatment and free Anti-Retroviral Treatment at its facilities, thus significantly reducing levels of transmission and extending life and wellness of those affected. These programmes are under pressure due to the reduction of international funding to assist small developing countries.

Guyana's decentralized health services reach coastal, rural, riverain and hinterland areas and are constantly under review with continued construction and staffing^{xii} of health huts, health centres and hospitals and the provision of new services around the country.

Guyana's Immunization coverage continues to remain high in all rural and hinterland areas, despite challenges with regards to the high costs of accessing remote areas. Guyana acknowledges its partnership with the GAVI Alliance. However, Guyana is disappointed that it may have to pay increased costs for vaccines as a result of the "graduation" policy and the classification as a "middle income country".

Guyana wishes to acknowledge the support it receives from its bilateral cooperation agreements in particular the Governments of Cuba^{xiii} and China which continue to train Guyanese students in medicine and provide specialist doctors, nurses and technicians who assist in the provision of vital health services.

Housing

Guyana's national housing programme^{xiv} continues to provide subsidized house lots for poor, low and middle income families.

Through a number of legislative as well as Government/commercial banks partnerships, low income households can access loans to build their houses at concessionary rates.^{xv} Thousands of low income families are now land and home owners under the National Housing Programme.

By the end of 2013, 18,000 households in squatter settlements which emerged over 3 decades were regularized with Certificates of Title to Land being provided.

The 2012 Census found that the national building stock had increased by 16.9 %⁷ over the last ten years.

Guyana is proud of the Achievements of the National Housing programme which it advocates as a model of "good practice."

Water

⁷ See www.guyanastatistics.gov.gy

Recognizing the link between water, sanitation and poverty, Guyana is proud that the supply of potable water now reaches in excess of 95% of the population in the coastal areas and 73% in the hinterland areas. The rates for delivering water have not been increased for more than 10 years.

Food and Nourishment

Guyana was honoured by the Food and Agricultural Organisation (FAO) for attaining the targets set by both MDG #1 and the goal set by the 1996 World Food Summit of halving the absolute number of hungry people by 2015 and improving nutrition.

The prevalence of undernourishment has been reduced from 19.1% (1990 – 1992) to 5.1% (2010 and 2012). Less than 1% of children under 5 suffer from malnutrition.

Indigenous Peoples

Recognising the historic injustices perpetrated against the Amerindian peoples, the revised Guyana Constitution and the Amerindian Act 2006⁸, provide for and guarantee Amerindian land rights, governance and culture for the Amerindians population.

⁸ Ibid.

Amerindians are now the second largest land owner in Guyana with the State being the first. They own communal land titles totaling 14% of Guyana's land mass.

Government has continued to focus on Amerindian land rights as reported in 2010. 103 Amerindian villages have been awarded absolute grants and 83 have been demarcated thus far. The Amerindian Titling and Demarcation Project is expected to complete the remaining communities.^{xvi} This will strengthen land tenure security and the expansion of the asset base of Amerindians.

Government has continued to channel resources toward the development of Amerindian communities. Through expanded budgetary allocation to the Ministries of Amerindian Affairs and other key Ministries and the Village Councils, the quality of life has vastly improved and there is more equitable access of the delivery of goods and services for Amerindian communities.(see **Para # 116-148**)

Of particular concern in this period is that the Parliamentary opposition slashed the 2014 capital budget of the MoAA to zero thereby throwing out projects and programmes for the development of Amerindian and interior communities.

The Amerindian Development Fund (ADF) – US\$ 8.2 MILLION provides funding to support the socio-economic development of Amerindian

communities and villages through the implementation of their Community Development Plans (CDPs). Approximately 180^{xvii} communities will benefit.

Under the One Lap Top Per Family Programme, mentioned earlier, USD1.43M was expended to procure solar systems for the 100 ICT hubs in Amerindian villages. Under this programme, the construction of 100 ICT hubs in 100 villages will benefit 57,000 persons.

As a follow up to our 2010 report to the UPR, between 2011 and 2014, the distribution of individual household solar units under the Solar Home Systems Distribution Programme^{xviii} brought electricity for the first time to 13,170 Amerindian homes in 130 Amerindian communities. Through private sector investment several communities have now received telecommunication services which enable faster and better communication.

The National Toshaos^{xix} Council (NTC)⁹ and/or Amerindian NGOs 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^{-xx} which offer direct opportunities to address any violation of their rights and to advocate for change. Noteworthy is that the number of women elected as Toshaos (Village leaders) has increased from 12 in 2009 to 28 in 2012 when elections were last held.

⁹ See the report of the 2014 NTC Conference in **Appendix 111**

In addition to other programmes, the MoAA initiated the Youth Entrepreneurship and Apprenticeship Programme (YEAP)^{xxi} which offered skills training for young Amerindians. In addition, two thousand Community Support Officers^{xxii} were selected by and from the Amerindian communities to service these communities as well as interior villages.

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.

Guyana will continue to give consideration to ratifying the ILO Convention No. 169 even as it continues to focus its available resources, on its treaty obligations to the UN Convention on the Elimination of Racial Discrimination.

Guyana's national report to this 2nd review, documents efforts to address discrimination based on culture and traditions and promote and protect the rights of all citizens, especially the poor and vulnerable, children, women, Amerindians, youth, elderly, and differently abled. Guyana has made significant efforts in this regard.

Of special note is the enactment of the 2010 **Judicial Review Act** ^{xxiii}, Cap. 3:06 which caters for the Courts to “*review acts or omissions of a Minister, public body, public authority, tribunal, board, committee, or any person or body exercising or failing to exercise any public power or duty conferred or imposed by the Constitution or any written law.*”

The appointment of an Ombudsman in January 2014, the recent parliamentary approval of the Ethnic Relations Commission (ERC), the continued functioning and capacity building of the Women and Gender Equality Commission (W & GEC), the Indigenous Peoples Commission (IPC), the Ethnic Relations Commission and the Rights of the Child Commission (ROCC) and the parliamentary re-appointment of the Judicial, Public and Police Service Commissions establish a framework for protection, promotion of human rights and complaints mechanisms for redress by citizens with regard to rights enshrined in the Constitution and laws of the country, and, the Conventions ratified by Guyana.

Noteworthy is that the High Court of the Supreme Court of Guyana has established a special constitutional and public law court in 2011, which deals exclusively with constitutional and public law matters.

Guyana has made major progress towards promoting gender equality and the empowerment of women. The **2013 Global Gender Gap Report** ranked Guyana at 33 out of 136 in the area of overall Political Empowerment. In terms of Women

in Parliament, Guyana is ranked at 29th and 24th for Women in Ministerial Positions.¹⁰

Women Members of Parliament have increased from 18.5 percent in 1992 to 32.3 percent in 2013. Women occupy 31% of the seats in the 10 elected Regional Democratic Councils. Amerindian female MPs in particular represent 23% of the female MPs. Five of the ten Judges and 11 of the 18 Magistrates are female.¹¹

The IFC/World Bank Enterprises Survey 2010 (Guyana 2010) found that permanent full time female workers is 39.1%, higher than the average for LAC(37.5%) and lower middle income countries (32.6%).^{xxiv}

Under Economic Participation and Economic Opportunities, the Global Gender Gap ranked Guyana at 41 for wage equality for similar work.¹²

Our report highlights heightened and better coordinated efforts made with regard to person with disabilities since the enactment of the Persons with Disabilities Act and these will improve as we strive to implement our treaty obligations under the Convention on the Rights of Persons with Disabilities. Guyana is in the process of building a Training Center for Persons with Disabilities.

¹⁰ World Economic Forum – The Global Gender Gap Report 2013, Guyana profile.

¹¹ See Guyana's National Review on the Beijing Declaration and Plan of Action, July 2014.

¹² World Economic Forum – The Global Gender Gap Report 2012, Guyana profile.

Distinguished delegates, Guyana is part of the CARICOM Reparations Commission which calls for reparations as it relate to Africans who were enslaved and brought to work in the British, French, Dutch and Spanish colonies. As a result Guyana has established a broad based committee of 30 Afro-Guyanese groups which is preparing Guyana's submission to CARICOM for its reparations claims to these former colonial powers.

Distinguished delegates, we have seen a reduction in some serious crimes but interpersonal violence including sexual and domestic violence continue to cause grave concern. I have noted that this is also a concern for several of our UN partners and Member States. Guyana's national report documents efforts to reduce and end violence against women and children in particular and I would like to highlight some of the achievements and some challenges.

In 2011, the Men's Affairs Bureau (MAB) was established in recognition that the culture of violence requires specific inclusion of and attention to boys and men. The MAB advocates responsible male behavior and parenthood and works to end domestic and sexual violence.

The June 2012 "National Conversation on Domestic Violence" under the theme, "It's Our Problem, Let's Solve It!" focused on a number of areas to address domestic violence.

In addition, in July 2014, the National Task Force on Sexual Violence held a special session to review the draft protocols^{xxv} for the police, prosecutors, magistrates, social workers and medical practitioners under the Sexual Offences Act 2010 and examine the new draft action plan. With the assistance of the UNFPA, this Plan of Action Act has been completed and submitted in January 2015 for Cabinet review. The draft protocols and new regulations to strengthen the 1996 Domestic Violence have also been completed.

Over the last 4 years, the media, civil society and community and faith based organizations have played a more pro-active role with regard to combating violence against women and children. **Table 1 in report** indicates that there has been a decrease in the total number of reports by more than 50 %, a reduction of matters pending before the police from 51% to 25%, and increase in persons charged from 25% to 52%. These figures indicate some improvements in reducing the levels of domestic violence and the protection of victims even though Guyana acknowledges that more must be done.

Whilst the number of persons charged and sentenced for domestic violence offences by Magistrates has increased significantly, the number of successful prosecutions and convictions of sexual offences has been disappointing. The rate of convictions for sexual offences for the period 2008-2014 is 23.6%.¹³ One

¹³ Source: Office of the Director of Public Prosecutions 2014

high profile case of pedophilia has not been concluded after 4 years. Guyana's report indicated 2 decisions by the judiciary that is worrisome. (see para 101)

Guyana's report contains information on its legislative reforms to enhance the protection of children's rights. The challenge for a small developing country with limited human, financial and technical resources is the implementation of the compendium of children's statutes enacted in the period 2009-2011.(see Para #56-57).

The Child Care and Protection Agency (CCPA) has continued to investigate child abuse cases reported throughout the country.^{xxvi} The CCPA received 3,999 cases of child abuse in 2011, 3,689 in 2012 and 3,342 in 2013, all of which were investigated and addressed.¹⁴

Its pro-active role have prevented 2,432 children from being separated from their families, while 519 children were removed from abusive situations and 207 placed in a family setting through the foster care programme. The CCPA also works with 3153 vulnerable families.

Guyana regrets that the draft Juvenile Justice Bill is still not complete and as a result Guyana was unable to implement the recommendation with regard to the age of criminality. I have noted that Mexico raised an advanced question on this

¹⁴ MLHSSS, Child Care and Protection Agency Annual Reports, 2009 -2013.

matter and wish to inform that our Government remains committed to its enactment following General elections.

Guyana has also elaborated on efforts to combat Trafficking in Persons. The broad based Ministerial Task Force on Trafficking in Persons¹⁵ meets monthly in order to plan, implement, monitor and evaluate national strategies relating to trafficking in persons.

For Y2013 there were 9 reports of trafficking involving 20 persons, 3 convictions, and 5 cases are still before the courts. One case was dismissed. In 2012 there were 3 cases.

At the last review there were several recommendations made with regard to the justice and security sector. Guyana' has taken major steps and made significant financial investments in the justice sector . Guyana's national report documents these efforts.

To improve oversight, monitoring, accountability and enhance coordination within this sector, a number of initiatives have been introduced. Civil and Criminal Justice Committees headed by the Chancellor of the Judiciary and the Director of Public Prosecutions have been established to strengthen the

¹⁵ Combating Trafficking in Persons Act, Part V, S 30 (1).

accountability and service delivery in the justice sector; enhance linkages and coordination within justice sector institutions; improving access to justice among other areas, to ensure that the institutions involved in the justice system work more efficiently and effectively.^{xxvii}

The number of Judges has been increased to 20 and this will facilitate greater efficiency with which cases are heard and determined and significantly diminish the backlog of pre-trial detainees.

To further enhance the independence of the judiciary, its annual budget in 2014 was removed from under the Ministry of Legal Affairs and is now a direct charge on the Consolidated Fund.

Guyana's efforts with regards to the security sector and the Guyana Police Force in particular are provided in the report including as these relate to abiding with international standards.

On the question of torture, the Constitution strictly prohibits torture and mistreatment of detainees and inmates. The Government has publicly condemned abuse and torture and repeatedly demanded that any allegation of torture and mistreatment of citizens, including prisoners, must be expeditiously investigated and action taken against defaulting ranks. In 2014, several police ranks are before the courts,^{xxviii} including those for abuse and torture in lockups.

In an effort to strengthen its investigative capacity the Police Complaints Authority (PCA)¹⁶ will be establishing its own Investigative Unit in order to conduct investigations independent of the Guyana Police Force (GPF). I have noted the delegation of Mexico submitted an advanced question in this regard.

In the interim period, there have been 3 cases of torture of persons in pre-trial detention (police lockups) which have led to Boards of Inquiry, complaints to the Police Complaints Authority and to criminal charges being laid against the accused officers.

With regard to compensation for victims of police excess and torture, a High Court Judge on June 27, 2011 used international human rights law and “exemplary damages for breach of constitutional rights” and “compensatory damages” to award monetary compensation for Twyon Thomas, the victim.¹⁷

As a result of major disturbances in Administrative Region #10 in July 2012 which resulted in 3 protestors being shot, a Commission of Inquiry was appointed by the President. Although the COI was unable to find that it was the police who shot the protestors, it recommended that compensation be provided for those who were shot as well as those who suffered losses in the violence that followed

¹⁶ See www.legalaffairs.gov.gy/infromation/laws-of-guyana Cap:17:02 S2.

¹⁷ See also CRC/C/GUY/Q/2-4/Add.1 para# 109-113.

and that the GPF review and amend police protocols with regard to public order and safety. The Government and the GPF implemented these recommendations.

Guyana has reported on efforts to improve conditions in police lock ups and prisons for both inmates and staff, reduce number of pre-trial detainees, and prevent torture and mistreatment of inmates. I have noted that the Netherlands asked an advanced question about improving conditions and wish to inform as follows:

The 2014 Strategic Plan on the Renewal and Reconstruction of the Guyana Prison Service reinforces the strategic enhancement of prison conditions and a shift to corrections and rehabilitation.

In 2013, the total number of prisoners was 1998¹⁸ with 1928 males and 70 females. Of these 711 were on pre-trial (remand) detention and 1287 sentenced. ^{xxix} The total prison population, remand and convicted, are accommodated in 5 male prisons and one female prison.

A Visiting Committee is appointed for each Prison (Prison Act) which monitor prison conditions to ensure that these are in keeping with the statutes. Any matter/s of mistreatment or torture reported to them is investigated with a view of disciplinary action being taken against any rank/s found guilty.

¹⁸ See Guyana's submission to the UN-CTS 2014 for years 2009- 2013

Guyana will continue to make efforts to improve conditions of prisons and welfare and rights of prisoners.

Guyana firmly believes that its constitutional rights commissions form a critical component of the protection of human rights. The three (women, indigenous and child) rights Commissions¹⁹, the Ethnic Relations Commission²⁰ and the Human Rights Commission²¹ are responsible for monitoring and reviewing all existing legislation, policies and measures for compliance, and reporting the need for amendment to any legislation to the National Assembly.^{xxx} (see footnote as they have investigative powers)

Article 212 G provides for the Commissions to be funded by a direct charge upon the Consolidated Fund.^{xxxi} This article is in compliance with the Paris Principles.

Until such time as the umbrella Human Rights Commission is appointed, ^{xxxii} (as described in the report) in compliance with the Constitution, Guyana regrets it will not be fully compliant with the Paris Principles. I therefore wish to inform the German delegation that asked about this matter and the Working Group, that Guyana's position regrettably remains the same.

¹⁹ Art.212 G Cap:1:01 www.legalaffairs.gov.gy/information/laws-of-guyana

²⁰ Ibid Art.212 A-F

²¹ Ibid Art 212 N

With regard to the UNHR Special Procedures Guyana reiterates its readiness to continue to respond to invitations and to offer full collaboration with mandate holders.

Guyana will continue to consider the outstanding Conventions and Optional Protocols listed in the 2010 UPR recommendations.^{xxxiii}

Distinguished delegates, the positive achievements have been tempered and sometimes overshadowed by the political situation that has emerged since the November 2011 elections. The ruling party received the largest single bloc of votes but has one seat less than the two opposition parties combined under the proportional representation electoral system.

The 10th Parliament has witnessed the reduction of the annual budgets by the opposition majority totaling approximately over GY\$90 Billion (US\$450M). This has had a major impact on the implementation of national developmental agenda.

The defeat in 2013 of the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill, and, its subsequent re-submission and non-passage in 2014, has brought Guyana under the review of the Financial Action Task Force in June 2014.

In the face of a no confidence motion tabled by the opposition parties in August 2014, President Donald Ramotar prorogued the Parliament on November 10,

2014, thereby preserving the life of the 10th Parliament, aimed at creating opportunities for dialogue between the government and the opposition. The opposition rejected dialogue leaving the President with no other choice but to announce elections which will be held on May 11, 2015.

Distinguished delegates, Guyana has made significant efforts to meet most of the commitments it made to the UNHRC in 2010 despite the many challenges which are associated with small developing States. These continue to relate to available human, financial and technical resources in order to more effectively and efficiently implement the many initiatives, policies, statutes and programmes. With most of its population living below sea level, the impacts of climate change are real and scarce resources have to be diverted to mitigate these impacts, including building sea defences. The imposition of the “graduation” policy using the narrow measure of GDP per capita without considering other vulnerabilities such as that to climate change, will see countries like Guyana losing concessionary financing. This can certainly roll back the progress made to date. Already Guyana has been informed that it will have to pay more for vaccines because of its “middle income status.” In a year where the Sustainable Development Goals is expected to be finalised and a legally binding agreement on climate change is anticipated, we implore the international community to be cognizant of the existing realities.

Notwithstanding these challenges, Guyana will continue to make efforts to support the role of the UN human rights system, including the UPR, within available means and prevailing conditions even as it strives to continuously improve the lives of its citizens.

Thank you.

ⁱ UNDP HDI 2014; Guyana's inequality ratios-education at 10.5%, human at 18% and income at 24.4 %.

ⁱⁱ September 11, 2012.

ⁱⁱⁱ August 9, 2013.

^{iv} April 28, 2014.

^v September 10, 2014.

^{vi} With competing priorities for limited resources and a fractured legislature, Guyana is not in a position to consider this issue as a priority at this time. However, it shall remain on its agenda for consideration with other treaties.

^{vii} Guyana's 2010 UPR Report referred to Article 149 (1) and (2) which prohibits discrimination "*on the grounds of race, place of origin, political opinion, colour, creed, age, disability, marital status, sex, gender, language, birth, social class, pregnancy, religion, conscience, belief or culture.*" Thus discrimination is prohibited on grounds of sex and gender and the laws and policies of the country do not discriminate on the grounds of one's sexual preference in accessing good and services provided by the state within its means.

^{viii} Under sub-categories "enrolment in primary education, secondary education and tertiary enrolments rates", Guyana is ranked number 1 in all three of these categories.

^{ix} This programme commenced in October 2014 and over 135, 969 children have so far benefitted.

^x The HEIP consists of five components: Improving the Quality of Teacher Education in the Hinterland; Aligning Teaching-Learning Resources to Improve Students' Outcomes; Improving Physical Facilities; Fostering Community Alliances; and Strengthening Management and Supervision in the Hinterland.

^{xi} On December 10, 2014 the Ministries of Health and Finance launched the Guyana MDG Acceleration Framework and Campaign on Improving Maternal Health.

^{xii} The Community Health Worker (CHW) programme continues to train community selected persons in specific skills and provide prevention and basic care in these interior communities.

- ^{xiii} The 2010 Guyana/Cuba partnership continues to offer graduate scholarships to Guyanese students in medicine, engineering and other fields in Cuba. This has led to a significant increase in the number of doctors serving at health centers and hospitals in rural and hinterland communities.
- ^{xiv} Low income and poor households can apply and purchase houselots at subsidized prices and approach a commercial bank for a loan of up to GY\$5 Million (USD\$25,000) at a concessionary low interest rate negotiated between the Government and bankers for this programme.
- ^{xv} Mortgage Interest Relief was enacted in 2013 by statute which allows first time home owners to deduct the interest they pay on mortgage loans (up to GY\$30M) from their taxable personal income tax. This in the long term will reduce the interest to be paid and the repayment period for homeowners.
- ^{xvi} Financial allocations in 2013 advanced the completion of 12 communities and the demarcation of eight titled villages. In 2014, approximately GY\$160 million is allocated to this project.
- ^{xvii} In this period, 26 Community Development Plans were implemented costing over USD\$1M. This includes 19 villages which are developing eco-tourism projects.
- ^{xviii} See Guyana's 2010 UPR report.
- ^{xix} All Toshaos are members of the National Toshaos Council. This body meets every 2 years for one week and elects its 20 person executive every 3 years.
- ^{xx} In 2014, the Parliamentary Standing Committee on Appointments to Commissions included representation of the three major ethnic groups (Indo-Guyanese, Afro-Guyanese and Amerindian who together make up more than 80 % of the population) through their organizations to name a member each to the ERC. The new appointees approved by the National Assembly will be sworn in by the President.
- ^{xxi} In 2013, 198 persons were trained in computer skills and solar panel installation, and 430 students benefitted from the Hinterland Scholarship Programme.
- ^{xxii} These CSOs are paid by the MOAA.
- ^{xxiii} Enacted on November 20, 2010.
- ^{xxiv} The study desegregates the data of percentage of permanent female workers in small, medium and large firms at 40.3 %, 36.6%, and 42.5 % respectively.
- ~~With UNICEF's assistance~~
- ^{xxv} The CCPA has extended services by assigning resident officers to all ten administrative regions and visiting child protection and probation officers in several other regions to ensure that childcare and protection services are delivered nationwide.
- ^{xxvii} The functions of the Criminal and Justice Committees are to advise on all programmes and policy matters pertaining to the criminal justice area; serve as a focal point for leadership, guidance, coordination, development and implementation of reform programmes and activities in criminal justice area; develop, review and make recommendations for the improvement of the criminal justice system; the promotion of the inter-governmental and inter-agency cooperation and coordination; and promote public awareness of the issues, alternatives and goals in the criminal justice area among others. A Criminal Justice Committee has been established in each of the three counties in Guyana. Each Committee meets monthly and addresses complaints about the criminal justice sector. Each one reports quarterly to the Chancellor of the Judiciary.
- ^{xxviii} 11 have been charged -2 charged with murder, 1 with rape, 2 charged with unlawful discharge of a weapon with intent, 3 for perverting the course of justice, and 1 for stealing. In addition, two have been convicted for TIPs and unlawful discharge of weapon with intent.
- ^{xxix} In 2012, the total number of prisoners was 1986 with 690 on pretrial/remand detention and 1342 sentenced
- ^{xxx} All five constitutional rights Commissions have been given powers of initiating investigations into violations of rights, abuses and complaints, resolving disputes or rectifying acts or omissions by mediation, conciliation, or negotiation, and educating the public on the nature and content of matters under their purview.
- ^{xxxi} The Commissions are required to submit their annual reports to Parliament.
- ^{xxxi} The failure of successive Leaders of the Opposition in the 9th Parliament (as reported in Guyana's state party reports to the UPR, CEDAW and CROC in 2010) and in 10th Parliament, to respond to request for 6 names from

which the President selects and appoints one as the Chairperson in accordance with Art 212 N (3) of the Constitution remains unchanged. The 4 other members of the HR Commission are the chairpersons (who are elected) of the Ethnic Relations Commission, the Women and Gender Equality Commission, the Rights of the Child Commission and the Indigenous Peoples' Commission .

^{xxiii} Although Guyana not a signatory to the Inter-American Convention on Human Rights as a member of the OAS it is nevertheless obliged to report on and to respond to matters brought before the IACHR and it has been complying.

