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Committee on Economic, Social and Cultural Rights**Fifty-sixth session****Summary record of the 60th meeting**

Held at the Palais des Nations, Geneva, on Monday, 28 September 2015, at 3 p.m.

Chairperson: Mr. Sadi**Contents**

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The meeting was called to order at 3 p.m.

Consideration of reports

(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 (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. Trotman** (Guyana), introducing his country's combined second to fourth periodic reports, said that he wished to take the opportunity to reaffirm his Government's commitment to honour its obligations under the international human rights instruments that it had ratified. During the reporting period, which spanned from 1995 to 2012, there had been many changes in the country's economic strategy and priorities and in the thrust of its development efforts. The general election held in May 2015 had brought an end to 23 years of governance by the People's Progressive Party, which had submitted the report in 2012. Time and circumstances had moved on since then, and the new Government, headed by President David Granger, did not endorse some of the subjective comments made in the report.
3. The most important political development in the field of economic, social and cultural rights during the reporting period had been the adoption of an Act of Parliament in 1999 that had provided for the establishment of the Constitutional Reform Commission. The Commission had made 171 recommendations for legislative amendments, most of which had been enacted, to strengthen protection for the rights of the Guyanese population. The new Government was set to launch another round of constitutional amendments with the full participation of the populace. The objectives would include reducing the powers of the President, developing an inclusive democracy and making the legislature more representative. The Government would also focus on promoting the rule of law, eradicating corruption and increasing the transparency of government mechanisms. It intended to create a green economy based on the sustainable use of natural resources and the equitable distribution of benefits.
4. Guyana had made great strides in institutionalizing the protection of economic, social and cultural rights, not least by establishing the Women and Gender Equality Commission, which was tasked with promoting national recognition of women's rights as human rights. A policy to combat domestic violence had been introduced, and efforts were under way to formulate policies to address the issue of gender relations, encourage household members to share caregiving tasks and provide mentoring and support to children.
5. The protection and fulfilment of cultural rights in Guyana were perhaps best exemplified by the measures that had been adopted to raise the national profile of indigenous peoples, ensure the recognition of Amerindian land rights, celebrate the culture of the nine indigenous tribes of Guyana and revitalize efforts within the education sector to preserve indigenous languages and ensure that curricula were culturally relevant and beneficial. The model of inclusionary governance adopted in Guyana facilitated the participation of indigenous peoples in political life, and Amerindian leaders and communities were included in all major strategic, legislative and development forums.
6. By enacting child protection legislation, setting up the Childcare and Protection Agency, and drafting the Sexual Offences Act, which was gender-neutral, the Government had, over the past six years, enhanced the protection afforded for the

social rights of all Guyanese citizens. In 2011, the High Court of Guyana had established the Constitutional and Public Law Court to deal with constitutional motions, and the long-awaited Family Court had been created and would be fully operational by the end of 2015.

7. Guyana had made considerable progress towards the achievement of the Millennium Development Goals, meeting targets related to the eradication of extreme poverty and hunger, the attainment of universal primary education, the promotion of gender equality in education and the reduction of HIV/AIDS, malaria and other diseases. The child mortality rate and maternal mortality ratio had also been reduced significantly.

8. Guyana was well-endowed with natural resources, fertile agricultural lands and tropical forests, which covered more than 80 per cent of the country and remained largely intact. However, a slowdown in the growth of real gross domestic product and fluctuations in world commodity prices had constrained development and, by extension, the enjoyment of economic, social and cultural rights. Following the discovery of large oil reserves in the Guyana Basin, the Government was working to establish a sovereign wealth fund and to ensure that the focus of its economic drive was on the creation of jobs, particularly for young people, who were one of the country's most valuable resources. Training programmes would be tailored to market demand, which was being shaped in no small part by the expansion of the oil and gas industry, and the growing focus on greening the economy. The critical role played by teachers was reflected in plans to provide each of them with a laptop computer to facilitate the delivery of a higher and more modern standard of education.

9. The Government was keenly aware of the challenges posed by violent crime, unemployment, corruption and ethnic divisions, which had given rise to one of the highest net emigration rates in the world, and it firmly believed that the response to such challenges lay in enhancing democracy, developing peaceful communities and eradicating poverty through policies that placed the needs of citizens at the heart of the development agenda.

10. **Mr. Kedzia**, noting the importance of regular exchanges between the Committee and States parties, said that the long delay in submitting the country's report was regrettable. He would appreciate it if the delegation could provide examples of cases in which the provisions of the Covenant or the Constitution had been invoked before and/or applied by domestic courts. Clarification on the meaning of article 154A, paragraph 2, of the Constitution would be helpful, and he wondered whether paragraphs 3 and 6 of that article were compatible with the Covenant and with the State party's obligation to implement the Covenant in good faith.

11. Further information about the status of the five rights commissions mentioned in paragraph 4 of the replies to the list of issues (E/C.12/GUY/Q/2-4/Add.1) would be welcome. In particular, he wished to know whether the commissions were parliamentary bodies, whether they were independent and who appointed their members. He wished to know whether the Human Rights Commission had been established and, if not, why not. The delegation should also indicate whether it was true that the Chairperson of the Human Rights Commission was appointed, and could be removed, by the President, and whether the composition of the Commission was appropriate given its wide-ranging responsibilities. He would also like to know whether the Office of the Ombudsman had been created, in accordance with articles 191 to 196 of the Constitution. Would the delegation please indicate whether the Office of the Ombudsman or the Human Rights Commission would serve as an independent human rights institution in conformity with the Paris Principles and, if not, whether there were plans to set up a separate body for that purpose.

12. With regard to the enjoyment of economic, social and cultural rights by Afro-Guyanese and Indo-Guyanese citizens, he had noted that, in a 2008 report, the Special Rapporteur on minority issues had highlighted cases of discrimination against Afro-Guyanese and Indo-Guyanese communities. Was inter-ethnic discrimination still an issue and, if so, what was being done to combat it? He would be interested to hear the delegation's views as to whether power-sharing was still regarded as a possible constitutional solution for inter-ethnic tensions.

13. **Ms. Bras Gomes**, noting that the Amerindian Act of 2006 provided for exemptions from the requirement to obtain the free, prior and informed consent of indigenous peoples affected by development and extractive projects, said that information before the Committee indicated that the competent authorities conducted few inspections of illegal mining and logging activities. She would like to know whether the delegation agreed that such a situation posed a major problem for indigenous peoples and did not contribute to the development of their economic, social and cultural rights.

14. She wished to know whether the State party's legislation set out a definition of indirect discrimination in line with article 2, paragraph 2, of the Covenant and whether the Government planned to broaden the scope of the Prevention of Discrimination Act of 1997 to cover persons with disabilities and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. Was the principle of reasonable accommodation applied in such a way as to enable persons with disabilities to exercise their rights under the Covenant?

15. **Mr. Schrijver**, noting that the State party stood in need of greater institutional capacity, asked whether it had considered seeking technical assistance from external organizations such as the United Nations. He would like to know whether the Government intended to ratify the American Convention on Human Rights, what new measures were planned to combat corruption and whether any persons suspected of corruption had been prosecuted.

16. **Mr. Uprimny** said that he wished to know whether — despite the widespread prejudice against LGBTI persons which existed in Guyanese society — there were any plans to amend legislation which criminalized same-sex activity between men and cross-dressing by persons of either sex. The Committee would like to know whether Guyana intended to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention (No. 169). In the light of the support that the Guyana Bureau of Statistics had received from, among others, the World Bank, he wished to know what steps were being taken to produce disaggregated, accurate statistics relevant to the fulfilment of economic, social and cultural rights.

17. **Ms. Shin** asked whether the authorities had consulted with civil society in the course of the preparation of the periodic report. She wished to know whether the National Commission on Disabilities was mandated to receive complaints and, if so, how many complaints it had actually received. If it was not, she wondered where persons with disabilities could go to lodge their grievances. She was doubtful about the claim that Guyana had gender-neutral legislation and, in any case, such legislation could not cover the indirect discrimination that women faced. How, for example, could a gender-neutral Sexual Offences Act reflect the fact that most victims of such offences were women? A gender perspective, rather than gender neutrality, was a more effective way to ensure gender equality. She understood that the Women's Affairs Bureau existed to promote the empowerment of women and combat discrimination, but she was perplexed by the existence of the Men's Affairs Bureau which enjoyed equal funding and support. More information about its exact role would be appreciated.

18. **Mr. De Schutter** asked whether, as part of its commitment to combat corruption, the newly installed Government intended to introduce measures to protect whistle-blowers and to ensure that persons entering or leaving public office had to declare their assets. He wished to know how recent anti-money-laundering legislation would help to tackle corruption and how that issue was being addressed in connection with the registration of land titles, which was an area where bribery could be prevalent. He would welcome further information about how the work of the *Toshaos*, or elected chiefs of indigenous communities, was monitored to ensure that they did not abuse their position by ceding land against the wishes of their people. He wondered whether same-sex couples, although they could not legally marry in Guyana, enjoyed rights akin to those of married couples in such areas as inheritance law.

19. **Mr. Kedzia** asked the delegation to provide further information about the 2013 case in which the murder of three persons had allegedly been motivated by their perceived sexual orientation. The definition of “undesirable” in the Expulsion of Undesirables Act was not clear to him. He was concerned that the Act could contribute to discrimination and he wished to know if it was still in force. Were there any plans to revise the Amerindian Act? It was his understanding that it had been interpreted in such a way as to authorize mining activities on traditional indigenous territories without the free, prior and informed consent of the communities concerned. Further information would be appreciated on any legal mechanisms whereby indigenous people could obtain restitution of lands seized by third parties. Was it true that the authorities were unable to investigate illegal mining and logging in the hinterlands due to a lack of resources?

20. **Mr. Abdel-Moneim** said that he wished to commend Guyana for having established a Men’s Affairs Bureau, which was consistent with the Covenant and with a recent Human Rights Council resolution on the family.

21. **The Chairperson** said that, although the State party’s anti-discrimination legislation was incomplete and not fully consistent with the Covenant, he would welcome details about how it was being implemented and about any case law on the subject.

22. **Mr. Ribeiro Leão** asked whether employment in the agricultural sector was subject to any specific regulations. Further information about the Single Parent Assistance Programme would be welcome. In what did it consist and what had it achieved? He wondered how Guyana ensured that workers could provide a decent living for themselves and their families when the country lacked a national minimum wage policy. Were there any plans to establish a minimum wage?

23. **Ms. Bras Gomes** said that she wished to know whether self-employed women who worked in the agricultural sector were covered by the National Insurance Scheme and, if so, what level of protection it afforded them. She would like to know what was meant by the “child-friendly” professions for which training was provided under the Single Parent Assistance Programme and why training in such professions was offered only to single mothers. Was that not simply a way of increasing the number of women in low-paid work? She would also welcome the delegation’s views on the microcredit scheme for women, particularly in light of the fact that many countries were abandoning microcredit initiatives as unsustainable and detrimental to women’s interests. She wondered how the new national youth policy would address the issue of youth unemployment.

24. She was concerned that the absence of legal provision for paternal leave meant that men could not enjoy their right to family life in the same way as women. She understood that there was some provision for a minimum wage in Guyana but would appreciate clarification about how and to whom it was applied. She wondered whether

the universal non-contributory old age pension scheme did, in fact, cover all Guyanese and whether it was sufficient to ensure an adequate standard of living. The five-year interval between the actuarial reviews was perhaps too long and should be revisited.

25. **Mr. Martynov** said that he would welcome disaggregated data covering the preceding five years on employment rates among young people, women and persons with disabilities. He wondered how the Government went about promoting the employment of persons with disabilities and wished to know whether accessibility and reasonable accommodation policies were in place. Could the delegation explain why social spending as a percentage of GDP had fallen by almost half between 2006 and 2010?

26. **Mr. Kedzia** said that he would be interested in more detailed information about the impact of the Caribbean Community (CARICOM) Single Market and Economy on the availability of skilled workers and the supply of basic services in Guyana. How was the legislative provision of “equal pay for work of equal value” implemented and monitored? He wished to know whether unemployment benefits were provided in Guyana and, if so, what percentage of unemployed persons received them.

27. **The Chairperson** said that he wondered how the issue of child labour was being addressed in Guyana. He also wished to know how labour laws were applied and enforced in the mining and logging industries and in the informal economy.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

28. **Mr. Trotman** (Guyana) said that the Constitution provided for the incorporation of international treaties, such as the Covenant, into national law. It was true, however, that treaty provisions regarding certain rights could be derogated from under article 154 of the Constitution, provided that two thirds of the elected members of the National Assembly voted in favour of such a derogation. That said, it was likely that those derogation provisions would be repealed in a new round of constitutional reform.

29. Members of the five human rights commissions were appointed through a consensual selection process in which the National Assembly appointments committee submitted the names of nominees to the President for confirmation. The names of the persons selected for appointment to the Ethnic Relations Commission had been submitted in accordance with that procedure in 2014, but no appointments had been made as yet. It was hoped, however, that the Commission would be constituted by the end of 2015. In the meantime, the Government continued to make every effort to foster improvements in ethnic relations with the support of international partners. Although the Human Rights Commission was not yet operational, the Government was committed to establishing it no later than the first quarter of 2016. The Office of the Ombudsman had opened in January 2014.

30. The previous round of constitutional reforms relating to inclusionary democracy had provided increased opportunities for citizen participation in decision-making processes. The Government was considering the possibility of introducing power-sharing arrangements at the executive level, but no firm decision had yet been reached in that regard.

31. The Government was currently preparing legislative proposals to decriminalize same-sex relations, and those proposals were to be submitted to a parliamentary committee in early 2016. The authorities had already taken administrative steps to provide greater protection to LGBTI communities, in particular by instructing the police to make it easier for people to report offences against LGBTI persons and to provide support, protection and relief to victims upon request.

32. The lack of detailed statistical data that had been remarked upon by several Committee members was in large part due to the fact that the previous Government had taken no steps to disaggregate or analyse the results of the most recent census, which had been conducted in 2012. In order to remedy that situation, the new Government had recently purchased analytical software and was training officials in its use. It was expected that reliable statistics would be available by 2016. He was therefore at present unable to provide specific information on, for example, unemployment rates.

33. While it was his understanding that the previous Government had indeed consulted civil society organizations when preparing the report for the Committee in 2012, he was unable to comment on the extent of those consultations.

34. Following a period during which gender policies had focused primarily on the advancement of women and had achieved many of their stated objectives, the Government had decided to create the Men's Affairs Bureau in order to devote attention to a number of issues that had been somewhat neglected during that time. The Bureau was working to help men develop a clearer understanding of their role and function in society in general and to tackle a number of specific related problems, such as gender-based violence. Consideration was currently being given to merging the Men's Affairs Bureau and the Women's Affairs Bureau with a view to establishing a single gender bureau.

35. As part of its efforts to combat corruption, the Government had requested assistance from the United Nations Office on Drugs and Crime and had drafted a law for the protection of whistle-blowers. Transparency International was working actively in Guyana and contributing to anti-corruption efforts. The Government was awaiting the outcome of a review of land transactions that had been ordered in response to suspected irregularities and corrupt practices in that area. As for the question that had been asked about *Toshaos* who may have ceded land contrary to the majority view of their communities, it was for the members of those communities to sanction such conduct by voting the officials concerned out of office. Should any offence have been committed, however, it would be a matter for the national authorities to investigate.

36. Amerindians enjoyed equal rights and equal protection under the law and were able to enforce their rights through the ordinary courts. Necessary amendments would be made to the Amerindian Act within the context of a review of land distribution and titling procedures to be carried out by a land commission that the Government was planning to establish shortly. Under that law, no mining or logging operations were permitted on lands to which Amerindians held title unless they were carried out by or with the consent of the communities themselves. As part of its efforts to prevent further damage to the forest canopy as a result of the inroads made by mining and logging activities into pristine areas, the Government was planning to restructure the Geology and Mines Commission and the Forestry Commission, which were the bodies responsible for regulating the issuance of mining and logging permits, respectively.

37. With respect to the questions asked by Ms. Bras Gomes, it should be noted that membership in the National Insurance Scheme was compulsory for women working in the agricultural sector. The delegation would provide details of the specific benefits to which they were entitled at the next meeting. The term "child-friendly professions", as used in the periodic report, referred to jobs related to, for instance, childcare and early child development. As for microcredit schemes, the results of the most recent programme, which had ended in May 2015 and had benefited over 1,000 women, had been mixed. However, the Government was committed to pursuing such schemes and was looking at ways to develop best practice models and to ensure that programmes targeted particularly vulnerable populations, such as women in rural communities and Amerindian women. A new youth policy had been developed with a view, in

particular, to encouraging young men to remain in education or training in order to obtain the qualifications and skills that would facilitate their entry into the labour market. Finally, although old-age pension benefits were comprehensively reviewed only every five years, it was customary for the Government to increase those benefits every year when it announced the budget. While it was the case that no private-sector minimum wage had been established, employers in that sector tended to align pay rates with those of the public sector, where a minimum wage was, in fact, in force.

38. As for the questions posed by Mr. Martynov, the National Commission on Disabilities had taken a number of practical steps to promote the rights of persons with disabilities, including by ensuring that most government buildings were fully accessible. However, the Government was aware that much more work remained to be done in order to eliminate areas of discrimination. The decrease in social spending that had occurred between 2006 and 2010 could be attributed to two factors, namely a spike in government spending in the run-up to the 2006 election and a subsequent drop in government revenues caused by the decline in commodity prices.

39. In answer to Mr. Kedzia's query about the impact of the free movement of persons provided for in the CARICOM Single Market and Economy, it was true that it had led to a number of skilled workers, especially health-care professionals, leaving the country. However, thanks to bilateral arrangements, in particular with Cuba, it had been possible to partially offset those departures by attracting workers from partner countries and by improving employment opportunities at home.

40. The Ministry of Education, the Child Protection Agency and the juvenile section of the police force were all working to put an end to child labour. Particular emphasis was given to the organization of public awareness campaigns, which included the observance of a special child protection week.

41. **Mr. Dasgupta** said that, in the light of striking discrepancies between the data produced by the Government and those produced by the World Health Organization, he would appreciate clarification regarding the statistical basis used by the Government to conclude that maternal mortality rates and mortality rates associated with tuberculosis and malaria had fallen.

42. **Mr. Pillay** said that he would like to know what steps had been taken to address the country's high poverty rate. He would appreciate updated statistics on poverty and extreme poverty and information on the results of anti-poverty programmes. Had spending on poverty alleviation risen or fallen? He would be interested in the delegation's views as to whether the eviction of persons from squatter settlements and depressed areas without providing alternative housing was tantamount to forced eviction and whether Guyanese legislation on forced evictions was in accordance with international standards and the guidelines contained in the Committee's general comment No. 7. Lastly, he wished to know what measures had been adopted to ensure that indigenous peoples had access to safe drinking water, adequate sanitation facilities and electricity.

43. **Mr. Uprimny**, noting that the poverty rate among the Amerindian population was much higher than the national average, asked what specific programmes and mechanisms were in place to reduce that gap. Spending on poverty alleviation seemed to represent a very small percentage of the national budget given the severity of the problem. There was a discrepancy between the country's statistics and those of the World Health Organization regarding maternal mortality, the main cause of which was bleeding following delivery. He would welcome information on the specific strategies in place to address that cause and on Guyanese abortion legislation.

44. **Ms. Shin** asked whether the State party intended to raise the age of marriage to 18, what support was given to households headed by women and why there was such a

large number of such households in Guyana, particularly among racial minorities. Statistics on domestic violence cases, prosecutions and convictions, as well as shelters and preventive measures, should be provided. It had been reported that patients, particularly persons with disabilities and persons with HIV/AIDS, were not treated with respect or allowed any privacy at hospitals and clinics. Were there any legal provisions or practical mechanisms designed to ensure that patients were treated properly?

45. **Ms. Ravenberg** said that the Committee had been informed that misconceptions surrounding HIV/AIDS remained prevalent and that those living with the disease were stigmatized and discriminated against, leading them to avoid health centres for fear that health workers would disclose their status or neglect them. Had steps been taken to build awareness of HIV/AIDS so that those people could enjoy their right to health without discrimination? She would also like to know whether the country had adopted measures to address the differences in the quality of health care received by different ethnic groups, particularly Amerindian communities, which were reflected in high infant and child mortality rates and limited access to health care for women in those groups.

46. **Mr. De Schutter** asked what the intentions of the newly elected Government were with regard to the Food and Nutrition Security Strategy for Guyana. He also wished to know whether the Inter-Ministerial Parliamentary Sectoral Committee had been established as part of that strategy and, if not, whether it would be set up with the participation of civil society and while taking into consideration the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted by the Council of the Food and Agriculture Organization.

47. **Mr. Kedzia** said that he was surprised by the report on health and other matters that suggested that the situation had improved between the 1990s and the late 2000s but then had worsened in the following years. Might the statistical methods have changed, rendering the results incomparable? He wished to know whether the situation of the increasing number of children in institutional care who had been abandoned by their migrant parents was on the Government's agenda.

48. Would the delegation please comment on the very large differential between the country's average extreme poverty rate and the rate among the Amerindian population and on what steps had been taken to narrow that gap. Work remained to be done in providing access to safe drinking water for indigenous peoples, and there was a shortage of adequate mental health services, particularly for women and girls. He invited the delegation to comment on reports that women and girl's access to sexual and reproductive health services was limited, especially in certain regions, that adolescents could not obtain contraceptives and that there was a policy against the distribution of condoms.

49. **Mr. Dasgupta** asked why there was a discrepancy between the figures on the enrolment rate in primary schools given in the report and those compiled by the United Nations Educational, Scientific and Cultural Organization (UNESCO), why the figures in the report had been taken from the census results rather than data obtained directly from schools themselves, why only projected figures had been available since 2002 and whether the report differentiated between the enrolment and net enrolment rates.

50. **Mr. Ribeiro Leão** asked whether a more recent analysis of the elevated dropout rate for secondary school students was available, what measures were in place to address that problem and whether there were specific policies aimed at encouraging and assisting more Amerindians to enrol in institutions of higher learning.

51. **Mr. Mancisidor de la Fuente** said that he was aware of the work being done to improve the quality of primary education through World Bank programmes and wondered whether the same kind of work was also being carried out as part of existing UNESCO programmes and, if so, why. The report stated that the Government's policy focus was on attaining universal secondary education by 2015; had that objective been met? If not, when did the Government expect to reach that milestone? He wondered whether the country's nine minority languages were used in the education system. Lastly, he would be interested in learning of an example of the implementation of the National Science Research Council Act, which provided that research should be promoted and that the results of scientific and technological activities should be used to further the development of agriculture, industry and social welfare.

52. **Ms. Ravenberg** said that she would like to know what was being done to address the reportedly poor quality of education and educational materials available to Amerindians in the hinterland and whether secondary education was accessible to all indigenous persons. The Committee had received reports that indicated that educational authorities were failing to investigate and prevent the mistreatment of lesbian, gay, bisexual and transgender students in schools. What measures were in place to ensure that all students enjoyed the right to education? Was there a complaints procedure for students who believed that their rights had been violated? Lastly, she wished to know what measures had been adopted to overcome the barriers to education faced by persons with disabilities.

The meeting rose at 6.00 p.m.